



**Town of Gorham**  
**SEPTEMBER 17, 2007**  
**PLANNING BOARD MINUTES**

LOCATION: Municipal Center Council Chambers, 75 South Street, Gorham, Maine

**Members Present:**

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

**Staff Present:**

**DEBORAH FOSSUM, Dir. of Planning & Zoning**  
**THOMAS POIRIER, Assistant Planner**  
**BARBARA SKINNER, Clerk of the Board**

**Members Absent:**

**DOUGLAS BOYCE**  
**MARK STELMACK**

The Chairwoman called the meeting to order at 7:05 and read the Agenda. The Clerk called the roll, noting that Douglas Boyce and Mark Stelmack were absent.

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**1. APPROVAL OF THE JULY 30, AUGUST 6, & AUGUST 20, 2007 MINUTES**

**Thomas Fickett MOVED and Michael Parker SECONDED a motion to approve the July 30, 2007, minutes as printed and distributed. Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [7:06 p.m.]**

**Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to approve the August 6, 2007, minutes as printed and distributed. Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [7:07 p.m.]**

**Thomas Fickett MOVED and Michael Parker SECONDED a motion to approve the August 20, 2007, minutes as printed and distributed. Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [7:08 p.m.]**

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**2. COMMITTEE REPORTS**

**A. Private Way Subcommittee:** No report.

**B. Ordinance Subcommittee:** Ms. Robie reported that there has been no meeting of this committee. As noted in the workshop meeting, the Board's proposed revisions on the Mineral, Exploration, Excavation and Gravel Pits and Noise Abatement sections of the Ordinance were forwarded to the Town Council, who acted on them at the last Town Council meeting, accepting the Planning Board's recommendations with the exception of any language referring to noise, which the Council will consider as they develop a new noise ordinance.

**C. Sign Ordinance Subcommittee:** Ms. Robie noted that the Board had had a workshop on the sign ordinance prior to this meeting, with significant comment being received from the public.

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**3. CONSENT AGENDA**

**A. FINAL SUBDIVISION PLAN – OLDE CANAL BUSINESS PARK – off MOSHER ROAD/ROUTE 237 –by GRONDIN, PROPERTIES, LLC.**

Request for final approval of a proposed 9-lot commercial/industrial park on 56+/- acres off Mosher Road/Route 237. Zoned I (M34/L3).

Ms. Robie explained that the items that have been changed concerning this application are administrative in nature and have been recommended for approval by staff. They will not be discussed unless a request is made to remove the item from the Consent Agenda.

**Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to grant approval of the item on the consent agenda with conditions of approval distributed and discussed with the applicant prior to the meeting.**

Discussion: No one on the Board or from the public requested that the item be removed from the Consent Agenda.

**Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [7:15 p.m.]**

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**4. SIGN ORDINANCE AMENDMENTS**

Referral of draft Sign Ordinance to Town Council Ordinance Committee.

Ms. Robie explained that in the workshop preceding the regular meeting, significant comment had been received from the public.

**Thomas Fickett MOVED and Edward Zelmanow SECONDED a motion to postpone sending the Sign Ordinance amendments to the Town Council Ordinance Committee until the modifications are made.**

**Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [7:16 p.m.]**

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**5. GRAVEL PIT AMENDMENT–PIKE PIT – Hurricane Road - by Craig Pike**

**PUBLIC HEARING** Request to approve a change in pit operator and a proposal to extend the time frame of the pit operation beyond July 1, 2007. Zoned Rural/Suburban Residential. (M93/L15)

Mr. Fickett advised the Board that he has had business dealings with the applicant in the past but believes that he can participate in the discussion on this application without prejudice and would like to remain seated to do so.

**Michael Parker MOVED and Thomas Hughes SECONDED a motion that Mr. Fickett not recuse himself for the reasons Mr. Fickett has stated. Motion CARRIED, 4 ayes (Thomas Fickett abstaining, Douglas Boyce and Mark Stelmack absent). [7:17 p.m.]**

Craig Pike, Hurricane Road, pit owner, explained to the Board that he needs more time to finish out operations of the pit, noting that there needs to be an operator who will properly complete the gravel removal and reclamation. Mr. Pike said he believes that Brian Leavitt, of Leavitt Earthworks, the proposed new pit operator, will do a proper job. Mr. Pike noted that the former operator left the pit with dangerous steep slopes and the pit needs to be drained internally.

Mr. Fickett asked Mr. Leavitt if two years will be the appropriate time frame to complete the pit, or is there a chance that after two years he will have to ask for more time. Mr. Leavitt replied that originally a 5-year period had been discussed, the probability of completion in two years is good, but it is impossible to be positive. Mr.

