



**Town of Gorham
JULY 10, 2006
PLANNING BOARD MINUTES**

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

Members Present:

**SUSAN ROBIE, CHAIRWOMAN
THOMAS FICKETT
THOMAS HUGHES
MICHAEL PARKER
MARK STELMACK
EDWARD ZELMANOW**

Staff Present:

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

Member Absent:

DOUGLAS BOYCE

The Chairwoman called the meeting to order at 7:00 p.m. and read the agenda. The Clerk called the roll, noting that Vice Chairman Douglas Boyce was absent.

1. APPROVAL OF MINUTES: JUNE 5, 2006

Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to approve the minutes of June 5, 2006 as written and distributed. Motion CARRIED, 5 ayes (Douglas Boyce absent, and Mark Stelmack abstaining as not having been present at the June 5, 2006 meeting). [7:03 p.m.]

2. COMMITTEE REPORTS

- A. Private Way Committee: Mr. Hughes stated that there was no report from this Committee.
- B. Ordinance Committee: This Committee did not meet.
- C. Sign Ordinance Committee: Ms. Robie reported that the Sign Ordinance Committee made their first review of Mark Eyerman's proposed sign ordinance re-write. She said that the next meeting of this subcommittee will be on July 17 and will be a public meeting.

**3. AMENDMENT TO THE LAND USE & DEVELOPMENT CODE – DEVELOPMENT TRANSFER OVERLAY DISTRICT
PUBLIC HEARING**

Proposed amendments to Chapter I and Chapter II of the Gorham Land Use and Development Code to create a Development Transfer Overlay District allowing well-planned, higher density residential development to be located in areas with public sewerage in exchange for the payment of a development transfer fee that would be used by the Town to purchase conservation land and/or easements and open space.

Mark Eyerman of Planning Decisions explained that this proposal comes as a result of the Town's Comprehensive Plan, which was prepared and adopted, in the early mid-1990s. He said that the development transfer overlay district concept came into focus again when the Town began discussing the possibility that the Little Falls sewage treatment plan might be converted to a pump station or sewer facility with a sewer line being constructed along Mosher Road, which could open up some land for rezoning and permit the capture of development potential. He said that the actual amendments that are

the basis for tonight's public hearing before the Planning Board this evening were developed by the Town Council Ordinance Committee.

Mr. Eyerman explained the concept of the development transfer overlay, which is to allow higher development density in and around villages, to create a proposed village expansion south of Gorham Village, to create a method of discouraging development in rural areas, and to create a mechanism to accomplish development transfer. He explained that the transfer mechanism would require developers who would benefit from allowed higher density would pay a fee which would be used to compensate rural land owners who voluntarily give up the development potential of their land. Mr. Eyerman went on to explain that the concept basically would allow higher residential density in areas that can be sewerred, would require the payment of a development transfer fee for the additional units that would be allowed, and the fee revenue obtained would be used to acquire open space and recreational land in areas or to buy conservation easements where development is not desired. He said that the Overlay District that would be created would include Gorham Village, Little Falls, the area in between the two villages, part of the Mosher Road corridor, and an area south of Gorham Village. Mr. Eyerman demonstrated on a map where the Overlay District boundaries have been proposed, and said that a property owner whose property is within the District would have the option of using or developing his land either with the existing zoning or to use the provisions of the Overlay District which would allow higher density development, but can only utilize one or the other method, not both together. The Overlay District would be limited to new residential subdivisions, the development must be connected to the public sewer system, there must be a development transfer paid for each bonus unit, those units in excess of what is permitted under existing zonings, and the development has to conform to the Overlay standards. The fees that developers would have to pay are not yet fixed, but might range from \$12,000 to \$15,000 per bonus unit, based upon raw land costs.

