



**Town of Gorham  
MARCH 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.

**Douglas Boyce MOVED and Michael Parker SECONDED a motion to add a new item number 1 to the Agenda in order to recognize the retiring of two members of the Planning Board at the end of this month. Motion CARRIED, 5 ayes, 2 abstain (Harold Grant and Clark Neily)**

Michael Phinney, Town Council Chairman, joined Mr. Boyce at the podium to congratulate Mr. Grant and Mr. Neily and to thank them for their years of service to the Town and citizens of Gorham by having served on the Planning Board, in Mr. Grant's case, since 1994, and in Mr. Neily's case, since 1997. Mr. Boyce then presented plaques of appreciation to Mr. Grant and Mr. Neily.

**1. APPROVAL OF MINUTES: JANUARY 30, 2006 and FEBRUARY 6, 2006**

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to approve the minutes of January 30, 2006, as written and distributed. Motion CARRIED, 7 ayes. [7:14 p.m.]**

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to approve the minutes of February 6, 2006, as written and distributed. Motion CARRIED, 7 ayes. [7:15 p.m.]**

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**2. SITE PLAN – “RESIDENCE HALL” / “PARKING EXPANSION” – off COLLEGE AVENUE  
– by UNIVERSITY OF MAINE SYSTEM/UNIVERSITY OF SOUTHERN MAINE  
PUBLIC HEARING**

Request for final approval of a 5-story, 296-bed residence hall, located off Husky Drive, and a 193 space parking lot expansion of the Dickey-Woods Towers parking lot on the Gorham Campus of the University of Southern Maine. Zoned UR; Tax Maps 40/Lots 13-18; 41/35-36; 101/6-8; 102/1-3; 102/75; & 105/36.

Craig Hutchinson, Vice President for student university life at USM, appeared to seek final approval on the proposed residence hall and parking lot expansion. He said this will be the first new residence hall on campus since 2001, and the intent is to provide residential housing for 288 current USM students and to provide improved summer housing. He said the housing is to be provided for students currently within the overall enrollment mix, not to add to that enrollment mix. Mr. Hutchinson said that the proposed building will allow the University to reduce overcrowding in other halls, to reclaim lounges that have been made into temporary housing, to provide more independent housing options for students on the Gorham campus, to eliminate “turn-aways” during the summer housing period and will provide the capacity to take older current halls offline for much-needed renovations. He said that the project is an integral part of the current long range plan of the University called “Transforming USM,” which is

designed to maintain the current enrollment while increasing full time resident student numbers and providing housing for more of the current transfer students.

Joe LaVerriere, DeLuca-Hoffman, demonstrated the location of the proposed building on an aerial photograph of the campus and also showed where the parking lot changes will occur. He said that the location of the new building will cause the loss of 146 parking spaces in the Bailey Hall parking area and 7 spaces in the John Mitchell Center parking area, but a new and expanded parking area near the Dickey-Woods towers will provide 193 new parking spaces, with a total net gain of 22 spaces overall. Mr. LaVerriere commented that the building footprint will be about 24,000 square feet, with a total of 100,850 square feet for the 5-story building. He noted that DEP approval was received on February 14, 2006. Mr. LaVerriere assured the Board that adequate steps have been and will continue to be taken to preserve that portion of the Tannery Brook watershed, which is on University property.

Patrick Costin, architect with Harriman and Associates, described the proposed new residence hall, which will include a combination of apartment-style with kitchens and suite-style rooms, and is designed to accommodate current student enrollment. He said that the building will also contain conference rooms on the ground floor, there will be a drop-off area for students and visitors at the front of the building, as well as access to the meeting spaces and classrooms that will be part of the building.

