



Town of Gorham
February 17, 2015

**GORHAM PLANNING BOARD AND WESTBROOK PLANNING BOARD
JOINT MEETING**

PLANNING BOARD MINUTES

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

Gorham Members Present

EDWARD ZELMANOW, CHAIRMAN

MELINDA SHAIN, VICE CHAIRMAN

JAMES ANDERSON

THOMAS HUGHES

RACHEL SUNNELL

Gorham Members Absent

GEORGE FOX

SCOTT HERRICK

Staff Present

**DAVID C.M. GALBRAITH, Zoning
Administrator**

NATALIE BURNS, Town Attorney

BARBARA C. SKINNER, Clerk of the Board

Westbrook Members Present:

EDWARD REIDMAN, CHAIRMAN, WARD 5

RENE DANIEL, VICE-CHAIRMAN, WARD 1

DENNIS ISHERWOOD, WARD 2

Westbrook Members Absent

GREG BLAKE, AT-LARGE

CORY FLEMING, WARD 4

MICHAEL TAYLOR, AT-LARGE

JOSEPH MARDEN, WARD 3

Staff Present

MOLLY E. JUST, Westbrook City Planner

Edward Zelmanow, Gorham Planning Board Chairman, called the meeting to order at 7:20 p.m. At Mr. Zelmanow's request, the Gorham and Westbrook Board members introduced themselves.

Ms. Burns, Town Attorney, explained that State statute requires that when a subdivision crosses municipal boundaries, there be a joint meeting of the Planning Boards of those municipalities, which this meeting tonight is intended to serve as. A complicating factor is that Westbrook does not have a quorum of its Board tonight, so it will not be holding a meeting tonight, but the three members present will hear whatever public testimony is presented and will listen to the presentation about the subdivision and can pose any questions they have. The Westbrook members can also wait to present their questions at their next meeting. Ms. Burns said that Westbrook will have a subsequent meeting on the application, at which time its vote will be taken. Gorham will proceed first this evening, conducting its review under its ordinances and the State statutes, and then can take a vote. There will be no vote this evening from Westbrook.

ITEM 1 FINAL SUBDIVISION REVIEW - Longfellow Woods - Normand Berube Builders, Inc.
request for final approval of a 10-lot subdivision with a 1,500 foot roadway built to the Town's public road standards on 21.83 acres, located at 101 Longfellow Road, Map 11 Lot 22.001, Rural-Manufactured Housing (R-MH) zoning districts.

David Galbraith, Gorham Zoning Administrator, noted that Natalie Burns is attorney for both Gorham and Westbrook and is advising both communities. Mr. Galbraith introduced Molly Just, Westbrook City Planner and Barbara Skinner, Gorham Planning Board Clerk. Mr. Galbraith described the application, a 10-lot subdivision served by a 1,500 foot road, built to Gorham's public road standards on 21.83 acres, located at 101 Longfellow Road, Map 11, Lot 22.001, in the Rural-Manufactured Housing zoning districts. Mr. Galbraith noted that while the applicant has not yet received DEP approval, Condition of Approval #15 has been crafted that before the Board endorses the final plan, the applicant shall provide Town staff with copies of the DEP permit approvals. Mr. Galbraith pointed out on the plan the area of the parcel which is located in Westbrook, noting that no development will actually take place there.

Steve Blake, BH2M Engineers, said there are no outstanding items, and in reply to Mr. Zelmanow, confirmed that the Class A survey has been submitted.

Ms. Burns told Mr. Zelmanow that the outstanding legal documents were provided on February 13; while she believes everything has been addressed, she would appreciate the condition of approval being continued until she can confirm with the Town Planner that everything in fact has been addressed.

Ms. Sunnell and Mr. Blake discussed clearing limits and grading on certain lots. Mr. Blake said that the Town's review engineer requested the grading because of the way stormwater is being addressed with the curtain drain on the back half of those lots. Mr. Blake said the grading would be reduced along the property lines. Ms. Sunnell asked if it would be clear cut from the road to the edge of the grading for lots 4 through 10, and if there were existing trees that could be saved if a different approach to grading were taken. Mr. Blake replied that the site is densely wooded and there could be an opportunity to save some of the vegetation. Ms. Sunnell said she would like to see some of the trees saved. Ms. Shain asked how that would appear on the plans, if the applicant is amenable to seeing some trees saved. Mr. Blake replied that something could be shown on sheet 9 of the plans where it might make sense to salvage some vegetation.

Mr. Hughes brought up the question of street width, noting that the plans show a street width of 20 feet, curb to curb, and that he believes a 22 foot wide roadway is what the Board wants. Mr. Blake said that the 20 foot width meets Town standards, and to widen the road could impact the stormwater management permit application before the DEP.

