



**Town of Gorham
FEBRUARY 6, 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
NATALIE BURNS, Town Attorney
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: JANUARY 30, 2006

Clark Neily MOVED and Susan Robie SECONDED a motion to postpone the minutes of the January 30, 2006, meeting until ready for distribution. Motion CARRIED, 7 ayes. [7:01 p.m.]

2. ZONING MAP AMENDMENT – 615 MAIN STREET

PUBLIC HEARING

Proposed amendment to the Official Zoning Map to rezone the Merriman property located at 615 Main Street from Roadside Commercial to Industrial; Tax Map 32/Lots 13.

Frank Scherr, architect of record for Nappi Distributors, explained that Nappi is a commercial beer and wine distribution facility, a marketing business that focuses on delivery product to its clients. He said that the corporate offices and the distribution facility would be located at this site. Mr. Scherr noted that the property on both the east and west side of the parcel in question is zoned Industrial, and the zoning change from the site's present Roadside Commercial to Industrial is being sought primarily to fit the use of the distribution facility to the site.

Ms. Fossum discussed the site's location, and explained that the requested rezoning is a logical expansion of the existing Industrial District. She said that the Board's role is to review the suitability of the requested zoning and to determine the consistency of the proposed use with the Comprehensive Plan. She demonstrated to the Board the areas surrounding the site and discussed their respective zoning, including the tract of land across Route 25 which has been zoned Industrial for a number of years. She said that this area of Gorham is designated "production/distribution" on the future Land Use Plan map, and referred to Chapter IV, D, page IV-4 of the Comprehensive Plan and the description of what is envisioned in "production/distribution" areas as being "areas which are "suitable for a wide variety of industrial manufacturing, distribution and service uses," and "... areas which have reasonable vehicle access from major road networks and can be effectively buffered from other uses." She also noted that the Plan says that the Town should promote "production and distribution uses" in these areas. She said that specifically the recommendation is for the Town to "...zone areas outside of the current Industrial District for production/distribution uses as needed to meet market demand." She said that these comments are meant to relate to those areas which are on the future Land Use Plan map, and this is precisely one of those areas in the Plan.

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

Mr. Hughes noted that this is a “no brainer” from the standpoint of consistency with the Comprehensive Plan and he can see no reason why this rezoning cannot be recommended for approval to the Council. Mr. Grant concurred with Mr. Hughes, and also commented that the final decision on the rezoning request lies with the Town Council. Mr. Neily concurred with Mr. Grant and Mr. Hughes, saying that the rezoning is consistent with the Plan and that he knows Nappi from previous experience, that it is a fine firm that will live up to its commitment to put up a fine facility and run it well. Mr. Stelmack agreed, saying that this is a good fit for the site and commented that the word “distribution” appears three times in the Plan so he would be happy to endorse the proposal.

Clark Neily MOVED and Thomas Hughes SECONDED a motion that the Planning Board find the proposed rezoning consistent with the Town’s 1993 Comprehensive Plan, as amended, and recommend adoption of the proposed map amendment requested by Nappi Distributors to rezone the John Merriman property located at 615 Main Street, which is shown on the current Tax Assessor’s Map as Map 32/Lot 13, from Roadside Commercial to Industrial. Motion CARRIED, 7 ayes. [7:15 p.m.]

3. ZONING TEXT AMENDMENT – ZONING REGULATIONS
PUBLIC HEARING

Proposed amendment to Chapter I, Zoning Regulations, Section V, Definitions, of the Gorham Land Use and Development Code amending the definition of Business and Professional Offices to allow the sale of tangible products on the premises as a minor and ancillary use directly related to the conduct of a given profession.

Mr. Boyce noted that as he is an employee of Hannaford Brothers Company, one of whose primary businesses is pharmacy, he asked to be excused from participation in the discussion of this item.

Clark Neily MOVED and Mark Stelmack SECONDED a motion to excuse Mr. Boyce from participation in this item. Motion CARRIED, 5 ayes and 1 nay (Michael Parker).

DISCUSSION: Mr. Parker said he did not see a conflict.