Mr. Shields gave the staff comments and discussed the opinion of Peter Hedrich, Gorrill-Palmer Consulting Engineers, that the trip generation forecast for the new residence hall should result in a reduction in overall trips to the campus, and said that Mr. Hedrich's analysis supports the University's expectation not to increase student enrollment but to better enhance the quality of life for existing students and to provide an alternative for students who currently reside off-campus. Mr. Shields told the Board that the Town Engineer, before he issues an "ability to serve" letter, has asked the Portland Water District to provide the Town with an evaluation of the sewer system capacity located in State Street to which the University proposes to connect the new residence hall. Mr. Shields said that Condition of Approval #7 satisfies the Town Engineer's requirements until he has received the information he wants to see from PWD. In response to a query from Mr. Stelmack, Mr. LaVerriere indicated that if necessary, flow from the new building could be directed around the John Mitchell Center and connected into the sewer line behind the Center which flows all the way through the campus to the pump station on Route 114.

Mr. Hughes suggested the addition of the word "acceptable" to Condition of Approval #7, as follows:

"7. That if the sewer capacity study indicates that the Route 25 system has inadequate capacity to serve this project, USM shall provide an acceptable alternative sewer connection plan to the Town staff."

Ms. Robie asked that a correction be made to the major site plan application, 3A, wherein the applicant has stated that the 100-foot setback from the Brook, as recommended by DEP, has been met. She noted that the setback is 75 feet most of the time, and while the DEP permit agrees they have done their best with the site, she would like to see the documents match each other and show that the setback which has been met most of the time is 75 feet, not 100 feet.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Grant noted that the University, as a state agency, is not required to come before the Planning Board but does so as a courtesy. He said that the University has always cooperated with the Town and met the Town more than half way. Mr. Stelmack pointed out that the peer review by SYTDesign for the Town commended the design engineer on the stormwater management plan, and that SYTDesign noted that "significant thought and effort was put into the stormwater design and management for this project." Mr.

Stelmack commended DeLuca-Hoffman's work on the stormwater management design. In response to Mr. Stelmack, Mr. Costin said that the John Mitchell Center was in part an inspiration for this new building. Mr. Costin told Mr. Parker that the structure on the top tier of the roof was designed to obscure the air handling equipment from view.

**Clark Neily MOVED and Michael Parker SECONDED a motion to grant the University of Southern Maine's request for approval of a proposed five story, 296-bed residence hall with associated site improvements and 193 space parking lot expansion to the Dickey-Woods Towers parking lot, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:50 p.m.]**

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**3. FINAL SUBDIVISION / SITE PLAN – “VILLAGE GREEN CONDOMINIUMS” / “TOWN COMMON” – off LIBBY AVENUE - by GORHAM VILLAGE GREEN, LLC [LESTER S. BERRY, & JOHN LaPOINTE, MEMBERS]**

**PUBLIC HEARING**

Request for final approval of a 10-unit residential condominium development on 5.77 acres off Libby Avenue. Zoned OR; M109/L10.005.

Andy Morrell, BH2M, appeared on behalf of the applicants and gave an overview of the project. He said that the DEP wetlands and stormwater permits have been received, and the Portland Water District has reviewed and approved the proposed water and sewer systems. Mr. Morrell indicated that the Town and the applicants have come to an agreement about a pro rated financial contribution for the sidewalk construction on Libby Avenue involving this project.

Mr. Shields gave the staff comments, noting that the legal documents are in the process of being reviewed by the Town Engineer and may require modification prior to the release of the mylar, and said that the applicants, who will be utilizing their own funds to construct the project, are requesting approval of a conditional agreement in lieu of a performance guarantee. Mr. Shields discussed the conditions of approval governing the Adam Blaikie condominium development abutting this project, including one condition requiring participation in the construction of a sidewalk from their entrance down to Route 25 along Libby Avenue. He noted that the Adam Blaikie project was required to escrow \$90,000 for this sidewalk.

