



**Town of Gorham
JANUARY 9, 2006
PLANNING BOARD MINUTES**

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

Members Present:

**HAROLD GRANT, Chairman
DOUGLAS BOYCE, Vice-Chair
THOMAS HUGHES
CLARK NEILY
SUSAN ROBIE
MICHAEL PARKER
MARK STELMACK**

Staff Present:

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

The Chairman opened the meeting at 7:00 p.m. and read the agenda. The Clerk called the roll, noting that all members were present.

1. APPROVAL OF MINUTES: DECEMBER 5, 2005

Michael Parker MOVED and Thomas Hughes SECONDED a motion to approve the minutes of December 5, 2005, as written and distributed. Motion CARRIED, 6 ayes (Clark Neily abstaining as not having been present at the December 5, 2005 meeting). [7:02 p.m.]

Mr. Grant asked that he be excused from participation in the Item 2 on the Agenda for personal reasons.

Clark Neily MOVED and Mark Stelmack SECONDED a motion to excuse Mr. Grant from participation in Item 2. Motion CARRIED, 6 ayes (Harold Grant abstaining). [7:03 p.m.]

Mr. Boyce, Vice Chairman, assumed the chair.

**2. ZONING MAP AMENDMENT - DINGLEY SPRING ROAD - by PAUL L. & BONNIE L. YOUNG, DANIEL A. & LYNN A. SAWYER, AND ROGER E. & GEORGANNE HANSCOM
PUBLIC HEARING**

Proposed amendment to the Official Zoning Map to rezone 159, 163 & 169 Dingley Spring Road from Suburban Residential District to Roadside Commercial. Map 76/Lots 28, 29 and 27.002.

Paul Young appeared before the Board and explained that he had approached the Town Council to have his property at 159 Dingley Spring Road rezoned from Suburban Resident to Road Commercial so that he could move his business, Paul's Alignment Service, from 133 Dingley Spring Road to his home. Mr. Young said he has adequate land for parking and the area already has automotive service sites. The Ordinance Committee directed the Town Manager to contact the property owners whose properties lie between Mr. Young's and Dana Lampron's on the corner of Route 25, which was rezoned by the Town Council two years ago to Roadside Commercial, to see if those property owners would be interested in having their properties rezoned as well. When the Sawyers and the Hanscoms did indicate an interest, the proposed amendment to the zoning map was subsequently expanded to include their properties. That proposed expanded amendment is now before the Planning Board.

Ms. Fossum explained that this area of Gorham is identified on the future Land Use Plan map as one of several proposed Outlying Neighborhood Centers, suitable for a Neighborhood Center, "which should function as a small-scale village that provides pedestrian pockets and limited commercial services." She noted that the Town Council has approved 3 amendments to the zoning map in this area: (1) the Wescott land which has been developed as a retail business, (2) the John Phinney land, which remains undeveloped, and (3) the Lampron lot at the corner of the intersection of Dingley Spring and Route 25

which has been developed as a display lot for Ossipee Trail Motors. Ms. Fossum pointed out on the zoning map where the zoning has been changed over the years to Roadside Commercial. She noted that the Roadside Commercial zone permits retail commercial uses as well as light industrial uses, and is the one zoning district that permits auto-oriented businesses.

In response to a query from Ms. Robie, Ms. Fossum replied that there is no public water in this area, the nearest public water is in Standish. Answering a question from Mr. Hughes, Ms. Fossum said that the present use by Mr. Young at 133 Dingley Spring is grandfathered as it probably predates the zoning ordinance. Mr. Stelmack asked Ms. Fossum what uses were envisioned in this area as a Neighborhood Center. She replied that while she did not participate in the development of the Plan, she believes that "limited commercial services" and "small scale retail uses" were envisioned, such as barbershops, hairdressers, butcher shops and bakeries, mini-marts. In response to a question from Mr. Stelmack, she said that the Lampron Mini-Mart would be consistent with the Neighborhood Center concept, although growth has been more consistent with the auto-related Roadside Commercial designation. The Council has approved those changes as they have come forward, and she confirmed to Mr. Stelmack that the Council has felt they could encompass these types of uses. Finally, Ms. Fossum noted that Mr. Young's request to relocate his business from its current location to the parcel if rezoned would require site plan review.

