

**PLANNING BOARD MINUTES**  
**February 1, 2016**

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

**Members Present**

**EDWARD ZELMANOW, CHAIRMAN**  
**MELINDA SHAIN, VICE CHAIRMAN**  
**JAMES ANDERSON**  
**GEORGE FOX**  
**SCOTT HERRICK**  
**LEE PRATT**  
**RACHEL SUNNELL**

**Staff Present**

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

Edward Zelmanow, Chairman, called the meeting to order at 7:06 p.m. The Clerk called the roll, noting that all members were present.

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**APPROVAL OF THE JANUARY 4, 2016 MINUTES**

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of January 4, 2016 as written and distributed. Motion CARRIED, 7 ayes. [7:08 p.m.]**

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**COMMITTEE REPORTS**

**A. Ordinance Review Committee** – Mr. Herrick reported that this Committee has not met since last month's meeting.

**B. Streets and Ways Subcommittee** – Ms. Shain reported that this Subcommittee has not met.

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**CHAIRMAN'S REPORT:** Mr. Zelmanow said that anyone interested in serving on the Planning Board should contact the Clerk's office for more information.

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**ADMINISTRATIVE REVIEW REPORT**

Mr. Poirier reported that there are no new Administrative Review applications. In reply to Mr. Zelmanow, Mr. Poirier said there has been no action in the Travis Caruso application. In response to a question from Ms. Sunnell, Mr. Poirier said that the Caruso application pre-dated the ordinance one-year sunset amendment.

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**ITEM 1      Public Hearing (continued) – Preliminary Subdivision/Site Plan Review – Gledhill Group, LLC,** request for preliminary approval of Bramblewood Estates site plan and subdivision, a 10-unit residential condominium located on 4 acres off Bramblewood Lane, Map 25, Lot 7.001, Urban Residential and Development Transfer Overlay zoning districts.

Mr. Poirier reminded the Board that the Board that the item was discussed at its November 2, 2015 meeting, and a site walk was held on November 10, 2015. Mr. Poirier noted that the applicant is requesting two waivers: one from the requirement to submit a Class A High Intensity Soil Survey, and the second for the submission of a photometric plan. Mr. Poirier said that is not actually a submission waiver; the Board will request a photometric plan for larger commercial projects to make sure that the proposed lighting will not impact abutting properties, but this is a Board policy and not a submission requirement. If, however, the applicant does not want to identify the location and type of exterior lighting, then a waiver would need to be granted by the Board.

Dustin Roma appeared on behalf of the applicant and described the changes made to the plan since last before the Board. The footprints of the buildings have changed, with the garages pulled back into the units to give more of a flush appearance with farmer's porches in front, which will also provide for additional driveway length. Four more parking spaces have been incorporated in the area between the proposed driveway and the existing pond. The vehicular turn-around proposed at the end of the roadway, which served as a turn-around for the last building unit owners as they are pulling out of their driveways, has been flipped over to the other side and an additional vehicle turn-around has also been provided. The water utility design has been sent to the Water District and they have received comments back from them. Landscaping has been added with some screening trees proposed along the back side of the property, as well as screening for the abutters to units 3 and 4. They are still waiting for the Army Corps sign-off regarding the proposed permit to disturb the northern long-eared bat habitat located on site, but they remain encouraged that the outcome will simply be a timing of activity restricting the cutting of the habitat trees to the winter time and not in the summer.

Mr. Roma said a fire hydrant has been added at the end of the public way. He said they will potentially incorporate sprinkling the buildings if it is requested by someone who wants to occupy a building or if it makes sense, but they do not believe it is a site plan requirement that they sprinkle the buildings. Building plans will be submitted with the final plan application. Mr. Roma noted that Bramblewood subdivision does not have street lights and they are not proposed for this project; but there will certainly be porch lights. He said that providing a photometric plan would not produce relevant information.

Mr. Roma said that the roadway has been curbed so as to direct water into the level spreader. However, it is not proposed to extend the sidewalk to lots 9 and 10 across someone's driveway to the hammerhead. Ms. Shain said she does not believe an unsafe condition would be created by not extending the sidewalk to the last house; Mr. Zelmanow agreed. Mr. Roma showed on the plan where snow storage can occur. He said that the road will need to be a named road and names will be provided to the Town for approval.

Mr. Roma spoke about the proposed mitigation of the ground water issue in the area and said they will work with the peer reviewer on it.