Ms. Fossum described to the Board the calculation that she and Les Berry, the applicant, agreed upon, which is a figure of \$1153 per unit, multiplied by the number of units (10) and then multiplied by 1.25, which is typically what is seen for a performance guarantee, giving a figure of \$14,411 that would be due from this applicant. This is based on the \$90,000 bond, which was assessed for the Adam Blaikie project. She said that there is a total of 920 feet of sidewalk, the Adam Blaikie project, with 24 units, has 520 feet of sidewalk serving only it, and the first 400 feet of sidewalk in from Main Street serves this project, with 10 units, as well as the Adam Blaikie project. She said that this project's proportionate share is 44% of the 400 feet, and the Adam Blaikie project proportion is 56% of the 400 plus the total cost of the 520 feet serving that project. Ms. Fossum said that should there be cost overruns associated with the DOT/sidewalk project, the applicant has agreed to make up that additional cost whatever and whenever it was determined to be. Mr. Neily and Mr. Grant concurred that the methodology is satisfactory. Ms. Fossum said that the methodology will be documented in the performance guarantee file and for the record Mr. Hughes suggested footnoting the \$14,411 to show the methodology at the bottom of the page.

Mr. Grant suggested, and the Board concurred, that the applicant be allowed to come before the Board again should he have any issues with this condition or the methodology used. Mr. Stelmack asked if the sidewalk type should be specified. Mr. Shields said that if MDOT changes to a concrete sidewalk instead

of bituminous, the proportion that the developer needs to pay would change, so the type of sidewalk should probably not be specified.

Ms. Fossum read a proposed condition of approval to deal with the sidewalk as follows:

“That prior to the commencement of construction or any site improvements and/or earth-moving activities associated with the approved Village Green Condominiums, the applicant shall provide a performance guarantee in the amount of \$14,411.00 in a form acceptable to the Town to cover its proportionate share of the cost of installing 400 feet of new sidewalk along Libby Avenue in conjunction with Adam Blaikie Associates, Inc., and the MDOT Libby Avenue road project, based upon current MDOT estimates for the construction of a sidewalk with granite curbing. The developer shall cover additional costs, on a proportional basis, that might be incurred as a result of higher than currently estimated construction costs associated with the sidewalk between Main Street and the entrance to Village Green Condominiums. Any funds remaining in the performance guarantee upon completion of the sidewalk project will be refunded to the developer. The performance guarantee will be reevaluated every two years until the project is completed to assure that adequate funds remain available if the project is postponed or delayed by MDOT or if the actual project costs exceed current estimates”

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

Mr. Parker asked about the Fire Chief’s memo wherein the Chief stated “While it appears that the circle at the end of the road is adequate to meet the turning radius of our apparatus, is there sufficient turning radius from the roadway into the driveways? With some of these buildings setting back from the road up to eighty feet, it will require that we have adequate turning radius to allow us to get the ladder truck into the buildings.” Mr. Shields said that this question will be discussed with the Fire Chief.

**Douglas Boyce MOVED and Thomas Hughes SECONDED a motion to grant final subdivision and site plan approval for the Village Green Condominiums, a 10-unit condominium development, located off Libby Avenue, as requested by Gorham Village Green, LLC, with conditions of approval as posted prior to the meeting and discussed with the applicant and amended by the addition of new Condition of Approval #11 as modified by the Town Attorney in a form acceptable to the Town. Motion CARRIED, 7 ayes. [8:19 p.m.]**

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**4. FINAL SUBDIVISION / PRIVATE WAY PLAN – “SHIERS MEADOWS” / “SHIERS MEADOW DRIVE” – 133 COUNTY ROAD – by RICHARD R. & CONSTANCE M. SHIERS**  
Request for a final approval of a 3-lot residential subdivision and private way on 5.10 acres off County Road. Zoned R; M4/L4.001.

Andy Morrell, BH2M Engineers, appeared on behalf of the applicants in their request for final subdivision and private way approval. He said that the applicant is proposing two new lots and an additional 485 linear feet of private way.