Mr. Eyerman noted that the Planning Board in its workshop on this issue had expressed concern that the permanent restrictions against development on open space purchased by the fees be made clear and that there are "strings" to assure that happening. He said that the ordinance contains priorities for how the fees would be used, such as acquiring land along the Presumpscot and Little Rivers, agricultural land, land with significant natural resource value, land in the view shed from the top of Fort Hill, and land in the green belt around Gorham Village, but all of it must be *developable* land. Mr. Parker asked if the ordinance allows for perpetuating agricultural use of the land; Mr. Eyerman responded that it allows for purchase of a conservation easement on agricultural land. Mr. Eyerman noted, however, that the intention is that no development occurs, it does not mean that the land becomes public land with public access. Mr. Eyerman said there are two sets of development standards: one set where the underlying zoning is rural, and the second set for all other situations. He then discussed the various standards, such as minimum street frontage, that are contained in the ordinance, to create narrow, deep lots with short frontages and to maximize the potential to create useable private back yard space and smaller front yards.

Mr. Eyerman then made a Power Point presentation showing two projects in Portland which demonstrate many of the frontages, lot sizes, and setback standards proposed in the ordinance.

PUBLIC COMMENT PERIOD OPENED:

Les Berry suggested that some of the boundaries of the Overlay District should be reconsidered as it appears that some of the lines bisect certain parcels, and also expressed concern about some of the minimum setbacks which would impact the sizes of houses that could be built on the smaller lots. Mr. Eyerman responded that the possible By-pass route has been utilized as the western and southern boundary of the District, as well as power lines in some places. He also said that the Town wants to encourage reasonable density on a "Village scale" and not squander the land on what are suburban residential densities.

PUBLIC COMMENT PERIOD ENDED.

At Mr. Parker's request, Mr. Eyerman pointed out such small areas of rural zones between Route 237 and the River, land between Mosher Road and both sides of the Little River that was not sewered in the past but could now have the potential of being included in the Overlay District, as well as other small areas on "the fringe" of the District.

Ms. Robie said that at its workshop deliberations, the Planning Board suggested that the Town Council create a trust to manage the land. Mr. Eyerman said that the discussion was to have a third party, to which a conservation easement could be granted, so that the third party would have the power to oversee the Town's actions in the future should the Town acquire the land. Ms. Burns, the Town Attorney, recommended that the Board include that as part of its recommendation to the Town Council, as the establishment of such a trust is not really a land use issue. She said that rather than getting involved in the details, it would be better if the Planning Board indicate to the Council that it believes setting up some sort of trust would be a good idea. Mr. Zelmanow said the Board's interest lies in perpetuating the restrictions on development of the land, and to have an independent third party with the legal standing to fight any proposed future change in the status of the land.

Thomas Hughes MOVED and Mark Stelmack SECONDED a motion to recommend adoption of the proposed amendments to Chapter I and Chapter II of the Gorham Land Use and Development Code and to the Official Zoning Map to create a Development Transfer Overlay District allowing well-planned, higher density residential development to be located in areas with public sewerage in exchange for the payment of a development transfer fee that would be used by the Town to purchase conservation land and/or easements and open space by revising the Land Use and Development Code as follows: (1) Amend Chapter I by creating a new Section XVIII; and (2) Amend Chapter II, Section V. Minimum Standards for the Design and Construction of Streets and Way, by revising sub section D. Definitions: for "Sub collector Street" and "Access Street"; sub section F. Street Design Standards- Public Ways, by revising item 11) Sidewalks, and by adding a new item 13) Street Trees; and, furthermore, the Planning Board suggests to the Town Council that they consider setting up a mechanism to guarantee the perpetuity in the future of any land or easements that were purchased. Motion CARRIED, 6 ayes (Douglas Boyce absent). [7:55 p.m.]

4. SUBDIVISION PLAN AMENDMENT – "TALL PINES SD PHASE II" – off BUCK STREET & SPILLER ROAD - by GILBERT HOMES, INC.

Request for a subdivision amendment for a lot line / boundary change. Zoned SR; M77/L48.116 & 48.118.

Les Berry, BH2M Engineers, appeared on behalf of the applicant and explained that a contractor's oversight resulted in a foundation being constructed within the sideline/frontline setbacks adjacent to the "future 50 foot right of way." This request is to slide the common lot line between Lots 16 and 18, which will not adversely affect the detention and drainage pond on Lot #18.

Staff had no comments on the item.

