



**Town of Gorham
SEPTEMBER 11, 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
BARBARA SKINNER, Clerk of the Board**

Member Absent:

DOUGLAS BOYCE, VICE CHAIRMAN

The Chairwoman called the meeting to order at 7:07 and asked for a moment of silence to commemorate the events of September 11, 2001. Ms. Robie then read the agenda, and the Clerk called the roll, noting that Vice Chairman Douglas Boyce was absent.

1. APPROVAL OF MINUTES: AUGUST 7, 2006

Edward Zelmanow MOVED and Mark Stelmack SECONDED a motion to approve the minutes of August 7, 2006 as written and distributed. Motion CARRIED, 4 ayes (Susan Robie and Thomas Hughes abstaining as not having been present at the August 7 meeting, and Douglas Boyce absent). [7:09 p.m.]

2. COMMITTEE REPORTS

- A. Private Way Committee** Mr. Hughes announced there was no report for this Committee.
- B. Ordinance Committee:** Ms. Robie announced there was no report for this Committee.
- C. Sign Ordinance Committee:** Ms. Robie reported that there is a draft prepared by the Sign Ordinance Committee and Mr. Eyerman that is within a few days of being circulated to the entire Planning Board and the Ordinance Committee of the Town Council.
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3. CONSENT AGENDA ITEMS

- A. STREET ACCEPTANCE REPORT – “MOUNTVIEW DRIVE” in NONESUCH FARMS SUBDIVISION – off BURNHAM ROAD - by RISBARA BROS. CONSTRUCTION CO., INC.**

Request for street acceptance by Risbara Bros. Zoned R; M1/L14.

Ms. Robie noted that staff recommends postponement of the item.

Thomas Fickett MOVED and Michael Parker SECONDED a motion to postpone the item to the next regular meeting in October. Motion CARRIED, 6 ayes (Douglas Boyce absent). [7:10 p.m.]

B. STREET ACCEPTANCE REPORT – “HAY FIELD DRIVE” in SPRINGBROOK FARMS SUBDIVISION – off DINGLEY SPRING ROAD - by RISBARA BROS. CONSTRUCTION CO., INC.

Request for street acceptance by Risbara Bros. Zoned R; M81/L29

Ms. Robie noted that staff recommends postponement of the item.

Thomas Fickett MOVED and Michael Parker SECONDED a motion to postpone the item to the next regular meeting in October.

Discussion: Mr. Stelmack asked if the reason for postponement is that the item is not ready; Ms. Fossum confirmed that was the reason, and said that the applicant is in agreement with the postponement.

Motion CARRIED, 6 ayes (Douglas Boyce absent). [7:10 p.m.]

4. SITE PLAN – “NAPPI BEVERAGE DISTRIBUTION FACILITY” – off 615 MAIN STREET – by NAPPI DISTRIBUTORS
PUBLIC HEARING

Request for plan approval of a 141,836 sq. ft. warehouse and administration facility on 25+/- acres at 615 Main Street. Zoned I; M32/L13.

Jan Wiegman, Sebago Technics, appeared on behalf of the applicant to update the Board concerning the status of permitting and site plans, and to get the Board’s input. He said that a DEP site location permit application was submitted in early June, they have applied for a traffic movement permit from DOT, and the Town’s review engineer has reviewed their proposed traffic improvements. Mr. Wiegman said that the site plan has been further developed, the stormwater analysis has been refined, certain entrance modifications have been made to more easily accommodate truck movements, efforts are being made to increase parking to better match Code requirements, plans are being developed for the pump station, and they have refined the landscape plan for the front of the site and at the entrance to the building. Mr. Wiegman said that they will request a waiver for the parking requirement, saying that he and the Assistant Planner, before Mr. Shields’ departure, had discussed separating the office and warehouse areas to determine the requirements for each area in order to compare those requirements with the proposed parking anticipated, but the total number of spaces is still below the Town’s requirements. Mr. Wiegman then noted that Frank Scherr, architect for the project, has further developed the building elevations to discuss with the Board.