Mr. Shields gave the staff comments, saying that the proposal, while described as a 3-lot subdivision, includes two new lots and 1 existing lot (Lot 1 outsale) that was recently conveyed. The applicant has provided an acceptable private way maintenance agreement to be shared by the 3 lot owners fronting the private way, and the applicant will retain the fee interest in the private way right of way.

PUBLIC COMMENT PERIOD OPENED:       None offered.

PUBLIC COMMENT PERIOD ENDED.

**Douglas Boyce MOVED and Mark Stelmack SECONDED a motion to grant Richard and Constance Shiers' request for final subdivision plan approval of the proposed "Shiers Meadow Subdivision, " a 3-lot residential subdivision on 5.28 acres off County Road, and approval of Shiers Meadow Drive, a private way, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [8:25 p.m.]**

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*Stretch Break to 8:40 p.m.*

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**5. PRELIMINARY SUBDIVISION / SITE PLAN / SITE PLAN AMENDMENT –  
"STARGAZER" / "GROWING YEARS DAYCARE" / "HANSEN'S FARM MARKET" – 74  
COUNTY ROAD – by HANS C. HANSEN, INC.**

Request for preliminary approval of a 7-lot subdivision creating 6 residential lots and 1 non-residential lot on 23.8 acres off County Road; and discussion of a site plan for a childcare center on Unit #1 of Lot #1, and an amendment to the existing store on Unit #2 of Lot #1. Zoned R/SR; M3/L22.

Mr. Boyce referred to a letter written by Mr. Hansen in May of last year wherein the applicant requested that Mr. Boyce recuse himself from participation in deliberations on this application due to Mr. Boyce's employment with Hannaford Brothers as a potential competing retail business with the applicant's agri-business. Mr. Boyce indicated that he finds no conflict in his reviewing this item as there is no additional retail development being proposed and asked for the Board's acceptance of him remaining involved with the item.

**Michael Parker MOVED and Thomas Hughes SECONDED motion to permit Mr. Boyce to remain as a participant in the item. Motion CARRIED, 6 ayes (Douglas Boyce abstaining). [8:42 p.m.]**

Tom Greer, Pinkham & Greer, appeared on behalf of the applicants and introduced Mr. and Mrs. Hansen, Sandra Minor, the operator of the proposed day care center, and Diane Morabito, Casey & Godfrey, the applicants' traffic engineer. Mr. Greer discussed changes to the plan which include changing the residential portion to a conventional subdivision versus a cluster, and the one commercial condominium lot which will contain the agri-business and the day care, as well as two additional units for which there are currently no development plans. He said that the homes will be served by individual wells with one well to serve the commercial condo lot, which will be relocated from its current position. He discussed the proposed stormwater management plans.

Diane Morabito, Casey & Godfrey, advised the Board that the project will generate approximately 44 trips during the morning peak hour period and 90 trips during the p.m. peak hour period. In response to a query from Mr. Grant, Ms. Morabito indicated that all aspects of the development are included in these numbers. Ms. Morabito then began replying item by item to the comments from the Town's peer review engineer, HNTB, saying that distributions had been obtained from a previous study performed for the proposed Toddle Inn Daycare, which anticipated the majority of users coming from the west. However, in light of the fact that HNTB has requested additional information and has not yet reviewed Ms. Morabito's comments dated March 6, 2006, it was determined that the Board would defer its conclusions on traffic until the traffic study has been completed.