A letter of financial capacity will be provided for the project.

Mr. Anderson asked about the proposed snow storage area on the northerly side of the new road, where there is a concrete curb. Mr. Roma replied that it would have to be a loader situation to push snow up and over the curb. Mr. Zelmanow asked if snow can be gotten into the development's

snow storage area. Mr. Roma pointed out areas where the land will be graded and trees cleared and snow can be pushed off the back of the hammerhead, but the condo will decide if someone should be hired to snow blow the driveways because they are difficult to pull; this, however, is not a Town issue.

Ms. Sunnell asked Mr. Roma to clarify the grading in the back in the units and asked that one-foot contours be shown in the next plan, with the drainage explained more fully. She asked if there will be windows in the back at the basement levels of the units. Mr. Roma replied that Units 9 and 10 are the only ones currently proposed to have a daylight configuration; the rest of the buildings do not. He said that the front of the buildings are drained back to the road, there will be some swales between the buildings, and one large swale running along the property line. Ms. Sunnell remarked on the 5-foot grade change for unit 8. Mr. Roma said there will be a couple of steps in the foundation. In response to Mr. Anderson, Mr. Roma said that the level spreader proposed is open at both ends so it can receive water from both sides.

Ms. Sunnell asked for planting details addressing the high water table level and showing how a planting detail will be adjusted if water is found in a tree pit.

Mr. Zelmanow spoke about the request made at the site walk that the existing trees be saved between units 7 and 8 and units 9 and 10; however, the plans do not show any existing trees to be saved. Mr. Roma said they will try to save every tree possible and they are committed to planting trees for buffering, and they will use existing trees if possible. Mr. Roma said that either a "tree saved area" or an "alternate buffering area" will be shown on the plans if the trees cannot be saved.

In reply to Ms. Sunnell, Mr. Roma said the sewer system will be a low pressure sewer, done with septic tanks that will collect waste water and just the effluent being pumped into the municipal system. The force main in Bramblewood Lane is public infrastructure.

Mr. Anderson asked why landscaping on the southerly property line could not be extended, even though the abutter did not seem concerned about landscaping. Mr. Roma said that generally more landscaping is done on a case by case basis, depending on what the unit owners want. Mr. Zelmanow commented that Mr. Roma is talking about what the incoming owners might want, while the Board would like to have landscaping shown for the residents and abutters already there. Mr. Roma agreed to provide that.

Mr. Zelmanow asked about the hydrant location, as well as the location of the clustered mailbox. Mr. Roma said they will work with the Post Office on the mailbox location.

Ms. Shain asked what the cost is for sprinkling the units. Mr. Roma said it would increase the cost of the unit itself by \$6,000, and then there is the cost of the line upgrade to serve the project and the installation of a fire flow meter. Mr. Fox commented that in this kind of situation, sprinkling is a lot of money. Mr. Roma said if there isn't an ordinance requiring the units to be sprinkled, they would rather not do it. Mr. Zelmanow said that the Board will not make sprinkling a requirement, but the applicant should keep it in the back of his mind as a possible option.

Mr. Zelmanow asked why the sidewalk is shown on the side of the road opposite the building locations. Mr. Roma replied that if it were on the building side, there could be cars parked in driveways that could block the sidewalk, there will be a number of tip-downs between the buildings,

and there are fewer curb cuts on the opposite side of the road. Mr. Roma said that no signs prohibiting parking will be posted. In reply to Ms. Shain, Mr. Zelmanow said that the 22 foot width of the road is designed to match that of Bramblewood Lane.

Mr. Zelmanow asked that plans show elevations on all sides, including decks and patios, and to include pole-mounted lights shown as well. That way the Board wouldn't have to ask for photometric plans. Mr. Anderson said he is more interested in seeing elevations. Ms. Shain confirmed that no street lights would be installed and there will be no separate lighting circuit to run street lights. The individual unit owner can run a line out to serve a pole light at each driveway.

In reply to a question from Mr. Anderson about the bat study, Mr. Roma replied that no wetlands can be filled without the Army Corps permit and Army Corps permission is needed to cut in the winter time. Mr. Roma said they do not anticipate that a habitat will be defined by the Army Corps, it will be more a question of whether the trees that the applicant wants to cut could remove a tree that could be bat habitat.

