



**Town of Gorham  
JUNE 5, 2006  
PLANNING BOARD MINUTES**

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

**Members Present:**

**SUSAN ROBIE, CHAIRWOMAN  
DOUGLAS BOYCE, VICE CHAIR  
THOMAS FICKETT  
THOMAS HUGHES  
MICHAEL PARKER  
EDWARD ZELMANOW (arrived at 7:15 p.m.)**

**Staff Present:**

**DEBORAH FOSSUM, Dir. of Planning & Zoning  
AARON D. SHIELDS, Assistant Planner  
BARBARA SKINNER, Clerk of the Board  
NATALIE BURNS, ESQ., Town Attorney**

**Members Absent:**

**MARK STELMACK**

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The Chairwoman called the meeting to order at 7:05 p.m. and read the agenda. The Clerk called the roll, noting that Mr. Stelmack and Mr. Zelmanow were not present.

**1. APPROVAL OF MINUTES: MAY 1, 2006**

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to approve the minutes of May 1, 2006, as written and distributed. Motion CARRIED, 5 ayes (Mark Stelmack and Edward Zelmanow absent). [7:08 p.m.]**

**APPROVAL OF MINUTES: MAY 15, 2006**

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to approve the minutes of May 15, 2006, as written and distributed. Motion CARRIED, 4 ayes (Mark Stelmack and Edward Zelmanow absent, Mr. Fickett abstaining as not having been present at the May 15 meeting). [7:09 p.m.]**

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**2. COMMITTEE REPORTS**

- A. Private Way Committee: Mr. Hughes stated that there was no report from this Committee.
- B. Ordinance Committee: Ms. Robie reported that at the Ordinance Committee a discussion was held by the 3 Committee members and the Fire Chief on the Board's past practice on road lengths, and concluded with the Town Attorney's input that the 1500 foot road length specified in the Ordinance should be adhered to, that the number of times the Board has allowed roads which were combinations of public roads and private ways to exceed that limitation did not rise to the criteria of practice, and that therefore the Board should look at each subdivision application as it comes along under the Ordinance. Discussion was also made of fire ponds and the current criteria for their use, as well as discussion of other small items in the Ordinance which would benefit from revision.
- C. Sign Ordinance Committee: Mr. Boyce said that the current sign ordinance is inadequate to provide guidance and/or control of signage and the Town Council's direction to the Planning Board is to tighten up the sign ordinance, provide additional guidance, and try to achieve more uniformity of signs in the Village. He said that the Planning Board's Sign Ordinance Committee, consisting of himself, Ms. Robie, and Mr. Zelmanow, met with staff and Mark Eyerman of Planning Decisions in late May. He said that the Committee provided Mr. Eyerman with photographic documentation

of most of the signage along lower Main Street, including the Committee's commentary and judgments about what the members did and didn't like about the signs, their appearance, size, height, reader boards, lighting, etc. Mr. Eyerman will be authoring a new draft sign ordinance using that information for the Committee's further review on June 21, 6:00 p.m., in the Planning Office. [7:15 p.m.]

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**3. CONSENT AGENDA**

**A. PRIVATE WAY PLAN AMENDMENT – “KAYLA WAY” – off MIDDLE JAM ROAD – by SCOTT & DIANNE ANDERSON AND KEITH KELLEY**

Request for approval for plan amendment to serve one additional lot. Zoned SR; M97/L3

**Douglas Boyce MOVED and Michael Parker SECONDED a motion to take the item off the Consent Agenda for discussion. Motion CARRIED, 5 ayes (Mark Stelmack and Edward Zelmanow absent) [7:16 p.m.]**

Discussion: Mr. Boyce explained that his reason for taking the item off the Consent Agenda is that the memo from the Town Engineer, Timothy Braun, seemingly contains a typographic error in the following sentence: “Based upon the soils documentation, the letter presented by Mr. Walt Stinson dated May 21, 2006, and revised plans dated 4/21, there *is objection* to this project...” Mr. Shields confirmed that the word “no” is missing from the sentence quoted, and it should in fact read “... there is *no* objection...”

Ms. Robie asked if there were any other comments from the Board regarding the item. Mr. Parker asked for clarification about the proposed drainage. Mr. Shields said that the Town Engineer met with Walter Stinson from Sebago Technics, and it was decided that some grading modifications out at the throat of the road would take care of any drainage coming out into the street. Mr. Stinson confirmed that he had met on site with the Town Engineer, who expressed himself satisfied with the improvements that had been made, that there will be a new culvert installed near the road as part of this project, and Mr. Braun was satisfied with the way drainage along the road and in the ditches was going to be handled. Mr. Shields confirmed to Mr. Parker that there will not be a negative 2%, and Mr. Stinson said he could revise the detail to reflect what it is on the profile. Mr. Shields said he would speak to the Town Engineer to have him let Sebago Technics know exactly how he would like to see the detail specifically reflected.

**Michael Parker MOVED and Douglas Boyce SECONDED a motion to grant approval of the private way amendment, Kayla Way, off Middle Jam Road, by Scott and Dianne Anderson and Keith Kelly with conditions of approval as distributed and discussed and subject to clarification on drainage at the end of the road. Motion CARRIED, 6 ayes (Edward Zelmanow having joined the Board at 7:15, and Mark Stelmack absent). [7:25 p.m.]**

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**4. AMENDMENT TO THE LAND USE & DEVELOPMENT CODE – BASE & FINAL PAVING PUBLIC HEARING**

Proposed amendment to Chapter II, Section V, Subsection G, 4), h) and to “Table 2 - Minimum Standards and Dimensions” under Chapter II, Section V of the Gorham Land Use and Development Code amending the requirements for the application of base pavement and final surface pavement and adding “approved super-pave” as an allowed base course.