Parker commented that since the pit in its current condition is in violation of the original plan in several aspects, who is responsible for maintaining the terms of the plan, the owner or the operator. Mr. Pike replied that he should be, that the last operator was initially progressing as he should, but in his final year he was hard to get hold of and difficult to deal with. Mr. Parker expressed concern about the pit owner and the pit operator not being the same person and the difficulties dealing with procedures and enforcement.

Mr. Poirier gave the staff comments, noting that the gravel is not in compliance with numerous conditions of approval and the Land Use Code: it is not in compliance with Plan Note 14, which requires the pit to be internally draining; it is not compliant with reclamation Plan Note 1, which requires reclamation in phases so that no more than 50% of the pit is open at any one time; and the pit's slopes are not compliant with the Code's slope requirements. Mr. Poirier said that a Condition of Approval has been drafted to insure that the applicant shall bring the pit into compliance within 30 days of continuation of gravel mining activities. Mr. Poirier referred to pavement damage on Hurricane Road north of the entrance to the pit, and said that Public Works is requesting that the applicant repair the damage, an approximate area of 150 feet by 8 feet, with a performance guarantee to be established in the amount of \$6,011.00 to cover the repair costs, as outlined in the Town Engineer's memo of September 12, 2007. He also referred to a request by the Town Engineer for two ground monitoring wells to be installed per the Peer Reviewer, Steve Bushey's, letter of May 2002, which has been covered by a Condition of Approval. Mr. Pike said that there are two monitoring wells already on site; Mr. Poirier suggested that Mr. Pike discuss this with the Town Engineer.

The Board, Mr. Leavitt and Mr. Poirier discussed the various elements required to bring the pit into compliance, with the Board ultimately agreeing that the applicant shall bring the gravel pit into compliance with the approved plan and Gorham's Land Use Requirements relative to slopes, internal drainage, and repairs to the access road within 30 days of continuation of gravel mining activities, and that the access road shall be modified per the Town Engineer's recommendations to control erosion and dust. Furthermore, it was agreed that there will be another Condition of Approval wherein the applicant will bring the gravel pit into compliance with the reclamation plan within one year of Planning Board approval. In response to a query from Mr. Zelmanow, Ms. Fossum said that it is proposed that the applicant set aside a bond so that the work can be done to repair Hurricane Road when the project is completed, and the Town Engineer will determine when the work is to be done. Ms. Fossum responded to a question from Mr. Fickett that while the original bond is still in place, the Town cannot use those funds without contacting that operator.

Ms. Robie asked if the Operations Statement of July 26, 2002, is still in force, is Mr. Leavitt aware of it, and will Mr. Leavitt abide by it. Ms. Robie mentioned certain aspects of the Operations Statement, such as the hours of operation being 7:00 a.m. to 5 p.m. Monday through Friday, Saturday, 8:00 a.m. to 2:00 p.m., screening operations limited to two days per week, excluding Saturdays, no blasting, no crushing, all trucks exiting the pit must turn left, etc. Mr. Leavitt said he has a copy of the Operations Statement. Ms. Robie proposed that a Condition of Approval be added to protect the abutters by leaving the present berm in the middle of the pit in place. That way the screening operation could be placed behind it.

Ms. Robie asked Mr. Poirier to summarize information from a conversation he had had with the Bureau of Labor Standards dealing with a backup alarm known as a "Smart Alarm," which automatically regulates the backup alarm noise to 5 decibels above the ambient background noise. Mr. Poirier said he had learned that construction equipment that have unobstructed views to the rear of the equipment are not required to have backup alarms. Mr. Poirier said that Smart Alarms can be obtained, for example, from Amazon.com for \$34.94. Mr. Leavitt said he would not have a problem equipping a front-end loader with a Smart Alarm, or on a bulldozer working in the pit, and is willing to have that added as a Condition of Approval.

**PUBLIC COMMENT PERIOD OPENED:** Jeff Rich, abutter, confirmed that the berm under discussion should remain exactly as it is. Ms. Robie suggested that Mr. Rich and Mr. Leavitt walk the pit to discuss the berm. Mr. Rich confirmed that the regrading of the pit slopes does not impact the water table. Mr. Poirier said

that the plans have the elevation for the bottom of the pit, and the Town Engineer should be present when the well is read to maintain the distance above the water level. Mr. Leavitt suggested that the Town Engineer be present before anything is done, and that he will set it up through the Planning Office. Mr. Rich said he hoped that Mr. Leavitt would make sure that everyone working the pit would know the rules. He also expressed concern about the condition of Hurricane Road and the amount of time in which reclamation must occur. PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier said to allay some of Mr. Rich's concerns, a Condition of Approval can be added that the prior to the commencement of any mining activities and/or earth moving activities associated with the gravel pit, the applicant and Leavitt Earthworks shall arrange through the Town's Compliance Manager for a preconstruction meeting with the selected review engineer, pit operator, Public Works Director, Fire Chief, Code Enforcement Officer, and Planning Director to review the gravel pit's operations statement, conditions of approval, and site construction requirements.