**PUBLIC COMMENT PERIOD OPENED:** Fred Robie, 13 Pleasant Hill Road, Freeport, said his father is an abutter on two sides of the project site. Mr. Robie asked if the level spreader is not adequate and erosion occurs, can that be followed up with afterwards. Mr. Roma replied that there are two related but different issues involving groundwater issues versus surface drainage peak runoff issues that create erosion. He said that the saturated soils conditions existing in this area do not allow for any water infiltration so when it rains, water leaves the site. It is proposed to have perimeter drains around each building, a trench drain drawing down water, which will take water out of the ground and more infiltration will occur. A straight pipe discharge will not be introduced, the level spreader is designed to put the water back into sheet flow, which is better than it is now.  
**PUBLIC COMMENT PERIOD ENDED.**

Mr. Anderson said he has no problem granting the applicant's waiver request from the requirement to submit a high intensity soil survey because the project will be on public water and sewer.

**George Fox MOVED and Rachel Sunnell SECONDED a motion to grant Gledhill Group, LLC's request to waive the submission requirement under Chapter III, Section III, b.11) for a Class A High Intensity Soil Survey. Motion CARRIED, 7 ayes. [7:55 p.m.]**

The Board concurred that a photometric plan is not needed, and the applicant should submit the proposed lighting for the residential buildings.

The Board and Mr. Roma discussed the benefit of preliminary approval; however, Board members agreed to hold off on preliminary plan approval based on the number of items still open.

Mr. Poirier advised the Board that it is not their policy to grant preliminary and final subdivision approval in the same meeting unless a waiver is granted from the Board's policy.

**Rachel Sunnell MOVED and George Fox SECONDED a motion to table further review of Gledhill Group, LLC's request for preliminary subdivision and site plan approvals pending responses to remaining issues and final revisions to the plans. Motion CARRIED, 7 ayes. [8:10 p.m.]**

**ITEM 2 Public Hearing (continued) – Land Use and Amendment Code** – Amendment to require written permission from abutting property owners to install a Farm Stand Directional sign.

The Board discussed and approved certain additional minor changes to the language as posed by Mr. Zelmanow.

PUBLIC COMMENT PERIOD OPENED: Jen Grant, 147 Mighty Street, thanked the Board for its help.

Steve Bibula, 236 Sebago Lake Road, thanked the Board for its time and assistance.

PUBLIC COMMENT PERIOD ENDED.

**Melinda Shain MOVED and Scott Herrick SECONDED a motion to recommend adoption by the Town Council of the proposed amendments to the Farm Stand Directional sign language as amended by the Planning Board. Motion CARRIED, 7 ayes. [8:20 p.m.]**

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**ITEM 3 Public Hearing – Land Use and Development Code Amendment** – Amendment to Chapter VII, Impact Fees, regarding refund of impact fees.

Mr. Poirier told the Board that the Town currently has one impact fee, which is the recreational impact fee. This fee collects a certain amount for each new dwelling unit and is to purchase or build new playing fields or other recreational facilities to accommodate new families moving into town. The Middle School impact fee was done away with some years ago. He explained that the Council is asking to strike out the “ten year” language in the Code dealing with the refund of impact fees and to replace it instead with the proposed language before the Board of “within a reasonable time period...” The Board discussed the Council’s meaning of the word “reasonable,” preferring to establish a time certain. Staff will undertake to determine if the Council wants a greater or a shorter time period in which to return the impact fees.

**George Fox MOVED and James Anderson SECONDED a motion to send the item to the Planning Board’s Ordinance Committee for its review and recommendations. Motion CARRIED, 7 ayes. [8:30 p.m.]**

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*Break 8:30 to 8:40 p.m.*

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**ITEM 4 Subdivision Amendment – Normand Berube Builders** – request for approval of a change in ownership of Cotton Farms Estates, a 14-lot subdivision approved May 16, 2006, located on 27.3 acres off Farrington Road, Map 57, Lot 10, Rural zoning district.

Mr. Poirier explained that the Cotton Farms Estates subdivision was approved in 2006 but was never built. The original applicant, Van Hertel, Jr., now proposes to sell the property to Normand Berube Builders, who needs to show his financial capacity to complete the project. Mr. Poirier said that the Town Assessor noticed that the map and lot numbers on the plan were incorrect, so the

applicant was asked to submit a subdivision plan reflecting the corrected map and lot numbers so as not to confuse future lot owners.