Ms. Fossum explained that this proposed language will require that when a developer is constructing a road that is proposed to be offered to the Town for street acceptance, the base pavement must be applied in minimum lifts of 2 inches and surface pavement must be applied in minimum lifts of 1-1/2 inches, and the

base pavement course must be compacted using a 16 ton rubber tire roller. The purpose of the language is to add specifications for the manner in which the base pavement and surface pavement are applied when a road is under construction. She explained that the past few road acceptances that have gone before the Town Council have engendered some question about whether or not the base pavement met the minimum in the current ordinance, which is 2.5 inches, and the Council intends with this amendment to make it clear to developers that the 2.5 inches is met. She said that these measurements are to be verified by the contractor cutting “cores.” Ms. Fossum explained that there will also be a change to the tables used by adding language which will allow the use of “super pave,” as well as “B mix.”

Mr. Parker and Ms. Fossum discussed various standards in the minimum standards table. Ms. Fossum confirmed that if a contractor misses the minimum within the category to which he is constructing, he must make up a base with a 2 lift inch, and a 1-1/2 inch lift if it is surface paving above whatever the minimum requirement is.

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

**Douglas Boyce MOVED and Michael Parker SECONDED a motion to recommend adoption of the proposed amendments to the Land Use and Development Code, Chapter II, Section V, Subsection G, 4), h) and to “Table 2 - Minimum Standards and Dimensions” amending the requirements for the application of base pavement and final surface pavement and adding “approved super-pave” as an allowed base course. Motion CARRIED, 6 ayes (Mark Stelmack absent). [7:25 p.m.]**

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**5. GRAVEL PIT AMENDMENT – “PARSONS PIT” – off FARRINGTON ROAD – by R.J. GRONDIN & SONS**  
PUBLIC HEARING

Request for approval of amendments to the Phasing Plan & Conditions of Approval for the Parsons Pit relative to the relocation of Farrington Road. Zoned R-SZ; Maps 79/Lots 4; 62/1,10 & 18-20; 63/3 & 3.001.

Larry Grondin, R.J. Grondin & Sons, explained that the current application is a specific amendment to the current permit, which was approved in 2002. As a condition to that approval, the applicant was required to return to the Board for an amendment prior to beginning any work in Phases III, IV or V if the Town Council did not discontinue the Farrington Road. The road was not discontinued, and instead the Council approved a temporary relocation of Farrington Road in January of 2005 to allow the applicant to mine through and remove material within Farrington Road while keeping a temporary roadway open around the pit for public use and then to reconstruct Farrington Road in its original location. This change by the applicant and the Town Council conflicts with the original approvals, phasing and conditions of approval, so this request is for amendment of original conditions of approval #8, 9 and 14. Mr. Grondin said that the applicant is now seeking to change its reclamation plan to a wetlands mitigation bank as opposed to a proposed subdivision, as was the original intent, which also changes the need to permanently relocate the road. Mr. Grondin also noted that a larger scale amendment to the reclamation plan will be forthcoming at a later date.

Mr. Shields gave the staff comments and explained that the applicant’s original pit expansion approval in 2002 was for a multi-phase expansion that would include the removal of Farrington Road and the construction of a new roadway around the perimeter of the expanded pit, which would then be conveyed to the Town. He said that the approval was granted with several conditions of approval requiring the applicant to receive a “discontinuance” by the Town Council of that portion of Farrington Road that would

be removed as part of the expansion. However, in 2005 the applicant and the Town reached agreement to “temporarily” relocate Farrington Road in the location approved by the Planning Board in 2002, and not to discontinue the existing roadway. Mr. Shields said that this approval is specifically for a change in the wording to the Phase III plan note that would allow the applicant to complete the loop road within the pit on both ends to connect to the existing Farrington Road. Some of the original Phase III conditions of approval are no longer appropriate and must now be revised: condition #8 required obtaining an official discontinuance, now no longer required; condition #9 required the applicant to return before the Board if the road were not discontinued; and condition #14 also is no longer valid since there is no discontinuance. He said that the applicant’s revised expansion plans are not yet ready to be presented to the Planning Board.

Mr. Shields noted that there is a proposed condition of approval, #3, relating to staff’s concern about the liability of the Town of Gorham involving public access over private property, more specifically when the public is being detoured during Phase III or within the pit area while Phases IV and V are being completed. This issue will need to be addressed by the applicant’s insurance policy prior to any work being done in Phase III. In addition, there is a new condition of approval, #2, which specifically states that all previously approved conditions of approval attached to the 2002 expansion shall remain in force with the exceptions of numbers 8, 9, and 14.

Mr. Zelmanow questioned whether or not the applicant would be required to maintain the insurance policy mentioned in COA #3. The Town Attorney, Ms. Burns, suggested that the Condition be changed to read as follows: “That prior to the commencement of Phase III the applicant shall agree to indemnify and hold harmless the Town for any claims arising out of the use of the relocated road in the pit and shall maintain an insurance policy for such claims that names the Town as an additional insured, said agreement and insurance to be in a form and amount acceptable to the Town Manager”

**PUBLIC COMMENT PERIOD OPENED:**

Wade Bonneson, 98 Dingley Spring Road, asked Mr. Grondin for an explanation of the current proposal to reclaim the pit. Mr. Grondin replied with a description of the creation of a “wetlands bank” to offset wetland impacts from other projects wetlands mitigation instead of the subdivision which was permitted under the original approval. Mr. Boyce explained the benefits to both the environment and the developer of creating a wetlands bank.

**PUBLIC COMMENT PERIOD ENDED.**

**Michael Parker MOVED and Thomas Fickett SECONDED a motion to grant approval of the amendments to the Parsons Pit Gravel Pit Plan as requested by R.J. Grondin & Sons with conditions of approval as posted prior to the meeting and discussed here with the applicant. Motion CARRIED, 6 ayes (Mark Stelmack absent). [7:45 p.m.]**

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**6. PIT RECLAMATION / FINAL SUBDIVISION PLAN – “HAMLIN PIT” / “BROOKSIDE ESTATES SD” / “WINDING BROOK WAY” - off 100 PLUMMER ROAD – by LEAVITT EARTHWORKS CO., INC.**

**PUBLIC HEARING**

Request for final approval of an amended pit reclamation plan and a 7-lot residential subdivision with an 850’ road on 28.90 acres. Zoned R-SZ; M86/L10.