At Ms. Burns' recommendation, a recess was taken to review past records to determine what had been discussed about the width of the road. It was determined that when the project was first presented to the Board on May 5, 2014, the applicant's engineer had stated that the roadway was to be 22 feet curb to curb, built to the Town's Rural Access standard. In order to insure with the Board's determination that the roadway be 22 feet wide, Ms. Burns suggested that the matter could be postponed, with revised plans brought back reflecting a 22 foot wide roadway. Alternatively, the Board could impose as a condition of approval that the plans will be revised to show the road at 22 feet wide, to be reviewed by Town staff, with a recording plat to be signed by the Board showing a 22 foot wide road.

Mr. Reidman asked Ms. Just whether Gorham's revised condition could affect the time constraint before a mylar must be submitted to Westbrook and could that create a conflict when Westbrook's Board reviews the application. Ms. Just replied that the applicant would update the plans that come before the Westbrook Planning Board to reflect this additional condition of approval regarding the 22 foot wide roadway. Mr. Reidman commented that one of Westbrook's conditions, #2, states that the plans have to be submitted within 90 days to planning staff or it will be null and void, and said that if something should happen on the Gorham end and the approval is dragged out to 100 days, that would make it impossible to meet Westbrook's condition. Mr. Zelmanow said he believes the applicant should be able to take care of the issue in a fairly shot period of time. Ms. Just concurred.

Mr. Zelmanow confirmed with those present that both Boards are comfortable with moving forward with the project having a 22 foot wide roadway.

Ms. Sunnell asked Mr. Blake if clearing limits can be shown on the plans when the road is revised. Mr. Blake said the plans will be updated to show that. Mr. Blake said that the DEP permit application will probably have to go back for technical review with a 22 foot road width.

Ms. Burns suggested revising condition of approval #6 as follows:

“6a) That Woodspell Road shall be limited to less than 1,500’ dead end length unless all the houses located on Woodspell Road are sprinkled meeting the requirements of the Town of Gorham’s sprinkler ordinance;

6b) That Woodspell Road shall be 22 feet in width from curb to curb and the applicant shall submit a revised plan and mylar showing this width.”

Mr. Galbraith confirmed that the curtain drain will be re-located on the plans so that it discharges into the wet pond instead of into the catch basin, as recommended in the Planner’s staff notes.

In addition, condition of approval 17 shall be changed to “That at substantial completion of the project, defined as 80% build-out, Longfellow Road shall be shimmed with 9.5mm hot-mix asphalt and topped with a 1.5 inch overlay of the same material from the southwestern property corner abutting the road northeasterly to the Town line approximately 1,870 feet meeting the approval of the Public Works Director.”

Mr. Blake said that the conditions of approval are satisfactory.

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

Melinda Shain MOVED and Thomas Hughes SECONDED a motion to grant Berube Builders, Inc.’s request for final approval of a 10-lot subdivision off Longfellow Road, located on Map 11, Lot 22.001, in the Rural-Manufactured Housing zoning district, based on the Findings of Fact and Conditions of Approval as written by the Town Planner and as amended by the Planning Board tonight. Motion CARRIED, 5 ayes (George Fox and Scott Herrick absent). [8:25 p.m.]

ADJOURNMENT

Thomas Hughes MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (George Fox and Scott Herrick absent). [8:27 p.m.]

Respectfully submitted

Barbara C. Skinner, Clerk of the Board
_____, 2015

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.

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 residential house lots range in size from 47,160 sq.ft. to 125,424 sq.ft. and have between 200’ and 663’ of road frontage.

The Comprehensive Plan identifies the lot as being in the Rural area.

Finding: Longfellow Woods 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 Woodspell Road, which has been designed to the Town’s Rural Access street standards. The sight distance at Longfellow Road is 550’ looking westerly and 725’ looking easterly.

The subdivision lots are required to have access on Woodspell Road.

The road name Woodspell Road meets E911 naming requirements.

Construction traffic is prohibited from traveling over the Longfellow Road Bridge. Construction traffic must travel to the site from Lowell Road and a short section of Longfellow Road or Longfellow Road from the City of Westbrook.

The developer is responsible for repairs to Lowell Road and Longfellow Road during construction of the subdivision meeting the requirements of the Public Works Director.

At project completion or 80% build-out, the applicant shall make the required improvements to Longfellow Road as outlined by the Public Works Director’s memo dated 07/30/14 to the Town Planner.

Finding: Longfellow Woods 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 in the subdivision will be served by power, electric and telephone lines, the Town's contracted waste disposal contractor, and hydrants located along Woodspell Road.

Clustered mailboxes will be installed at Sta No. 2+50 of Woodspell Road.

Finding: Longfellow Woods 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.

Longfellow Woods Subdivision lots will be supplied by public water from an 8" water main extension from Longfellow Road.