Mr. Shields gave the staff comments, saying that the project is a 7-lot subdivision, with lots 2 through 7 being single family residential lots to be served by the proposed Blue Ledge Road, and the applicant's

existing farm and farm store located on Unit 2 of Lot #1 and the proposed day care to be located on Unit 1 of Lot #1, and with no development currently proposed on Units 3 and 4 of Lot #1. Mr. Shields said that the proposed road, designed to the Town's Rural Access standard, will be approximately 1027 feet long and would intersect with County Road at the existing signalized intersection and terminate at a hammerhead on lots 6 and 7. Mr. Shields noted that the daycare site plan would be accessed from the existing paved 24-foot paved driveway leading from County Road and by the proposed Blue Ledge Road. It is a special exception use in the Rural Zone and must meet the special exception criteria, which he recommended that the Board discuss. He said that Units 1 through 4 in Lot #1 will be organized as an association and have a condominium form of ownership, which will include maintenance of the common areas and the roadway or common access easement, which is a 50 foot wide easement dividing the units and intersecting on County Road and Blue Ledge Road. Mr. Shields also noted that the site plan amendment for the approved agricultural facility will involve some changes in the original conditions of approval, plan notes and plan details which would no longer be accurate or necessary with the new plan, as well as there are now several items which were not in the original approval.

**PUBLIC COMMENT PERIOD OPENED:**

Johann Buisman, abutter at 23 Burnham Road, commented about an earlier proposed road which seems to have been removed from the plans, and said that a 100 foot stormwater buffer is a good idea.

John Harker, Maine Department of Agriculture, spoke in support of the project, particularly with regard to the ability of a farm business to attract customers to its property through the development of the proposed development and day care, and that good signage is needed to get people into the farm stand.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Neily and Mr. Grant asked where information was provided about adding a 4<sup>th</sup> side to the traffic signal. Ms. Fossum replied that information was on the last page, 3<sup>rd</sup> paragraph, "Recommendations and conclusions," which says "Traffic analysis indicates that acceptable operations can be obtained at the signalized intersection during the p.m. peak hour with some signal timing changes. Specific signal modifications to accommodate the new signalized driveway leg will be determined through the approval process with MDOT."

Mr. Parker noted that his major concern is traffic, and as there is a review process that is still ongoing and information has not been provided to the Board, he is not prepared to judge traffic at this point. Mr. Stelmack concurred with Mr. Parker's comment, and added that the first Special Exception Criteria to consider in connection with the day care center involves the proposed use not creating or aggravating hazards to vehicular or pedestrian traffic on the roads and sidewalks, so he would have difficulty endorsing approval of the Special Exception Use for the day care center based on lack of information about the traffic issues. Mr. Stelmack commented that the Board might be a meeting away from learning more about a resolution of the traffic issues.

Mr. Grant commented that over the years, Mr. Hansen has been before the Board for changes to this site and has been denied, he has been before the Town Council and been denied, he had a referendum question about rezoning that the citizens of Gorham denied, but never has Mr. Grant seen traffic reports that are so inadequate and not meaningful to the conditions at that site. He said that a 4<sup>th</sup> side of the signal will impact the current traffic adversely. Mr. Neily noted that traffic turning to the right off County Road to Route 114 heading for Gorham does not have to stop whether the light is red or green, but with a 4way light, they will not be able to do that, there won't be enough room to stack all the traffic headed for Gorham, and that his experience has shown this will be a major and expensive change to the signalization. Mr. Neily also suggested that this applicant not rely on Toddle Inn's traffic data. Ms. Morabito said that the proposed amount of traffic that will be generated coming out of this site won't really impact the current traffic conditions, but agrees that it would be best to wait for peer review response.

Mr. Grant quoted from a November 7, 2005 letter from Randall Dunton of the Maine DOT to Diane Morabito, saying "As you correctly indicated in your summary, regardless of required permit status, if any changes are proposed to the adjacent signalized intersection of Route 11/Route 22 then the plans for such changes will need to be reviewed and approved by the Department." Mr. Grant said that the applicant needs to talk to DOT to have them look at the proposal before returning before the Board, and that he believes that once the DOT makes its recommendations, dealing with the traffic portion of the project would become prohibitively expensive.