Mr. Fickett asked to be recused from participation in discussion of this item due to past relationship with the applicant.

**Douglas Boyce MOVED and Edward Zelmanow SECONDED a motion to recuse Mr. Fickett from participation in the discussion of this item. Motion CARRIED, 5 ayes (Mr. Fickett abstaining, Mark Stelmack absent). [7:47 p.m.]**

Charles Brown, Sebago Technics, appeared on behalf of the applicant and explained that the only areas outside of the 3:1 slopes are those areas that are heavily wooded on the existing steep escarpments that surround the existing pits; all of the area within the reclamation areas of the pits themselves are 3:1 and wherever possible, are 5-1/2 and 6:1. Mr. Brown said that the floodplain elevation study has been completed, and the current plans show the revised elevations. He said that lot #4 now shows within the floodplain, and a Letter of Map Revision will have to be submitted to FEMA.

Mr. Parker, Mr. Shields and Mr. Brown discussed the 3:1 slopes, with Mr. Brown agreeing to reduce the slopes by 1/3 of a percent.

Mr. Shields gave the staff comments, noting that the applicant has provided a grading plan that details the final reclaimed grading of the pit, which also shows individual house lots and how they are proposed to be graded. The applicant is responsible for complying with this plan before the sale of any individual lot. As a condition of approval, #13, the applicant will be required to grade and loam any lot prior to the sale of that lot, and a topographic survey showing compliance with the approved grading plan will have to be submitted prior to that sale. In addition, the applicant will be required to have the reclamation of the entire pit completed by an agreed upon date set by the Planning Board. Mr. Shields noted that the date is left blank in the Condition; originally the applicant had hoped to have the reclamation done some time in August, but the date has slipped and is now up to the Board to determine.

Mr. Shields noted that with the revised elevation for the floodplain, Lot #4 has been the most impacted. The floodplain is now in the bottom of the pit in the southerly section due to the removal of a wall of material. He discussed the Letter of Map Revision that must be submitted to FEMA; once the LOMR is issued and the pit is reclaimed and the final grade raised in this area, the applicant's engineer will file another LOMR to FEMA based on fill, and the buildable lot area will return to normal. At this point the applicant will have to come back before the Board for a subdivision amendment. Mr. Shields pointed out that even with the floodplain as it is now, Lot #4 still can accommodate a house, septic system, driveway and well.

Mr. Shields commented that the applicant has satisfied the financial and technical capacity requirements. He also noted that the legal documents are being reviewed by the Town Attorney and will have to be revised prior to the Board signing the Mylar. Mr. Shields also said that the applicant has agreed to make the improvements to Plummer Road as outlined in a letter dated May 31, 2006, from Timothy Braun, the Town Engineer.

Mr. Brown asked if the Board would consider the date of September 30 as the deadline for the pit reclamation.

**PUBLIC COMMENT PERIOD OPENED:**

Cynthia Smith, 84 Plummer Road, expressed concerns about stabilization of brook slopes, a possible re-routing of the brook, and maintaining the water flow leaving her property. She asked if stump grinding will be used to stabilize the slopes.

There being no other speakers, Mr. Leavitt and Mr. Brown responded to Ms. Smith's concerns and discussed what has been done to control erosion. Mr. Leavitt indicated that stump grindings were hauled in for erosion control and stumps will be ground for use the back of the berm. Mr. Brown noted that an open channel, loamed and seeded, will be maintained to allow free flow of water from Ms. Smith's property.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Hughes indicated that he has no problem with a date of September 30. Mr. Parker asked if the September 30 date referred to the loaming and seeding of those lots which have not yet been sold by that date. Mr. Leavitt indicated that everything will be loamed and seeded as the reclamation is done and as the lots sell, the loam will stripped back. All of the Board members concurred with the date of September 30 to be put in Condition #13.

**Douglas Boyce MOVED and Thomas Hughes SECONDED a motion to grant approval of an amendment to the gravel pit reclamation plan of the Hamlin Pit and final subdivision approval of Leavitt Earthworks' request for Brookside Estates Subdivision, a proposed 7-lot residential subdivision on 28.90 acres off Plummer Road, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Mr. Fickett recused, Mark Stelmack absent).. [8:14 p.m.]**

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*Mr. Fickett returned to the table.*

**7. FINAL SUBDIVISION PLAN – “GERRY’S WAY SD” / “GERRY’S WAY” – off SOUTH STREET - by LEO J. KILEY**

Request for final approval of an 11-lot residential, cluster subdivision with 10 new lots and a 1200' rural access road on 26 acres, on land of Gerry. Zoned R; M5/L21.

Walter Stinson, Sebago Technics, appeared on behalf of the applicant. He noted that in response to the Planning Board's request at the preliminary hearing, Lots 10 and 11 will share a driveway and there will be a 10 foot pedestrian easement off the cul-de-sac between Lots 4 and 5 to provide residents with an accessible path to the over 7 contiguous acres open space of the project. He said that the homes will be sprinkled and will be served by individual septic systems and wells.

Mr. Shields made the staff comments, noting that the Town Attorney will review the legal documents, with any modifications being made before the Board signs the Mylar; the applicant has satisfied the technical and financial capacity requirements. Mr. Shields said that at the preliminary hearing, the applicant asked the Board to waive the requirement for a future right of way to adjoining lands due to topographic and wetland conditions around the perimeter of the site; the Board asked staff to work with the applicant to review those adjacent lands, and staff now recommends that the future right of way requirement be waived. Mr. Shields noted the 10 foot pedestrian easement being provided to the open space and the shared driveway for Lots 10 and 11, and asked that there be an easement description shown on the plans of metes and bounds, bearings and distances. He spoke about the revised landscape plan, and said that a condition of approval (#12) has been crafted requiring a performance guarantee being established to insure that the landscaping is done regardless of who performs that work.