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

Mr. Boyce asked if any of the Board members wished to take a site walk; no one expressed any interest. Mr. Neily noted that inasmuch as the Ordinance Committee took the trouble of asking the two abutters if they were interested in having their properties rezoned, it is apparent that they view such a rezoning favorably. Mr. Hughes concurred with Mr. Neily, but commented that a formal review of the 1993 Comprehensive Plan should be undertaken. Mr. Boyce expressed concern about the interests of remaining residential abutters, saying that the Code is not protective of the neighbors, particularly where noise is concerned, and that future uses of these properties could impact the abutters,. Mr. Boyce noted, however, that inasmuch as there is no opposition made to the proposed rezoning, he can only assume that the adjacent property owners either are in favor of or are neutral about the proposal. Mr. Boyce said that in the absence of any public commentary to the contrary, he is prepared to support the request. Mr. Stelmack said that a strict interpretation of the Comprehensive Plan might indicate that this proposed change in the zoning and the proposed use might not be consistent with the Plan, but as it appears that the Council seems to want to encourage the zone change and the automotive-type related businesses, he is in favor of the proposal as well. Mr. Parker commented that the proposed location for the use is more appropriate as most of that land is zoned Roadside Commercial, saying that while he shares the Fire Chief's concern about the lack of public water and the concern that the protection study of the sand gravel aquifer has not been performed in accordance with the wishes of the Comprehensive Plan, he will support the rezoning.

Mr. Stelmack suggested re-phrasing the proposed Motion to indicate that the proposed rezoning is not necessarily consistent with the Comprehensive Plan; but, however, that it is consistent perhaps with the development in that area during the past decade. Mr. Parker said that the minutes would show the Board's feelings about the consistency of the use and there is no reason to put it in the motion. Ms. Fossum said that ultimately the Council will make the determination of consistency. Mr. Boyce suggested striking the first sentence of the proposed motion about the rezoning being consistent with the Comprehensive Plan. The Board concurred with Mr. Boyce's suggestion.

Clark Neily MOVED and Michael Parker SECONDED a motion to recommend adoption of the proposed map amendment requested by Paul and Bonnie Young, Daniel and Lynn Sawyer, and

Roger and Georganne Hanscom to rezone the parcels of land located at 159, 163 and 169 Dingley Spring Road and which are shown on the current Tax Assessor's Maps as Map 76/Lots 28, 29 and Lot 27.002, from Suburban Residential/Manufactured Housing to Roadside Commercial. Motion CARRIED, 6 ayes (Harold Grant excused). [7:35 p.m.]

Mr. Grant resumed the chair.

**3. SITE PLAN AMENDMENT – “SHEPARD’S WAY” – off LIBBY AVENUE - by ADAM BLAIKIE & ASSOCIATES, LLC [IRVING, GREG & MARK PATTERSON, MEMBERS]
PUBLIC HEARING**

Request for approval for an amendment to add three additional building designs. Zoned Rural; Map 27/Lot 1.

Steve Bourque, PATCO Construction, explained that the 3 additional designs are designed to accommodate increased demand for larger square footage. He said the designs will not impact impervious areas and they are consistent with what is currently being offered.

Mr. Shields gave the staff comments, noting that the original proposal allowed for 7 different building styles, and one of the Conditions of Approval stated that “... no one single type of unit shall exceed 30% of the total number of units constructed within the development.” Mr. Shields said the three additional styles will not result in any increase to the impervious area, and that with the approval of the amendment, the applicant still will be able to meet the 30% Condition of Approval. He said that the amendment is to the site plan only and not the subdivision itself.

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

Douglas Boyce MOVED and Susan Robie SECONDED a motion to approve Adam Blaikie & Associates, LLC’s request for an amendment to the Shepard’s Way condominium site plan to add three additional building styles with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:46 p.m.]

The Chairman noted that Mr. Parker was excused from participation in this Item as he has been in the past.

4. STREET ACCEPTANCE REPORT – “SCROGGIE WAY” – off OSBORNE ROAD - by MICHAEL & CAROLYN PARKER

Request for acceptance of “Scroggie Way” in the Gorham Pines Subdivision as offered by Michael & Carolyn Parker. Zoned Suburban Residential; Map 36/Lots 21 & 22.

Ms. Fossum presented the Street Acceptance Report, noting that the base paving was placed in November of 2004 and has overwintered one year. The street has been constructed to the standards for an urban access road and is 837 feet long. She said the record drawings have been provided and all legal documents have been approved. The developer is required to provide a one-year road maintenance guarantee, which has been set at \$5,000. The developer is also required to establish a road improvement account for the final paving, and that amount has been set at \$17,699. She said the Town is holding a performance guarantee on the road, and the funds will be transferred to the appropriate accounts with the developer adding the small amount needed to fully fund both required accounts. She noted that the

additional information required by the Director of Public Works and the Town Engineer from the paving contractor is minor and should not prevent the Board from moving forward.