Mr. Grant asked the applicant to give the Planning Board an overview similar to what had been presented to the Town Council Ordinance Committee.

Les Berry introduced Scott Mulkern, who has the property under contract. Mr. Berry explained that he is the landowner of this parcel and the one abutting in the rear, and that he is also representing Mr. Mulkern. Mr. Berry explained that Mr. Mulkern wrote a letter to the Town Manager in September asking about a zoning change. The issue was discussed by the Council and then referred to the Ordinance Committee. Mr. Berry said he and Mr. Mulkern met with the Ordinance Committee in December and the process of how to get a pharmacy into the Office/Residential zone was discussed, and the Ordinance Committee drafted and recommended the language that has been forwarded to the Planning Board. Mr. Berry described the parcel and indicated that as owner of the abutting property, he has no objection to the proposed use, and believes it to be compatible.

Mr. Grant asked Mr. Mulkern about the proposed size of the pharmacy, whether it is to be 3500 or 2500 square feet. Mr. Mulkern replied that he is flexible.

Mr. Grant asked Ms. Fossum to explain the different language options. Ms. Fossum said that the Ordinance Committee’s original drafted language was forwarded to the Town Attorney for her review, and Ms. Burns drafted two different alternatives. Ms. Burns said that the only difference between Alternative B and the Ordinance Committee recommendation is the addition of a definition of the terms

“minor and ancillary uses” where that is a new term in the Ordinance as this introduces a new concept beyond the accessory use concept. Ms. Burns said that Alternative A is an attempt to come up with something that would directly address the pharmacy request, that it does not track directly the language the Ordinance Committee drafted, but it was felt that this was what they were talking about, so there are two things involved: one is to make a pharmacy a permitted use in the Office/Residential District with the same standards for it as under the minor and ancillary uses definition in Alternative B, but also to allow as an accessory use to certain professional offices, the accessory sales of products directly related to those professional offices. Ms. Burns said that there was some concern expressed at the Ordinance Committee that as the ordinance is written right now, it could be read, for example, to prohibit an optometrist from selling eyeglasses; this would be taken care of under the minor and ancillary uses definition in Alternative B. However, she said that if a pharmacy is made a permitted use then the additional amendment is required to make it clear that accessory sales are permitted for certain types of professional offices.

Ms. Robie asked Ms. Burns to clarify what “minor” refers to in the definition of “minor and ancillary,” if that means it has to be smaller in size than the major use or smaller in dollars. Ms. Burns replied that it is not really smaller than something else, because as proposed, a minor and ancillary use does not have to be accessory to a principal use, but it does have to be related to uses in the area. Ms. Burns said that the pharmacy is not necessarily going to be within a building with medical offices, but it is going to be in an area where there are medical offices. Ms. Burns said it could be in a free-standing building, but it should not come in as pharmacy when in fact it would be larger than that, it should be tied to the medical offices and should be selling prescription drugs and medical aids but not groceries. Ms. Burns said that the terminology of “minor and ancillary” is that of the Ordinance Committee, and “minor” means that it is not very large, and “ancillary” means it is related to uses that are allowed in that zoning district, which is a fairly limited one.

Mr. Mulkern replied to a query from Mr. Grant that the person who appeared before the Ordinance Committee is Joe Bruno, the CEO of Community Pharmacies. Mr. Grant said he believes that the Planning Board should hear the same presentation that the Town Council heard when they sent it forward to the Ordinance Committee. Mr. Grant said that there was much discussion at the Ordinance Committee meeting about what would be allowed in a pharmacy. Ms. Fossum said she understood that the discussion narrowed down the role of a pharmacy to medical related items and not the usual medically unrelated items found in larger drugstores. Mr. Mulkern said that Community Pharmacy is planning on downsizing and eliminating what is known as “front end” items and will sell items such as toothpaste and aspirins and not items like beach balls and windshield scrapers.