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

Michael Parker MOVED and Thomas Hughes SECONDED a motion to grant approval of Gilbert Homes, Inc.'s request for a lot line amendment between Lots #16 and #18 of the Tall Pines II Subdivision with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Douglas Boyce absent). [8:00 p.m.]

5. PRIVATE WAY PLAN – “FEARON FARM ROAD” - off WARD HILL ROAD – by PAUL S. FEARON, JR.

Request for approval of a 197' private way to serve 1 lot on land of Fearon and Leeman. Zoned R; M68/L2.003

Denise Cameron, NE Civil Solutions, appeared on behalf of the applicant and explained that the angle of intersection of the proposed private way off Ward Hill Road is 85°, or less than the 90° required by the Code. She pointed out the Code would allow this angle for a public street, and said that the applicant is requesting a waiver of this private way standard. She said that the private way would serve only one lot, and the driveway will extend from the end of the private way.

Mr. Shields commented that the Board has seen requests in the past for the design waiver of the intersection angle on private ways, and besides the intersection angle, staff and the Town Engineer find the private way is consistent with the requirements of the Ordinance.

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

Mark Stelmack MOVED and Michael Parker SECONDED a motion to grant Paul Fearon, Jr.'s request for a waiver of the 90-degree minimum street intersection angle required by the Land Use and Development Code. Motion CARRIED, 6 ayes (Douglas Boyce absent). [8:07 p.m.]

Mark Stelmack MOVED and Thomas Fickett SECONDED a motion to grant Paul Fearon, Jr.'s request for approval of Fearon Farm Road, a 197-foot private way to serve one lot, located off Ward Hill Road, with conditions of approval as posted prior to the meeting and discussed with the application. Motion CARRIED, 6 ayes(Douglas Boyce absent). [8:08 p.m.]

Ten Minute Stretch Break to 8:18 p.m.

6. PRELIMINARY SUBDIVISION PLAN – “DOUGLAS KNOLL” / “MARYANNE DRIVE” – off WATERHOUSE ROAD - by DESIGN DWELLINGS, INC.

Request for Preliminary approval of a 14-lot clustered residential subdivision with one 1,500' road on 29.9+/- acres at the corner of Waterhouse Road & South Street. Zoned R; M22/L4.

Mr. Fickett disclosed that he is a partial owner of property on Waterhouse Road but feels that he can make a fair judgment on this item and would like to participate in the discussions of the Board on the item.

Edward Zelmanow MOVED and Mark Stelmack SECONDED a motion to permit Mr. Fickett to participate in the discussions on this item. Motion CARRIED, 5 ayes (Douglas Boyce absent and Thomas Fickett abstaining). [8:19 p.m.]

Shawn Frank, Sebago Technics, appeared on behalf of the applicant, Susan Duchaine of Design Dwellings. Mr. Frank explained that due to the location of the proposed Gorham By-pass and the presence of certain wetlands on site, it was determined that a clustered subdivision would best suit the parcel, with 14 proposed lots and 11 acres of the total of 30 acres to be kept as open space. He said the roadway access would be off Waterhouse Road, culminating in a cul-de-sac, with a total length of 1500 feet. He said that the lots would be served by individual wells, on-site septic systems, underground utilities; and a high intensity soils survey and a nitrate analysis have been done. Mr. Frank said that stormwater management will be accomplished through two underdrained ponds and several small bio-retention swales. Mr. Frank noted that the underdrained treatment ponds will require clay liners, which means that they cannot be fire ponds as the Fire Department will not maintain treatment ponds, so they are working with the Fire Department on options for fire protection prior to final submission. Mr. Frank noted that to provide for specific access to the common open space, a ten-foot pedestrian easement will be provided on the side line on Lot #7 adjacent to the bio retention area with some sort of footbridge across the stream. He said that the Town's blasting guidelines will be met and a formalized blasting plan will be provided to the Town Engineer for his review and approval. Mr. Frank also spoke about the Town Engineer's comments about improvements to Waterhouse Road; he noted that they will work with the Engineer on his requirements.

