



**Town of Gorham
OCTOBER 3, 2005
PLANNING BOARD MINUTES**

LOCATION: Gorham High School Auditorium, 41 Morrill Avenue, Gorham, Maine

Members Present:

**DOUGLAS BOYCE, VICE CHAIR.
THOMAS HUGHES
CLARK NEILY
MICHAEL PARKER
SUSAN ROBIE**

Staff Present:

**DEBORAH FOSSUM, Dir. of Planning & Zoning
BARBARA C. SKINNER, Clerk of the Board**

Members Absent:

Harold Grant, Chairman
Mark Stelmack

Douglas Boyce, Vice Chairman, opened the meeting at 7:03 p.m. and read the Agenda. The Clerk called the roll, noting that the Chairman, Harold Grant, and Mark Stelmack were absent.

1. APPROVAL OF MINUTES: SEPTEMBER 12, 2005

Michael Parker MOVED and Susan Robie SECONDED a motion to approve the minutes of September 12, 2005, as written and distributed. Motion CARRIED, 4 ayes (Thomas Hughes abstaining as not having been present at the September 12, 2005 meeting; Harold Grant and Mark Stelmack absent). [7:04 p.m.]

APPROVAL OF MINUTES: SEPTEMBER 19, 2005

Michael Parker MOVED and Thomas Hughes SECONDED a motion to postpone approval of the minutes of September 19, 2005, until a later time. Motion CARRIED, 5 ayes (Harold Grant and Mark Stelmack absent). [7:05 p.m.]

2. SITE PLAN AMENDMENT – “LAKE REGION FURNITURE dba CROCKETT INTERIORS” - 673 MAIN STREET – by CROCKETT BROTHERS CORP.

Request for approval of a 60’x80’ gravel snow storage area. Zoned Roadside Commercial; M12/L27.

Ms. Fossum announced that the applicant has withdrawn his application through delivery of the following letter, dated October 3, 2005, addressed to the Planning Director, and signed by Stephen and Scott Crockett:

“We would like to take this opportunity to thank you and your staff for your assistance with our site plan amendment.

This letter to advise you that after meeting with the planning board during the site walk last week, we have decided not to proceed any further. We will go ahead with the planning board’s recommendations and loam and seed the area in question.”

The Board concurred that no further action was required in light of the applicant’s withdrawal of his application.

3. SITE PLAN & FINAL SUBDIVISION – “GORHAM LANDING CONDOMINIUMS” – off 180 MAIN STREET – by CERTAINTECH BUILDERS, INC., RICHARD REISS, PRINCIPAL
Request for final approval for an 8-unit condominium development. Zoned OR/UR; Map100/Lot6.

Les Berry, BH2M, appeared on behalf of the applicant and discussed the changes which have occurred since the applicant’s last appearance before the Board. He said that in order to provide for a slip lane for the south side of Main Street, the no parking sign which is currently across the street from the Towles’ house would have to be extended 200 feet west along Main Street, which Ms. Robie characterized as “a potential solution to a potential problem.” In order to accommodate the Board’s required hammerhead change to provide 50 feet in both directions, the property line had to be modified slightly and units 7 and 8 were moved up the hill slightly. Mr. Berry said that as the Fire Chief had requested, a “no parking fire lane tow away zone” has been established on the west side of the road. In response to a query from Mr. Neily, Mr. Berry said that the attorneys for the applicant and for the Town are in communication to resolve any issues that remain with the legal documents.

Ms. Fossum also addressed Mr. Neily’s question, saying that a message from the Town Attorney today indicates that the issues have been dealt with. She said that there is a proposed condition of approval which will allow the Town Attorney to take one final look at the documents. She said that staff is satisfied that the submission requirements have been met, and the applicant has demonstrated financial and technical capacity. Ms. Fossum proposed that the Fire Chief’s conditions of approval as listed in his August memorandum be incorporated into the conditions of approval; Mr. Berry concurred that this be done.

Based on concerns expressed by Mr. Parker about trash pickup, the Board concurred that the following Condition of Approval shall be added as #7:

“That the Condominium Association is responsible for providing for private or public trash pick up within the boundaries of the development in front of the individual units;”

Mr. Berry agreed with the proposed condition, and suggested that the language also be included in the Declaration of Condominium document. Ms. Fossum said that the language would need to be reviewed by the attorneys as well.

