



**Town of Gorham
NOVEMBER 7, 2005
PLANNING BOARD MINUTES**

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

Members Present:

**HAROLD GRANT
DOUGLAS BOYCE, VICE. CHAIR.
THOMAS HUGHES
CLARK NEILY
SUSAN ROBIE
MARK STELMACK**

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 7:00 p.m. and read the 7 item agenda. The Clerk called the roll, noting that Michael Parker was absent.

1. APPROVAL OF MINUTES: OCTOBER 3, 2005

Clark Neily MOVED and Thomas Hughes SECONDED a motion to approve the minutes of October 3, 2005, as written and distributed. Motion CARRIED, 5 ayes (Michael Parker absent and Mark Stelmack abstaining as not having been present at the October 3, 2005 meeting). [7:01 p.m.]

APPROVAL OF MINUTES: OCTOBER 17, 2005

Clark Neily MOVED and Thomas Hughes SECONDED a motion to approve the minutes of October 17, 2005 as written and distributed. Motion CARRIED, 6 ayes (Michael Parker absent). [7:03 p.m.]

2. SITE PLAN AMENDMENT – “VIP PARTS, TIRES & SERVICE/GORHAM STORE” - off COUNTY ROAD by VIP, INC.

PUBLIC HEARING

Request for proposed amendments to the approved Site Plan for VIP Gorham store involving revisions to the building. Zoned SR; Map 6/Lots 5 & 6.

Rick Licht, Land Use Consultants, introduced Dan Hourihan, Vice President of Real Estate for VIP, and explained that the proposed Site Plan amendments are as a result of proposed costs exceeding budget, with a resulting elimination of the originally proposed basement and a slight expansion of the ground floor level footprint by 4 feet to the north and to the south, increasing the original 10,411 square foot building to a single story 11,267 square feet building with removal of the basement altogether.

Mr. Shields made the staff comments, noting that there were three issues to be considered in the expansion request: 1) there is no adverse impact on parking; 2) a small amount of landscaping will be lost in the front of the building, but an adequate amount remains; and 3) there is no impact on the architecture of the building.

PUBLIC COMMENT PERIOD OPENED: None offered.

Clark Neily MOVED and Douglas Boyce SECONDED a motion to grant VIP, Inc.’s request for an amendment to the previously approved site plan located off County Road, zoned Suburban

Residential, Map 6, Lots 5 and 6, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Michael Parker absent). [7:07 p.m.]

3. PRIVATE WAY PLAN – “HANSEN WAY” off 41 DINGLEY SPRING ROAD by MARK E. & KARA L. HANSEN

Request for approval of a proposed 645’ private way to serve 1 residential lot. Zoned SR; Map 81/26.002.

Mr. Grant noted that this item has been withdrawn from the Agednda this evening at the request of the applicant.

Susan Robie MOVED and Clark Neily SECONDED a motion to postpone discussion of this item until the revised plans have been submitted and reviewed by staff and the applicant is ready to return to the Board. Motion CARRIED, 6 ayes (Michael Parker absent) [7:08 p.m.]

4. DISCUSSION: SUBDIVISION PLAN – “SPRING FARM” – off DINGLEY SPRING ROAD – by KENNETH & LISA SPILLER

Request for discussion of the requirement for the provision of public water for a proposed 9-lot residential subdivision with 1 internal road on 20.32 acres off Dingley Spring Road, on land of Heirs of Alvin Spiller. Zoned Rural; Map 81/Lots 21&22 located within the Public Drinking Water Supply Source Water Protection Area for Dingley Spring Estates.

Tom Greer, Pinkham & Greer, appeared on behalf of the applicants and stated that they are limiting their discussion this evening to the requirement for the provision of public water. Mr. Greer said that Mr. Spiller’s intent is to use this development to raise enough cash to keep the remainder of his 173 acres open. Mr. Greer indicated that Mr. Spiller believes that having to provide public water is not economically feasible and puts the viability of his project in doubt. Mr. Greer noted that with public water over a mile away, extending it to this site is not practical, but staff has indicated that they should figure in to their calculations the proximity of the project next to them, which would be within 1000 feet; however, Mr. Spiller does not want to be held hostage to that project. Finally, Mr. Greer indicated that there is ledge present which would make it more costly to extend public water, and Mr. Spiller would have to develop more of his land to make the economics work.

Mr. Shields gave the staff comments, noting that there is no “manipulation” of the numbers, it is simply a matter of putting three numbers provided by the applicant’s engineer into a computer program which generates the results provided for the Board’s review. Mr. Shields said he had run the ledge assumption numbers for the Board’s consideration, and even with blasting 100% of the new road for ledge the cost difference is inconsequential. Mr. Shields pointed out that should the applicant wish to request an exemption, additional engineering work would be required. Mr. Shields also pointed out that the Portland Water District has met with the abutting project, and no major issues have been found which would prohibit water utilization. He said that in addition to the costs not being unreasonable, as shown by the calculations provided to the Board, the anticipated benefit of extending public water to the entire Dingley Spring area is enormous and sets a precedent in protecting nearby natural resources.