Mr. Fickett asked what the road length would be in a conventional layout; Mr. Frank replied that there would have been an additional 500 to 600 feet to make the connection to access the back of the property. Mr. Parker asked Mr. Frank to point out the buffer between this development and the proposed By-pass; Mr. Frank pointed out the 155-foot strip to be conveyed to MDOT by the current lot owner. Mr. Stelmack and Mr. Frank discussed various aspects of the cluster development provisions of the Ordinance, with Mr. Stelmack asking how the proposal addresses those requirements. Mr. Frank noted that the open space would provide passive recreational opportunities, the orientation of the houses will involve smaller lots and will hopefully meet the market for "affordable" housing, landscaping intention is more retention as opposed to planting, but the swales will have some planting, and there will be a 70-foot buffer from South Street. In response to a question from Mr. Hughes, Mr. Frank said there probably be about a half dozen different house designs. Mr. Frank said that he believed that no more than 30% of those designs would be of one type. Mr. Fickett asked Mr. Frank if an agreement has been reached with the Fire Chief on the question of fire protection; Mr. Frank replied that he still has to meet with the Chief to discuss what options are available. Ms. Robie asked for clarification about the access to the open space, noting that the Board can ask for such access because of the cluster standards. Mr. Frank said he still needs to talk to the applicant about providing a foot path/bridge over the stream. Ms. Robie asked if the 70-foot buffer along South Street could be designated as a "no cut" buffer zone. Mr. Frank said it could be done except to allow for the outflow for the underdrained ponds.

Mr. Shields gave the staff comments, noting that the Board needs to determine if this cluster proposal is not only the best use for the property with the least amount of disturbance to natural features, but also that it meets the requirements of the Ordinance. He said that a developer cannot propose a cluster development in order to avoid "hardship" such as might be caused by street length requirements. He said that while Mr. Frank did address some aspects of the cluster requirements, staff feels that there still remain some issues to be addressed such as planting, landscaping, fencing, screening, form of buildings, disposition, set back requirements, etc. Mr. Shields also noted that the Board needs to determine whether or not access to adjoining land will need to be provided, as the By-pass location is the largest constraint on the project providing such access. In addition, Mr. Shields said that fire protection still needs to be addressed. He also referred to the Town Engineer's letter of July 6, 2006, containing a schedule of necessary off-site improvements to Waterhouse Road which the Town Engineer expects the developer to perform as part of the condition of final approval.

Mr. Hughes indicated that while he has no problem granting preliminary approval, he wants to see a plan showing the designs of houses to be built and a landscaping plan before final approval. Mr. Shields noted

that this developer in the past has experience in putting together a landscaping plan with screening and fencing in another project. Mr. Stelmack said he was not completely satisfied with Mr. Frank's responses to questions about conforming to the cluster requirements, and he concurred with Mr. Hughes' comments about seeing more information on screening and landscaping, as well as more information about house designs, before final approval. Mr. Frank agreed, saying he believes he understands what the Board is looking for. Mr. Shields told Mr. Fickett that the radius of the cul-de-sac meets the Town's requirements. Mr. Frank told Mr. Hughes that the street width will be 24 feet with 4-foot shoulders.

Ms. Robie said in her opinion, if the purpose of this subdivision is to provide starter homes, she would be in favor of street trees but would not want to require expensive landscaping on the lots in advance; instead she would like to see the lots to the east and south of the road have a "build to" line to further insure the buffer between these homes and the By-pass, which she believes is the compelling reason for clustering on this parcel. She also suggested plantings be added to the buffer along South Street as sight and noise buffers. Mr. Frank said he would discuss these suggestions with the applicant.

Mr. Shields expressed concern about basing some approval on the fact that this could be affordable housing, as no one can enforce what is built on these lots, and the Board needs to indicate if it wants an attractive landscaping plan based on the ordinance. Ms. Robie concurred, saying her major concern runs to protecting the buffers.

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

Insofar as the first suggested finding is concerned, about whether the proposed cluster plan is the better form of development for this parcel, the Board concurred that it does not have enough information to make an accurate finding, but Mr. Frank has been given sufficient direction as to what information the Board wants to see. Mr. Frank said he understands that the Board needs more information about what house designs will be used, landscaping, buffers, and open space.