Mr. Hughes said he would be extremely uncomfortable voting on this at this time, that the item looks workshop oriented, that he has many questions about changing an ordinance affecting uses within a zone, and that he would recommend that a workshop be scheduled. Mr. Parker agreed with Mr. Hughes, and said that the ordinance needs to be tailored not only to the needs of the applicant but fit in others as well.

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

Ms. Robie concurred that a workshop is necessary, inasmuch as there are other professional uses within the Office/Residential District that also need to be considered. Mr. Stelmack agreed, and asked the Town Attorney if either Alternative A or B would be preferred to allow a small pharmacy but not a large box retailer. Ms. Burns replied that both are intended to meet that objective and said she did not believe that one does it better than the other, and that she would recommend that the Board consider either of the Alternatives as opposed to the original language, inasmuch as the original language did not contain definitions for minor and ancillary. She said that there was concern that in other zoning districts it might

be argued that things be allowed as minor and ancillary uses, and it was determined that it be made very clear that this concept would be allowed only in this District, and if appropriate it could be added to other districts specifically as minor and ancillary, as opposed to accessory.

Mr. Grant suggested that the Planning staff talk to the Ordinance Committee to have someone who was present at that meeting come and state their views why the amendment was sent forward to the Planning Board. Mr. Mulkern asked if Mr. Bruno should be present as well. Mr. Hughes commented that the pharmacy's lease terminates in January of 2007 so a workshop should be set up fairly soon.

Clark Neily MOVED and Susan Robie SECONDED a motion to send this item to workshop. Motion CARRIED, 6 ayes (Douglas Boyce excused).

Mr. Boyce rejoined the Board.

4. SITE PLAN – MOODY’S COLLISION CENTER – 200 NARRAGANSETT STREET – by SHAWN MOODY
PUBLIC HEARING

Request for approval of a new 17,070 sf building and vehicle storage area. Zoned Narragansett Development District; Tax Map 39/Lot 22.

Shawn Moody appeared before the Board and described the project. Mr. Moody asked the Board for three waivers: (1) to waive the requirement for the traffic study triggered by 50 or more parking spaces; (2) to accept the net density calculations based on the soils map and USGS topographic maps instead of completing a full topo and soils survey; and (3) to waive some of the buffer requirements at the rear part of the parking lot.

Mr. Shields gave the staff comments, noting that the existing and proposed uses are legal non-conforming uses which required the applicant to gain permission from the Zoning Board of Appeals to expand or enlarge the non-conforming use, which was granted on November 17, 2005. Mr. Shields spoke of the Dimensional and Performance Standards in the Narragansett Development District under which this project must be reviewed. He listed the buffering standards as follows: (a) Screening of non-residential uses – the new use and expanded use shall be screened from adjacent residential development by a buffer yard of at least 20’ containing a vegetated screen. The applicant has shown maintenance of the existing vegetation around the expanded portion of the site adjacent to the residential uses; this is greater than 20’ and contains more vegetation than that required; (b) screening along public roadways – this proposal abuts an arterial street and requires a buffer yard of 10 feet in width containing a minimum vegetated buffer - the landscape plan adequately reflects this buffer requirement; (c) the landscape plan reflects the planting requirements – the plan has been reviewed and adequately addresses this requirement; (d) no alternative buffers proposed – not applicable; (e) parking lot landscaping, which is the one for which the applicant is seeking a waiver, states that at least 10% of the interior of the parking area should contain landscape islands, which are composed of shrubs and trees – the front of the building will be adequately landscaped, but at the rear there is a problem due to issues of maneuverability; (f) screening of refuse collection facilities – this plan adequately reflects the dumpster area being screened by a fence or landscaping from adjacent residential uses and streets; (g) maintenance of landscaping, calling for all required landscaping to be maintained or replanted so as to continue its effectiveness – Condition of Approval #14 has been drafted to deal with the issue of maintenance.

Mr. Shields spoke about the applicant’s efforts in securing the appropriate MDEP Site Location Permit, which has to be received prior to the start of construction on the site.