The Board concurred that no public comment would be appropriate at this time. Mr. Grant commented that everyone on the Board well understands the ordinance and the calculation methods employed to determine the cost of extending public water. Mr. Hughes said that he is concerned about the impact of any new development on the Dingley Spring area water source, and if another development is willing to extend public water, it would be foolish to exempt this project from public water. Mr. Boyce asked about the anticipated timing of the other development. Mr. Shields replied that a revised preliminary plan could

be ready to come before the Board within the next 30 days. Ms. Fossum replied that that applicant is working with the Portland Water District and hopefully the work would be done ahead of the DOT's work. Mr. Boyce asked Mr. Greer if the abutting applicant had the public water main already in place within 900 feet of this development, would this applicant be more inclined to extend public water. Mr. Greer said he would have to look at the numbers more carefully, but he did not believe it would make sense for Mr. Spiller to do this project and extend water that far as he would not get enough for the lots with or without public water.

Mr. Grant said that the formula that must be followed is clear-cut, and it is the applicant's option to have test borings done to show how much ledge is there to challenge the numbers. Mr. Neily said that the ordinance should be put into effect and public water should be extended. Mr. Grant said that there could be extenuating circumstance in the future, but at this time the Board concurs with the conclusion reached by staff that public water should be provided. Ms. Robie said that staff's calculation assuming 100% ledge indicates that even with test borings the same conclusion will be reached because it is within \$500. Mr. Stelmack asked if the applicant can challenge staff's numbers. Mr. Grant commented that the only way the numbers can be changed is if there is a mistake in the number of linear feet or if they hire an engineer to perform test borings to determine the percentage of ledge. Mr. Shields agreed with Mr. Grant's comments, and said for the record that the numbers are only one piece of the puzzle and that if a project is for a certain number of lots and is within a certain zone, the ordinance requires that public water must be provided to that subdivision. Mr. Shields said the Board can look at other pieces of the puzzle, such as the provision of public water being necessary for the orderly extension of the public water system or for the development of the area in accordance with the Comprehensive Plan. [7:27 p.m.]

5. PRE-APPLICATION CONFERENCE: SUBDIVISION – off 423 SOUTH STREET by LEO J. KILEY

Discussion of a proposed plan for an 11-lot residential, cluster subdivision with 10 new lots and a 900' rural access road, on 26 acres, on land of Audrey Gerry. Zoned R; Map 5/Lot 21.

Jon Whitten, Sebago Technics, appeared on behalf of the applicant and gave an overview of the project, saying that an 11-lot subdivision is being proposed, with 3 lots being retained by the applicant. Mr. Whitten spoke of access for Lot 11 being off South Street, noting staff's and the Fire Chief's concerns about this access; however, he said there is more than 500 feet of sight distance in either direction. Utilities for the subdivision would be underground and each lot would have an individual well and septic system. Mr. Whitten said that the cluster subdivision is being proposed only in reduction of road frontage and of the front setback, requesting a minimum of 100-foot frontage and a minimum of 25-foot front setback in order to allow the development to occur outside of the stream area. The smallest lot size in the cluster plan is 46,000 square feet. Mr. Whitten showed the Board a traditional subdivision sketch plan with 200-foot frontage on roads and 50-foot front setbacks and at least an area of 60,000 square feet in each lot. Under this plan, the road is significantly longer and the lots have the ability to own the stream area.

Mr. Shields gave the staff comments, noting that the Board has received two different plans, one cluster and one conventional. He said that staff recommends limiting access to Lot 11 from inside the development, possibly through a small strip of land off the cul-de-sac accessing the rear of the lot.

Mr. Hughes asked Mr. Whitten if consideration could be given to a shared driveway for Lot 11 with Lot 10; Mr. Whitten said he would consider that as a possibility. Mr. Whitten replied to a question from Mr. Grant that under the cluster plan, the space at the rear of the property would become open space. Ms. Robie said she would prefer to see Lot 11's access from the cul-de-sac and asked if the extension of public water will be an issue. Mr. Shields said in fairness to the last applicant, the calculations should be

run. Mr. Whitten told Mr. Grant that the proposed new road lines up exactly across the street from the existing subdivision.

PUBLIC COMMENT PERIOD:

Mr. Shields read into the record the following letter from William Hebert, dated November 1, 2005 and addressed to the Planning Director:

“Re: Agenda Item #5 on the November 7, 2005, Gorham Planning Board meeting. Received this information by mail.

Dear Debrah:

Due to a prior commitment, we will not be able to make the above meeting. However, would like to express our views and concerns on this project.

Over the past few years we have experienced a great deal of growth and development in this area. To add a cluster subdivision of this size in a rural part of town without public water or without public sewer does not show smart planning strategy.

In my opinion this is one of the main roadways into the Town of Gorham that still has somewhat of a rural setting. Do we want to create a precedent that changes this area drastically?

Therefore, I would like to go on the record as opposing this cluster subdivision.

Sincerely,
Bill Hebert”

PUBLIC COMMENT PERIOD ENDED.

Mr. Grant directed that a site walk be scheduled. [7:40 p.m.]