Insofar as the second finding is concerned, about providing road continuation to abutting property, Ms. Robie commented that it would require putting a right of way through what has been designated as open space to a parcel that is relatively small. Mr. Fickett said that the proposed By-pass location is also a restriction on the parcel. Mr. Hughes said he believes that the continuation requirement should be waived; the rest of the Board concurred.

Michael Parker MOVED and Thomas Hughes SECONDED a motion to waive the requirement for extension into undeveloped land because the project is surrounded by land that is not suitable for such continuation. Motion CARRIED, 6 ayes (Douglas Boyce absent). [8:58 p.m.]

Mark Stelmack MOVED and Thomas Fickett SECONDED a motion to grant preliminary approval of Design Dwellings, Inc.'s request for the "Douglas Knoll Subdivision," a proposed 14-lot clustered residential subdivision on 29.9 +/- acres off Waterhouse Road, zoned Rural, Map 22, Lot 4. Motion CARRIED, 6 ayes (Douglas Boyce absent). [8:59 p.m.]

7. SITE PLAN AMENDMENT - "VILLAGE MALL" – 80-108 MAIN STREET – by ABBA INVESTMENT REALTY, LLC, KEVIN P. GAGNON, MEMBER.

To review the location of a proposed new exit from the Gorham Village Mall to Water Street via the former Gorham Savings Bank annex parking lot. Zoned UR/UC; M102/L144, 146 & 143.

Les Berry, BH2M Engineers, appeared on behalf of the applicant and explained that the plan has been revised based on input received at the pre-application meeting and at the site walk. Initially he said that

the entrance was changed to a left turn only, based on abutters' concerns, but based on comments received from the Town itself, the entrance is back to a two-way entrance. Mr. Berry spoke about letters from the Gorham Economic Development Council recommending two-way traffic, as well as a memo from the Town Manager saying that this entrance is in compliance with the Master Plan for the Town. Mr. Berry explained that the entrance will be 26 feet wide, with a divided island in the middle and sloped granite curbing, which will help direct drainage from Main Street along the curb line into a catch basin in the Mall parking lot. Mr. Berry said they are also proposing to extend the parking lot in the rear, as well as making some minor improvements in the parking lot. Mr. Berry commented about Condition of Approval #6, which says that the parking lot expansion to the rear of the mall shall be completed as shown on the approved plans and inspected prior to the driveway access to Water Street, which he said is different from their construction schedule, because this is a staging area for work on the building. He said that as soon as the building is done, the parking lot will be paved; however, in the meantime, they would like to be able to do the entrance, so they do not want the two tied together.

Mr. Berry told Mr. Fickett that the distance from the entrance to Main Street is about 140 to 150 feet, which will allow more than two cars to line up at the light. In response to a question from Ms. Robie, Mr. Berry pointed out the entrances into Water Street and which ones will be closed

Mr. Shields gave the staff comments and discussed at length the traffic issues involved in this proposed new exit from the Gorham Village Mall to Water Street by way of the former Gorham Savings Bank annex parking lot, which would greatly benefit traffic from the Mall making a left turn at the signalized intersection on Main Street, and which is supported by the Town's Main Street Master Plan. He said that traffic has significantly increased in recent years on Water and Church Streets, with the Town in 2004 commissioning Gorrill-Palmer Consultants to review the traffic impacts on those streets. The result of that study was the installation of stop signs at the intersection of Church and Water Streets with no further changes currently planned. As a result of this proposal, the Board observed and discussed the issue of cut-through traffic, and indicated that they did not think the new exit from the Mall would result in a significant increase in traffic on those streets. He noted the correspondence from the Gorham Economic Development Corporation which support the proposal.

Mr. Shields also commented about the proposed change to the Water Street drainage shift to a closed drainage system within the Mall parking lot rather than across the Thuotte/Brown parcel. Mr. Shields noted that the various parking changes will result in an overall increase in spaces overall. He also said that this is not a site plan for the former Gorham Saving Bank annex building, this is a cross easement for it, and once that site has a tenant, the Planning Board will have an opportunity to review that site plan.