Mr. Hughes and Mr. Stinson discussed the setbacks with respect to the length of driveways and parking. Mr. Hughes asked about the width of the road; Mr. Stinson replied that there is a 50 right of way with 20 feet of pavement with 4-foot shoulders. Mr. Fickett asked if the radius of the circle meets minimum requirements; Mr. Shields replied that it meets the minimum requirements and is sufficient for emergency vehicles.

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

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to grant final subdivision approval of Leo J. Kiley's request for the Gerry Subdivision, a proposed 11-lot residential**

**subdivision on 26 acres off South Street, with conditions of approval as posted prior to the meeting and discussed with the applicant.**

DISCUSSION: Mr. Boyce amended the motion by formally **MOVING that the Board waive the future right of way for reasons of topography and wetlands. Motion SECONDED by Thomas Hughes; motion CARRIED, 6 ayes (Mark Stelmack absent).** [8:29 p.m.]

**Original Motion to grant final subdivision approval CARRIED, 6 ayes (Mark Stelmack absent).** [8:30 p.m.]

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

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**8. PRELIMINARY & FINAL SUBDIVISION PLAN – “TWIN APPLES SD” – off 746 FORT HILL ROAD - by LINCOLN & SUSAN C. GILMAN dba GILMAN PROPERTIES.**

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

Les Berry, BH2M Engineers, appeared on behalf of the applicants and described the application that 2 new lots are being proposed, which will be served by on-site sewer systems and private wells and underground utilities. He said that the 2 new lots require State DOT permits for the driveways, which have been obtained. He said there is no new road construction and no infrastructure construction, so a request is being made for both preliminary and final approval at tonight’s meeting.

Mr. Shields made the staff comments, noting that the net residential density calculations have been performed, with a grading plan for the lots overlaid to show how some of the areas of 20-33% are being used as part of the development and are not deducted. He said that all others areas that are over 20% and not being developed have been deducted. Mr. Shields also noted that both new homes will be sprinkled because their location exceeds the allowed lineal distance from the nearby sources of fire protection. He said that there are no legal documents, and technical and financial capacity have been established. Mr. Shields said that staff recommends that the Board waive its rules and allow both preliminary and final approval at this time.

Mr. Parker commended the applicants’ engineer for the readable and legible net residential density calculations.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

**Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to waive the procedures leading up to Final Approval required under sections III and IV of Chapter III of the Gorham Land Use and Development Code. Motion CARRIED, 6 ayes (Mark Stelmack absent).** [8:48 p.m.]

**Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant preliminary and final plan approval of Lincoln and Susan Gilman’s request for Twin apples Subdivision, a proposed 3-lot residential subdivision on 6.28 acres off Fort Hill Road with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Mark Stelmack absent).** [8:49 p.m.]

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**9. PRELIMINARY SUBDIVISION / SITE PLAN / SITE PLAN AMENDMENT – “STARGAZER SD” / “BLUE LEDGE ROAD” / “GROWING YEARS DAYCARE” / “HANSEN’S FARM MARKET” – 74 COUNTY ROAD – by HANS C. HANSEN, INC.**

Request for preliminary approval of a 7-lot residential subdivision creating 6 residential lots and 1 non-residential lot on 23.8 acres with a 1,025’ 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.

Ms. Robie said that several of the Planning Board members had noted that there is an item on the Town Council’s agenda for June 6, 2006, which could potentially impact this project in a major fashion, and asked the applicant’s engineer, Thomas Greer, to comment on the item which will come before the Council.

Thomas Greer, Pinkham & Greer, introduced Mr. and Mrs. Hansen and Chris Vaniotis, attorney for Mr. Hansen, and asked that Mr. Vaniotis discuss the item before the Council.

Chris Vaniotis asked that the Planning Board continue with the review of the project as it is currently proposed. He said that in an earlier iteration of this project, there was a proposal to make a connection to Burnham Road in a different route from anything being proposed now. He said that within the past month, at least one member of the Town Council has made inquiry of Mr. Hansen about whether Mr. Hansen would be willing to consider the granting of some type of right of way to the Town of Gorham so that if the Town wanted in the future to make a connection through to Burnham Road, it would be available. Mr. Vaniotis said the Council member believes that should the application receive approval and houses are actually built on the lots, the option to secure a right of way to Burnham would then be lost. Mr. Vaniotis said that a response has been directed to the Town Manager that should the Council want to consider that possibility, Mr. Hansen would be willing to talk about it. If the Council as a whole has any interest in pursuing the possibility, then the details of how that right of way would be created would be the next step. If that should happen, the right of way would follow the existing proposed new road into the subdivision, cut across Lots 2 and 3, and end up intersecting Burnham Road on a small jog of the property. However, that jog is not wide enough to create a public road so the Town would have to acquire some property from another property owner. Mr. Hansen would be willing to dedicate an easement in that location, which would likely result in one less lot in the subdivision because Lot 2 would no longer be buildable. Mr. Vaniotis asked the Planning Board not to put this application on hold because it is not known what the Town Council will do, and if the plan changes because of this right of way, it will be reconfigured before it comes back for final approval.

Ms. Robie said she has no objection in going forward with reviewing the plan as it is now, but if it is contemplated that the plan will be modified between preliminary and final in a way that creates a road coming directly from Burnham into the current intersection, it might not have a major impact on the subdivision plan, but it may have a major impact on the design of the intersection. Mr. Vaniotis said that if that eventuality comes to pass, it is understood that the application has to come back with revised traffic calculations, counts, etc. Ms. Robie said she understands that Mr. Hansen has had concerns about the amount of time the Planning Board requires to do its job, and she would like to make sure that Mr. Hansen understands that putting this option in the middle between preliminary and final will require more review and time spent.

Mr. Hughes spoke about what has appeared in the public press about potential changes to Burnham Road and Route 114 traffic patterns and flow. Mr. Vaniotis said that these are issues for the Town Council to consider.