Mr. Parker said he believes that the Board should hold up consideration of the subdivision until the traffic studies have been completed and that he could not vote on the Special Exceptions until the traffic issues have been resolved. Mr. Boyce concurs with Mr. Grant's statement that DOT should look at the proposal before he could get comfortable with voting for preliminary subdivision approval. Mr. Boyce referred to another applicant having to add a center left turn lane to support its commercial access, and said this application is similar from the standpoint of not requiring a DOT Traffic Movement Permit but the Board needs the DOT input. Mr. Boyce also noted that the Toddle Inn figures and assumption that the majority of users would come from the west based on Toddle Inn's current location in central Gorham are not necessarily appropriate in this instance and this project may draw more than from the west. Mr. Neily suggested that this applicant emphasize using the exit already available on the site. Mr. Hughes remarked that the applicant did not create the traffic problem, but at this point in time traffic is a central issue and he concurs with Mr. Boyce about DOT's input. Ms. Robie suggested that cut-through traffic be considered in the traffic study.

Ms. Robie commented in connection with the Special Exceptions about the Fire Chief's statement that the ordinance requires the day care center to be sprinkled. Mr. Greer replied that the day care center will not be sprinkled as the volume and square footage of the building as it is currently planned make it fall below what the ordinance requires. Ms. Robie said that when the Board has permitted as special exceptions day care centers with outside playgrounds abutting a residential property, the Board has required substantial buffering beyond a solid fence between the playground fenced area and the nearest residence, and said she was referring to the day care center permitted by the church on New Portland Road. She said that in this instance she does not see that same kind of buffering proposed. Also in connection with the Special Exception Criteria, Mr. Grant asked if traveling on a loop road through the middle of a parking lot with parking on either side is appropriate and should be permitted.

The Board discussed the merits of having a workshop session once the traffic peer review information is available, and it was agreed to wait until the traffic experts have concluded their final reports to make that determination. Mr. Boyce said he would like to see an enlarged diagram of the intersection, with separate graphics for phase of the signal. Mr. Greer said he would hope that the Board will accept the conclusions reached by the traffic experts.

Hans Hansen spoke at the podium and acknowledged that traffic is a problem which he believes prevents people from being able to get to his farm market, which is hurting his business. He said that the additional traffic to be generated by the proposed day care center and the six homes, in addition to the changes to be made at the intersection, would make his property more accessible to help his business.

Sandra Minor, proposed operator of the day care center, asked that the Special Exception Criteria be provided to her.

**Douglas Boyce MOVED and Susan Robie SECONDED a motion to postpone the item until the applicant is ready to return. Motion CARRIED, 7 ayes. [9:45 p.m.]**

**Mark Stelmack MOVED and Douglas Boyce SECONDED a motion to waive the 10:00 o'clock rule and hear all the applications on the Agenda this evening. Motion CARRIED, 5 ayes and 2 nays (Susan Robie and Clark Neily). [9:46 p.m.]**

**6. PRELIMINARY & FINAL SUBDIVISION PLAN – “TWIN APPLES” – 746 FORT HILL ROAD – by LINCOLN P. & SUSAN C. GILMAN**

Request for preliminary & final approval of a 3-lot residential subdivision on 6.28 acres off Fort Hill Road. Zoned R-MH; M84/L17.002.

**Douglas Boyce MOVED and Michael Parker SECONDED a motion to postpone this item until the applicant is ready to return. Motion CARRIED, 7 ayes. [9:48 p.m.]**

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**7. PRE-APPLICATION: SITE PLAN - “BEVERAGE DISTRIBUTION FACILITY” – 615 MAIN STREET - by NAPPI DISTRIBUTORS.**

Discussion of a proposal for a 135,000 sq ft. warehouse and distribution facility on 22+/- acres off Main Street on land of Merriman. Zoned RC; M32/L13.

Frank Scherr, architect for the proposed distribution facility, appeared before the Board and described the project as having two components, office space in the front and storage to the rear of the facility, and said that they are in the process of generating preliminary site plans, elevations, and floor plans. He said that the main access road to the property will be off Route 25, circulation for the beverage trucks will involve going through the drive-through and the bulk of the truck traffic will be before 6:00 a.m. He said that the next submission will strive to reduce the amount of paved surface in order to reduce costs and impact the site less.