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

Mr. Parker and Mr. Moody discussed the lighting that will be used. Mr. Hughes asked if staff had requested a traffic study. Mr. Shields replied that early in the review process the Town Engineer had suggested that the traffic situation at the facility should be looked at based on the use of the facility for auctions. He said that the Code requires a traffic study if there are more than 50 parking spaces. Mr. Moody said he obtained an accident history from DOT on Narragansett from Cressey Road to Harding Road, which shows 7 accidents from 2000 up through 2005: 3 were between Cressey Road and Briarwood, and 4 were between Briarwood and Cressey Road, which does not fall into the MDOT "high crash" definition. Mr. Boyce asked what the 50 parking spaces would be used for. Mr. Moody replied that is why they have requested the parking lot buffer waiver, because the large area is needed to maneuver car carriers, and only 25 to 30% of the spaces would be utilized. He said that islands are difficult to plow around and impede movement. Mr. Moody said he typically has about 100 cars a month for repairs and another 20% come in for estimates. He said that the auctions are held twice a month, on Tuesdays at 11:00, with about 30 to 40 licensed dealers attending, wholesale only.

Mr. Stelmack said he would have no problem waiving the traffic study but asked about the Town Engineer's recommendation to deny the waiver. Mr. Grant said that in view of the location of Mr. Moody's operation and the open highway with little congestion, he saw no problem with waiving the traffic study requirement. Mr. Boyce said he was comfortable with granting the waiver, as did Ms. Robie, Mr. Neily, and Mr. Hughes.

Mr. Parker and Mr. Moody discussed how Mr. Moody deals with the toxins and waste generated on site. Mr. Moody described the safety precautions taken.

Clark Neily MOVED and Douglas Boyce SECONDED a motion to grant the applicant's request for a waiver of the traffic study. Motion CARRIED, 7 ayes. [8:06 p.m.]

Clark Neily MOVED and Douglas Boyce SECONDED a motion to grant the applicant's request for a waiver of the high intensity soils survey and topography survey. Motion CARRIED, 7 ayes. [8:07 p.m.]

Clark Neily MOVED and Douglas Boyce SECONDED a motion to grant the applicant's request for a waiver of the landscape requirements in the parking lot area. Motion CARRIED, 7 ayes. [8:08 p.m.]

Clark Neily MOVED and Thomas Hughes SECONDED a motion to grant Shawn Moody's request for approval of the proposed 17,070 square foot Moody's Collision Center, associated site improvements and vehicle storage areas at 200 Narragansett Street with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [8:09 p.m.]

Stretch Break to 820 p.m.

5. DISCUSSION: SUBDIVISION PLAN - "STONEFIELD PHASE III-I" – off HARDING BRIDGE ROAD – by GILBERT HOMES, INC.

Discussion of a proposed 12-lot residential subdivision on 30+/- acres off Harding Bridge Road. Zoned Rural; Tax Map 50/Lot 6.

William Thompson, BH2M Engineers, appeared on behalf of the applicant and gave the Board a history of the overall development. He said that in 2000 Gilbert Homes acquired a 59 acre parcel on the Huston Road and the Harding Bridge Road, Phase I was developed with 14 lots, access road off the Huston Road, down through and connecting with Harding Bridge Road, public water looped through and brought back out to Huston Road. The road was constructed for 14 lots, anticipating Phase II's 10 more lots being developed in 2003 with two short roads, Ichabod Lane and Horseman Drive, which lead back to Sleepy Hollow Drive. Sleepy Hollow Drive in Phase I was built to a Rural Subcollector Standard, anticipating the second phase to come forward. The Phase II 10 more lots were developed, Site Location Permits were granted, and the 59 acre parcel was completed. At that time, Gilbert Homes did not have right, title and interest to parcels beyond that to the south, but shortly after the approval of Phase II, Gilbert Homes acquired another entire parcel back out to the Harding Bridge Road. Once that land was acquired, it was always the intent to bring the development back through out to the Harding Bridge Road, completing a loop through. Mr. Thompson said that the applicant was last in front of the Planning Board on February 2, 2004 and then a site walk was held on February 28, 2004 to review the proposal of 48-lots, Phase III of the development, with a roadway system connecting Harding Bridge Road to the end of Ichabod Lane (Stonefield II). Mr. Gilbert said that during the review process, it was brought to their attention that Ichabod Lane had been designed, built and approved to a Rural ACCESS Standard and not a Rural SUBCOLLECTOR Standard, so the number of vehicle trips that Phase III would generate would not be allowed on the Rural Access road, as the Subcollector standards are higher in that the pavement is wider and there are some vertical curve differences. Mr. Thompson said there was a reserve right of way to the abutting property, but no thought was put into the fact that the road in Phase II could at some point in time generate more traffic, bring it back into Phase I which was at the adequate design standard of Rural Subcollector. Mr. Thompson said the dilemma is developing the parcel under consideration, with one option being to come in off Harding Bridge Road with a 1500 foot dead end road serving 12 lots, which is not what the developer would like to do. The developer would like to get the approval for Phase III to make the connection between Phase I and II. He said that the Fire Chief has expressed his opinion that the water pressure loop, roadway loop, and public safety issues would be paramount considerations in getting the roadway through.