Mr. Greer returned to the podium and demonstrated aerial photographs showing the property that Mr. Hansen owns that comes out on the Burnham Road adjacent to the cemetery. He said that part of the right



of way would allow the cemetery to be expanded as well. Mr. Greer described the current configuration of the proposal, with the day care located on the far right of the property, the farm market in the center, and the 6 lot residential subdivision on the left side of the plan. He said that the proposal has been submitted to the DEP for a site location development permit and that DEP wanted to have the condominium documents reflect some of the buffer language that was in the homeowners' documents, which has been done. Mr. Greer discussed a graphic of the intersection of Route 22 and Route 114 and discussed the various proposed changes such as creating a dedicated left hand turn lane into the site, creating a through traffic lane and the addition of a right hand turn triangle to allow traffic to go right on 114. This will require some widening of the pavement in order to get the lanes and tapers done. Mr. Greer said that once approval from the Planning Board has been secured, the DOT must approve the construction plans themselves, even though DOT has approved the layout and its geometry and the traffic movements. Mr. Greer said that this plan doesn't decrease the capacity of the intersection, nor does it improve it a great deal, but it makes it safer.

Mr. Fickett asked what the time frame is to obtain DEP approval of the construction details. Mr. Greer said that more survey on both ends needs to be done, which will take about a month, putting the detailed drawings will take another month to month and a half, and DEP has about a 6-week approval process. Even with Board approval tonight, Mr. Greer said it is very unlikely that anything will be built this fall; more likely, building will begin next spring.

Mr. Parker asked Mr. Greer for more details about the turning radius out of the site and what size trucks could be accommodated; Mr. Greer said the throat has been widened to permit a truck to use both lanes to turn out and a standard tractor truck could get through, probably a WB-40. At Mr. Parker's request, Mr. Greer put the intersection "in motion," with a discussion of traffic light sequencing. Mr. Greer confirmed to Mr. Boyce that ultimately it will be DOT that will have final judgment on the geometric layout of the improvements on both roads as well as the traffic signal design.

Mr. Fickett asked about whether the driveway for the small Verizon building on the corner would be moved to this subdivision. Mr. Greer said a right of way was provided for that to happen, but closing that driveway, he believes, would be between the Town of Gorham and Verizon. Ms. Robie said she believes that this applicant has an obligation to prevent "slide through" traffic from this development from going to the right to the Verizon exit. She suggested that this could be done by using a fence. Mr. Greer said he believed the telephone company would respond well to a letter from the Town suggesting that the easement be swapped. Ms. Robie said that before final approval, the issue of the Verizon access and traffic going around the light is in Mr. Hansen's control and that has to be on the plan. Mr. Greer said that if an easement cannot be secured, they will put up a fence with a note that Verizon can remove it if they swap over to the other side.

Hans Hansen said he had spoken to the telephone company representative, who said he would take into consideration a change in the easement. Mr. Hansen told the Board that if the Town ever does decide to go through his property, it will be several years down the road, that Calvin Hamlin would like to see the South Gorham Cemetery expanded, and he believes that the Cemetery does need more room. Mr. Hansen said this is an opportunity but not something the Town will take advantage of any time soon. Mr. Hansen said that the Town might end up buying two of his lots before it is done.

Ms. Robie asked what the will of the Board is about hearing any new applications after 10:00 o'clock.

**Douglas Boyce MOVED and Michael Parker SECONDED a motion to waive the 10:00 o'clock rule. Motion CARRIED, 6 ayes (Mark Stelmack absent). [9:24 p.m.]**

Mr. Shields gave the staff comments, noting that the application is before the Board for preliminary subdivision approval. Discussion should be mainly about Special Exception Criteria for the daycare and the Board needs to make clear its expectations about those Criteria.

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

Ms. Robie suggested that the Board go through each Special Exception Criterion to give the applicant a sense of anything about which the Board has concerns.

**Criterion 1.** The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;

Ms. Robie commented that if any provision will be made for dropping off children so that they do not have to go through parked cars. Mr. Greer said that head-in parking has been created toward the daycare itself and provided a sidewalk along the head of that, and the method of operation will be that a parent will park the car and take the child into the daycare to sign the child in.

**Criterion 2.** The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results;

There were no comments on this Criterion.

**Criterion 3.** The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

There were no comments on this Criterion.

**Criterion 4.** The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties;

Ms. Robie discussed the commentary submitted about a buffer and if the abutting neighbor has agreed to the proposal. Mr. Greer replied that Mr. Hansen has spoken to the abutter, they did not come to an immediate agreement. Mr. Greer said that 8 pine trees are shown on the plan now, these would be in addition to those already there. Mr. Greer said they are shown closer to the boundary line, but as he described the topography of the site, he said he thinks it would be better if the trees are moved up closer to the top of the existing slope and thereby be more effective as a visual buffer. Mr. Greer said that Mr. Hansen is willing to plant arbor vitae. Ms. Robie said that arbor vitae would be too attractive to deer. Ms. Robie said that prior to coming back, there needs to be a buffer plan that is acceptable to the abutter; Mr. Greer disagreed, saying that they are looking at the Board's determination of what should be there and they are not giving the abutter approval of this project. Mr. Hansen said he had spoken to the neighbor but she hadn't made up her mind between arbor vitae and blue spruce and he will plant however many trees are necessary.

Martha Buisman, 23 Burnham Road, asked about buffering of her property, which is on the opposite side of the site.

Mr. Hughes said his vote would be predicated on what he thinks will be adequate buffering and what satisfies him personally; Mr. Parker concurred. Mr. Boyce asked that the grading be revised if necessary to show what existing trees will remain in addition to what will be proposed. Mr. Greer said they will provide photographs as well.

**Criterion 5.** The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use;

There were no comments on this Criterion.

**Criterion 6.** The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

There were no comments on this Criterion.

Mr. Fickett asked what the daycare's hours of operation will be. Mr. Hansen replied that the hours will be 6:00 a.m. to 10:00 p.m.

