



Town of Gorham
November 3, 2014

PLANNING BOARD MINUTES

LOCATION: Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine 04038

Members Present

EDWARD ZELMANOW, CHAIRMAN
MELINDA SHAIN, VICE CHAIRMAN
GEORGE FOX
SCOTT HERRICK
THOMAS HUGHES
RACHEL SUNNELL

Members Absent

JAMES ANDERSON

Staff Present:

THOMAS POIRIER, Town Planner
BARBARA SKINNER, Clerk of the Board

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that James Anderson was absent.

APPROVAL OF THE OCTOBER 6, 2014 MINUTES

Melinda Shain MOVED and George Fox SECONDED a motion to approve the minutes of October 6, 2014 meeting as written and distributed. Motion CARRIED, 5 ayes (Scott Herrick abstaining as not having been present at the meeting; James Anderson absent).

COMMITTEE REPORTS

A. Ordinance Review Committee - Mr. Herrick reported that the Committee had this evening discussed three proposed amendments dealing with patios, farm animals and creative parking solutions, which will all be placed on the Board's December agenda for public hearing.

B. Streets and Ways Subcommittee - Ms. Shain reported that this Subcommittee has not met since the Board's last meeting.

CHAIRMAN'S REPORT – Mr. Zelmanow reported that the December meeting of the Board has been changed from December 1 to December 15, 2014.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there is one Administrative Review, that of Merritt Bennett, to remove the dirt bike track facility as well as the dirt bike school and to loam and seed the area on the Bennett property. Mr. Poirier noted that the Board will not see this project come back before them again.

Mr. Poirier said the Planning Board chairman, Mr. Zelmanow, staff and members of the Town Council met with PACTS (Portland Area Comprehensive Transportation System) and neighborhood communities as part of the East-West Corridor Lane Use study being funded by PACTS. The Land

Use study is looking at land use from east to west along the proposed East-West Corridor. At that meeting, members of each community had to identify an area of the town to study; Gorham chose South Gorham to review as a mixed use area, and will work together with Scarborough, who has chose to study the commercial area abutting that part of South Gorham, including Lampron's First Stop and Dunkin' Donuts. The next meeting will be in December.

In response to Mr. Zelmanow, Mr. Poirier replied that staff is working on conditions of approval for revised plans from PineCrest, which should be finished within the next month or so.

ITEM 1 CONSENT AGENDA – LILAC LANE FINAL SUBDIVISION AND PRIVATE WAY APPROVAL – Bauer & Gilman Construction, LLC – request for approval of a 9-lot clustered subdivision at 91 North Gorham Road, Map 92, Lot 17, Suburban Residential-Manufactured Housing zoning districts.

There being no one from the Planning Board or the public wishing to remove the item from the Consent Agenda,

Melinda Shain MOVED and Thomas Hughes SECONDED a motion to approve the item on for consent agenda approval. Motion CARRIED, 5 ayes (Scott Herrick abstaining, James Anderson absent).

ITEM 2 PUBLIC HEARING – GORHAM LAND USE AND DEVELOPMENT CODE - Amendments to the Gorham Land Use & Development Code pertaining to Chapter I, Section V – Definitions to add definitions for Airstrips, Runways and Landing Strips; Section VII – Suburban Residential District, B. Permitted Uses, Section VIII – Rural District, B. Permitted Uses; a new section added to Chapter II: General Standards of Performance, titled: Section XIV -- Airstrips, Runways and Landing Strips; and to Chapter IV- Site Plan Review, Sections II and III.

Mr. Poirier gave the Board an overview of the history of the proposed amendment language and summarized the changes enacted at the Board's workshop on October 6, 2014.

PUBLIC HEARING OPENED: None offered.
PUBLIC HEARING CLOSED.

Melinda Shain MOVED and Scott Herrick SECONDED a motion to recommend adoption by the Town Council of the proposed ordinance amendments to Chapter I, Section V – Definitions; Section VII – Suburban Residential District, B. Permitted Uses; Section VIII – Rural District; Chapter II: General Standards of Performance, Section XIV -- Airstrips, Runways and Landing Strips; and to Chapter IV- Site Plan Review, Sections II and III as amended by the Planning Board. Motion CARRIED, 6 ayes (James Anderson absent).

ITEM 3 PRELIMINARY SUBDIVISION REVIEW – Stonefield IV Subdivision – Gilbert Homes request for approval of a 36-lot clustered subdivision off Ichabod

Lane with a 2,900 foot roadway to connect to Stonefield Phases II and III, and a 400 foot dead end road to support 4 lots, located at Map50 Lot 6, Rural, Shoreland Overlay, and Resource Protection Sub-District zoning districts.

Mr. Poirier reminded the Board that the last time this item was before it, on July 21, 2014, staff and the Portland Water Districts had concerns with the configuration of some of the lots regarding the PWD 100 and 30 foot easements. The applicant met with staff to review revised lot layouts meeting the approval of the District, staff and the applicant; those changes have been made so that all the lots are located outside the easement area, with the exception of lot 44. In that lot, the easement is located in the front setback, so a house can be located on that lot and not impact the easement.