The applicant has provided an ability-to-serve letter dated November 5, 2014 from Glissen Havu, E.I., of the Portland Water District stating that the District would be able to provide public water service to the development. Prior to final approval the District will need to approve the proposed design of the water main extension.

Finding: Longfellow Woods 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.

Each of the proposed lots had a passing soil pit and the preliminary subdivision plan shows possible locations for sewage waste disposal on all the proposed lots within the subdivision.

The lots will have subsurface disposal systems designed by a Maine Licensed Site Evaluator in accordance with State and local requirements.

Finding: Longfellow Woods 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.

The majority of the storm water from the site will be directed to a wetpond along with a sediment forebay for storm water treatment. The houses in the subdivision will have a series of roof line drip edges to treat storm water.

Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Longfellow Woods 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 lot will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the wetpond located within the proposed open space on the southern edge of the lot.

Finding: *Longfellow Woods 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 October 2014, has been submitted to address storm water treatment and peak runoff volume associated with the subdivision.

The applicant has plans detailing best management practices to be used on the site during construction activities. Plan Sheets 3, 4, and 5 show the locations for erosion control devices to be installed. Details B and C, Plan Sheets 7 and 8 have the erosion and sediment control plan and detail how erosion control measures will be implemented on the site.

No water bodies are located on the lot. Storm water from the site flows to the drainage way located on the southern end of the site and into the unnamed stream located along the eastern property boundary.

Finding: *Longfellow Woods Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.*

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The proposed residential subdivision is located on an undeveloped wooded lot. The proposed subdivision lots will be for single-family houses with typical landscaping and amenities. The applicant is proposing 75' setbacks from the two unnamed streams located on and adjacent to the property. The southern end of the site will have 164,822 sq.ft. of open space and undeveloped woodlands to locate the storm water pond. No scenic vistas, historic sites or irreplaceable natural or manmade assets will be affected.

Finding: *Longfellow Woods 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 25, 2014, from Philip D. Fearon, Senior Vice President Director of Commercial Lending, with Saco & Biddeford Savings Institution.

The applicant has provided a project cost estimate for Longfellow Woods 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 meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter VII.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits for all ten (10) lots within the subdivision.

Finding: Longfellow Woods 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 164,822 sq.ft. of open space with a storm water pond and a drainage way. The open space not occupied by the storm water pond will remain wooded. The Longfellow Woods Subdivision homeowners' association shall be required to take care of the common open space and the storm water drainage infrastructure.

The Longfellow Woods Subdivision homeowners' association shall have the maintenance responsibility of Woodspell Road should the Town not accept it as a public road.

Finding: Longfellow Woods Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Longfellow Woods Subdivision 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 has provided a revised plan set, final subdivision application, and homeowners' association documentation.

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 Planning Board granted preliminary approval to Longfellow Woods Subdivision on December 15, 2015.

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

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 a fire hydrant shall be installed at the intersection of Longfellow Road and Woodspell Road with fire hydrants being placed every thousand feet from the first fire hydrant at the corner;
5. That the fire hydrant and water main must be installed and in service before building permits are issued per NFPA Fire Prevention Code 1;
6. a) That Woodspell Road shall be limited to less than 1,500' dead end length unless all the houses located on Woodspell Road are sprinkled meeting the requirements of the Town of Gorham's sprinkler ordinance;
b) That Woodspell Road shall be 22 feet in width from curb to curb and the applicant shall submit a revised plan and mylar showing this width.
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 applicant shall establish an inspection escrow meeting the approval of Town Staff;
11. That the applicant shall have a pre-construction meeting with Town staff, the Town's inspecting engineer, design engineer, and earthwork contractor prior to the start of construction;
12. That the applicant is responsible for recording the approved Longfellow Woods 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 prior to the start of construction a professional and licensed surveyor shall flag the 100' Limited Disturbance Stormwater Buffers and the 75' stream buffers;
14. That construction traffic is prohibited from traveling over Longfellow Road Bridge;
15. That prior to the Planning Board's endorsement of the final plan the applicant shall provide Town staff with a copy of the Maine DEP permit approvals;
16. That during the construction of Longfellow Woods Subdivision the developer is responsible for pavement repairs including pot-hole repair and pavement patching for Lowell Road and Longfellow Road meeting the requirements of the Public Works Director;

17. That at substantial completion of the project, defined as 80% build-out, Longfellow Road shall be shimmed with 9.5mm hot-mix asphalt and topped with a 1.5 inch overlay of the same material from the southwestern property corner abutting the road northeasterly to the Town line approximately 1,870 feet meeting the approval of the Public Works Director;
18. That the performance guarantee for the project shall include the off-site improvements to Longfellow Road as outlined in the Public Works Director's 07-30-14 memo to the Town Planner;
19. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
20. 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
21. That once the subdivision has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plans shall be returned to the Town Planner prior to a pre-construction meeting being held.