The Board and Mr. Berry discussed possible traffic issues and the potential for accidents, and whether a condition of approval should be placed on the developer to cure such safety issues in the future. Mr. Boyce pointed out that a slip lane can be created by the Town on the south side of Main Street should that become necessary in the future, but the Town cannot make changes on the private property of the project’s driveway. Ms. Fossum quoted from the traffic study: “As a result, Casey & Godfrey recommend that the drive be monitored for safety. If accidents occur at the drive intersection due to drive movements within two years of full occupancy, then Casey & Godfrey would recommend that the drive be restricted to right turn out.” She said this could be accomplished through the condominium association if the association is aware of the condition. Ms. Fossum also noted that it is assumed that the left turn out of the drive would be the problem, but that cannot be known until the accident experience has occurred. Mr. Boyce polled the Board about placing a condition of approval on the applicant for further study and the guarantee of providing mitigation: Mr. Parker supported the future study occurring perhaps within a year; Mr. Hughes said he did not support the study, that if the Public Works Director becomes aware that there is an accident problem, he will dictate the placement of a right turn only sign or a sign limiting left turns to certain hours. Ms. Robie agreed with Mr. Hughes and Mr. Neily had no comment. Mr. Boyce noted that there are 3 Board members, a majority this evening, who are not in favor of conditioning the applicant.

In response to a query from Mr. Boyce, Mr. Berry explained how the Towles' driveway is being addressed, saying that it is a shared driveway on both lots, and when the existing portion is removed on the applicant's property, the Towles will be given an easement so they can continue to use the full driveway.

PUBLIC COMMENT PERIOD OPENED:

Ardene Towle, abutter at 192 Main Street, expressed concerns about left turning and their drive, asking if the condominium association will be able to reopen the shared driveway if left turns are prohibited from their drive. Ms. Fossum commented that the plan indicates that the condominium owners cannot use that drive, and that there can be no changes to this plan without amendment by the Planning Board, but said she will double check the easement language and bring it to the Town Attorney's attention for review.

PUBLIC COMMENT PERIOD ENDED.

Susan Robie MOVED and Michael Parker SECONDED a motion to grant final subdivision and site plan approval for Gorham Landing Condominiums, an 8-unit condominium development, located off 180 Main Street, as requested by Certaintech Builders, Inc. with conditions of approval as posted prior to the meeting, amended at the meeting to include the Fire Chief's conditions in his August memo, and a condition regarding trash hauling that "the association will be responsible for providing for private or public trash pickup within the boundaries of the development in front of individual units" and as discussed with the applicant. Motion CARRIED, 5 ayes (Harold Grant and Mark Stelmack absent). [7:44 p.m.]

- 4. SITE PLAN – "180 MAIN APARTMENTS" – 180 MAIN STREET – by DAVID R. BROWN**
Request for final approval of a 6-unit apartment building with eight additional boarding rooms.
Zoned OR/UR; Map100/Lot6.

Les Berry, BH2M Engineers, appeared on behalf of the applicant and said that the lights will be removed from the corner of the building and three 12-foot pole lights will be added to the parking lot. He said the lights will be low level with the bulb concealed in the top.

Ms. Fossum gave the staff comments, noting that the Fire Chief's comments have been addressed, there may be some additional comments by the Town's review engineer which will be shown on the plans prior to Board endorsement of the Mylar, and condition of approval #7 has been included to allow the Town Attorney to review revised legal documents.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Michael Parker MOVED and Thomas Hughes SECONDED a motion to grant final site plan approval for 180 Main Street Apartments, a 6-unit apartment building/8-room boarding room facility, located off 180 Main Street, as requested by David R. Brown, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Harold Grant and Mark Stelmack absent). [7:56 p.m.]

5. PRIVATE WAY - PRIVATE WAY, “BEE HAPPY WAY” - off BARTLETT ROAD by BETH ANN RENY

Request for approval of a proposed Private Way to serve one residential lot by Beth Ann Reny. Zoned R, Map 12/L11.

Patrick Cayer, Land Services Inc., appeared on behalf of the applicants and explained that in order to build a house on the southerly portion of their property, it is necessary to create a private way to achieve legal road frontage. He said that the proposed private way would be approximately 125 feet long and will be built to the standards for a one-lot private way. He indicated that existing vegetation within the Town right of way on Bartlett Road will be trimmed back in order to provide sight distance of 350 feet in either direction.

Ms. Fossum commented that staff concerns have been addressed and there is a plan note indicating that vegetation will be cleared to meet sight distance requirements.

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

Clark Neily MOVED and Thomas Hughes SECONDED a motion to grant Beth Ann Reny’s request for approval of Bee Happy Way, a private way to serve one lot, located off Bartlett Road, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Harold Grant and Mark Stelmack absent). [7:59 p.m.]

