



**Town of Gorham  
OCTOBER 17, 2005  
PLANNING BOARD MINUTES**

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

**Members Present:**

**HAROLD GRANT  
THOMAS HUGHES  
CLARK NEILY  
SUSAN ROBIE  
MARK STELMACK  
DOUGLAS BOYCE, VICE CHAIR. (Arrived at 7:05 p.m.)**

**Staff Present:**

**DEBORAH FOSSUM, Dir. of Planning & Zoning  
AARON SHIELDS, Assistant Planner  
BARBARA SKINNER, Clerk of the Board**

**Members Absent:**

Michael Parker

The Chairman opened the meeting at 7:02 p.m. and read the 4 item agenda. The Clerk called the roll, noting that Michael Parker was absent.

**1. APPROVAL OF MINUTES: SEPTEMBER 19, 2005**

**Clark Neily MOVED and Thomas Hughes SECONDED a motion to approve the minutes of September 19, 2005, as written and distributed. Motion CARRIED, 5 ayes (Michael Parker and Douglas Boyce absent). [7:03 p.m.]**

**APPROVAL OF MINUTES: OCTOBER 3, 2005**

**Clark Neily MOVED and Thomas Hughes SECONDED a motion to postpone approval of the minutes of October 3, 2005, until a later time. Motion CARRIED, 5 ayes (Michael Parker and Douglas Boyce absent). [7:04 p.m.]**

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**2. FINAL SUBDIVISION - by GILBERT HOMES, INC - "Tall Pines Phase II" - Request for final approval of a 14-lot residential subdivision on 27.04 acres off Buck Street and Spiller Road. Zoned SR, M77/L48, 48.001 & 48.002; and M79/L16.**

Andy Morrell, BH2M Engineers, appeared on behalf of the applicant. Mr. Morrell explained that initially the plan was for a 15-lot subdivision; however, due to a recommendation by Sevee and Maher as a result of their nitrate review, it was decided to combine lots 18 and 20 into one lot to alleviate a concern about nitrate levels in one of the detention ponds caused by a proposed septic system. Mr. Morrell said that after the pond has been constructed, it can be determined whether or not the additional lot is permitted, and the applicant can return before the Board for a subdivision amendment to add the lot. He said that the applicant has received final approvals from MDEP and has been granted its Site Location Permit. Mr. Morrell also said that the applicant has met with the Public Works Director to come to an agreement on improvements for Buck Street.

Mr. Shields gave the staff comments. He said that Condition of Approval #9 has been revised as follows: "That prior to the commencement of construction *or site work*, the applicant shall contribute \$24,643.00 to the Town of Gorham to cover road improvements to Buck Street as outlined in the Public Works Director's memo to Aaron Shields, dated October 13, 2005:". Mr. Shields noted that the roadwork will be done by the Town of Gorham. He said that the financial capacity requirement has been satisfied, and the legal documents have been reviewed and found acceptable by the Town Attorney.

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

PUBLIC COMMENT PERIOD ENDED.

Mr. Stelmack asked for clarification on the addition of the phrase “*or site work*” to the condition of approval. Mr. Shields noted that the Town Attorney felt that “commencement of construction” could mean construction of homes and not include any site work. Ms. Robie asked if nitrate plumes will be shown on the plan that a homeowner would see. Mr. Shields responded that the Planning Department does not normally require that nitrate plumes be shown, as such information can cause confusing detail on a Mylar; however, the plumes are included on a separate page, sheet #9, of the plan. Ms. Robie suggested that the page showing the nitrate plumes should be attached to the plan. Mr. Stelmack said he is comfortable with the plan notes and the paper trail that has been established. Mr. Morrell said that the existing monitoring wells will be abandoned.