William Thompson, BH2M Engineers, appeared on behalf of the applicant and said that a mylar showing the corrected map and lot numbers will be submitted to the Planning Board for signature. A letter of financial capacity has been provided. Mr. Thompson noted that the Farrington Road section in front of the project will be repaved, there will be no driveways out on to Route 25. He said there are no issues with the Conditions of Approval.

Mr. Zelmanow replied to Ms. Shain that the subdivision was approved before the sunset provision change was enacted in the Code.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

**Melinda Shain MOVED and James Anderson SECONDED a motion to grant Normand Berube Builders' request for subdivision amendment approval for a transfer in ownership of the Cotton Farms Estates Subdivision, located in the Rural zoning district, Map 57, Lot 10, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes. [8:51 p.m.]**

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**ITEM 5 Site Plan/Gravel Pit Amendment – Shaw Brothers** – request for approval to split land out of the existing Brickyard gravel pit lot and site plan approval to expand the aggregate handling area, stockyard and laydown areas, on properties located at 351, 355, 359 and 363 Mosher Road, Map 31, Lots 9 through 15 and Map 34, Lots 9 and 15.001, Industrial zoning district.

Mr. Poirier said that parcels rezoned Industrial after 1998 are required to meet the 100' perimeter setback and the 6 lots that the applicant has recently had rezoned from Suburban Residential to Industrial are required to meet that setback. He said that the quarry lot has always been zoned Industrial, so the performance standard regarding perimeter setbacks is not required as part of the review of that parcel.

Mr. Poirier said that initially it appeared that the project was going to be one large cut, reclaimed as a laydown area; however, a meeting with the applicant and his engineer has demonstrated that the laydown area no longer needs to meet the requirements of the gravel pit ordinance. It is also no longer necessary for the applicant to submit a copy of the revised quarry plan. Site plan requirements will govern the laydown yard, and the quarry lot in the new lot split will need to meet the gravel pit requirements.

In reply to Mr. Zelmanow, Mr. Poirier said that the 100 foot buffer applies only to the quarry lot, it does not apply to the new lot for the site plan. The Board may reduce that to 50 feet.

Shawn Frank, Sebago Technics, came to the podium and introduced Dan Shaw and Tom Biegel from Shaw Brothers, as well as Keith Gray from Sebago Technics. Mr. Frank pointed out the lots that have been rezoned to Industrial, noting that the boundary with CMP is zoned residential. He said that crushing and stockpiling are occurring within the quarry area at this time.

Mr. Frank pointed out the grading plan with the proposed expansion, with the idea of using the entire area for staging and laydown areas for aggregate stockpiles. A berm is proposed along the perimeter, tying back into the existing excavation; the berm is to be a minimum of ten feet high and in some cases may reach a maximum of 15 feet. Mr. Frank asked the Board to consider allowing the berm along the CMP easement to be constructed in a 50 foot buffer. This would allow aligning the access drive with Olde Canal across Route 237.

Mr. Frank discussed proposed stormwater management, with everything being directed to a large pond which will be behind the existing homes along Mosher Road. It is proposed that these homes will be maintained, along with the existing lawn areas and trees. There will be two outfalls, one directed toward Mosher Road and into an existing 18" culvert, as well as over to the CMP land on the other side, maintaining peak rates of runoff in both directions. A series of field lights are proposed along the edge of the berm, similar to those on the existing facility.

The majority of traffic during the daytime would be coming in on the new access road and all of the outward bound traffic would need to go through the scales on the existing driveway on the other side of the office building. Both in and out access would occur at night. It may be necessary to "beef up" the shoulder of Mosher Road in order to allow traffic to get around trucks waiting to turn left into the site. Crushing will be limited to the quarry operation hours, but access to the stockpiles will be at all times.

Mr. Frank said that their initial landscaping for the berm would be grass, but maybe doing something more in the first 150-200 feet. It is anticipated that all of the rough grading could be done within a couple of months. It will be necessary to amend the drainage plans with the DEP as well as amending the NRPA permit because there will be approximately an additional 12,000 feet of wetland fill that will occur.

Mr. Frank said they will work with the Portland Water District about the existing 48" diameter water main.

Mr. Zelmanow confirmed with Mr. Frank that crushing will be allowed on this part of the site, but it will be limited to the same hours of operation as those of the quarry. Mr. Frank said that a noise study is being performed, and it intended that the berms and machinery will help maintain all of the noise on their property. Mr. Frank told Mr. Zelmanow that there is a berm on the northern side of the property and a similar berm is proposed for the southern boundary, although more extensive in length.