6. ADJOURNMENT

Michael Parker MOVED and Susan Robie SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Harold Grant and Mark Stelmack absent) [8:00 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2005

3. SITE PLAN & FINAL SUBDIVISION – “GORHAM LANDING CONDOMINIUMS” – off 180 MAIN STREET – by CERTAINTECH BUILDERS, INC., RICHARD REISS, PRINCIPAL

**Approved
Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved condominiums, the applicant shall arrange pre-construction meetings with the selected Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Planning Director to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 3 (three) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
5. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
6. That the applicant shall be responsible for the cost and installation of the following, per the requirements of the Fire Chief:
 - A. That if curbing is required for this project, then there should be a requirement that no parking is allowed on at least one side of the street at anytime. The no parking should be properly signed with NO PARKING FIRE LANE TOW AWAY ZONE.
 - B. That all buildings to be properly numbered with the numbers being visible from the street year around;
 - C. That the street to be properly named and signed with a Town approved street sign. The name of the street shall be approved by the Police and Fire Chief. The street sign shall be installed as soon as the road is constructed.;
 - D. That the hydrant that will be placed on the private access road will be a private hydrant and that the homeowners association shall be responsible for the yearly hydrant rental fee and maintenance costs associated with the hydrant. There should be language in the homeowners association paper work requiring this as well as requiring they have a yearly maintenance contract with the Portland Water District.;
 - E. That the cost of the hydrant and installation shall be the developer’s responsibility and the placement and location of the hydrant shall be approved by the Fire Chief at the time of installation. The hydrant location as shown on the plans is the area approved for this location;
 - F. That per NFPA Fire Prevention Code 1 the water main and hydrants must be in place and in service before any building material is allowed on site; .
 - G. That the private road shall be maintained year around to allow emergency vehicle access; and
 - H. That a complete set of building construction plans shall be submitted to the Fire Department when the building permit is issued.

7. That the Condominium Association is responsible for providing for private or public trash pick up within the boundaries of the development in front of the individual units;
8. That the applicant shall provide property line information and site information in auto-cad format to the Town of Gorham Tax Assessor prior to the scheduled pre-construction meeting;
9. That the revised engineering details and plans shall be reviewed and approved by the Town's consulting engineer prior to the endorsement of the Mylar by the Planning Board;
10. That the applicant shall create a homeowners association or other legal entity acceptable to the Town and shall submit the association documents or declaration creating the association or other legal entity in a form acceptable to the Town Attorney. The documents or declaration shall specify the rights and responsibilities of each unit owner with respect to the maintenance, repair, and plowing of the common drive within the subdivision, and shall state that the homeowners association and/or the lot owners shall be responsible for all costs related to the common drive. The applicant shall be responsible for recording the approved documents in the Cumberland County Registry of Deeds within 30 days of the date of approval of the subdivision by the Planning Board;
11. That prior to the release of the signed Mylar the applicant shall provide revised legal documents to the satisfaction of the Towns Attorney;
12. That the applicant's engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant's engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code; and
13. That these conditions of approval and the Final Plans shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board's endorsement of the final plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to issuance of any building permits for any of the lots within the subdivision.

4. SITE PLAN – “180 MAIN APARTMENTS” – 180 MAIN STREET – by DAVID R. BROWN

**Approved
Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved apartment building/rooming house, the applicant shall arrange pre-construction meetings with the selected Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Planning Director to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 3 (three) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
5. That the applicant shall provide property line information and site information in auto-cad format to the Town of Gorham Tax Assessor prior to the scheduled pre-construction meeting;
6. That the revised engineering details and plans shall be reviewed and approved by the Town’s consulting engineer prior to the endorsement of the Mylar by the Planning Board;
7. That prior to the release of the signed Mylar the applicant shall provide revised legal documents to the satisfaction of the Towns Attorney; and
8. That these conditions of approval and the Final Plans shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board’s endorsement of the final plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to issuance of any building permits for any of the lots within the subdivision.

5. PRIVATE WAY – “BEE HAPPY WAY” – off BARTLETT ROAD – by BETH ANN RENY

Approved
Conditions of Approval:

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That prior to the commencement of construction of the private way, the applicant will establish a performance guarantee with the Planning Department to cover the cost of constructing the paved apron;
4. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
5. That the applicant’s engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham’s Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant’s engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
6. That prior to the issuance of any occupancy permits for any of the lots served by the private way, the Town’s Inspecting Engineer shall certify to the Code Enforcement Officer that the private way has been constructed in accordance with Chapter II, Section V, and the approved Private Way Plan; and
7. That the private way plan and decision document shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board; and that a receipt from the Cumberland County Registry of Deeds showing the date, and book and page number of the recorded plan and a copy of the recorded decision document shall be returned to the Town Planner.