Ms. Fossum asked Mr. Scherr about any offsite traffic improvements that might be proposed, such as acceleration and/or deceleration lanes on Route 25. Mr. Scherr replied that Sebago Technics have been engaged to do a traffic study and make application to the DOT.

Ms. Robie asked about buffering requirements for the project. Ms. Fossum replied that this zone will be subject to the buffering requirements in the Code for the Industrial District, as well as any performance standards in Chapter II. Mr. Scherr said that they will work with staff on any buffering requirements. Mr. Stelmack asked if the project will trigger 100 trips per hour. Mr. Scherr replied that from the traffic study done by Sebago Technics they are at 102, in the morning. Mr. Boyce requested that the applicant's engineer be present at the site walk.

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

Mr. Grant directed that a site walk be scheduled. Mr. Scherr asked that the site walk be set for the week of March 23, if possible. [9:55 p.m.]

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**8. PRE-APPLICATION: SITE PLAN - “SUBWAY SHOP” – 109 MAIN STREET – by SUB BUILDERS, INC.**

Discussion of a proposal for a 1,653 sq. ft. restaurant with 12 parking spaces on .24 acres off Main Street on land of 109 Main, LLC. Zoned UC; M102/L153.



Thomas Harmon, Civil Consultants, appeared on behalf of the applicant and described the proposed project. Mr. Harmon told the Board that the applicant has been before the Zoning Board of Appeals on two occasions: the first time was to have a parking variance granted, which the Board was unable to grant; and the second time they received a variance to move the building to within three feet of the front setback of the front property line. He said that Gorrill-Palmer, who has reviewed traffic issues for the site, has requested that the sight lines for the building be modified so that one corner of the original square building has been cut off to improve the sight line coming out Mechanic Street and the driveway.

Ms. Fossum said there were no staff comments at this time.

Mr. Boyce asked about the proposed island to be constructed in the intersection; Mr. Harmon replied that this was an offsite improvement suggestion by Gorrill-Palmer to be funded by the developer. Mr. Parker asked about the size of delivery trucks to the site, where would they park, and would there be room for them to get in and out. Mr. Harmon replied that deliveries would be made when the store is not open, so that the entire parking area at the rear of the store could be used. Mr. Harmon said that elevation plans are being prepared at Subway headquarters now. Mr. Grant asked that the corners of the building be staked for the site walk, and Mr. Boyce asked for a turning radius template for the truck size contemplated. In response to Mr. Stelmack, Mr. Harmon said that the site is required to have 8 parking spaces and they will have more than that.

Mr. Grant directed that a site walk be scheduled. [10:05 p.m.]

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**9. PRE-APPLICATION CONFERENCE: SUBDIVISION / PRIVATE WAY – 67 WESCOTT ROAD – by DENNIS W. & JOANN F. MORTON**

Discussion of a proposal for a 2-lot residential subdivision and private way on 4.91 acres off Wescott Road. Zoned SR-MH; M87/L9.

Andy Morrell, BH2M Engineers, explained that the applicants are proposing to split their lot to create one new lot, which will require amendment of an existing subdivision plan and the upgrade of an existing private way to the current standard for a private way serving 2 to 6 lots. He said that the applicant will also need to get a waiver from the minimum offset requirement because of the existing private way, Krista's Way, across Wescott Road from this site.

Mr. Grant directed that a site walk be scheduled. [10:10 p.m.]