Mr. Boyce said he is pleased to see the proposed improvements to the intersection and is comforted by the fact that DOT will be reviewing those improvements, but said he is still concerned that the project will permanently reduce the capacity of the intersection. He commended the applicant for its attempts to mitigate the impact on traffic that this project will have. Mr. Boyce said he hopes the Council will give serious consideration to the connection to Burnham Road as it might be a good idea. He also expressed concerns about Units 3 and 4 of the condominiums when they are developed as they too will create traffic impacts and noted that those two units will have to be judged on their own merits when they come forward.

Mr. Parker thanked Mr. Greer for his presentation on the intersection and thanked the applicant for the re-design of the intersection. Mr. Parker asked staff if the Board could impose requirements beyond what will be approved by DOT, citing the VIP application. Ms. Fossum replied that the VIP project is within the Compact Area which is the Town's jurisdiction, and once the Planning Board approved the turning lane improvement, it needed DOT review to make certain that the roadway would be built to their specifications. In this instance, Ms. Fossum said that the signalization falls within DOT's purview but they will work closely with the Town.

Mr. Hughes said he believed that this is the best effort to minimize the negative impact of traffic on the intersection. Ms. Robie also commended the traffic plan and said she can support the project.

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to grant Hans C. Hansen's request for preliminary subdivision plan approval of the proposed Stargazer Subdivision, a 7-lot subdivision on 23.8 acres off Country Road, zoned Rural/Suburban Residential, Map 3, Lot 22. Motion CARRIED, 6 ayes (Mark Stelmack absent). [9:50 p.m.]**

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Mr. Hughes and the rest of the Planning Board commended the Planner and Assistant Planner for their work in assembling the large amount of background packet materials required for tonight's agenda. Mr. Boyce also commended the Clerk of the Board for the two lengthy sets of minutes that were transcribed for the May meetings.

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**10. PRELIMINARY SUBDIVISION PLAN – “THE CROSSING SD”/“OLD DYNAMITE WAY” - “HIDDEN BROOK DRIVE”– off GRAY ROAD – by MJF DEVELOPMENT GROUP, LLC, MICHAEL J. FERRANTE, MEMBER**

Request for preliminary approval of a 25-lot residential subdivision with two roads on 21.6 acres off Gray Road. Zoned UR; M30/L18.

Michael Roy, SGC Engineering, appeared on behalf of the applicant and introduced John Riordan of SGC and Michael Ferrante representing MJF Development Group. He said an application has been submitted for a stormwater permit, a wet pond design is proposed which they hope will meet DEP criteria, there will be a 6-foot high chain link fence around the pond, the lots will be served by public water and sewer, with a pump station on its own lot deeded to the Town, and underground utilities. Mr. Roy said there will be a private way extension at the end of the proposed public road which will both be constructed to an Urban Access standard, and while the roadway will exceed the 1500 feet maximum allowed in the Code, the Fire Chief’s concerns should be allayed because there will be public water, the project is not in a rural zone and the houses on the private way will be sprinkled. Mr. Roy said that the dimensions of the hammerhead have been revised.

Mr. Shields gave the staff comments and gave an overview of the project. He said that there will be a sidewalk system within the development and there will be a connection made to the Town’s recreational walking trail, which is a trade-off for putting a sidewalk out on the Gray Road. Mr. Shields said that the current proposal for a pump station is the best possible scenario for the Town in the event of potential future development on the Gray Road toward Little Falls.

Insofar as the roadway is concerned, Mr. Shields pointed out that the applicant proposed this public road/private way extension some time ago, and staff has told the applicant that while this arrangement has been accepted and approved in other projects, the Board must determine if it will be acceptable in this form. He said that the private way will be 24 feet wide, with sidewalks, identical to the public road, but there is an extra hammerhead where the Town road would end and the private way starts. Mr. Shields noted that the Fire Chief does not approve of the private way extension to the public road and believes it is not permitted under the Ordinance, but the Chief did indicate if the Planning Board supports it, he would like to see additional standards imposed such as at a minimum the sprinkling of all the houses on the private way, or, better still, that everything on the northeasterly side of the bridge also be sprinkled.

Mr. Roy said that the applicant is willing to sprinkle only the 5 houses on the proposed private way. Mr. Riordan appeared at the podium and reiterated that while they appreciate the Fire Chief’s concerns, they do believe that the presence of public water, the location of the project in an urbanized setting, the distance from the Fire Department of only a mile, and the sprinkling of the 5 houses on the private way should provide adequate and proper fire protection. He said that the public road and the private way will be constructed to the same standard., and the fact that the combination will be longer than the 1500 feet allowed in the Ordinance is no different than what has been approved in the past.

Ms. Robie said that the extension of a public road with a direct connection to a private way has been an issue for some time, that the Board has been discussing the issue with the Town Attorney, and if they were to come in today with this same plan, they would probably not get the same advice from staff. She said that an applicant would be told that the Planning Board will not countenance this type of extension, but she said she recognizes that a substantial amount of work has gone into the plan to develop it this way. She pointed out that the first hammerhead provides frontage for two lots, which will disappear if the hammerhead is removed if the Town accepts the road and there is no alternative frontage provided in this plan. Ms. Robie said her preference is for the road to be looped, and then there would be no need for a private way.

Mr. Roy replied that a looped road would involve crossing the stream twice and they do not know what DEP's attitude would be toward that. Ms. Robie said her only request is that they look at it.

Mr. Parker commented that the Fire Chief prefers 2 entrances, and agrees that a loop road should be considered. Mr. Hughes concurred, and said he agrees with the Fire Chief that everything needs to be sprinkled on the east side of the bridge. At Mr. Zelmanow's request, Ms. Robie read that section on page 146 of the Ordinance dealing with the 1500-foot limitation. Mr. Zelmanow commented about "creative labeling" to get around the 1500 foot limitation and said he believes that the Board should enforce the Ordinance as it written and not allow road combinations longer than the 1500 foot limitation. Ms. Robie noted that the number of times the Board has approved such combinations in the past did not rise to practice.