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

Clark Neily MOVED and Douglas Boyce SECONDED a motion to recommend acceptance of Scroggie Way in the Gorham Pines Subdivision, prior to placement of the final surface coat of paving, as offered by Michael and Carolyn Parker, subject to receipt of the additional paving information requested by the Public Works Director. Motion CARRIED, 6 ayes (Michael Parker excused). [7:52]

Mr. Parker returned to the table.

- 5. FINAL SUBDIVISION / PRIVATE WAY PLAN – “McADAM SUBDIVISION” / “McADAM DRIVE” – off 253 NEW PORTLAND ROAD – by LAURENCE J. & LINDA H. KEEF**
Request for final plan approval of a two-lot residential subdivision and 275’ +/- private way on 10.68 acres. Zoned Rural; Map 29/Lots 4.202 & 4.001.

Les Berry, BH2M Engineers, appeared on behalf of the applicants and indicated that the revisions suggested by staff dealing with a stop sign and geotechnic fabric under the first 60 feet of the roadway have been dealt with.

Mr. Shields made the staff comments, noting that the applicants have confirmed financial and technical capacity and the plans are complete. He said that cost estimates have been provided by the applicants’ engineer and have been reviewed by the Town’s Engineer. He said that the details requested by the Town’s Engineer will be reflected on the plans before the Board signs the Mylar. Mr. Shields confirmed to Mr. Hughes that Condition of Approval #2 assumes that the applicants will be responsible for obtaining all required permits, noting that there are several DEP permits that applicants can obtain prior to construction, but other permits such as a Site Location Permit must be secured before approval.

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

Michael Parker MOVED and Thomas Hughes SECONDED a motion to grant Laurence and Linda Keef’s request for final subdivision plan approval of the proposed McAdam Subdivision, a 2-lot residential subdivision on 12 acres off New Portland Road, and approval of McAdam Drive, a private way, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:51 p.m.]

- 6. PRIVATE WAY PLAN – “KELLY DRIVE” – off WOOD ROAD - by J. KIRK & BETSY M. NYGREN**
Request for approval of a 433’ private way to serve 2 lots. Zoned Rural; Map 54/Lot 19.004.

Les Berry, BH2M Engineers, appeared on behalf of the applicants, and indicated that final approval is being sought for the private way only, and not for subdivision.

Mr. Shields gave the staff comments, and said that the Town Engineer has requested that certain changes be made to the final plans, which will be made by the applicants' engineer. He said that financial and technical capacity has been established.

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

Douglas Boyce MOVED and Michael Parker SECONDED a motion to Kirk and Betsy M. Nygren's request for approval of Kelly Drive, a private way, located off Wood Road, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:56 p.m.]

7. PRELIMINARY SUBDIVISION – “HARDING BRIDGE FARMS-PHASE II” off HARDING BRIDGE ROAD – by LITTLE RIVER PROPERTIES, LLC [KENNETH & CAROLYN GRONDIN, MEMBERS]

Request for preliminary plan approval of a 13-lot residential subdivision on 36.70+/- acres. Zoned Rural/Shoreland Zoning-Resource Protected; Map 50/Lot 13.

Owens McCullough, Sebago Technics, appeared on behalf of the applicant. Mr. McCullough gave an overview of the project, and said that the 2 hammerheads will be removed from Phase I and the roadway will be looped, and that approval is being asked for a private way to serve one lot to provide frontage for that lot and to provide access to the Althea Irish property which abuts this project and which was landlocked when Harding Bridge Road was discontinued by the Town. He said that the private way as proposed will be constructed in excess of the one-lot private way standard, 18 feet in width as opposed to the requisite 12 feet in width, and the gravel section will be increased to a higher standard. Mr. McCullough said that Mr. Irish had requested that the private way be built to the higher standard in the event he ever decided to develop that property. The applicant, however, proposes to retain the fee interest in the right of way. Mr. McCullough said that they hope to secure their Site Location Permit approval no later than early February. He indicated the site will be serviced entirely by public water, on-site septic systems, underground utilities, and there is a substantial “no disturbance” buffer for the building envelopes along the river. Mr. McCullough also noted that access will be maintained to the river and the easement has been widened by the bridge.