Mr. Poirier said there is a snowmobile trail located on the 30-foot PWD easement. The applicant, Don Gilbert, has met with the SnoGoers, the Water District and the Gorham Conservation Commission to discuss relocating that trail onto the 100-foot easement. There is a small section that will have to be relocated outside the 100-foot easement, which will have to be shown on the plan; the Town is seeking an easement over that area to maintain the trail connection. The applicant is also proposing a hiking trail to the brook and a recreation easement to the Town is also required over that area.

Mr. Poirier said that staff has also talked to the applicant about the proposed closed drainage system between lots 57 and 59 and then along the back of lots 59 and 60 to an open ditch, which would be an item required to be maintained by the homeowners' association. Therefore to facilitate maintenance, staff recommends changing the closed system to an open ditch meeting DEP requirements, which would alleviate any concerns about maintenance by the homeowners.

Mr. Poirier said that Map 50, Lot 5, owned by Jason C. Cole, is a landlocked parcel, so staff is recommending a 50-foot right of way be provided from Hessian Drive through the open space to the Jason Cole lot boundary. This easement would not impact any of the lots currently designed or the ability of the subdivision to maximize the possible number of lots, and would be the requirement of Jason Cole to extend any future road to serve Map 50, Lot 5.

Andy Morrell, BH2M, advised the Board that the applicant is requesting a waiver from a nitrate plume analysis because the site is served by public water. Part of the snowmobile trail/hiking trail will be relocated to the 100 foot Portland Water District easement, and the applicant will provide all concerned parties with that easement. The applicant will also provide easements to the Town for the trail to the Little River. The drainage system between lots 57 and 59 will be revised to an open ditch system. The future right-of-way to the landlocked Jason Cole property will be provided as a future right-of-way from the end of Hessian Drive across the open space connecting to land of Jason Cole. Mr. Morrell noted that Phase 4 is phased into two different sections, Phase A and Phase B. The first ten lots will be in Phase IV, Phase A, and those homes will be sprinkled. Once preliminary approval has been secured, the applicant would then seek DEP Site Location permit before returning to the Board for final approval.

Mr. Morrell confirmed to Mr. Zelmanow that the applicant, Don Gilbert of Gilbert Homes, has spoken to the public works director agreeing with Mr. Burns' request of October 30, 2013 concerning Harding Bridge Road.

Mr. Poirier said that currently the Water District's 100-foot easement is located in Phase III and Phase IV and asked if the easement would be extended to both Phase III and Phase IV or just be in the 50-foot section in Phase IV. If it does go to Phase 3, Mr. Poirier said an amendment would be required. If Mr. Gilbert does not own the lots, then permission from the land owners has to be obtained to put the easement over it. Mr. Morrell said the trail would be built in the 50-foot portion of the easement that is on this property, and he will find out if Mr. Gilbert still owns the two lots in Phase III.

Mr. Morrell confirmed to Mr. Zelmanow that they are still awaiting final Portland Water District approval, but they anticipate having PWD approval before coming back for final approval from the Board. Ms. Shain asked how restrictions on the homeowners regarding the PWD easements will be dealt with going forward. Mr. Morrell said that many of the lot lines have been moved so that the easement is in a much smaller portion of many the lots, and three lots have actually been relocated. Mr. Zelmanow noted that the restriction will be in the deeds.

Mr. Morrell pointed out to Ms. Shain where the 50-foot right-of-way to the Cole landlocked parcel will be added on the plans.

PUBLIC COMMENT OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow summarized the applicant's waiver request from the submission requirement for a nitrate plume analysis because the lots will be served by public water.

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to grant Gilbert Homes' request to waive Subdivision Submission requirements under Chapter III, Section III, Subsection B, 16: Nitrate Plume Analysis. Motion CARRIED, 6 ayes (James Anderson absent). [7:32 p.m.]

Melinda Shain MOVED and George Fox SECONDED a motion to grant Gilbert Homes, Inc.'s request for preliminary subdivision approval of Stonefield IV, located on Map 50, Lot 6, in the Rural, Shoreland Overlay, and Resource Protection Sub-District zoning districts based on Findings of Fact as written by the Town Planner. Motion CARRIED, 6 ayes (James Anderson absent). [7:40 p.m.]

ITEM 4 SUBDIVISION REVOCATION – Hartley March and Greg McCormack – request for approval to revoke the Strawberry Fields Subdivision to merge existing Lot 1 with the abutting March abutting house lot on South Street and Strawberry Lane, and to merge existing Lots 2 and 3, located on Map 104, Lots 10 and 10.003, Urban Residential zoning district.

Mr. Poirier explained that the two applicants own the three lots of the subdivision and are now seeking to merge the lots into two lots. The previously approved private way remains in place and the revocation request, according to the Town Attorney, meets the state requirements per state statute. Findings of Fact are still required for the Board's approval, although most of them are not applicable.

Andy Morrell, representing both Hartley Marsh and Greg and Sue McCormack, explained to the Board that the private way was approved in 1990 and the 3-lot subdivision was originally approved in 1995. The only lot that was ever developed was Lot 3, the rear portion of the subdivision. Mr. Morrell explained that Lot 2 will be joined with Lot 3, and Lot 1 will be joined with the abutting parcel of Hartley Marsh, resulting in 2 lots on the private way and no longer any need for a subdivision. Therefore the subdivision is being revoked but the private way approval and requirements will remain because Lot 3 derives its frontage from the private way.