Mr. Thompson discussed the problems that would be involved in reconstructing Ichabod Lane in Phase II to accommodate the additional traffic of Phase III, such as the vertical grade to meet the Subcollector standards needing to be longer for a flatter curve for the K factor for safety sight distance versus vertical grade, which would bring the roadway up in some areas 5 to 6 feet. He said that another problem that would be generated is the fact that the water main constructed there now would in some places be 10 feet deep, which is not acceptable to Portland Water District. The grading required to bring the road up would exceed the 50 foot right of way, the ditches would be lost within the right of way, and easements would need to be acquired as all the lots on Ichabod Lane are built on and owned by private parties.

Mr. Shields gave the staff comments, noting that the item was advertised tonight for discussion of a "proposed 12 lot residential subdivision on 30 acres," in order to allow the developer an alternative to the question of being able to make the full connection. Mr. Shields said if the developer cannot find a resolution to making the full interconnection, then the project would be for 12 lots and a 1500 foot road. Mr. Shields spoke about the definite benefits to having the through road leading from Huston to the end of Harding Bridge Road. He said that Harding Bridge Road currently is an approximately one mile long dead end road, and on the end of that mile is another new development which could have 25 new homes

constructed by year's end. There is no secondary access for public safety or convenience or any kind of service to the end of Harding Bridge Road. From a planning sense, it would create a better sense of neighborhood for the area, and would eliminate more dead end streets forced on new developments due to the street length limitations. Mr. Shields said that making the connection all the way through is the best alternative rather than creating additional dead end roads.

Mr. Grant commented that in a review of this project and another project proposed further down on Harding Bridge Road, the Planning Board assumed that there would be a loop road for almost a mile so that there would only be a short distance of dead end beyond. He said that Ichabod Lane was built to a standard that limits the traffic count to a maximum of 250 vehicles per day, which at ten trips per home, would mean a maximum of 25 homes. He said there is great potential for further development in this area, and for the best interests of the Town, he believes that the road should be looped as originally planned and a waiver be granted to the standard of the vertical alignment, which should have been an 8% grade allowing 1000 trips per day. Mr. Grant indicated that the Public Works Director felt it would be in the Town's best interests if the road were be widened one foot on each side, making it 22 feet wide so that it would match up to a future extension of 22 feet wide. He said that the Board could not know the Town Council's reaction to the Planning Board authorizing such a waiver if in the future the road was presented to the Council for acceptance without having been built to the correct standard. Mr. Grant suggested that a solution would be for the Board to send a recommendation to the Town Council explaining the Planning Board's reasoning in having the requirements waived so that a loop road can be put in place, and to ask if the Town Council concurs with the Board's recommendation. Mr. Grant reiterated the problems that would be involved in reconstructing Ichabod Lane, such as the depth of the water line and the impact on the homes already constructed., and commented that this road is no steeper than other roads in Gorham

Mr. Boyce concurred with Mr. Grant's suggestion and commended the applicant and staff for the conciseness and thoroughness of their presentations. He noted that the vertical curves depicted by the applicant are somewhat exaggerated, and the difference between 8% and 12% grade is what is being considered. He agreed with Mr. Grant's suggestion of asking the Council. He asked for written recommendations from the Town Engineer and Public Works Director when the plan comes before the Board again.