Ms. Fossum gave the staff comments, noting that the item is not fully ready for final approval but has been placed on the Board’s agenda to give members of the public and the Board the opportunity to comment on the plans submitted in order to move forward with the applicant to finalize the project. She described the proposed project, noting that the size of the building to be constructed is 155,000 square feet to house a distribution warehouse facility and administrative offices, as well as a 5000-plus square foot maintenance building on the site. She noted that the proposed stormwater management has been reviewed by an outside consulting engineer with some details remaining to be clarified Ms. Fossum noted that a center left turn lane will be constructed within the Route 25 right-of-way to provide a protected left turn for westbound traffic and to allow through traffic to slip past turning vehicles. She said that the Town’s traffic review engineer, Paul Godfrey of HNTB, concurs with the applicant’s traffic engineer as well as with comments made by the DOT. Ms. Fossum referred to the breakout of parking required for the office and warehouse spaces, as each subcategory generates a different parking space requirement number. Ms. Fossum suggested that the architect present the building elevations to the Board.

Mr. Parker asked if there is any way to provide additional parking if they were required to do so. Mr. Wiegman referred to an area where grading could be built up to provide overflow or additional parking.

The architect for the project, Frank Scherr, said that there are also four covered parking spots for the owners which will increase the overall total of spaces. Mr. Scherr presented various building elevations, saying that the front elevation will be done in precast concrete with aluminum storefront and a 105-foot canopy, and colors of blue, beige and red have been chosen as representative of the industry. He said that the office façade breaks up the scale and massing of the building.

Mr. Parker noted that due to the height of the site and placement of the structures, traffic passing along Route 25 will see the front of the building, but the warehouse portion will be masked. Mr. Hughes said that Nappi is welcome in Gorham and the Board will work with them. Mr. Scherr commented that this is the most professional staff he has dealt with, including the city of St. Louis. Mr. Stelmack asked staff to confirm that the three remaining issues with this application are the parking, sewer, and sign size; Ms. Fossum said that those three items are all that remain, except of course for the changes requested by the Town Engineer and the stormwater review engineer. She confirmed to Ms. Robie that the DEP permit needs to be in hand before final approval. Mr. Wiegman and Mr. Scherr said they are contemplating a smaller sign that will meet the ordinance, roughly 24 square feet, made out of precast concrete with a reveal, separating the sign from the supporting portion of 6' by 12'. Mr. Wiegman told Mr. Stelmack that the difference in parking spaces vis-à-vis parking space requirement is 25 spaces. Mr. Wiegman said that he met with the Portland Water District today and was told that the gravity sewer line project would be going out for bids within the next two weeks, but for now the applicant is working on a pump station on site to pump into the force main running across the property. Mr. Fickett asked if vehicles will be fueled on site; Mr. Wiegman replied that the fueling station will have both diesel and gasoline for the use of the fleet, with tanks below ground.

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

Mr. Parker and Mr. Hughes reiterated a welcome to the applicant.

Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to table the application until the applicant has had the opportunity to address the items discussed tonight and submit all the required material for final submission.

Discussion: Mr. Stelmack asked if the item is tabled, does the applicant have to come back the meeting after next. Ms. Fossum said no, and Mr. Zelmanow said that all that will be required is to move to take the item off the table.

Motion CARRIED, 6 ayes (Douglas Boyce absent). [7:35 p.m.]

5. SITE PLAN – “SUBWAY SHOP/GORHAM” – off 109 MAIN STREET – by SUB BUILDERS, INC.

PUBLIC HEARING

Request for plan approval of a 1,653 sq. ft. restaurant with 12 parking spaces on .24 acres. Zoned UC; M102/L153.

Thomas Harmon, Civil Consultants, gave a brief overview of the project, including the variance granted by the Board of Appeals to allow building a 22-foot setback instead of the requisite 25 feet. He showed the Board various elevations of the site and proposed building, describing the building as being 1660 square feet in size, with approximately 1100 square feet in restaurant area. He said that the building will be constructed of fiber composite clapboards, reproduction slate roof, and colonial windows and roof.

Mr. Harmon submitted a plan for the proposed landscaping of the project, and discussed the proposed pedestrian walkways from the parking area into the building, including one at the rear which will be covered by a canopy extension of the roof. He said there are 12 parking spaces provided, the square footage requires 11; the applicant's current facility has 13 spaces shared with another user, and he feels that the 12 spaces at this site will be acceptable. Mr. Harmon explained that entry into and exit from the site will be done through right turns only, except that delivery trucks, making their deliveries after hours between 10:00 p.m. and 6:00 a.m., will be able to turn left into and out of the site. Mr. Harmon discussed the "no left turns" signs that will be posted, and spoke about the island at Route 25 and New Portland Road which will be reconstructed with raised curbing to prevent left hand turns out of the site, although trucks will be able to turn left over the sloped curbing areas. He said that the drainage will continue as it has in the past overland into catch basins in the street. He noted that traffic comments need to be completed, as well as a photometric study, and raised the issue of keeping the current backlit sign in use at the applicant's present facility, asking if the prohibition of internally lit signs in the Village District can be waived by the Board. Mr. Harmon said that the DEP comments on site cleanup will also be provided.