Mr. Morrell explained to Ms. Shain that Lot 1 is owned by Hartley Marsh and Lot 2 is owned by Greg McCormack.

PUBLIC COMMENT PERIOD: None offered.

PUBLIC COMMENT PERIOD ENDED.

Melinda Shain MOVED and Scott Herrick SECONDED a motion to grant Hartley Marsh's and Greg and Sue McCormack's request for revocation of the Strawberry Fields Subdivision. Motion CARRIED, 6 ayes (James Anderson absent). [7:40 p.m.]

ITEM 5 PRELIMINARY SUBDIVISION REVIEW – Shaws Mill Road Subdivision – Bauer & Gilman Construction, LLC – request for approval of a 10-lot clustered subdivision on 17 acres with a 950-foot paved private way, located at 108 Shaws Mill Road, Map 80, Lot 31, Suburban Residential-Manufactured Housing zoning district.

Mr. Poirier said this item was on the Board's agenda as a pre-application on August 4, 2014. The applicant is seeking two waivers, one being a waiver of the Class A High Intensity Soil Survey requirement, to permit a Class B High Intensity Soil Survey instead, and the other being a request for a waiver of the private way paved apron standard under Chapter II to reduce the require thickness from 4 inches to 2-1/2 inches.

Mr. Poirier noted that the applicant is proposing a clustered subdivision for the site. The Board needs to vote that the clustered form is the best form of development for the site. If the Board feels that a site walk is appropriate, it should also discuss with the applicant any items that should be flagged. Mr. Poirier noted that the Fire and Police chiefs had some E911 objections to the proposed name of "Alyssa" Lane so the applicant will need to submit three other suggested names to avoid conflicts with E911.

Tom Farmer, Wright-Pierce Engineers, introduced Chris Cronin and Jan Wiegman. Mr. Farmer made a power point presentation, noting that site distance is good in both directions on Shaws Mill Road, the site is wooded, there is a back fence at the property line with the auto body shop next door, and in the back of the site is the gravel pit owned by Pike Industries. He said that the excavation at the pit is roughly 20 feet deep, where ground water was encountered. Soils are sands and gravels. Mr. Farmer pointed out the trails on site, as well as a proposed walking trail around the perimeter. He said that the site is approximately 17 acres, and 60% of the site will remain open in the clustered design. The center island in the roadway is some 160 feet and will remain wooded as a visual and stormwater buffer.

Mr. Farmer said that a revised conventional plan yields ten lots, with each lot having 200 feet of frontage and being over 60,000 square feet. Their proposal, however, is for a clustered subdivision with ten lots.

Ms. Shain asked for more information on the clustered subdivision. Mr. Farmer said that some of the abutters were more in favor of maintaining and preserving as much of the wooded separation as possible with the subdivision, the clustered approach allows for a slightly shorter road length and more creativity in the proposed radial pattern. In response to Ms. Shain, Mr. Farmer said that the trails will run in new locations, intersecting in some places with the existing trail, which runs through the center of the design. Mr. Farmer said he is not sure who is using the existing trails.

The Board discussed whether the clustered plan is the best form of development for the site. Mr. Fox asked whether a clustered subdivision would be in character with the surroundings in this rural area, and said it looks different from what would surround it. Ms. Shain noting that while it is different, the neighborhood actually preferred it because it kept these lots separate and the common area reduces the overall development footprint. Mr. Zelmanow said he believes that a clustered subdivision is more of a neighborhood and there is a larger buffer area, and said the cluster fits in that neighborhood the best. Ms. Sunnell said she supports the clustered form of development, and believes in that area people really like using the trails.

Melinda Shain MOVED and George Fox SECONDED a motion that Bauer & Gilman's proposed clustered subdivision is the best form of development for the site. Motion CARRIED, 6 ayes (James Anderson absent). [7:55 p.m.]

Mr. Zelmanow suggested that the applicant consider some other creative uses for the common open area as well as the trails, such as picnic tables and warming huts. Mr. Hughes commented that the target buyer group could determine what amenities are provided, that older buyers would not have a need for playgrounds or a basketball court. Ms. Shain said she would be satisfied with the woodlands and a system of trails as amenities for the clustered subdivision.

Mr. Hughes commented about parking restrictions in a clustered subdivision. Mr. Zelmanow said it appears that what is being proposed is 20 foot paved surface with 2 foot gravel shoulders. Mr. Farmer said that Fire Chief recommended that there be parking on one side of the road only. Mr. Farmer said most of the drives will average 100 feet deep but there could be shared parking as well. Ms. Sunnell said she believes that a circle is dangerous and that more pavement should be added. Mr. Zelmanow suggested stretching the circle out to an oval by moving some of the lots up. Mr. Fox suggested making the road around the center island one way.

Mr. Zelmanow said that a written waiver request needs to be submitted for reducing the thickness of the paved apron standard, as well as the waiver for the Class A Soils Survey. Mr. Farmer said that in this site all the soils are the same, so there will not be any more information gleaned from a Class A Survey. Mr. Poirier said that the paved apron 4 inch requirement is more to protect the public road being entered by the private way; the 4 inches is to match the thickness of the paved road. Mr. Poirier noted that there are two standards: one for driveway paved aprons and one for private way paved aprons. Mr. Poirier said that the Public Works Director probably will not support the waiver. Mr. Farmer said that the waiver is asking for the driveway paved apron and not the one at Shaws Mill Road; he will clarify that in the waiver request.