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**10. ADJOURNMENT**

**Michael Parker MOVED and Douglas Boyce SECONDED a motion to adjourn. Motion CARRIED, 7 ayes.** [10:14 p.m.]

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2006

**2. SITE PLAN – “RESIDENCE HALL” / “PARKING EXPANSION” – off COLLEGE AVENUE  
– by UNIVERSITY OF MAINE SYSTEM/UNIVERSITY OF SOUTHERN MAINE**

**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 prior to the start of construction;
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, latest edition;
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 prior to the commencement of any site improvements and/or earth-moving activities associated with the approved site plan, the applicant shall arrange for a pre-construction meeting with the selected Review Engineer, Portland Water District, 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;
6. 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;
7. That if the sewer capacity study indicates that the Route 25 system has inadequate capacity to serve this project, USM shall provide an alternative sewer connection plan to the Town staff;
8. That the applicant shall provide property line information and site information, including each sheet of the final approved set of plans for the project, in auto-cad format (version 2000) to the Planning Office prior to the scheduled pre-construction meeting and upon completion of the project shall also provide the final record drawings in auto-cad format to the Public Works Department; and
9. That the 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 prior to the issuance of any building permits or commencement of any improvements on the site.

**3. FINAL SUBDIVISION / SITE PLAN – “VILLAGE GREEN CONDOMINIUMS” / “TOWN COMMON” – off LIBBY AVENUE - by GORHAM VILLAGE GREEN, LLC [LESTER S. BERRY, & JOHN LaPOINTE, MEMBERS]**

**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, latest edition;
4. That the legal documents shall be revised to satisfy any final review comments of the Town Attorney, prior to the release of the Final Plan Mylar;
5. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved condominiums, the applicant shall arrange pre-construction meetings with the selected Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Planning Director to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
6. 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;
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 shall provide property line information and site information, including each sheet of the final approved set of plans for the project, in auto-cad format (version 2000) to the Planning Office prior to the scheduled pre-construction meeting and upon completion of the project shall also provide the final record drawings in auto-cad format to the Public Works Department;
9. That the applicant shall create a homeowners association or other legal entity acceptable to the Town and shall submit the association documents or declaration creating the association or other legal entity in a form acceptable to the Town Attorney. The documents or declaration shall specify the rights and responsibilities of each unit owner with respect to the maintenance, repair, and plowing of the common drive within the subdivision, and shall state that the homeowners association and/or the lot owners shall be responsible for all costs related to the common drive. The applicant shall be responsible for recording the approved documents in the Cumberland County Registry of Deeds within 30 days of the date of approval of the subdivision by the Planning Board;
10. 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;
11. That prior to the commencement of construction or any site improvements and/or earth-moving activities associated with the approved Village Green Condominiums, the applicant shall provide a performance guarantee in the amount of \$14,411.00 in a form acceptable to the Town to cover its proportionate share of the cost of installing 400 feet of new sidewalk along Libby Avenue in conjunction with Adam Blaikie Associates, Inc., and the MDOT Libby Avenue road project, based

upon current MDOT estimates for the construction of a sidewalk with granite curbing. The developer shall cover additional costs, on a proportional basis, that might be incurred as a result of higher than currently estimated construction costs associated with the sidewalk between Main Street and the entrance to Village Green Condominiums. Any funds remaining in the performance guarantee upon completion of the sidewalk project will be refunded to the developer. The performance guarantee will be reevaluated every two years until the project is completed to assure that adequate funds remain available if the project is postponed or delayed by MDOT or if the actual project costs exceed current estimates; and

12. That these conditions of approval and the Final Plans shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the 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.

**4. FINAL SUBDIVISION / PRIVATE WAY PLAN – “SHIERS MEADOWS” / “SHIERS MEADOWS DRIVE” – 133 COUNTY ROAD – by RICHARD R. & CONSTANCE M. SHIERS**

**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, including each sheet of the final approved set of plans for the project, in auto-cad format (version 2000) to the Planning Office prior to the scheduled pre-construction meeting and upon completion of the project shall also provide the final record drawings in auto-cad format to the Public Works Department;
8. That the private way shall be maintained for emergency vehicles year-round;
9. That all new 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.