Mr. Shields gave the staff comments. He said that in this instance, the DEP Site Location Permit is one, which must be secured before the applicant returns before the Board for final approval. Mr. Shields said that a future right of way must be provided to adjacent abutting land, and the proposed private way would serve both to provide legal frontage for Lot 21 and to provide the required future right of way. He noted, however, that staff is concerned about two issues involving the proposed private way: (1) the proposed private way construction, saying that such a “hybrid” private way having a base construction of a rural access roadway and a road width between a one lot and a 2 to 6 lot private way is not consistent with the requirements of the Code; and (2) the fact that the fee interest in the right of way is proposed to remain with the developer is also of concern to staff, as the Town usually gets the fee interest in a future right of way to abutting property. He asked the Board to consider if the fee interest being held by one single land owner would meet the spirit of the ordinance regarding a future right of way to undeveloped land as part of subdivision regulations, which could be accomplished with the Town being granted an access easement. He said that if the applicant is not willing to do that, then the Board must decide if future access is actually being provided to undeveloped land.

Mr. Shields told Mr. Neily that the right of way width is 50 feet. Mr. Neily asked if this developer has given a right of way to the Irish property owners. Mr. McCullough replied that the developer proposes to

retain fee ownership in the right of way and have agreed to give the Irishes the right to go over the right of way, with such a notation added to the final plan. Mr. Grant said the Board must address the issue of providing a future right of way to the Irish's landlocked property and asked about the placement of the right of way in relation to the topography. Mr. McCullough replied that the right of way could be widened at a later date and all of the grading is located within the 50 foot right of way, but a 15 foot wide grading easement could be provided outside of the right of way in order to allow the Town to perform maintenance should they ever take the road over. Mr. Grant suggested that the 50 foot right of way should be able to accommodate a 2-6 lot private way with whatever easements are needed outside the 50 feet and the Town Attorney should be asked to work with staff to get the proper wording so that it can be used to access the abutting property in accordance with the code. Mr. Parker said that a problem can arise if a private way is used as a right of way to adjacent land as often permission of the owner or owners of the private way. He suggested that the only person interested in building the road wider is the person who would have access to it and who wants to put a second lot to upgrade the required standard, and therefore he would encourage the developer to approach the Irishes and ask them to pay the difference between what is proposed and a 2 to 6 lot subdivision. Mr. Grant said the Board cannot impose a burden on this developer to improve the road for someone else. Ms. Robie asked if the developers give the Irishes a right of way over the 50-foot right of way, would there be a problem with the Irishes using it. Mr. Grant said they may not be able to upgrade it to a standard for more than 1 lot if the road cannot be widened. Mr. Neily said that once the right of way is given over the private way, the onus is on the Irishes to make a road that is acceptable for a 2 to 6 lot development. Mr. McCullough said he would like to check on any slopes or grading that would have to go outside the 50 foot right of way, and said that Mr. Grondin would like to maintain the fee ownership but would have no problem with putting together language to insure that the Irishes have rights to travel over it, improve it, or run utilities through it.

Mr. Grant said he believes there are two issues: one is to make sure that what the applicant is offering as an easement meets the Town's requirements and second, Mr. McCullough will verify that should the road be upgraded to a higher standard to accommodate 2 to 6 lots, it can be done in the land that is available for them to use. Mr. Shields said that this is not the ideal location but it does satisfy the requirement for a future right of way; however, access does not go to the Irishes, it must come back to the Town in some fashion in order to meet the subdivision requirements for a future right of way. He said that the Board must determine if the private way meets the requirement for a future connection to undeveloped land, and the only way to meet that requirement is to give access to the Town. Mr. Shields noted that deeding the Town a public access easement over the private way for its full length as part of the subdivision requirement removes the possibility of jeopardizing street acceptance. He said that fee interest can be retained by the developer or given to the owner of lot 21, the only thing the Town gets when it accepts the new road system is the future right of way. Mr. Shields said the road construction should be consistent with the ordinance and suggested that the road construction not be to rural access standards on the private way. Mr. Grant concurred with Mr. Shields, saying that the easement should go to the Town of Gorham, and the developer can make the private way whatever width he chooses, but it is necessary to be sure that it can accommodate being upgraded without going outside the 50 foot right of way. Mr. Stelmack asked if the abutting property could accommodate more than 2 to 6 lots; Mr. McCullough replied that in view of the topography he did not believe that more than 6 lots would be possible, if even that many.