PUBLIC COMMENT PERIOD OPENED: Gordon Reichert, 112 Shaws Mill Road, Reichert's Auto Body, said that this plan doesn't show any lot right up close to him as the last one did. Mr. Reichert said he doesn't want to see a lot of houses out his back door and asked for more buffers. Mr. Zelmanow noted the no-cut buffer around the development.

PUBLIC COMMENT PERIOD ENDED.

In reply to Mr. Hughes, Mr. Farmer said the applicant would like to clear the right-of-way and the lots in the winter when the ground is frozen.

Mr. Zelmanow replied to a question from Mr. Poirier that the Board would like to see the road wider, that common parking would not work, and suggested again that the applicant consider moving the lots up and elongate the circle. Mr. Hughes said that longer proposed driveways would minimize some of the on-street parking and believes that common parking would not work well. The Board concurred that one-way parking is not a good solution.

For the site walk, the Board asked that the centerline of the road, boundaries of the lot areas, and a portion of the trails that is easily accessible be staked.

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to table further review of Bauer & Gilman Construction, LLC's request for preliminary subdivision approval and private way approval pending responses to remaining issues and scheduling of a site walk. Motion CARRIED, 6 ayes (James Anderson absent). [8:21 p.m.]

Ten Minute Break

ITEM 6 PRELIMINARY SUBDIVISION REVIEW – Peter and Kathryn Mason - request for approval of a 3-lot Development Transfer Overlay subdivision with two new lots off Donna Street, 258 Main Street, Map 100, Lot 59, Office Residential zoning district.

Mr. Poirier told the Board that the applicants are proposing a Development Transfer Overlay subdivision. This zoning district allows for higher density residential development with public sewer and public water in exchange for the payment of a development transfer fee, which is used by the Town to purchase conservation land and/or easements and open space. This is the first time a smaller subdivision has come before the Board for review under the DTO standards.

Mr. Poirier said that currently the proposed project does not meet the required layout DTO standards for single-family or two-family lots that 80% of the lots within the subdivision that will contain single or two-family lots must have an average lot depth that is at least 140% of the lot width measured between the side lot lines of the lot at the rear of the required minimum front yard. All three lots in this proposed subdivision have to meet that 80% standard.

Mr. Poirier said the Board may wish to discuss with the applicants about whether the lot lines can be altered to meet the requirements of the ordinance. The Board could also recommend to the Town Council that a zoning amendment is needed that would allow the Board more flexibility in dealing with subdivisions with 5 or less than 5 lots/dwelling units.

Mr. Zelmanow said that when the DTO district was developed, the idea was to take the larger developments that had access to public water and sewer and include as many lots as possible to try to concentrate development with narrower, deeper lots in those areas.

Andy Morrell, BH2M, described the parcel as being .74 of an acre at the intersection of Main Street and Donna Street. The applicants are looking to create three lots within the DTO. Lot 1 has an existing single-family house off Main Street; Lot 2 is proposed as a duplex off Donna Street; and Lot 3 is a proposed single-family house off Donna Street. All utilities will be served off Donna Street and the current configuration has a sidewalk extension along Main Street to the end of the parcel. There are no wetlands on site and the applicants will seek a waiver for a high intensity soils survey as the site is served by public water and sewer. Mr. Morrell said that the Board has in the past required under the DTO that building and driveway locations for each lot be shown on the plans; however, applicants prefer not to show those details on the plan as it would limit future development options.

Mr. Zelmanow said that the DTO requirement to show building layouts was to ensure that they be at the front of the lots with the back yards open, so if they are not indicated on the plans, the Board cannot determine that the homes meet the requirement to be at the front of the lots.

Mr. Morrell said that Lot 3 currently meets the 140% requirement and Lot 2, designed as a duplex lot, requires 15,000 square feet, but he does not believe that the all 3 lots can meet the ordinance requirement. Therefore, Mr. Morrell asked if the Board would be willing to consider a zoning amendment for this type of smaller subdivision.

Mr. Zelmanow said that to waive certain requirements of the DTO, the Town Council would need to amend the zoning. Mr. Poirier said that the applicants need to submit a request to the Town Manager and the Town Council to look at amending certain of the DTO provisions for smaller parcels, such as the depth-to-lot-width provision, and the Board could submit a letter of support.

The Board, Mr. Poirier and Mr. Morrell discussed at length various options to reconfigure the lots in order to meet the DTO requirement. Mr. Morrell commented that the Public Works Director did not support Lot 2 accessing from Main Street. Mr. Zelmanow said he sees no comments why Lot 2 cannot access off Main Street. Ms. Sunnell said that distorting the shapes of the lots becomes confusing to the homeowners and can see no reason why Lot 2 cannot come in off Main Street. Mr. Zelmanow said that if the applicants were to move ahead with all three lots as single family and Lot 2 being accessed from Main Street, the lot lines could probably be worked out with staff; however, if the applicants still want Lot 2 to have the multi-family, a zoning amendment would probably be the way to go.