6. PRE-APPLICATION CONFERENCE: SUBDIVISION AMENDMENT & PRIVATE WAY – “WEST SKY” - off 297 NARRAGANSETT STREET by JASON T. WAGNER

Discussion of a proposed amendment to the approved subdivision plan for one additional lot and private way. Zoned SR; Map 35/Lot 5.005.

Tom Greer, Pinkham & Greer, appeared on behalf of the applicant and described the proposal to split a 4.22 acre parcel and create two lots with a private way with a hammerhead turnaround.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

The Board concurred that no site walk need be scheduled. Mr. Shields noted that more information will be needed. [7:45 p.m.]

7. PRE-APPLICATION CONFERENCE: SITE PLAN – “MOODY’S COLLISION CENTERS/GORHAM – 192-200 NARRAGANSETT STREET by SHAWN H. MOODY

Discussion of a proposed plan for the expansion of Moody’s Collision Center with a 18,000 square foot building and 10 additional acres of vehicle storage. Zoned ND; Map 39/Lot 22.

Shawn Moody explained the proposed expansion plan of a new collision repair facility and the development of an additional 10 acres of vehicle storage.

Ms. Fossum noted that this is a major site plan and the applicant has submitted a full plan which staff is still in the process of reviewing, but it was suggested to the applicant that he appear before the Board so that the Board could determine if a site walk will be required.

Mr. Shields told Mr. Grant that a DEP site location permit will be required, and also commented that at a seminar recently, during a discussion of DEP's new stormwater regulations, this project was commended as a model of what DEP would like to see. Mr. Moody credited staff with having encouraged him to seek the DEP permitting, and said that instead of containing stormwater with structures such as catch basins and detention ponds, the current DEP concept is to attempt to leach groundwater on site prior to releasing it.

PUBLIC COMMENT PERIOD OPENED:

Sharon Johnson, 50 Twilight Lane, asked Mr. Moody to show on his plan what the approximate distance is to Harding Road and to show how the proposal will impact her property. Mr. Moody offered to walk the site with Mrs. Johnson.

PUBLIC COMMENT PERIOD ENDED.

Mr. Grant directed that a site walk be scheduled and suggested that abutters come to the site walk with their questions.

8. ADJOURNMENT

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Michael Parker absent). [7:58 p.m.]

Respectfully submitted,

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

2. SITE PLAN AMENDMENT – “VIP PARTS, TIRES & SERVICE/GORHAM STORE” - off COUNTY ROAD by VIP, INC.

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 all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Cumberland County Soil and Water Conservation District, Department of Environmental Protection, dated March, 1991;
4. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
5. The building will be completely sprinkled meeting all applicable sections of the Town’s Sprinkler Ordinance. Rack sprinkling will be considered for the basement storage area.
6. The sprinkler plans shall be sent to the State Fire Marshal’s Office and the Gorham Fire Department for review and permitting. The plans shall be sent to the Fire Department at least two weeks prior to the start of installation of the system.
7. A complete set of building construction plans shall be provided to the Fire Department at the time a building permit is issued. The building construction plans shall also be sent to the State Fire Marshal’s Office for review and permitting.
8. A separate room shall be provided with an outside door for the sprinkler main controls. The outside door shall be labeled sprinkler control room. Other utilities may be placed in this room as well.
9. The building shall meet all applicable sections of the NFPA 101 Life Safety Code, and NFPA Fire Prevention Code 1.
10. An emergency hazardous materials plan shall be provided to the Fire Department. A complete list of Hazardous Materials and MSDS sheets shall be provided to the Fire Department.
11. The fire alarm system for the building shall meet NFPA 72. The fire alarm installer shall meet with the Fire Department with plans for the system before the start of the installation.
12. That prior to the commencement of any site improvements and/or earth-moving activities, representatives of the developer, general contractor, site contractor, and the site design engineer shall arrange for a pre-construction meeting with the Town Planner and other staff members to review the proposed commencement date of the project, the overall schedule of improvements, conditions of approval, and site plan requirements;

13. That the site improvements shall be completed as shown on the approved plans prior to request for either temporary or final occupancy permits for the building; or a performance guarantee, covering the remaining site improvements shall be established through the Planning Department;
14. That no building permit shall be issued until the applicant has received final approval from MDOT through a developer/state agreement and the Town of Gorham Director of Public Works for the proposed improvements to Route 22/114, and the applicant shall provide a performance guarantee in an amount equal to 125% of the cost of all of the off-site roadway improvements required by the approvals of the MDOT and the Town of Gorham Director of Public Works;
15. That prior to the issuance of a building permit, the applicant shall provide an updated analysis of the site driveway based on the proposed improvements with the center two way left turn lane for review and approval by the Town's Traffic Consultant;
16. That a note shall be added to the plan which reads that there shall be no open outside storage of materials on the site;
17. That all lighting, with the exception of security and flagpole lighting, shall be turned off at 10:00 p.m.; and
18. That prior to the issuance of a temporary or permanent occupancy permit for the building, the applicant shall complete construction of the center two-way left turn lane, and
19. That the conditions of approval 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 the issuance of any building permits or commencement of any improvements on the site.