Mr. Parker said the road goes through a tight neighborhood of houses, and for a rural subcollector to go through would be to invite a fast-moving road into a neighborhood, which he believes is both unfeasible and undesirable. He would like to pursue a way to eliminate the long dead end and get a loop in, as well as not intruding on a well-established neighborhood by ripping up the road.

Mr. Hughes said he believes that the practical and safety benefits by looping through to Huston outweigh just about anything else he could think of, especially with the modifications mentioned by Mr. Grant, which is the right way to go.

Mr. Grant spoke about the improvements necessary to Harding Bridge Road which the Public Works Director had suggested but had asked be postponed until after the Grondin subdivision construction was completed. He said that the two developers had made agreement about those improvements but they were based on the number of units to be developed, and this situation could create potential hurdles to the Harding Bridge Road improvements.

Mr. Grant said a majority of the Planning Board is suggesting that the requirements for that section of the road be waived for the vertical alignment but that a foot be added on each side, and then the road from there on be built to the correct standard to accommodate the size of the applicant's project, and that the Town Council should be asked if they agree with the Planning Board's suggestion.

Ms. Burns advised that, as recommended by the Town Planner, the Planning Board should make a motion to authorize the Town Planner and the Town Attorney to draft a communication on the Board's behalf to the Town Council concerning this street issue.

Douglas Boyce MOVED and Clark Neily SECONDED a motion to authorize the Town Attorney and Town Planner to draft a communication on the Board's behalf to the Town Council concerning this street issue. Motion CARRIED, 7 ayes.

6. PRE-APPLICATION CONFERENCE: SUBDIVISION PLAN – off WATERHOUSE ROAD – by DESIGN DWELLING, INC.

Discussion of a proposed 18-lot residential subdivision on 29+/- acres on land of Douglas. Zoned Rural; Tax Map 22/Lot 4.

Owens McCullough, Sebago Technics, appeared on behalf of the applicant and discussed the proposed 17-lot clustered subdivision, with lots in the range of 41,000 square feet to 85,000 square feet. He said that 8.8 acres of open space are proposed and the roadway shown on the plan is approximately 1500 linear feet in length and will be built to the Rural Access standard. On-site wastewater disposal systems, underground utilities, and on-site wells are proposed, although there is some discussion about water coming down to within 1000 feet from another potential subdivision. He said that he will work with staff to determine what the costs would be for extending public water to see if it will be a viable option. Mr. McCullough said that there is a portion of the site which will probably be conveyed as part of the by-pass.

Mr. McCullough responded to Mr. Parker that the Net Residential Density calculations have not yet been done, and aid he would check to see if the area to be conveyed to MDOT for the by-pass has been included in the preliminary calculations. Mr. McCullough told Mr. Neily that the homes in the development would be similar in price to those in the Southwoods subdivision.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD CLOSED.

Mr. Grant directed that a sitewalk be scheduled. [8:55 p.m.]

7. PRE-APPLICATION CONFERENCE: SUBDIVISION PLAN – off ROUTE 237/MOSHER ROAD - by GRONDIN PROPERTIES, LLC [KENNETH & PHILIP GRONDIN, JR., MEMBERS]

Discussion of a proposed 7-lot commercial/industrial subdivision on 56+/- acres on land of Rines. Zoned Industrial; Tax Map 34/Lot 3.