Mr. Frank and Mr. Zelmanow discussed the traffic flow of the trucks on site, with Mr. Frank saying the majority of truck traffic coming in to access the stockpile areas would come in the new access and then access the existing road network to get to the scales before they leave. If the trucks are for a Shaw project, they will come in and go out the same way at night. There will be front end loaders and dump trucks. Mr. Zelmanow asked if the trucks would have smart alarms; Mr. Shaw answered that the quarry and off-road vehicles have back-up smart alarms.

Mr. Fox asked how much of the area will be paved. Mr. Frank replied that the area is roughly 32 acres with the vast majority being paved over a two year time frame. Mr. Frank said that a wet pond is being proposed for both detention and treatment, with a permanent pool within it and a

gravel underdrained bench for the initial flows. All of the runoff is directed to the pond except for a small area to the back where the permitted 5% would go without treatment into the wetland.

Mr. Zelmanow noted that the Board can reduce the perimeter setback from 100 feet to 50 feet if it feels that doing so will result in a better plan of development for the project. He asked Mr. Frank to explain why it would be a better plan of development. Mr. Frank said it would allow the alignment of the intersection of the access road with Olde Canal Road and keep the existing house, and the setback is basically to provide a visual and sound buffer between the applicant's property and the CMP property.

Mr. Fox asked about any future use of the residential properties. Dan Shaw replied that perhaps someday building a fab shop but at the moment the houses will be kept as rental houses. Mr. Fox noted that the properties provide a good visual buffer to the property behind them and if future plans involved doing something with them, buffering at that time would become an issue. Mr. Frank said that perhaps there could be a condition that before removing those houses the applicant would have to come back before the Board to discuss landscaping.

Mr. Zelmanow asked about the status of the current fencing around the property and what fencing is proposed around the laydown area. Mr. Shaw replied that some holes have been cut by hunters in the fencing in the woods but for the most part it is intact. Mr. Shaw said the fence will have to be moved because it goes through a portion of the proposed laydown area. Mr. Frank said they believe that the 10 to 15 foot berm will be a good physical barrier.

Ms. Sunnell asked what the requirement is for stabilization on the 3:1 slopes. Mr. Frank said that basically seeding for the 3:1, but he is thinking about going to 2:1 with perhaps some jute netting to get grass going. Mr. Frank said that the berm will be constructed with 2:1 slopes that will be stabilized. He pointed out the area that will be regraded for the laydown area.

Mr. Zelmanow asked about dust control and truck baths. Mr. Shaw replied that truck baths are not a good idea because it is dirty water; the preferred method is sweeping and using water trucks, sweeping almost every morning.

Ms. Sunnell said she believes that the first 200 to 300 feet are the most critical visually for Mosher Road and she would large to see a larger buffer. Mr. Frank said he would like to work on getting a nice entrance plan. Mr. Fox said that the berm is a good practical solution and suggested making it aesthetically workable as it is a massive berm. Ms. Sunnell said that 2:1 slopes on berms and vegetation are not the ideal situation and suggested larger trees and less of a steep slope on the berm. Mr. Shaw said that this is an industrial piece of land and the berm is more to prevent anyone from seeing in what they are doing and for noise. Mr. Frank said he will come up with a landscaping plan for review. Ms. Sunnell suggested continuing the residential feel of the residences and said it is about the community, Mosher Road, it is not about the industrial zone, and she is more interested in the experience of the road.

Mr. Zelmanow asked about blasting. Mr. Frank replied that there will be some for the construction, to get it down to grade, but not ongoing. In reply to Mr. Anderson, Mr. Shaw said that they ultimately will have 150 foot computerized "super stackers," so he guesses the stockpiles will be 50 to 60 feet, with some visibility over the top of the berm. Mr. Zelmanow suggested that the stockpiles be pointed out on the site walk so the Board will have an idea of what is proposed.



Mr. Fox asked about the issues with the Portland Water District water main. Mr. Frank replied it would be a one-time thing but they will coordinate closely with the District. Mr. Zelmanow confirmed that there will be no structures on site. Mr. Shaw said that State requirements have become more stringent and they will have to start washing the aggregate in a wash plant.

Mr. Poirier confirmed that staff will set up a site walk and the applicant will provide a landscape plan for the first 200 to 300 feet.