Mr. Parker and Mr. Harmon discussed pedestrian circulation in and around the site and parking areas. The applicant, Loren Goodridge, discussed the signs in use at his current facility, indicating that the signs are turned off at 10:00 p.m. Mr. Harmon told Ms. Robie that snow will be loaded out off the site. Ms. Robie asked about the Fire Chief's August 14, 2006 memo expressing concern about exit requirements based on the use of the second story. Mr. Harmon said that the second floor is only intended as office space for the store; however, Ms. Fossum remarked that it would be wise to check with the Fire Chief to determine if a second exit will be required. Ms. Robie asked Mr. Harmon if the building materials proposed are in accordance with the Village Standards. Ms. Robie commented that there have been no details presented discussing how the application will meet the Village Design Standards, nor has a design of the traffic island been made available. In response to a question from Mr. Stelmack, Ms. Fossum commented about the number of Village Design Standards that this project must meet, such as the parking being to the rear and sides of the site, landscaping in front of the building between the sidewalk and the site, and the photometric study. Ms. Fossum concurred that all the work to occur on New Portland Road, both the traffic island and the signs, is considered off site improvements, and the applicant is aware that that work would have to be bonded or a performance guarantee provided to cover the cost of those improvements.

Ms. Fossum commented that the latest traffic information has been forwarded to Diana Morabito of Maine Traffic Resources, the Town's traffic peer review consultant, and it will be necessary to see her comments on that information. She said that the applicant is meeting the minimum parking space requirement, and the applicant has the experience already of conducting an existing business in the Village downtown. Mr. Stelmack and Mr. Hughes concurred that the 12 spaces will be adequate as long as the minimum requirement of the ordinance is met.

Ms. Fossum responded to Ms. Robie that the Planning Board may not waive the sign requirement, and said that these would not be replacement signs but rather brand new signs that must meet the requirements. Mr. Goodridge briefly discussed some sign options that he will look into. Mr. Zelmanow, Ms. Robie and Mr. Hughes commended the applicant for his project.

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

Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to table the application until the applicant has addressed the items discussed and has submitted all the required submission items. Motion CARRIED, 6 ayes (Douglas Boyce absent). [8:11 p.m.]

6. SITE PLAN AMENDMENT – “PLAN-IT RECYCLING” - 18 GORHAM INDUSTRIAL PARKWAY – by PLAN-IT RECYCLING & TRANSFER
PUBLIC HEARING

Request for approval of a plan amendment for a covered structure at Plan-it Recycling. Zoned I; M12/L26.001.Zoned RC; M32/L13.

Mark St. Germain, St. Germain & Associates, Inc., appeared on behalf of the applicant and explained that the applicant is seeking approval of a covered bin in the materials processing and staging area of his existing facility. Mr. St. Germain also spoke about the recent de minimis change that had been approved allowing the relocation of the tree buffer and installation of fencing along the property bordering the Gorham Industrial Parkway. He also noted additional buffering done by Ron Smalley, the applicant, and spoke of the operational controls policy instituted by the applicant., such as the covered bin for which approval is now sought. Mr. St. Germain showed the Board an illustration of the bin, which he described as 56 feet long and 30 feet wide, which requires a building permit and approval of a site plan amendment by the Planning Board.

Mr. Parker asked if the bin is designed to keep stored materials dry or out of sight; Mr. St. German replied that the latter will happen but the former is the important component. Mr. Parker said that the site has become an eyesore on occasion from Route 25, and asked if the bin will deal with that issue. Mr. St. Germain replied that the screening that Mr. Smalley volunteered to put in should take care of a lot of the visual issue.

Ms. Fossum distributed copies of the renderings provided for the de minimis change whereby the applicant volunteered to install the fencing and to install a denser screening with transplanted pine trees along the edge of the Parkway. She said, however, that the applicant is here tonight to obtain approval of the bin designed to cover the construction and demolition materials on site, that bin being regarded by the Code Officer as being a structure requiring a building permit and which is new square footage under the building code requiring a site plan amendment. This is an after-the-fact approval. Mr. Stelmack asked if the structure is designed to deal with the blowing debris complained about in the past. Mr. St. Germain said that this will help in part, but it is not the primary reason, the primary reason is to protect the materials from the weather.