Mr. McCullough said the private way is intended to always be a private way and asked if under those circumstances, could it not stay under private ownership. Mr. Grant said that he believes the applicants need to satisfy the Town Attorney and staff that it meets the requirements of the ordinance before coming back for final approval.

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

Douglas Boyce MOVED and Susan Robie SECONDED a motion to grant Little River Properties, LLC's request for preliminary subdivision plan approval of the proposed Harding Bridge Farms, Phase II, a 13-lot residential subdivision on 36.70 acres off Harding Bridge Road, zoned Rural, Map 50, Lot 13. Motion CARRIED, 7 ayes. [8:30 p.m.]

Ten Minute Stretch Break to 8:40 p.m.

8. PRELIMINARY SUBDIVISION – “SHIERS MEADOWS” / “SHIERS MEADOWS DRIVE” off COUNTY ROAD – by RICHARD R. SHIERS & CONSTANCE M. SHIERS

Request for preliminary plan approval of a 3-lot residential subdivision with a 735' private way on 5.28+/- acres. Zoned Rural; Map 4/Lot 4.001.

Les Berry., BH2M Engineers, appeared on behalf of the applicant and asked that the Board waive the 90-degree intersection angle as required in the design standards. He said that a private way has been constructed along Lot 1, which has already been sold.

Mr. Shields gave the staff comments, noting that the private way will need to be certified along its entire length, which will be a condition of approval. He said that staff and the review engineer do not see a problem with the proposed intersection angle and the Board has the approval to allow it and believe that the plans are ready for preliminary approval.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD CLOSED.

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion to grant the applicant's request for a waiver of the 90-degree minimum street intersection angle required by the Land Use and Development Code. Motion CARRIED, 7 ayes. [8:44 p.m.]

Douglas Boyce MOVED and Clark Neily SECONDED a motion to grant Richard and Constance Shiers' request for preliminary approval of the proposed Shiers Meadow Subdivision, a 3 lot residential subdivision on 5.28 ± acres off County Road, zoned Rural, Map 4, Lot 4.001. Motion CARRIED, 7 ayes. [8:45 p.m.]

9. PRE-APPLICATION CONFERENCE: SITE PLAN – RESTAURANT - 29 SCHOOL STREET – by FOUR BROTHERS, LLC [ANGELO, MICHEL, ANTHONY & MARCO SALVAGGIO, MEMBERS]

Discussion of a proposal for a change of use to locate a restaurant, bakery, deli, coffee house, pizza shop, function hall & wellness center, on the premises of the current School Street United Methodist Church. Zoned VC & UR; Map 102/Lot 83.

Michel Salvaggio, President of Four Brothers Incorporated, appeared to discuss the proposed site plan/use of the Methodist Church on 29 School Street and advised that Walt Stinson of Sebago Technics and John Adams, senior traffic engineer, were also present. He said that he is joined in this venture by two of his brothers, Angelo Anthony as Vice-President and Marco David as Treasurer and Secretary. He said that the plan proposes to provide a place of social function in several fields of the customer service and hospitality industry for the community of Gorham and its university residents, those being a delicatessen, a full service bar serving restaurant style food and a holistic healing center. Mr. Salvaggio presented an

outline of his business plan to the Board, and told the Board that he had had a similar business in Denver, Colorado. He indicated that there will be no new construction, no exterior changes, and the building will be sprinkled. He said that the site is zoned for the activities that are contemplated.

John Adams, senior traffic engineer with Sebago Technics, presented trip generation figures based on the ITE manual for the proposed peak trip generation re-use of the Church facility. Mr. Stelmack commented that the proposed use figures are somewhat nebulous, and Mr. Neily suggested that the applicant use the Church's average Sunday attendance figures for more accuracy. Mr. Hughes commented that traffic issues in the area are a given, and the "big nut" that needs to be addressed is the question of parking for the site.

Mr. Salvaggio said that there had been some discussions with 7-11 with a view to building a small parking lot behind that facility, and that other business entities in the vicinity, including the Congregational Church next door to the Methodist Church property and Gorham Savings Bank, could be contacted to discuss the possibility of sharing of parking facilities. He said he believed that there would be a lot of foot traffic by USM students.