**Clark Neily MOVED and Douglas Boyce SECONDED a motion to grant final subdivision approval of Gilbert Homes’ request for the Tall Pine II Subdivision, a proposed 14-lot residential subdivision on 27.04 acres off Spiller Road and Buck Street with conditions of approval as outlined this evening and accepted by the applicant, and conditions of approval as posted prior to meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Michael Parker absent). [7:24 p.m.]**

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**3. PRELIMINARY SUBDIVISION – by JUSTIN AND KELLY DEARBORN - “Davis Farm Estates” - Request for preliminary plan approval of a 13-lot residential subdivision on 16.56 acres off Davis Annex Road. Zoned SR, M38/L3.**

Andy Morrell, BH2M Engineers, appeared on behalf of the applicants and announced that the applicants have agreed to extend public water from Flaggy Meadow Road, and as a result of such extension have achieved a 4-lot density bonus, which will increase their subdivision from 10 to 14 lots, including Lot A. He noted that each lot will be served by underground utilities, public water and individual septic systems. He said that two roadways are proposed, totaling approximately 1430 linear feet, and all stormwater from the site will be collected with roadside vegetated ditches and discharged to one of two detention ponds. Mr. Morrell indicated that a meeting is scheduled with the Public Works Director to discuss improvements to David Annex Road. Mr. Morrell also noted that a correction has been made to the road frontage deficiency on Lot 1 by reworking Lot 1 and Lot A.

Mr. Shields made the staff comments. In addition to the items mentioned by Mr. Morrell, Mr. Shields discussed the comments made by the Public Works Director concerning the minimum acceptable level of improvements to Davis Annex Road.

PUBLIC COMMENT PERIOD OPENED:       None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Grant commented that the recommendation made by the Public Works Director that an 18 foot travel lane on David Annex Road would be sufficient contradicts the current Code standards; however, in this case the recommendation seems to be appropriate. Ms. Robie asked that a right of way be put on the plan on Dillon Lane to the property line. Mr. Morrell replied that the applicants would prefer to leave it as a dead end as the extension would be of a public road to what is a private way. Mr. Shields said they would lose a lot if Dillon Lane goes to the property line, in that Lot 5 would be below the 45,000 square feet requirement. After considerable discussion, it was agreed by the Board that Ms. Fossum would talk to the Town Attorney to see if there is a legal way to create the right of way. Mr. Morrell agreed that if there is a legal solution, it will be reflected on the plan when the applicants return for final approval. Mr. Shields confirmed that if there is no legal solution that works without losing a lot, the Board will accept the plan as it stands. Insofar as the improvements to Davis Annex Road are concerned, the Board concurred that

the best solution to this issue will be whatever arrangement is approved by the Public Works Director. Mr. Morrell expressed confidence that an agreement will be reached.

**Mark Stelmack MOVED and Douglas Boyce SECONDED a motion to grant Justin and Kelly Dearborn's request for preliminary plan approval of the proposed "Davis Farm Subdivision," a 13-lot residential lot subdivision on 16.56 acres of Davis Annex Road, zoned Suburban Residential. Motion CARRIED, 6 ayes (Michael Parker absent). [7:57 p.m.]**

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- 4. PRE-APPLICATION CONFERENCE – by UMS/USM – Discussion of a proposed 5 story, 100,000 sf, 328-bed residence hall, located on Husky Drive, and a 171 space parking lot expansion of existing lot G13. Zoned UR, M40/13-18; 41/35-36; 101/6-7; 102/1-3; 105/36.**

David Early, Executive Director of Facilities Management, University of Southern Maine, made a general introduction of the project and the individuals involved with it.