Mr. Shields clarified that Condition of Approval #6 should be broken down so that it reads: "That the parking lot expansion to the rear of the mall shall be completed as shown on the approved plans and inspected prior to its use." The rest of that condition should be made into a separate Condition of Approval #7, which should read "That the driveway access onto Water Street shall be completed as shown on the plans and inspected prior to the entrance being put into service. Any remaining improvements not completed and detailed above shall have a performance guarantee covering the remaining site improvements established through the Planning Department." He said these improvements will include any landscaping, the parking spaces near Citgo, any island work being done, and drainage work. Mr. Berry concurred with the change to COA #6.

Ms. Fossum suggested an additional Condition of Approval, added as #8, to read "That the applicant shall provide the required cross-easements for access."

PUBLIC COMMENT PERIOD OPENED:

Sherrie Fontaine, 26 Church Street, commended the applicant for the improvements being made to the Mall but expressed continuing concern about traffic issues on Church and Water Streets. Ms. Robie said

that the proper forum for Ms. Fontaine and other abutters to express their traffic concerns is before the Town Council. Mr. Hughes, Mr. Stelmack and Mr. Parker expressed sympathy about the area's traffic problems but indicated that they did not believe this would worsen those problems.

PUBLIC COMMENT PERIOD ENDED.

Thomas Hughes MOVED and Michael Parker SECONDED a motion to grant the request of ABBA Investment Realty for approval of an amendment to the site plan of the Village Mall Shopping Center, 94 Main Street, for the construction of an access driveway out to Water Street and the construction of additional parking with conditions of approval as posted prior to the meeting, discussed at the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Douglas Boyce absent). [9:25 p.m.]

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

Discussion on the design of a proposed loop road for 25-lot residential subdivision 21.6+/- acres off Gray Road. Zoned UR; M30/L18.

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to take this item off the table. Motion CARRIED, 6 ayes (Douglas Boyce absent). [9:26 p.m.]

Mike Roy, SGC Engineering, appeared on behalf of the applicant and explained that at the last meeting, the Board asked them to explore loop options for the project in order to avoid the issue of a private way extending off the end of the proposed public way, which would exceed the dead end roadway length of 1500 feet. Mr. Roy said they have also met with the DEP to discuss various options and that DEP prefers the road as it was originally configured. Mr. Roy described the various proposed looped roads, Options A through D, noting that the looped road does not provide more than 24 lots, but in order to achieve those 24 lots, a large portion of wetlands would need to be filled, a second stream crossing would be required, and the cost of constructing the project's infrastructure would increase. Mr. Roy said that providing a looped road would not increase the density and there are large wetland and environmental impacts with all of the options, and they do not believe the benefits would outweigh the impacts that would be encountered. He said that they will sprinkle the houses beyond the stream crossing to address the Fire Chief's concerns. In response to a question from Mr. Fickett, Mr. Roy replied that it would be forested wetlands that would be filled. Mr. Stelmack asked what amount of increase in the overall cost is represented in the figures given; Mr. Roy replied that Option A would increase the costs of the infrastructures by 10%.

Mr. Shields gave the staff comments and said that the Board tabled this item at its last meeting in order to give the applicant the opportunity to provide options to the proposed deadend public road with private way extending off the end, which configuration would exceed the 1500 deadend street requirement. Of the 4 options, staff believes that Option A would appear to be the most viable alternative to achieve a looped roadway network. He said that if several minor changes were made, consideration could be given for eliminating the closed drainage system by using bio retention cells, as well as eliminating sidewalks for the loop road, and there is a potential savings of \$40 to \$50,000 with the possibility of two more lots fronting on Old Dynamite Way through the reconfiguration of several lot lines for Lots 21 and 22. He cautioned, however, that these concepts have not yet been reviewed by DEP and the Town Engineer. In response to a question from Mr. Fickett, Mr. Shields said that the looped road would have 2 accesses and would be within the 1500-foot limitation.