After additional discussion, a poll of the Board, Michael Parker, Thomas Hughes, Thomas Fickett and Edward Zelmanow, a majority of the Board decided that they would prefer to see an attempt by the applicant to design a looped road, instead of exceeding the 1500 foot maximum, before granting preliminary approval.

**Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion to table the application, providing the applicant the opportunity to present it with alternative street layouts in light of the Board's discussion this evening. Motion CARRIED, 6 ayes (Mark Stelmack absent). [10:45 p.m.]**

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#### **11. SITE PLAN – "NAPPI DISTRIBUTORS" – off 615 MAIN STREET – by NAPPI DISTRIBUTORS**

Request for discussion of a 141,836-sq. ft. warehouse and administration facility on 25+/- acres on land of Merriman. Zoned RC; M32/L13.

Jan Wiegman, Sebago Technics, appeared on behalf of the applicant and introduced Elmer Alcott of Nappi Distributors. Mr. Wiegman showed the site plan to the Board and discussed the particulars of the application as being a 140,000 square foot distribution center and a 5,500 square foot office space. In addition there is a 5,000 square foot vehicle maintenance building on site. He said this will be Nappi's main facility. Products will be received here in a drive-through type operation and there will be 146 parking spaces associated with the operation. Circulation will be in a counter-clockwise direction around the building, although the roadways have been designed to accommodate 2-way traffic if necessary. He noted certain easements across the existing parcel, such as a power line easement crossing the wetland as well as a sewer force main easement, and a 48-inch Portland Water District water line.

Mr. Wiegman said that a scoping meeting has been held with DOT, traffic projections have been conducted for the site, the project will trigger the Traffic Movement Permit process, a left turn lane will be necessary on Route 25 to access the property, and they are working with DOT on a concept plan to do this within the current right of way. He said they are also readying a DEP site location application for the project. Mr. Wiegman said that Inland Fisheries and Wildlife indicates that there has been a sighting of an upland sandpiper, a State threatened species, and the resolution to this threatened habitat is to preserve a certain portion of the wetland as open space.

Mr. Wiegman discussed the grading for the parcel, and said that the access grading on the driveway will be limited to between 4 and 5 percent at the steepest point. He said that natural gas will be extended to the parcel. It is their intent to utilize 4 wet ponds for stormwater treatment and detention for the site. Utilities will be public water, and it is proposed that ultimately the Town and the Portland Water District will extend the gravity sewer through the site to go up to Mosher Corner at Route 237, but the timing of that project

may not permit this applicant to tie into that, so it is their intent to put in a pump station to tie into the existing force main on the parcel as an interim step.

Ms. Robie asked what the hours of operation will be; Mr. Alcott replied that if there were round the clock operations, it would be inside the building and midnight to 6:00 a.m. for the trucks. Mr. Wiegman said a lighting plan has been provided in the packet.

Mr. Shields gave the staff comments, noting that the facility is expected to generate 128 vehicle trips during the peak a.m. and p.m. hours, based on future expansion possibilities, and for this reason they must apply for a Traffic Movement Permit. He said that staff has met with the engineer and DOT in a preliminary scoping meeting. The zoning change requested by the applicant is expected to move forward as the applicant is close to final approval from the Planning Board, and any final approval would be conditioned on that zone change being approved by the Town Council.

The 100-foot perimeter buffer applies to this parcel and the applicant is requesting that it be reduced to 50 feet, which the Planning Board can grant. Mr. Parker said he has no objection to a reduced buffer, nor did Mr. Fickett, Mr. Boyce, Mr. Zelmanow, Ms. Robie or Mr. Hughes.

Ms. Robie directed that a site walk be scheduled. Ms. Robie said she would like to see the corners of the building marked as well as the road. Mr. Shields suggested that the applicant also have a good grasp of what the Route 25 improvements will be for the Board's information during a site walk.

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It was determined that there would be no second meeting in June.

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## 12. ADJOURNMENT

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Mark Stelmack absent). [11:01 p.m.]**

Respectfully submitted,

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

**3. CONSENT AGENDA**

**A. PRIVATE WAY PLAN AMENDMENT – “KAYLA WAY” – off MIDDLE JAM ROAD – by SCOTT & DIANNE ANDERSON AND KEITH KELLEY**

**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 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 version;
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 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;
6. That the applicant shall provide 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;
7. That prior to the commencement of any site improvements and/or earth-moving activities, representatives of the applicant, 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 private way requirements;
8. 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;
9. 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;
10. That prior to the issuance of any building 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 Plans; and
11. That the Private Way Plan, Maintenance Agreement and Decision Document 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 Decision Document shall be returned to the Town Planner.

**5. GRAVEL PIT AMENDMENT – “PARSONS PIT” – off FARRINGTON ROAD – by R.J. GRONDIN & SONS**

**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 minimus changes which the Director of Planning may approve;
  2. That all previously approved conditions of approval attached to the Parsons Pit Expansion of 2002 shall remain in effect with exception of # 8, # 9 and # 14;
  3. That prior to the commencement of Phase III the applicant shall agree to indemnify and hold harmless the Town for any claims arising out of the use of the relocated road in the pit and shall maintain an insurance policy for such claims that names the Town as an additional insured, said agreement and insurance to be in a form and amount acceptable to the Town Manager; and
  4. That prior to the commencement of Phase IV the applicant shall return to the Board for approval of an amended plan showing the satisfactory reconstruction plans of Farrington Road within the existing location and per the Town Council order as approved on January 4, 2005;
  5. That the Decision Document shall be recorded in the Cumberland County Registry of Deeds and that a copy of the recorded Decision Document shall be returned to the Town Planning Office within thirty days (30) of written approval of the amendment by the Planning Board.
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**6. PIT RECLAMATION / FINAL SUBDIVISION PLAN – “HAMLIN PIT” / “BROOKSIDE ESTATES SD” / “WINDING BROOK WAY” - off 100 PLUMMER ROAD – by LEAVITT EARTHWORKS CO., INC.**