Mr. Morrell asked if the Board would support a zoning amendment request. Mr. Zelmanow said that the Board would support getting some flexibility with an amendment to the requirements. Mr. Zelmanow said that in situations like this, where if the Board finds that there are reasons why an applicant cannot meet all of the requirements of a district because of a unique situation such as an existing house, he would like to see the Board be given the ability to waive some of the requirements. Mr. Fox asked why the Board would want to support such an amendment as there does not appear to be any potential financial loss to the applicants, nor does a duplex seem to be of any benefit to the neighborhood. Mr. Zelmanow replied that the purpose of the DTO is to

concentrate development in areas where utilities are available to support such development, so in this instance the duplex could work except for the existing house.

Peter Mason, applicant, came to the podium and told the Board that they do not intend to sell the lots as there is a demand for this kind of housing and that they propose to develop the lots.

Mr. Poirier advised Mr. Morrell that the process for requesting a zoning amendment is for the applicants to submit a letter to the Town Manager and Town Council requesting a zoning amendment and to include the plan to give them a sense of what is involved. The Town Council will then give the applicants a sense of whether they will support it or not; if they are not going to support it, they will tell you up front and not move it forward.

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to table further review of Peter and Kathryn Mason's request for preliminary subdivision approval pending responses to remaining issues. Motion CARRIED, 6 ayes (James Anderson absent). [9:05 p.m.]

ITEM 7 DISCUSSION – Ridgewood II Senior Apartments – Avesta School Street, LP – request for approval for a contract zone to provide 24 elderly housing apartments with associated parking, located at 99 School Street, Map 101, Lots 18 and 19, Urban Residential zoning district.

Mr. Poirier said this item is a contract zone amendment. While the applicant will proceed with a site plan on the Board's agenda for next month, staff has started the review process for the contract zone amendment one month before the site plan review process as the contract zone review process is typically longer than the site plan review process.

Mr. Poirier said that the Town's attorney has reviewed the draft contract zone in the Board's packets; her comments are in blue. Item number 3c. excludes Avesta from the requirements of multi-family housing performance standards since this involves senior housing. Item number 9, involving the payment of normally assessed property taxes, posed an issue with the applicant inasmuch as the current Ridgewood I is a nonprofit and does not pay taxes; it pays a few in lieu of taxes. After discussion, number 9 has been revised so that Units 2 and 3 shall pay normally assessed property fee in lieu of taxes should they become tax exempt and Unit 3 would pay that fee only if it is developed. Unit 3 includes the front office space and the vacant land in the back of the parcel.

Mr. Zelmanow explained this is not a submitted plan, nor is it a contract zone submitted to the Board by the Town Council. Basically, the Board is reviewing a proposed future plan and proposed contract zone and no vote is required. Mr. Poirier said the Town Council has already indicated its approval of the contract zone.

Ms. Sunnell advised the Board that she is a member of the design team for Avesta and therefore needs to recuse herself from this discussion.

Melinda Shain MOVED and Scott Herrick SECONDED a motion to recuse Ms. Sunnell from participation in the discussion on this item. Motion CARRIED, 5 ayes (Rachel Sunnell abstaining, James Anderson absent). [9:15 p.m.]

Drew Wing appeared on behalf of Avesta and gave a brief overview of the project as being 24 new units of senior housing for ages 62 or older or disabled on the current site where Ridgewood I is located. He said the premise for requesting the contract zone is the extreme need for senior housing in Maine and in Gorham. Mr. Wing said that Land Unit 1 is the current Ridgewood; Land Unit 2 will be the proposed the new development; and Land Unit 3 is a vacant office space where a senior wellness center might be located and also includes the land in the back. The request for a contract zone is for an increase in density for the current development and in anticipation for an increasing need for more senior housing.

In response to Mr. Herrick, Mr. Wing said there is no plan in place for Unit 3 at this time. Mr. Wing referred to number 2. Permitted Uses, noting that they could also anticipate the creation of additional units in the future, which could be included in this section as well. In reply to Mr. Hughes, Mr. Wing said that no units will be for sale, the units will be rentals, and the condominium structure is simply to allow for the different ownership structures on the property.

Mr. Zelmanow told Ms. Shain that the Board has not yet completed a full review of the site plan. Mr. Wing asked Mr. Poirier to clarify the process. Mr. Poirier said the applicant is proceeding jointly with the contract zone amendment and the site plan approval. The contract zone will be forwarded to the Town Council with the Board's recommendation and the Board will continue to review the site plan. The Board cannot approve the site plan until the contract zone approval has occurred by the Town Council, which is why staff began the contract zone process a month before the site plan review.

Mr. Zelmanow asked about adding parking to the contract zone. Mr. Poirier said that what the applicant wants for parking should be added to the contract zone because of the senior housing parking requirements. Mr. Wing said this new development would give a total of 44 apartments, and a parking analysis of other senior communities yields .6 vehicles per unit. They are proposing .7, which would be 31 spaces for the 44 apartments; however, they are proposing an overall 37 spaces for Units 1 and 2 and 10 spaces for Unit 3, which is below the Town's parking standards, but in excess of what their data shows would actually be used in a senior community.

Mr. Poirier summarized that number 2. Permitted Uses be amended to include future housing and that 3. Performance Standards will have a new section added to incorporate the parking requirements for Units 1 and 2. He said that a public hearing on the contract zone will be scheduled for December, as well as the site plan review.