PUBLIC COMMENT PERIOD OPENED:

Robert Morrell, resident at 260 Conant Street, Westbrook, commended the applicant for being in the business of recycling, but said that the problem with Plan-It Recycling is that the Planning Board failed on this issue. He said he is a visual abutter to the project, saying that the elevation between the two homes he owns on Juniper Lane and the project is 45 feet, and there is not much the applicant can do to provide an adequate visual buffer. He said that the project has had a negative appraisal impact on his properties, and indicated that efforts to address this issue with the Town Manager and others have proven unsuccessful. He complained about noise pollution, dust problems, and operating hours, citing one Saturday evening when the cranes were still working at 7:00 p.m. Mr. Morrell said he does not believe Gorham has been a good citizen to the Town of Westbrook by allowing this site to happen at the gateway between the two. He asked the Board for assistance in dealing with this embarrassment such as relocating the facility to some other location in Gorham.

PUBLIC COMMENT PERIOD ENDED. [8:30 p.m.]

Mr. Hughes noted that Mr. Morrell’s comments about his problems make it difficult to concentrate on what is before the Board, which is the approval of the covered bin, that the Board’s primary focus should be on the issue before it, and Mr. Morrell’s concerns should be a separate issue. Ms. Robie concurred.

In response to a query from Ms. Robie, Ms. Fossum said that the only part of the Code which speaks to hours of operation is the gravel pit ordinance, and asked the applicant if his Operations Manual limited the operating hours. Mr. St. German replied that the hours of operation in the Operations Manual are 7 through 5, Monday through Saturday, to accept material, and it is understood that there are hours beyond that for managing the materials, as happened the evening Mr. Morrell complained of, but that occurrence was rare. Mr. Stelmack said that the issues being expressed are similar to those heard about gravel pits, and he feels it is beyond the purview of the Planning Board at this time to address those issues; rather, it is best left to others to enforce hours of operation, etc.. Mr. Stelmack said that while everyone empathized with the abutter, the minimum the Town can do is a better job of enforcing the hours of operation and the types of operations to make sure they are in conformance with the operations manual, and at the most, look for somewhat to relocate the business, a long difficult process. Mr. Stelmack concluded that he agreed with Mr. Hughes that the Board needs to concentrate on the matter at hand.

Ms. Fossum noted that she had heard from Jerre Bryant, City Administrator of Westbrook, who commented that the City of Westbrook is on record with the DEP about the improvements they would like to see take place at the site, based on the pending application the applicant has before the DEP.

Mr. Morrell returned to the podium to say that the only reason Mr. Bryant knew about tonight's hearing was because Mr. Morrell had told him about it. However, Ms. Fossum replied that the Planning Office had been notified and that Mr. Morrell's address had been secured to notify him, as well as other Westbrook abutters.

Mr. St. Germain discussed with Mr. Parker the physical structure of the bin.

Mr. Morrell returned to the podium to say that Gorham's ordinance required that a structure of over 5000 square feet requires sprinkling and asked if this building, being opened at both ends, fell under that requirement; Ms. Fossum responded that the Fire Chief and the Code Officer both received copies of the application, and the applicant is aware that a certain square footage of an enclosed structure will trigger the requirement for sprinklers, so if another side were added, that would change the dynamics.

Mr. Morrell returned to the podium again to exhort the Planning Board to apply conditions of approval such as addressing the dust, hours of operations, etc. to future approvals of the project in order to help a neighbor.

PUBLIC COMMENT PERIOD ENDED. [8:40 p.m.]

Mr. St. Germain responded to the sprinkling issue by saying all of the relevant dimensions, etc., were provided and the structure does not trigger the sprinkling requirement.

The Board discussed the issue of applying Conditions of Approval, and concluded that this application is not a vehicle for that purpose.

Michael Parker MOVED and Mark Stelmack SECONDED a motion to grant Plan It Recycling & Transfer, Inc.'s request for approval of a site plan amendment to erect a covered bin at its site on Gorham Industrial Parkway with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Douglas Boyce absent). [8:45 p.m.]