Mr. Grant quoted from the Code, Performance Standards, Chapter II, "Off-Street Parking Standards, Item 9," page 131, paragraph 4) that "Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access if safe and convenient. Such parking areas shall be held under the same ownership or lease, and evidence of such control or lease shall be required. Such lots shall be located within business or industrial districts." He also read from page 133, Item 8, "The Planning Board may reduce the off-street requirements of 2) in the following situations, paragraphs a) through e)," saying that the two which seem appropriate are "d) For the reuse or redevelopment of a parcel in the Village Centers or Urban Commercial Districts if the Planning Board determines that the new use will not significantly increase the demand for parking compared to the former use" and paragraph e) "For uses in the Village Centers or Urban Commercial Districts if the Planning Board determines that the demand for parking will be less than the standard because some customers/users will walk or take alternative transportation to the site." He further quoted from Item 9," that "The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments." Mr. Stelmack suggested that the applicant conduct a survey among USM students to ask if they walk to the Village Center now and would they walk to this new establishment, and said those numbers would give the Board a better idea if any of the parking requirements could be waived.

Mr. Hughes noted that the Planning Board would like to see this project succeed, but the parking is an issue that needs to be resolved. Mr. Neily said he would like to see the Church be successful in selling the building, and hoped that the applicant would pursue alternative off street parking options. Mr. Parker concurred that he hoped the applicant could be successful.

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

Mr. Adams said that they would probably ask for a waiver on the requirement to perform a boundary survey as they do not propose to change anything on the site. Ms. Fossum said that in the past when the survey has been waived it has been because there are markings or something in place, which establish the

boundaries. Mr. Adams also said they might want to ask for a waiver on parking as well. Mr. Grant quoted from page 207 of the Code, "Waivers," that "The Planning Board shall have the authority to waive specific site plan review requirements as may be reasonable and within the general purpose and intent of this district by an affirmative vote of at least five of the seven members, if the granting of a waiver shall not have a significantly adverse impact on the environment, the public health and safety, or the cost of providing municipal services. The applicant shall submit a waiver request in writing accompanying the site plan application submission. The Planning Board shall state upon its records the reasons for granting any specific site plan waiver." Mr. Adams said that the summary of their traffic analysis is that the trips generated and the parking required was going to be significantly greater than what is going on now.

Mr. Boyce asked that a site walk be scheduled, Mr. Grant concurred.

10. ADJOURNMENT

Michael Parker MOVED and Douglas Boyce SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:34 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2006

3. SITE PLAN AMENDMENT – “SHEPARD’S WAY” – off LIBBY AVENUE - by ADAM BLAIKIE & ASSOCIATES, LLC [IRVING, GREG & MARK PATTERSON, MEMBERS

Approved
Conditions of Approval

1. That this approval is limited to the specific amendment requested and is dependent upon, and limited to, the proposals and plans contained in the 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 minor changes which the Director of Planning may approve; and
2. That all conditions of approval attached to the original site plan approval shall remain fully in effect;
3. That these conditions of approval 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.

5. FINAL SUBDIVISION / PRIVATE WAY PLAN – “McADAM SUBDIVISION” / “McADAM DRIVE” – off 253 NEW PORTLAND ROAD – by LAURENCE J. & LINDA H. KEEF

**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, land clearing and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange pre-construction meeting's with the Planning Department, 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 prior to the issuance of any occupancy permits within the subdivision, each structure shall be properly numbered with the number visible from the street year round;
5. That at least one week prior to the date of the pre-construction meeting, a complete set of the final approved plan set will be delivered to each of the following: (1) Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning;
6. 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;
7. That the applicant shall provide property line information and site information in auto-cad (version 2000) format to the Town of Gorham Planning Director prior to the scheduled pre-construction meeting;
8. That the private way shall be maintained for emergency vehicles year-round;
9. That all homes within the subdivision will be sprinkled and the sprinkler plans must be submitted to the State Fire Marshal's office and the Gorham Fire Department for review and permitting. The plans to Gorham Fire shall be submitted at least two weeks prior to the start of construction of the system in each building;
10. That the sprinkler test papers shall be forwarded to the Fire Department before a certificate of occupancy is issued;
11. That prior to the issuance of the first occupancy permit 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;
12. That these conditions of approval, the Private Way Maintenance Agreement, Final Subdivision Plan Mylar and Private Way Plan Mylar 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 along with a receipt showing the recording of the above mentioned items shall be returned to the Town Planner prior to the commencement of construction or conveyance of any lots within the subdivision.

6. PRIVATE WAY PLAN – “KELLY DRIVE” – off WOOD ROAD - by J. KIRK & BETSY M. NYGREN

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 the approved maintenance agreement shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval 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 maintenance agreement shall be returned to the Town Planner.