OTHER BUSINESS **NONE**

ANNOUNCEMENTS The December meeting will be on December 15, not December 1.

ADJOURNMENT

Thomas Hughes MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (James Anderson absent). [9:35 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2014

ITEM 1 LILAC LANE SUBDIVISION AND PRIVATE WAY – BAUER & GILMAN CONSTRUCTION, LLC

FINDINGS OF FACT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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

The single-family lots range in size from 18,064 square feet to 35,866 square feet with street frontage for the lots ranging in size from 20,886 sq.ft. to 39,692 sq.ft.

The Comprehensive Plan identifies this lot's future land use designation as moderate density residential and neighborhood with a center.

The applicant has provided Clustered Development and Conventional Development Concept Plans. The conventional concept plan provided shows that the lot can support 9 single-family house lots.

Finding: Lilac Lane Subdivision conforms 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.

The subdivision lots will have legal road frontage on Lilac Lane, which has been designed to the Town's 7-10 lot paved private way standards.

Finding: Lilac Lane 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 single-family homes located in the subdivision will be served by underground power, electric and telephone lines, the Town's contracted waste disposal contractor, and residential home sprinkler systems.

Finding: Lilac Lane 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 lots will be served by individual drilled bedrock wells. Nitrate Plume, Soils, and Well Location Plan: Sheet C-2: identifies the acceptable well area on each lot within the subdivision.

Each lot will have its well located in the acceptable well area as shown on the plan unless the applicant can provide the Code Enforcement Office with a report from a licensed hydro-geologist stating that the new location has a suitable drinking water supply and will not negatively impact the abutting lots' ability to locate a septic system as shown on Sheet C-2.

Finding: Lilac Lane Subdivision provides 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 lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Nitrate Plume, Soils, and Well Location Plan: Sheet C-2: identifies the location for septic systems as well as the nitrate plume flows. Each lot will have its septic system located as shown on the plan, unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact the abutting lots' ability to locate drinking supply wells as shown on Sheet C-2.

Finding: Lilac Lane Subdivision provides 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 a portion of the road will be served by a storm water detention pond located on lot 8. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Lilac Lane 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.

All the residential house lots and the open space will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the four road ditch turnouts along Lilac Lane, which then flows to wetland areas and eventually leaves the site via a small unnamed stream located along the southern property boundary. The storm water runoff eventually flows into Nason Brook.

Finding: Lilac Lane 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.

A storm water management plan, dated August 29, 2014 and revised October 29, 2014, has been submitted which identifies that storm water will be managed by routing the flows to four road ditch turnouts with level spreader outlets spaced out along the road.

The applicant has also submitted an Erosion and Sedimentation Control Plan, dated July 2014. The Erosion Control Notes and Details: Sheet C-5 identifies how erosion control measures will be implemented on the site.

The lot has a small unnamed tributary located along the southern edge of the site which flows into Nason Brook.

Storm water from the site flows eventually into Nason Brook, which flows into the Presumpscot River and discharges to Casco Bay.

Finding: Lilac Lane 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 residential subdivision is proposing to protect 8.98 acres of open space which will remain in their natural state. The open space has multiple wetlands and one unnamed stream. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Lilac Lane 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.

The applicant has provided a letter dated September 22, 2014, from Peter H. Godsoe, Regional Vice President Commercial Lending, with Norway Savings Bank.

The applicant has provided an itemized schedule of values for Lilac Lane Subdivision.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 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.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits for the nine (9) lots within the subdivision.

Finding: Lilac Lane Subdivision is 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 proposing to create 8.98 acres of open space with a proposed walking trail. The area west of lot 5 and east of the hammerhead turnaround has the potential to be a multi-use recreational field or community garden. The remaining open space will be utilized as a buffer both visually and for storm water purposes. The Lilac Lane Subdivision homeowners' association shall be required to take care of the common open space, hiking trails, Lilac Lane private way, and the storm water drainage infrastructure.

Finding: Lilac Lane Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Lilac Lane homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

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.

The applicant received preliminary subdivision approval on October 6, 2014. The Planning Board placed the item on the consent agenda for final approval pending the remaining items having been addressed.

Finding: The applicant has submitted the required subdivision plan and accessory documentation showing that the required changes requested by the Planning Board at Preliminary Subdivision approval have been completed.

- 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.

The applicant received preliminary approval at the October 6, 2014 Planning Board meeting.

Finding: The plan is approved by the Planning Board within 12 months of Preliminary Subdivision approval.

CHAPTER II, SECTION V, H., Standards for Private Ways

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

- 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 lots served by the private way are required to meet the requirements of the clustered subdivision shown on the approved Lilac Lane Subdivision plan and associated documentation. The applicant is seeking approval of a 750' paved private way built to the 7-10 lot paved private way standard. All lots located along the private way can only have single-family dwelling units due to the allowable density of the lot. The maximum number of lots/dwelling units allowed to be served by the private way is 10 lots and/or dwelling units.

Finding: Lilac Lane private way is designed to the 7-10 lot paved private way standard and no more than two dwelling units can be located on a lot served by the private way to a total of no more than 10 dwelling units and/or lots.

- 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 applicant has hired Wright-Pierce to prepare the private way plans which have been prepared by a registered land surveyor, Wayne T. Wood, PLS #1328, and sealed by a registered professional engineer, Jan B.S. Wiegman, P.E. # 5852.