10 Minute Stretch Break to 8: 55 p.m.

7. FINAL SUBDIVISION PLAN & SITE PLAN & SITE PLAN AMENDMENT – “STARGAZER” / “BLUE LEDGE ROAD” / “GROWING YEARS DAYCARE” / “HANSEN’S FARM MARKET” – off 74 COUNTY ROAD – by HANS C. HANSEN, INC.

PUBLIC HEARING A.

Request for final plan approval of a 7-lot condominium subdivision encompassing 6 residential lots and 4 commercial units with an existing agricultural business, a proposed daycare facility and 2 areas reserved for future development on 23.8 acres on the site of the existing Hansen’s Farm Market. Zoned R-SR; M3/L22.

PUBLIC HEARING B.

Request for final site plan approval of a proposed daycare facility on the site of the existing Hansen’s Farm Market. Zoned R-SR; M3/L22.

The Chairwoman commented that discussion will be held on both Public Hearing A and B, but there will be two votes, one on each item.

Edward Zelmanow MOVED and Mark Stelmack SECONDED a motion to combine the two public hearings. Motion CARRIED, 6 ayes (Douglas Boyce absent). [9:00 p.m.]

Tom Greer, Pinkham & Greer, appeared on behalf of the applicants, Hans and Elizabeth Hansen, who were also present. Mr. Greer reviewed the project in general, saying that there are a number of coordination issues involved regarding the legal documents, which will be clarified and provided to the Town Attorney. Mr. Greer said that there are homeowners’ association documents for the residential lots in the subdivision, and there are condominium documents for the 4 commercial units. He said a public easement will be granted for travel along the access road to any member of the public. Mr. Greer noted that the well be relocated to serve the 4 commercial units, which has been approved by the Department of Health Engineering under their public drinking water supply program. A DEP permit has been secured for the project, stormwater details will be addressed, and buffer issues in the condominium documents will be straightened out. Mr. Greer said they have been working with MDOT on the detailed design of the intersection improvements and will need to get a permit from DOT under their developer improvement process, which the applicant would like to be a condition of final approval. MDOT has approved the traffic report and the geometry of the layout but they have not yet approved the construction drawings. Mr. Greer noted that the applicant’s financial capacity has been addressed in his DEP permit process, which they hope the Board will accept.

In response to a query from Ms. Robie, Mr. Greer said that the applicant is providing access easements to the telephone company in order for them to be able to enter via the applicant’s property, but said that the Town will have to ask the telephone company to close off the current entry off County Road.

The Chairwoman asked if the Board wished to hear any additional projects after 10:00 p.m.

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to waive the 10:00 o’clock in order to get through the items on the agenda but not to exceed 11:00 o’clock. Motion CARRIED, 6 ayes. [9:08 p.m.]

Ms. Fossum said that from staff’s standpoint, this item is not ready for final approval but it is on tonight’s agenda so that the applicant can have the benefit of the Board’s comments and that a public hearing can be held to determine if there are any additional comments from the public. She said the main reason not to recommend final approval at this point is that the Town Attorney’s review comments are clear as to what needs to be done and where the questions lie within the documents, but these are complicated legal documents for this combined commercial/residential/condominium project and should be finalized prior

to Planning Board approval. There are still some peer review comments on the stormwater remaining to be addressed, which should be done before final approval. In addition, the Town Engineer has requested that there be construction drawings for the intersection that have MDOT concurrence and which are close to the final, if not the final, constructed detailed drawings. Ms. Fossum said cost estimates for the offsite improvements will have to be provided for the performance guarantee required of the developer for those improvements prior to any commencement of the project. Ms. Fossum read an e-mail received today from the abutter who has had concerns about the buffering between her home and the day care, as follows:

“Per our telephone conversation and my face-to-face conversations with Mr. Hanson [sic], Mr. Hanson and I have agreed to the following;

Mr. Hanson will plant eight to ten five-to-six foot Balsam Firs approximately five feet apart on his land located near my property line to shield his new building from my view;

Mr. Hanson will maintain the trees;

Mr. Hanson will plant two to three trees on the side by the rear of the building facing my property at 86 County Road;

Mr. Hanson will plant six to eight trees on the side by the front of the building facing my property at 86 County Road.

Marylou McFarland
86 County Road, Gorham”

Mr. Greer said that there were areas mentioned that are not on the plans, but Mr. Hansen is obviously willing to do that.