Joseph Laverriere, Deluca-Hoffman Associates, described the proposed 4-story and basement building and its orientation on the site, which will be located within a portion of an existing vehicular parking lot. He said the new residence hall will have a building footprint of approximately 22,300 square feet and will accommodate some 296 residents, who are anticipated to represent a shift of commuter students to resident students and will not necessarily represent an increase in enrollment. The new residence hall will enable the University to pursue plans for the rehabilitation of the Dickey-Woods Towers residence hall complex. He said that the project will also include extension of utility service for sanitary sewer, water supply, underground telephone, electric, communications; and natural gas. He said that the new residence hall will be tributary to an existing stormwater basin that will be modified and expanded to meet the requirements of the project and today's standards, and a second and new stormwater facility will be constructed in the vicinity of the Dickey-Woods Towers. The project will also include the reconstruction and expansion of existing parking facilities in the vicinity of the new residence hall and Dickey-Woods Towers, resulting in a net gain of some 17 or 18 parking spaces to the total parking spaces available campus wide. Mr. Laverriere referred to the Gorrill-Palmer summary of parking supply and demand counts to support the University's goal of maintaining the current parking demand and providing at least 15% surplus parking supply on campus upon completion of the new residence hall. He said that construction of the residence hall is anticipated to start in the spring of 2006 with completion at the end of 2007, and the parking improvement project is anticipated to start in the spring of 2006 with completion by summer of 2006. Denise Nelson replied to a question from Ms. Robie saying that some 100 applicants who want to live on campus were turned away this semester and this new residence hall will allow shifting and increasing resident student population.

Patrick Costin of Harriman Associates made a Power Point presentation of the project, discussing architectural elevations and visual perspective renderings.

The Chairman directed that a site walk be scheduled. [8:36 p.m.]

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*Stretch Break to 8:45 p.m.*

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- 5. PRE-APPLICATION CONFERENCE – by JAMES WIGHT, SR., et al. - Discussion of a 12 lot residential subdivision on 22 acres off Great Falls Road. Zoned SR/MH, M92/L23.**

Andy Morrell, BH2M Engineers, appeared on behalf of the applicant and described the project as a 12-lot residential subdivision on 22 acres.

Mr. Shields gave the staff comments, noting that the current Town Shoreland Zoning Map shows the majority of this parcel located in a Shoreland Zone with a large protected resource of wetlands, and that last year a Shoreland Zoning Coordinator from MDEP suggested that the land may now not be subject to the zoning. Mr. Shields said, however, that there must be Town Council action amending the Zoning Map for the application to receive its Planning Board approvals. In addition, Mr. Shields said that the road and a building lot appear to be located in a former dumping area or landfill site that must be clarified and identified prior to any further submissions. Mr. Shields also noted that one of the applicants owns a parcel on the end of Wight Lane abutting this property which does not have legal frontage on any road, and this may be an opportunity to access that lot or add the acreage to this development.

Mr. Grant suggested that the applicants try to secure some aerial photographs from the 1950s, which would probably show the dump site in order to identify and delineate it. Mr. Stelmack asked if the six lots on Wight Lane which have been developed have private wells. Mr. Grant suggested that perhaps two site walks would be useful, one before snowfall, as the Board will need to have looked at the site in order to make a recommendation to the Town Council about amending the Shoreland Zoning Map. Ms. Robie asked that the existing wetlands be delineated as clearly as possible. Mr. Shields said that there is a large wetland on the adjacent property as well that connects to this site.

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## 6. ADJOURNMENT

**Douglas Boyce MOVED and Clark Neily SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Michael Parker absent). [9:02 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2005

**2. FINAL SUBDIVISION - by GILBERT HOMES, INC - "Tall Pines Phase II"**

**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 subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town's Inspecting Engineer, Site Contractor, Design Engineer and himself 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 prior to any occupancy within the subdivision each structure shall be properly numbered with the number visible from the street year round;
7. 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;
8. 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;
9. That prior to the commencement of construction or site work, the applicant shall contribute \$24,643.00 to the Town of Gorham to cover road improvements to Buck Street as outlined in the Public Works Director's memo to Aaron Shields, dated October 13, 2005;
10. 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 lot owner with respect to the maintenance, repair, and plowing of all streets within the subdivision, and shall state that the homeowners association and/or the lot owners shall be responsible for all costs related to the street. The applicant shall be responsible for recording the approved documents in the Cumberland County Registry of Deeds within 90 days of the date of approval of the subdivision by the Planning Board; and
11. That these conditions of approval and the Final Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, 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.