The Plan title block reads "Plan of a Private Way"

The 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.

The street plan and profile, and street cross sections are in accordance with Chapter II, Section V., E., 3.

The Plan has a note that reads "The Town of Gorham 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 Plan of Private Way for Lilac Lane 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 private way is part of a subdivision so the applicant has provided Declaration of Covenants and Restrictions for Lilac Lane Subdivision and Bylaws of Lilac Lane Homeowners' Association. The Lilac Lane Subdivision homeowners' association documents identify that the homeowners' association is required to maintain the private way.

Finding: Declaration of Covenants and Restrictions for Lilac Lane Subdivision and Bylaws of Lilac Lane Homeowners' Association provide for access and shared maintenance for the lots served by Lilac Lane.

- 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 existing paved apron has been constructed to the following 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: Lilac Lane private way right-of-way width is 50' and a paved apron has already been designed that 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.

The applicant is proposing to construct a 750' private way to the Town's paved private way standards (7-10 lots).

The required turnaround for the private way will be located at station number 6+88.76.

Finding: Lilac Lane 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 shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a paved private way to serve 7-10 lots/dwelling units.

Finding: Not applicable.

- 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 where the private way is located has 17.77 acres with the lots being approved under the Town's Clustered Subdivision's requirements. The lot area for the private way is not included in any of the clustered residential subdivision lot area.

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

- 10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

The private way is accessed off North Gorham Road.

Finding: North Gorham Road is classified as a collector road by the Town and has the ability to serve the anticipated traffic from Lilac Lane.

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 applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year around;
4. That all the buildings shall be sprinkled meeting all applicable sections of the Town's sprinkler ordinance;
5. That the building sprinkler plans shall be submitted to the Gorham Fire Dept. and the State Fire Marshal's Office for review and permitting with the plans being submitted to the Fire Dept. at least two weeks prior to the start of installation of the system;
6. That Sprinkler test papers must be submitted to the Gorham Fire Dept. prior to the Certificate of Occupancy being issued;
7. The street name shall be approved by the Police and Fire Chiefs;
8. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
9. The streets shall be properly named and signed with Town approved Street Signs and street signs shall be in place as soon as the roads are constructed;
10. That the subsurface wastewater disposal systems for the lots will be located as shown on the approved plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots ability to locate drinking supply wells;
11. That the individual wells for lots will be located within the acceptable well zone unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location is suitable for drinking water supply;
12. That the applicant is responsible for recording the approved Lilac Lane Homeowners' Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowners' Association documents shall be returned to the Planning Department prior to a preconstruction meeting being held;
13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
14. That the private way plan(s) shall be recorded in the Cumberland County Registry of Deeds within 30 days of signing by the Planning Board if the plan is not recorded within this period, the approval of the Planning Board shall be void;
15. That the subdivision plan 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 is required to be recorded within one year of original approval or the approval becomes null and void; and

16. That once the subdivision and private way plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision and private way plans shall be returned to the Town Planner prior to a pre-construction meeting being held.
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ITEM 3 Stonefield IV Subdivision – Gilbert Homes, Inc.

**FINDINGS OF FACT:
Preliminary Approval**

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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

The single-family lots range in size from 20,147 square feet to 65,060 square feet with street frontage for the lots ranging in size from 100 ‘ to 456’.

The Comprehensive Plan identifies this lot’s future land use designation as Rural.

The applicant has provided a Clustered Development Concept Plan.

Finding: Stonefield Phase IV Subdivision conforms 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.

The subdivision lots will have legal road frontage on Ichabod Lane Extension and/or Hessian Drive, which has been designed to the Town’s Rural Sub-collector street standards.

Access to all phases of Stonefield Subdivisions Phases 1 through 4 are from either Harding Bridge Road or Huston Road.

The applicant will be required to maintain Harding Bridge Road meeting the requirements of the Public Works Director's October 30, 2014, memo to Tom Poirier, Town Planner.

The Public Works Director supports the 8.39% grading of Ichabod Lane Extension as identified on Plan and Profile Ichabod Lane Ext. Sta 0+00 to Sta. 8+00: Plan sheet 5.

Finding: Stonefield Phase IV 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 single-family homes located in the first part of Phase IV in the subdivision will be served by power, electric and telephone lines, the Town's contracted waste disposal contractor, and residential home sprinkler systems.

The single-family homes located in the second part of Phase IV in the subdivision will be served by power, electric and telephone lines, and the Town's contracted waste disposal contractor.

Clustered mailboxes will be installed along Ichabod Lane Extension Sta. No. 0+00 to serve the residents in both Phases IV A and B.

Finding: Stonefield Phase IV 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 an 8" public watermain designed and constructed per the Portland Water District standards. The 8" public watermain will be extended from Ichabod Lane Extension as part of the first stage of the subdivision's construction. The 8" watermain will be connected through to Ichabod Lane as part of the second stage of the subdivision's construction.

Final PWD approval is required prior to Planning Board final approval.

Finding: Stonefield, Phase IV Subdivision provides 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 lots will have subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Each lot within the subdivision has had a soil test performed by a licensed soil scientist.