Ms. Fossum said that in light of the departure of the Assistant Planner, this is an application into which the Planning Staff needs to put more closure time, and she would recommend that the Board not grant final approval at this time. She recommended that the Board use this period of time to help facilitate the application by giving the applicant any comments or concerns, and she will work with the applicant to bring closure to the remaining issues before the next meeting. Mr. Hughes asked what sort of timing is involved, perhaps the October meeting; Ms. Fossum said that sounded reasonable, but Mr. Greer said that there would be one exception: they will not have DOT’s review and approval of the plans in that time, there may be funding to help out, and the design may change slightly if they decide to put funding in and do additional improvements. He said they would put together the plans for their piece of the improvements for that and get them to the Town to review, but they would like to get the Board’s approval long before they get DOT’s approval. Ms. Robie asked if proceeding without DOT plans and permits prohibited by the Code; Ms. Fossum replied that it is not, other approvals have been conditioned, but it has been found to be difficult to manage and it would be beneficial to sit down with the Town Engineer and find out what the applicant and the MDOT have been discussing if it is not the same plan that was presented at preliminary approval. Mr. Greer said that the DOT has approved the concept and the layout and the geometry so the Planning Board has a plan that is not going to change a whole lot, what changes is that more detail is provided on the depth of the pavement, how big the gravel is, to get the MDOT to go along with the improvements. Ms. Fossum said it seems advisable to sit down with the Town Engineer to see what he is comfortable with, particularly if, as Mr. Greer has commented, some portion of the work may be completed by DOT rather than the applicant, there will be scheduling and timing changes that have to be considered. Mr. Parker asked if the final change would be a de minimis change. Ms. Fossum said that has been done in the past, approving basically a concept plan, and final engineering details have been worked out by the applicant’s engineer, with approval from the Public Works Director and MDOT after the fact. She pointed out, however, that it has been a difficult administrative process, and there have been problems due to plans which were not fully developed prior to Planning Board approval.

Mr. Hughes commented that to give final approval tonight with the MDOT approval as a condition of approval would not be appropriate, he would prefer to see the outstanding issues cleared up by the next meeting, with the Town Engineer satisfied with the plans and the legal review completed. Ms. Fossum said she hoped by the next meeting the Town Engineer will have had a chance to meet with the applicant to discuss the status of the plans and where they stand with the DOT.

Ms. Robie said that it would seem that the intersection at Route 22 and Route 114 is germane to both the subdivision plan and the site plan, and asked if the day care application can be approved without approving the first one and could the Planning Board vote on each public hearing separately. Ms. Fossum replied that the day care site is dependant on subdivision approval, and if the first one isn't ready, then there can be no vote on the day care. She said that the subdivision/condominium has to be approved first as it creates the area where the day care will be located.

Hans Hansen came to the podium and said that eventually he has to have closure. He said they will ask the Town Council for financial help on the intersection and he is working with the State for their assistance. He said he would like to start work on his road before the end of the year and do his site improvements without asking for any building permits. Mr. Hansen also spoke about the duplication of review involved with the project.

Mr. Parker discussed with Mr. Greer the signalization of the intersection, with Mr. Greer explaining that the new signals will be computerized. Mr. Parker asked Ms. Fossum what can be done to insure that the telephone company service drive exit is blocked off to prevent "shortcutting" to avoid the signal light. Mr. Greer said again that the telephone company would consider such a request from the Town.

Mr. Zelmanow, noting that there is only one ingress and egress for the day care, asked how will delivery trucks service the day care. Mr. Greer replied that generally trucks will deliver in off times, and pickup and drop off of students will fill up the parking lot, and will happen at the beginning and end of the day. Mr. Greer said a student will have to be signed in, necessitating a parent to park and accompany the child into the building. Mr. Greer said there should be enough space in the parking lot, even with all 17 spaces filled, for a vehicle to turn around.

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

Ms. Robie said she would like to see the Board table the first part of the application and approve the day care, with a condition of approval that the underlying subdivision must be approved for the day care construction to commence. Ms. Fossum said that there are no conditions of approval prepared this evening for the day care. Mr. Greer said that the applicant can wait for approval and conditions of approval on both projects until the next time.

Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to table Part A of the application until the applicant has had time to address the items discussed today and is able to submit all the required items for final submission to staff. Motion CARRIED, 6 ayes (Douglas Boyce absent). [9:35 p.m.]

Edward Zelmanow MOVED and Michael Parker SECONDED a motion to table Part B of the application until the applicant has had time to address the items discussed today and is able to submit all the required items for final submission to staff. Motion CARRIED, 6 ayes (Douglas Boyce absent). [9:36 p.m.]