**Approved**  
**Conditions of Approval:**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 3 (three) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;



5. That the applicant shall provide property line information and site information, 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;
6. That prior to any occupancy within the subdivision each structure shall be properly numbered with the number visible from the street year round;
7. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
8. That the applicant's engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board prior to the issuance of the first occupancy permit. Furthermore the applicant's engineer shall be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
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 legal documents shall be revised to satisfy any final review comments of the Town Attorney, prior to the release of the Final Plan Mylar;
11. That the applicant will be responsible for improvements to Plummer Road in accordance with the terms set forth in the letter from Timothy Braun, Town Engineer, to Planning Staff, dated May 31, 2006. The form and amount of any performance guarantees to cover those improvements with comply with the requirements of the Land Use and Development Code and must be posted prior to the commencement of any site improvements and prior to the conveyance of any lots within the subdivision;
12. That each building within the subdivision must have its lowest floor, including basement, a minimum of one foot above the 100 year flood elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
13. That prior to any individual lot being conveyed and prior to the issuance of a building permit for any lot, the applicant shall have completed the approved grading and reclamation of the lot according to the approved grading plans and that the applicants engineer shall provide a topographic survey showing those improvements. All reclamation activities within the pit shall be completed by September 1, 2006;
14. 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 lot owner with respect to the maintenance, repair, and plowing of all streets within the subdivision, and shall state that the homeowners association and/or the lot owners shall be responsible for all costs related to the street in the event that the streets within this subdivision are not offered to or accepted by the Gorham Town Council. The applicant shall be responsible for recording the approved documents in the Cumberland County Registry of Deeds within 90 days of the date of approval of the subdivision by the Planning Board;
15. That these conditions of approval and the Final Subdivision Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the scheduling of a pre-construction meeting.

**6. PIT RECLAMATION / FINAL SUBDIVISION PLAN – “HAMLIN PIT” / “BROOKSIDE ESTATES SD” / “WINDING BROOK WAY” - off 100 PLUMMER ROAD – by LEAVITT EARTHWORKS CO., INC.**

**Approved**  
**Conditions of Approval:**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 3 (three) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
5. That the applicant shall provide property line information and site information, 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;
6. That prior to any occupancy within the subdivision each structure shall be properly numbered with the number visible from the street year round;
7. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
8. That the applicant’s engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham’s Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board prior to the issuance of the first occupancy permit. Furthermore the applicant’s engineer shall be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
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 legal documents shall be revised to satisfy any final review comments of the Town Attorney, prior to the release of the Final Plan Mylar;

11. That the applicant will be responsible for improvements to Plummer Road in accordance with the terms set forth in the letter from Timothy Braun, Town Engineer, to Planning Staff, dated May 31, 2006. The form and amount of any performance guarantees to cover those improvements with comply with the requirements of the Land Use and Development Code and must be posted prior to the commencement of any site improvements and prior to the conveyance of any lots within the subdivision;
  12. That each building within the subdivision must have its lowest floor, including basement, a minimum of one foot above the 100 year flood elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
  13. That prior to any individual lot being conveyed and prior to the issuance of a building permit for any lot, the applicant shall have completed the approved grading and reclamation of the lot according to the approved grading plans and that the applicants engineer shall provide a topographic survey showing those improvements. All reclamation activities within the pit shall be completed by September 30, 2006;
  14. 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 lot owner with respect to the maintenance, repair, and plowing of all streets within the subdivision, and shall state that the homeowners association and/or the lot owners shall be responsible for all costs related to the street in the event that the streets within this subdivision are not offered to or accepted by the Gorham Town Council. The applicant shall be responsible for recording the approved documents in the Cumberland County Registry of Deeds within 90 days of the date of approval of the subdivision by the Planning Board;
  15. That these conditions of approval and the Final Subdivision Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the scheduling of a pre-construction meeting.
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**7. FINAL SUBDIVISION PLAN – “GERRY’S WAY SD” / “GERRY’S WAY” – off SOUTH STREET - by LEO J. KILEY**

**Approved**  
**Conditions of Approval:**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;

4. That 3 (three) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
5. That the applicant shall provide property line information and site information, 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;
6. That prior to any occupancy within the subdivision each structure shall be properly numbered with the number visible from the street year round;
7. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
8. That the applicant's engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board prior to the issuance of the first occupancy permit. Furthermore the applicant's engineer shall be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
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 legal documents shall be revised to satisfy any final review comments of the Town Attorney, prior to the release of the Final Plan Mylar;
11. That each building within the subdivision must have its lowest floor, including basement, a minimum of one foot above the 100 year flood elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
12. The applicant shall post a performance guarantee to cover the costs associated with the approved landscaping plans for Lots # 1 through # 9 and # 11. The form and amount of any performance guarantee to cover those landscape improvements with comply with the requirements of the Land Use and Development Code and must be posted prior to the commencement of any site improvements and prior to the conveyance of any lots within the subdivision;
13. 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 lot owner with respect to the maintenance, repair, and plowing of all streets within the subdivision, and shall state that the homeowners association and/or the lot owners shall be responsible for all costs related to the street in the event that the streets within this subdivision are not offered to or accepted by the Gorham Town Council. The applicant shall be responsible for recording the approved documents in the Cumberland County Registry of Deeds within 90 days of the date of approval of the subdivision by the Planning Board;
14. That these conditions of approval and the Final Subdivision Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the scheduling of a pre-construction meeting.

**8. PRELIMINARY & FINAL SUBDIVISION PLAN – “TWIN APPLES SD” – off 746 FORT HILL ROAD - by LINCOLN & SUSAN C. GILMAN dba GILMAN PROPERTIES.**

**Approved**  
**Conditions of Approval:**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 3 (three) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
5. That the applicant shall provide property line information and site information, 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;
6. That prior to any occupancy within the subdivision each structure shall be properly numbered with the number visible from the street year round;
7. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
8. That 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;
9. That these Conditions of Approval and the Final Subdivision Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the scheduling of a pre-construction meeting.