Owens McCullough, Sebago Technics, appeared on behalf of the applicants and described the proposed subdivision. He said that the proposed roadway to access the site, approximately 1400 to 1500 feet in length, terminating in a hammerhead turnaround, will be built to the Town's industrial standards, and the lots have been designed primarily in the 4 to 5 acre size, with one very large lot at the end. He said that the site will be serviced by public water and natural gas, and a sewer is to be built some time this summer from Windham to the Westbrook interceptor sewer, with a force main installed in front of this property. He said that most likely a pump station will be installed on the property, perhaps sized to accommodate other users in the area, and is one of the items under discussion between the Portland Water District and this applicant. Mr. McCullough said that the applicants have approached the Town to secure a TIF, which would allow them to construct the infrastructure, help with the sewer costs and recapture some of the

development costs which will be incurred. He said that they will need to secure a DEP Site Location Development Act Permit once preliminary approval has been obtained.

Mr. Stelmack asked when the parcel was zoned Industrial; Mr. McCullough replied that staff believes that the zoning occurred in the 1980s.

PUBLIC COMMENT PERIOD OPENED: Margaret R. Corcoran, 354 Mosher Road, said she believed that this site is zoned rural, that she has lived at her residence for 25 years, and cannot recall ever being notified that the zoning had changed to industrial.

Albert Mosher, 424 Mosher Road, said he believes that the zoning changed in about 1972.

Tim Corcoran, son of Margaret Corcoran at 354 Mosher Road, said that the only businesses operating in this area have been LaChance Brick and the Mosher's farm and the area has always been rural.

PUBLIC COMMENT PERIOD CLOSED.

Ms. Robie asked how far the resource protection line is from the Presumpscot River; Mr. McCullough said the topo survey will confirm that, but he believes that the shoreland zoning will extend 250 feet, and the resource protection will be a minimum of 100 feet or more, depending on the slopes. Mr. McCullough said that where they are proposing development, however, is some two or three times that distance. Ms. Robie asked about the buffer requirements between residences and an industrial zone. Mr. McCullough said that because this was zoned prior to 1998, the 100 foot buffer adopted by the Council is applicable only to development done in 1998 or later, and anything before 1998 is not subject to any buffering. Mr. Shields noted that there are buffering requirements under the site plan requirements, especially for the residences abutting.

Mr. Stelmack asked what kind of businesses are envisioned for this development. Mr. McCullough replied that although it is still too soon to know, he would think commercial warehousing and service facilities would be appropriate.

Mr. Grant directed that a sitewalk be scheduled. [9:13 p.m.]

8. ADJOURNMENT

Douglas Boyce MOVED and Michael Parker SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:14 p.m.]

Respectfully submitted,

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

4. SITE PLAN – MOODY’S COLLISION CENTER – 200 NARRAGANSETT STREET – by SHAWN MOODY

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. That the building shall be completely sprinkled meeting all applicable requirements of the Town of Gorham’s Sprinkler Ordinance. The sprinkler plans shall be submitted to the State Fire Marshal’s Office and the Gorham Fire Department for review and permitting. The plans submitted to the Fire Department must be in for review at least two weeks prior to the start of installation of the system;
6. That the sprinkler control room shall have an outside door and shall be marked sprinkler control room. The building main alarm panel shall also be placed in this room;
7. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code;
8. That the building construction plans must be sent to the State Fire Marshal’s Office and the Gorham Fire Department for review and permitting;
9. That the propane tanks shall be placed on a cement slab and protected by bollards. All propane appliances shall be installed to meet NFPA 58 Code;
10. That an oil/water separator shall be installed for all floor drains and shall be properly maintained;
11. That the sprinkler test papers shall be required at the time a certificate of occupancy is issued;
12. That access to the rear vehicle storage areas shall be maintained to allow easy access for emergency vehicles. If the property is to be gated and locked the gates should be large enough to allow fire apparatus access. Keys for locked areas should be provided in mounted lock boxes;
13. That a complete list of hazardous materials and their MSDS sheets shall be supplied to the Fire Department. A designated area for the storage of these products must be provided;

14. That all required landscaped areas that are shown on the approved plans shall be maintained or replanted as necessary so as to continue its effectiveness;
15. That the existing tree lines and wooded buffers as shown on the plans shall be maintained and no removal of vegetation shall be allowed without approvals;
16. 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;
17. 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; and
18. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) 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 the issuance of any building permits or commencement of any improvements on the site.