8. PRIVATE WAY PLAN – “WHISPERING PINES LANE” – off 34 ROBIE STREET – by JOCK D. & SUSAN P. ROBIE

Request for approval of a 350' private way to serve 1 lot. Zoned UR; M25/L9.

Edward Zelmanow MOVED and Michael Parker SECONDED a motion to recuse Susan Robie from participation in this item. Motion CARRIED, 5 ayes (Susan Robie recused, Douglas Boyce absent). [9:37 p.m.]

Michael Parker, as the longest-tenured Planning Board member, assumed the chair.

Andy Morrell, BH2M Engineers, appeared on behalf of the applicants and gave an overview of the project. He said that the Town Attorney is reviewing the proposed easements for the private way. He said the road has been designed to save some of the large trees on the site, and vegetated ditches will be constructed on both sides of the outfall pipe to direct water flow into a level spreader at the end of the roadway.

Ms. Fossum said that the drainage maintenance easement to the Town will require some minor revisions, and the application is in order for approval.

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

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to grant Jock D. and Susan P. Robie’s request for approval of Whispering Pines Lane, a 350’ private way to serve 1 lot, located off Robie Street, zoned UR; M25/L9, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Susan Robie recused, Douglas Boyce absent). [9:40 p.m.]

The Chairwoman returned to the table.

9. PRE-APPLICATION CONFERENCE: MINERAL EXCAVATION PERMIT & SITE PLAN – “J PIT” – off MOSHER ROAD – by SHAW BROS. CONSTRUCTION, INC.

Discuss proposal for a quarry operation and bituminous asphalt batch plant. Zoned Industrial; M31/L15

Danny Shaw, co-owner of SB Aggregates and Shaw Brothers Construction, and introduced Chris Cloutier, project manager, and Walter Stinson, Sebago Technics. Mr. Shaw described the first part of the project as being a proposed quarry on 126 ± acres, to take material above the water table and then to dig a pond, excavating below the water table, with perhaps an industrial subdivision around the pond in the future. He said that the second part of the application will include a portable asphalt plant for various projects, operating 24 hours by 7 days as many projects are night work. Mr. Shaw said that traffic, lighting, noise issues will be addressed, commenting that he did not believe this operation would create any more noise than the LaChance Brick plant did during their 24 hour/7 day a week operations. He said the quarry would not operate at night. Mr. Shaw said they would like to get through the application process by next spring.

Mr. Hughes asked for confirmation that the site is on the west side of Mosher, not the east as shown initially on the plans. Mr. Stelmack asked about the need for the pond; Mr. Shaw said it was because they want to excavate material below the water table. Mr. Hughes asked how the applicant can determine if damage is caused to the concrete 48-inch Portland Water District water main; Mr. Shaw said the main

location is on their land, was installed in 1930 and is probably leaking, the proposed quarry is over 400 feet away and 65 feet above the main, they will install a seismograph as the Water District has requested, and if they break it, they will fix it. Mr. Parker asked if Mr. Shaw can set up a tour of an asphalt plant for the Planning Board; Mr. Shaw said they could set something up in Dayton or Limerick. Mr. Shaw said the portable plant is to get them up and running, but in the long run they would like to install a permanent plant, which would be licensed by the State. Mr. Shaw said that they would import the sand, but get the stone dust and stone for the asphalt would come from the quarry. Mr. Shaw said this is an ideal site for this project: it has 550-3 phase power, natural gas is already piped in, water would be brought in, and there would be no requirement for septic. In response to a question from Ms. Robie about the number of truckloads generated per hour, Mr. Shaw estimated that the plant would produce 200 to 300 tons per hour, with 25 tons per truck, which translates to 10 to 20 trucks per hour, which could at times occur during the night, or only during the day, and rarely around the clock. He said that the State requires only night time paving on some jobs due to traffic constraints. Mr. Shaw noted that the asphalt for the by-pass will either come from this site or from Westbrook as they are the only plants that would do DOT work. Mr. Shaw said there are no significant emissions from a plant of this type. He also commented that it would take decades to exhaust the quarry, some 70 to 100 years.

Mr. Stelmack asked if this will be the noisiest operation in Gorham; Mr. Shaw replied that the quarrying operation will be no noisier than a gravel pit and the asphalt plant is relatively quiet. At Mr. Stelmack's request, Mr. Shaw pointed out the nearest residential neighbors to the proposed site, indicating the Suburban Residential property at the back of the site. Mr. Zelmanow said he would be curious to see how the Development Transfer District overlay would look on the site.