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

**Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to table further review of Shaw Brothers' request for site plan/gravel pit amendment approval pending responses to remaining issues, a site walk and scheduling a public hearing. Motion CARRIED, 7 ayes. [9:30 p.m.]**

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**OTHER BUSINESS**

Mr. Poirier noted that Board members had received ex parte emails in connection with another application. In order to deal with that issue, the Clerk's office has been directed to remove the members' email addresses from the Town's directory and the Town will be setting up email accounts for each Board member through a Town email address. Any Freedom of Information Act requests will be handled through those accounts and not the Board members' personal accounts.

**ANNOUNCEMENTS**

The next Board meeting will be on March 7, 2016.

**ADJOURNMENT**

**Melinda Shain MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:35 p.m.]**

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board

February 1, 2016

**ITEM 4      Normand Berube Builders – request for approval of ownership change of Cotton Farms Estates Subdivision**

**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 lots range in size from 40,575 square feet to 181,420 square feet with street frontage for the lots ranging in size from 109.96 ft. to 877.32 ft. No changes are proposed to the configuration of the lots shown on the approved plan.

The Comprehensive Plan identifies the future land use designation in this area as Rural.

*Finding: Amendment to Cotton Farms 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 Ossipee Trail, State Route 25, Cotton Drive, and/or Farrington Road. Cotton Drive has been designed to the Town's urban access street standard.

No lots will have direct access off Ossipee Trail, State Route 25. Lots 1, 2, 3, and 6 shall have direct access to Farrington Road with Lots 1 and 2 sharing a driveway off Farrington Road. Lots 4, 5, and 7 through 14 shall only have access off Cotton Drive.

No changes are proposed regarding access for the subdivision.

*Finding: Amendment to Cotton Farms Estates 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, and the Town's contracted waste disposal contractor.

A clustered mailbox will be located along Cotton Drive for use by lots in the subdivision.

No changes are proposed regarding utilities or clustered mailbox.

*Finding: Amendment to Cotton Farms Estates 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.

Each of the lots will be served by an individual drilled water supply well. The wells shall be located the minimum safe distance from the septic systems' nitrate plumes shown on the approved Sheet 6: Septic System Plan. No changes are proposed regarding water supply.

*Finding: Cotton Farms Estates Subdivision has sufficient water supply available for present and future needs as reasonably foreseeable.*

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

Each of the lots will be served by an individual septic system as shown on Sheet 6: Septic System plan of the 2006 approved plan. No changes are proposed to the location of the septic systems.

*Finding: Cotton Farms Estates Subdivision will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

Approval of the Cotton Farms Estates subdivision calculated a certain amount of impervious area for each of the lots to be developed. The subdivision approval also sized the stormwater infrastructure to meet the anticipated amount of impervious area.

Stormwater was to be treated through a series of stormwater buffers located around the edges of the subdivision. Stormwater would be allowed to sheet flow into the buffers and through a number of ditches with level spreaders.

No changes are proposed to the site's existing stormwater management.

*Finding: Amendment to Cotton Farms Estates 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.

During construction the applicant shall utilize erosion and sedimentation best management practices meeting the requirements of Maine DEP Maine Erosion and Sediment Control Practices Field Guide for contractors. All the residential house lots and the open space will be loamed and seeded to prevent soil erosion.

No changes are proposed to the requirements for soil erosion control.

*Finding: Amendment to Cotton Farms Estates 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.

The applicant's engineer has identified that DEP permits were not required when the subdivision first went through the approval process and further identified that permits are not required as part of the change in ownership.

No changes are proposed to the approved stormwater management plan or impacts to natural features.

*Finding: Amendment to Cotton Farms Estates 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 units are located in an urban area which has been developed. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

*Finding: Amendment to Cotton Farms Estates 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 December 28, 2015, from Philip D. Fearon, Senior Vice President, Saco & Biddeford Savings Institution, regarding its financial capacity to complete the project. The letter also identifies the applicant's construction skills to complete the development.

*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 the issuance of building permits for the fourteen (14) lots within the subdivision.

*Finding: Cotton Farms Estates 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 development did not detail any proposed open space as part of the subdivision. A homeowners' association was required to be formed to maintain any stormwater maintenance facilities not located within the Cotton Drive right-of-way.

No changes are proposed as part of the amendment.

*Finding: Cotton Farms Estates Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the 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 proposal is for a subdivision amendment approval which does not require a preliminary approval prior to final 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.

The proposal is for a subdivision amendment approval which does not require a preliminary approval prior to final approval.