Ms. Robie commented that in this area, the Town is seeking greater density because of sewer and water access availability, and said she was disappointed that the applicant has not taken advantage of the 15,000

square foot minimum lot size to avoid the amount of proposed wetland fill and said she believes that additional lots can be obtained through moving lot lines around. Mr. Stelmack and Mr. Shields discussed the possibility of eliminating the closed drainage system.

Ms. Robie polled the Board to determine which option is more favorable to its members. Mr. Stelmack said that for the reasons mentioned by staff and the opportunity the applicant has to re-work the plan layout to secure more lots and to review the mitigating cost options such as that for drainage, he believes that Option A is the best choice for a looped road. Mr. Zelmanow said that the roadway as originally proposed is not in compliance with the ordinance, the Board did not ask the applicant to look at the looped road option only to satisfy the Fire Chief's concerns, it was also to bring the whole plan into compliance with the 1500 foot deadend maximum requirement. Mr. Zelmanow said he agrees with Mr. Stelmack that Option A is the best alternative and agrees that the additional costs for the looped road could be made up through some of the methods mentioned by Mr. Shields, such as modifying the drainage and re-working lot lines to obtain more lots. Mr. Fickett said that he could not vote for the original roadway as presented, and Option A is the best option for a looped roadway. Ms. Robie said she supports Option A with a reconfiguration of the lots. Mr. Hughes concurred. Mr. Parker concurred as well, saying that the applicant is actually getting 24 lots out of a plan changed to include Option A, as he probably would not have gotten approval for any lots with the original plan.

Mr. Roy indicated that he has the direction he needs from the Board, and confirmed that the underground drainage can be eliminated on the looped road only. The Board agreed that sidewalks as well on the looped section can be waived.

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

9. ADJOURNMENT

Michael Parker MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Douglas Boyce absent). [9:58 p.m.]

Respectfully submitted,

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

4. SUBDIVISION PLAN AMENDMENT – “TALL PINES SD PHASE II” – off BUCK STREET & SPILLER ROAD - by GILBERT HOMES, INC.

Request for a subdivision amendment for a lot line / boundary change. Zoned SR; M77/L48.116 & 48.118.

Approved

Conditions of Approval:

1. That this approval is limited to specific amendment proposed and 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 minor changes which the Director of Planning may approve;
2. That all other applicable conditions of approval attached to the original subdivision plan shall remain fully in effect; and
3. That the amended subdivision plan and these conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner.

5. PRIVATE WAY PLAN – “FEARON FARM ROAD” - off WARD HILL ROAD – by PAUL S. FEARON, JR.

Request for approval of a 197’ private way to serve 1 lot on land of Fearon and Leeman. Zoned R; M68/L2.003

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 minor changes which the Director of Planning may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That prior to the commencement of construction of the private way, the applicant will establish a performance guarantee with the Planning Department to cover the cost of constructing the paved apron;
4. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
5. That the applicant’s engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham’s Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant’s engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
6. That prior to the issuance of any occupancy permits for any of the lots served by the private way, the Town’s Inspecting Engineer shall certify to the Code Enforcement Officer that the private way has been constructed in accordance with Chapter II, Section V, and the approved Private Way Plan; and
7. That the private way plan and 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 prior to the commencement of any improvements on the site.

7. SITE PLAN AMENDMENT - “VILLAGE MALL” – 80-108 MAIN STREET – by ABBA INVESTMENT REALTY, LLC, KEVIN P. GAGNON, MEMBER.

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 the applicant is responsible for obtaining all local, state and federal permits required for the development of this project prior to commencement of the project;
3. That all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Cumberland County Soil and Water Conservation District, Department of Environmental Protection, dated March, 1991;
4. That the applicant shall provide property line information and site information in auto-cad format to the Town Tax Assessor 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 through the Planning Office, 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 the parking lot expansion to the rear of the mall shall be completed as shown on the approved plans and inspected prior its use;
7. That the driveway access onto Water Street shall be completed as shown on the plans and inspected prior to the entrance being put into service. Any remaining improvements not completed and detailed above shall have a performance guarantee covering the remaining site improvements established through the Planning Department;
8. That the applicant shall provide the required cross-easements for access; 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 commencement of any improvements on the site.