Ms. Fossum commented on the Portland Water District's concerns about the 48-inch main. She noted that public sewer will be extended along Route 237 should the applicant want to design this project to tie into it. She said that Grondin, who is going through the application process for a commercial park on the opposite side of the road, has had discussions with the MDOT and will be required to put in a turn lane for that project. Mr. Shaw agreed that he would probably also be looking at a turn lane requirement for his project as well. She said it would be helpful at staff level to have a list of all the State permits involved in the project, and perhaps it would be beneficial to perhaps utilize some sort of environmental engineering firm for peer review such as EarthTek or E Pro. She suggested a meeting be held with full staff. Mr. Stelmack asked the applicant to provide information about some other site where blasting is being done close to a similarly located water line to provide evidence that this won't be an issue.

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

The Chairwoman directed that a site walk and a visit to an asphalt plant be set up. [10:15 p.m.]

10. DISCUSSION: PRELIMINARY SUBDIVISION PLAN AMENDMENT / PRIVATE WAY PLAN – “PLUMMER ROAD SD” / “ALEXIS DRIVE” - off 105 PLUMMER ROAD – by ALBERT T. & DENISE L. MEROLA

Discussion of a proposed amendment to the Sara Childs Subdivision Plan to create 5 new lots and a 959' private way on 22.29 acres off 105 Plummer Road. Zoned R-SZ; M86/L6.002.

Tom Greer, Pinkham & Greer, appeared on behalf of the applicants and described the original application as being for two lots and no private way, and said the Board was concerned about access to the back lots being through a driveway as opposed to a private way. He said that in order for a private way to be financial viable, the parcel will be divided into six lots, one existing lot with five new lots and a 959-foot private way. The initial issues of the width of the entrance and the crossing of the stream have been

resolved, but the flood plain issue has not been resolved, as they are still coordinating with the flood plain report for the project across the street. He said he would like the Board's input on the road design, including the 12% grade which matches the existing drive which will be paved according to the 7 to 10 lot private way standard, and then the rest of the private way will be gravel in accordance with the 2 to 6 lot private way standard where the grades are in the 3% grade. Mr. Greer said the revised net residential density calculations will be provided with their next submission. Mr. Greer said they will ask for a waiver for the intersection distance requirement between this project and the project just approved across the street.

Mr. Parker asked where the nearest public water is, Ms. Fossum said there is public water not far on Plummer Road. She said she would research the issue.

Ms. Fossum gave the staff comments, noting that two private way standards are being proposed, telescoping with one standard at the beginning and a lesser standard going out. She said that in order to accomplish the entrance as proposed requires a waiver from the Town Engineer, who has asked for a rationale justifying why a waiver of the 12% grade should be given. Because the number of lots has increased since the applicant came before the Board, Ms. Fossum suggested that another site walk be scheduled. The Board concurred with the need for a site walk; Mr. Greer concurred that it would be useful to get some feedback from the Board on site about the intersection distance and the proposed private way. Ms. Robie noted that the Town Engineer will need to be satisfied. Ms. Robie asked if the whole centerline will be marked to the end of the private way; Mr. Greer replied that if they stake it the Board must walk it as it is difficult walking.

Ms. Robie directed that a site walk be scheduled. [10:30 p.m.]

11. SCHEDULE NEXT PLANNING BOARD MEETING - Monday, October 2, 2006.

12. ADJOURNMENT – 10:33 p.m.

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board

_____, 2006

6. SITE PLAN AMENDMENT – “PLAN-IT RECYCLING” - 18 GORHAM INDUSTRIAL PARKWAY – by PLAN-IT RECYCLING & TRANSFER

Approved Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application for amendment and the 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 all previous conditions of approval for attached to the Plan It Recycling Site Plan Approval shall remain in effect, and
 3. That these conditions of approval shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of the endorsement of the final plan 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 Planning Office.
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8. PRIVATE WAY PLAN – “WHISPERING PINES LANE” – off 34 ROBIE STREET – by JOCK D. & SUSAN P. ROBIE

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 and any other public or quasi-public improvements;
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 an occupancy permit for the lot 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 these Conditions of Approval, the Private Way Plan and the Declaration of Maintenance of Private Way 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.