Finding: *Not applicable.*

### **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 all relevant conditions of approval from the subdivision approval shall remain in effect;
3. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
4. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.

### **SUGGESTED MOTIONS:**

#### **AMENDMENT APPROVAL:**

**Move to grant Philip and Julie Marshall's request for approval to rescind Marshall Way private way and reduce the number of lots within the Parsons Subdivision, located at 169 Ossipee Trail, Map 60, Lots 14 and 14.002 in the Rural zoning district.**

#### **TO TABLE APPROVAL:**

**Move to table further review of Philip and Julie Marshall's request for approval to rescind Marshall Way private way and reduce the number of lots within the Parsons Subdivision, pending responses to remaining issues (and finalizing revisions to the plan).**

TOWN OF GORHAM  
PLANNING BOARD MINUTES

For Reference Only  
January 4, 2016

**ITEM 4 Pre-Application Discussion – Subdivision Amendment and Private Way Rescission – Philip and Julie Marshall** request for approval to rescind Marshall Way private way and to reduce the number of lots within Parsons Subdivision, located at 169 Ossipee Trail, Map 60, Lots 14 and 14.002, Rural zoning district.

Mr. Poirier explained that this is a discussion between the Board and the applicants. The original Parsons subdivision was approved as a 3-lot subdivision in 1984. In 2004 the applicants requested

an amendment to that approval to increase the number of lots to 4 lots with a private way, Marshall Way. The applicants now are proposing to rescind the private way approval and reduce the number of lots back to 3, with the overall lot configuration being somewhat different. One of the items on which the applicants would like to have Board input is the nitrate plume analysis waiver request for the new lot being proposed.

Julie Marshall, 169 Ossipee Trail, came to the podium and explained to the Board that she lives on lot 1 of the subdivision, her sister lives on lot 3, and lots 2 and 4 are not occupied and are accessible by a private way. Ms. Marshall said she and her husband would like to build a new house on a larger lot accessible from Route 25. They would therefore like to combine lots 2 and 4, rescind the private way, and make lot 1 smaller, 60,000 square feet.

Ms. Marshall gave the following reasons to ask for a waiver of the nitrate plume analysis requirement: a well is to be drilled shortly on lot 1 to replace the dug well indicated on the site plan; the new well will be tested, which will indicate the water quality of a well drilled on the proposed lot. The topographical contour lines indicate that the ground water plume runs downhill, and the well will be located on a higher elevation than from the septic system. The well and septic system for the new proposed lot would be 200 feet apart, twice the minimum requirement. The final reason for a waiver request is the expense for just building a house for themselves on a lot which is simply a larger lot.

Mr. Zelmanow said he cannot give a waiver on the nitrate plume analysis as this is still a pre-application discussion. Mr. Anderson asked Mr. Poirier if there are nitrate plume analysis requirements based on lot size. Mr. Poirier said that in the past the Board has given the waiver for subdivisions with larger lots, so if it looks as though the lots in subdivisions can easily meet setback requirements without having an issue with nitrate plumes, the Board has granted that waiver. Mr. Poirier said that should the Board make their decision to grant a waiver based on the location and the 200 foot distance on the plan, the approval can be conditioned on the location of the septic system and the location of the well.

Mr. Herrick confirmed with Ms. Marshall that their current house location is on lot 1. Ms. Marshall told Mr. Anderson that the distance between the proposed well and the current septic system for their current home is 150 feet. Mr. Fox confirmed that the distance from the proposed septic system to the well on lot 3 is 200 feet. Mr. Anderson said he believes that the rule-of-thumb minimum distance is 100 feet and it appears that the numbers mentioned will work. Ms. Shain said that the nitrate plume analysis would affect lot 2, which is the applicant's own lot, and under those circumstances she would be more comfortable approving the nitrate plume analysis waiver request.

Mr. Zelmanow advised Ms. Marshall to complete the official waiver request form to be submitted with their formal application. Mr. Anderson suggested showing the distance from the septic system to all the surrounding wells. Mr. Poirier said it would be helpful to have a letter from whoever designs the septic system stating that all the distances required by state law will be met. Mr. Fox said the system designer should also confirm that the septic locations are good.

Mr. Zelmanow said that staff will speak to the Town's attorney about removing the By-pass information from the plans.

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Mr. Fox asked about the sprinkler requirement in Note 18. Mr. Poirier replied that the house will be required to be sprinkled because it is served by private water.

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