Finding: Stonefield Phase IV Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

Stormwater from the site will be treated in a wetpond constructed in Phase III, a new wetpond constructed in the second phase, forested buffer areas, and drip edges. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Stonefield Phase IV 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.

All the residential house lots and the open space will be loamed and seeded to prevent soil erosion. The majority of the stormwater from the subdivision will be directed to a wetpond and/or forested buffer areas.

Finding: Stonefield Phase IV 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.

A stormwater management report, dated January 2014, revised May 2014 and September 2014, has been submitted to address stormwater treatment and peak runoff volume associated with the subdivision.

The applicant has also submitted erosion and sedimentation locations on Plan and Profile Sheets for Ichabod Lane Extension and Hessian Drive, sheets 5 through 9. Plan Sheets 8 and 9: Details also identify how erosion control measures will be implemented on the site.

The lot is abutted by the Little River to the east and has multiple small unnamed tributaries on the lot that flow into the Little River. The lot is located in the floodplain, Resource Protection Sub-district, and the Shoreland Zoning Overlay District.

Stormwater from the site flows eventually into the Presumpscot River, which discharges to Casco Bay.

The lot is located within the floodplain for the Little River and a number of unnamed streams. Each house within the subdivision is required to have its lowest floor, including the

basement, elevated a minimum of 1' above the 100-year flood elevation. The applicant will be required to provide the Code Enforcement Office with a floodplain elevation certificate from a professional engineer, surveyor, or architect prior to the start of each home's construction.

The applicant is not proposing to locate any homes or septic systems within the special flood hazard area.

Finding: Stonefield Phase IV 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 residential subdivision is proposing to protect 38.68 acres of open space which will remain in its natural state. The open space has multiple wetlands, 2 unnamed streams, and abuts the Little River. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

The applicant has provided a letter from John M. Toothaker, Certified Soil Scientist, dated March 25, 2014 that there were no vernal pools on the lot.

Finding: Stonefield Phase IV 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.

- k) 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.

The first phase of construction will be in the spring. No schedule is given for the beginning of the next phase of development. The applicant has provided an itemized cost estimate for the project.

The applicant has provided a copy of an investor's statement identifying Gilbert Homes, Inc.'s financial capacity.

The applicant has provided a letter dated May 5, 2014 identifying Gilbert Homes, Inc.'s technical capacity.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 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.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits for the thirty-six (36) lots within the subdivision.

Finding: Stonefield Phase IV Subdivision is 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 proposing to create 38.68 acres of open space with a 10' wide walking path, a location for fishing, canoeing, and swimming, stormwater wet ponds, and a recreational trail. The Stonefield Phase IV homeowners' association shall be required to take care of the common open space and the stormwater drainage infrastructure.

The following access, recreation, and maintenance easements shall be granted to the Town of Gorham:

1. 100' wide easement over the entire length of the 100' Portland Water District right-of-way.
2. 20' easement over the 10' wide recreation trail to the Little River.
3. 120' wide easement from the center line of the Little River.

Finding: Stonefield Phase IV Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Stonefield Phase IV homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

ITEM 4 SUBDIVISION REVOCATION – Strawberry Fields Subdivision– Hartley March and Greg and Sue McCormack

FINDINGS OF FACT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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

The Comprehensive Plan identifies this lot's future land use designation as both village residential and village expansion.

The sizes of the new lots meet the required minimum lot area and street frontage requirements.

Finding: Not applicable.

- 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.

Street frontage for Map 104 Lot 10 is located off South Street, State Route 114. Frontage for Map 104 Lot 10.003 is located off Strawberry Lane, the private way designed under the former private way standards for 2-3 lots.

The Strawberry Lane private way approval and the Strawberry Lane private way amendment approval shall remain in effect.

Finding: Not applicable.

- 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.

Single-family homes are currently located on Map 104 Lots 10 and 10.003.

Finding: Not applicable

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

The existing single-family dwellings are served by public water. No changes to the existing water supply are proposed.

Finding: Not applicable

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

Map 104 Lot 10 is served by public sewer. Map 104 Lot 10.003 is served by an individual subsurface disposal system. No changes to the existing waste disposal systems are proposed.

Finding: Not applicable

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

The two lots will continue to have a single-family dwelling use. The use of the lots as single-family dwellings will not impact air or ground waters on or off the site.

Finding: Not applicable

- 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.

All the residential house lots are loamed and seeded to prevent soil erosion.

Finding: Not applicable

- 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.

The lots are not located in the shoreland overlay district or near any water bodies.

Finding: Not applicable

- 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 existing single-family dwellings are constructed to match the surrounding neighborhood. The lots are not located in any scenic or natural beauty of the area and will not impact any historic or irreplaceable manmade assets.

Finding: Not applicable

- l) Financial Capacity to meet Subdivision Regulations. The applicants 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 applicants has not proven its financial capacity to undertake it.

The applicants are not proposing any improvements with the proposal. The applicants have paid the required application fee and have hired BH2M, a professional engineering firm, to represent them through the review process.

Finding: Not applicable

- 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.

The applicants are not proposing to construct any new homes.

Finding: Not applicable.

- 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 applicants are not proposing any open space with the subdivision revocation.

Finding: Not applicable.

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.

Subdivision revocation approval only requires one approval.

Finding: Not applicable

- 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.

Subdivision revocation approval only requires one approval.

Finding: Not applicable