Mr. Parker suggested that the application be put on a Consent Agenda for final approval because of certain engineering issues he believes are still unresolved. Ms. Robie said that engineering was done for the initial application and the initial proposed engineering solution for the road failed, and that added to the Conditions of Approval be one that the road be modified per the Town Engineer's suggestions.

Staff read additional Conditions of Approval as follows: "(1) That the applicant shall bring the gravel pit into compliance with the reclamation plan within one year of Planning Board approval; (2) that the applicant shall install 'Smart Alarms' on loaders and bulldozers operating within the gravel pit within 60 days; (3) that prior to the commencement of any mining activities and/or earth moving activities associated with the gravel pit by Leavitt Earthworks, the applicant and Leavitt Earthworks shall arrange through the Town's Compliance Manager for a preconstruction meeting with the selected review engineer, pit operator, Public Works Director, Fire Chief, Code Enforcement Officer, and Planning Director to review the gravel pit's operations statement, conditions of approval, and site construction requirements; (4) that the applicant shall at all times maintain a berm of sufficient height and width to muffle sound from the pit operations and mitigate the impact of noise on the abutting Rich property; (5) that the deadline for completion of the Hurricane Road repairs shall be set by the Town Engineer; (6) that the applicant shall bring the gravel pit into compliance with the approved plan and Gorham's Land Use Requirements relative to slopes, internal drainage, and repairs to the access within 30 days of continuation of gravel mining activities and that the access road be modified per the Town Engineer's recommendation to control erosion and dust; and (7) that the duration of extraction and reclamation, provided the pit is in compliance, shall not exceed 3 years of mining and 9 months of reclamation, starting from the date of Planning Board approval."

**Thomas Fickett MOVED and Edward Zelmanow SECONDED a motion to grant approval for Pike's Gravel Pit Amendment with conditions of approval as posted prior to the meeting, discussed with the applicant and modified during the meeting. Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [8:19 p.m.]**

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*Stretch Break to 8:30 p.m.*

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**6. FINAL SUBDIVISION PLAN – THE CROSSING SUBDIVISION / OLD DYNAMITE WAY / HIDDEN BROOK DRIVE– off GRAY ROAD/ROUTE 202 – by MJF DEVELOPMENT GROUP, LLC, MICHAEL J. FERRANTE, MEMBER**

Request for final subdivision plan approval of a proposed 29-lot residential subdivision and two roads on 21.6+/- acres off Gray Road. Zoned UR. (M30/L18).

John Riordan, SGC Engineering, noted that the only outstanding items involve final easement documents under review and a response to the Town Attorney's legal review of August 14, 2007. He said that he believes that the required reviews will be concluded within the next week and hopes for final approval as a Consent Agenda item at the Board's October 1, 2007 meeting.

Mr. Poirier said that staff is awaiting submission of supplemental subdivision documentation required as part of the final subdivision submittal, that is, the Articles of Incorporation, By-laws for the homeowners' association, draft deeds for the utility lot, roads and any other subdivision easements, and a response to the Town Attorney's August 14, 2007 legal review. Mr. Poirier concurred that if these items are completed to staff's satisfaction, the application can be placed on the Consent Agenda, hopefully for October 1, 2007.

**Michael Parker MOVED and Edward Zelmanow SECONDED a motion to place the item on a Consent Agenda. Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [8:36 p.m.]**

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**7. SUBDIVISION AMENDMENT – FAIRFIELD WOODS – by BENJAMIN AND SANDRA SMITH.**  
Request for preliminary and final approval of a subdivision amendment to add a new lot #1B. Zoned R, SR-SZ. (M79/L3 & 4, M62/ L21).

Mr. Fickett advised the Board that he has had business dealings with the applicant in the past but believes that he can participate in the discussion on this application without prejudice and would like to remain seated to do so.

**Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion that Mr. Fickett be allowed on the Board for consideration of the application given his explanation. Motion CARRIED, 4 ayes (Thomas Fickett abstaining, Douglas Boyce and Mark Stelmack absent). [8:37 p.m.]**

Les Berry, BH2M Engineers, appeared on behalf of the applicants and explained that the applicants would like to divide the lot on which they currently live, which is 32.8 acres, into Lot 1A of 10.97 acres and Lot 1B of 21.9 acres, and retaining their existing driveway as a common driveway for the two houses, to be named Black Horse Lane. He explained that the applicants are requesting a waiver from the requirement for nitrate plumes because there would be only two waste water systems on over 30 acres of land. Mr. Berry said that both preliminary and final approval are being sought.

Mr. Poirier gave the staff comments, noting that Condition of Approval #6 has been drafted to state that the driveway will be properly named and signed with a Town-approved street sign and installed as soon as the driveway is constructed. Mr. Berry said that the driveway is already constructed; Mr. Poirier replied that the sign should go in immediately.

Mr. Berry replied to a query from Mr. Parker that a net residential density calculation will allow 15 lots, this will make a total of four. Mr. Berry said he does not foresee much more development.

**Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to grant the applicant's request for a waiver from the submission requirement and procedures leading up to final subdivision approval under the ordinances. Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [8:41 p.m.]**

**Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to grant both preliminary and final approval for Fairfield Woods' 1<sup>st</sup> Subdivision Amendment with conditions of approval as**

**posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmack absent). [8:42 p.m.]**

**8. PIT EXPANSION – “GORDON PIT” – off MIGHTY STREET - GORDON’S SAND & GRAVEL, INC., JACK GORDON, PROP.**

Discussion of a proposed gravel pit amendment to expand the size of the existing gravel pit. Zoned R-SZ; M86/L11.

James Lowery, Sebago Technics, appeared on behalf of the applicant and gave an overview of the project, noting that the day-to-day operations in the proposed expanded pit will not change and therefore there will not be an additional impact on neighboring parcels. He said that the total acreage is about 150 acres in size, the pit as it is permitted now is in the 30 acre range, and the application is to permit approximately 110 acres. All truck traffic leaving the pit is stipulated now to turn right and head to 114, which will remain the same. He discussed buffering in the site, noting that the Sanborn abutters have agreed to a 10-foot buffer between their property line and the limits of the pit operations, there is 150 feet of buffer adjacent to Mighty Street, and a proposed 75 foot setback consistent with the stream protection subdistrict within the Shoreland Zone. He said that staff has indicated that the 75 foot buffer, which meets the requirements of the ordinance, should be expanded, and they have agreed to incorporate a tree-shrub type of reclamation area which would provide a much larger buffer in the long run than that required by the Maine Department of Inland Fisheries and Wildlife.

Mr. Lowery said that their office did the floodplain study on an abutting piece of property and there are 5 to 6 feet before flood waters from a 100-year storm event would breach that embankment and flow back into the pit causing erosion. He said, therefore, that they do not feel that detailed mapping of the North Branch Brook’s 100 year floodplain is required.

Mr. Lowery said insofar as offsite improvements to Mighty Street are concerned and the cost of those proposed improvements, the applicant would like to explore some options with the Board concerning the time frame whereby the applicant could escrow money into some sort of fund under which improvements could take place within perhaps a five-year time frame instead of the earlier time frame suggested by the Town Engineer.

Mr. Lowery stated that Phase IV-A of the gravel pit will require a Tier 1 Natural Resource Protection Act Permit, and asked if the applicant can be allowed to secure the permit prior to the disturbance of the pit area instead of prior to approval by the Planning Board.

Mr. Lowery said that the applicant is also asking for permission to haul in construction material such as concrete and pavement to be crushed on site, and said that a portable crusher is proposed that will be moved throughout the site as the pit is mined. It is anticipated that crushing will occur on weekdays between 7:00 a.m. and 5:00 p.m.

Finally, Mr. Lowery said that while there may be more than one operator removing sand and gravel from the operation, Mr. Gordon understands that he is the operator and all responsibility is his for problems in the pits or with trucks. He said there has been a discussion about drafting an operations agreement to which any entity excavating within the pit would have to be held, acknowledging the Operations Statement, Conditions of Approval, or other conditions imposed by DEP.

Mr. Lowery acknowledged to Ms. Robie that this pit operates under a Notice of Intent to Comply, and did not undergo site location of development due to the timing of the pit’s approval. Mr. Poirier confirmed that the application falls under Special Exception review. Ms. Robie read from the Ordinance, page 101, under C 3) Application for Expansion of Existing Pit Operations, b) (2) Plan Review, (a) “The Planning Board shall review each application for a permit of Expansion of Existing Pit according to the special exception approval standards

of Section IV(E) of Chapter I, site plan approval standards of Section IX (B, C, D, F, J, M and P) of Chapter IV...”

Mr. Lowery indicated to Mr. Parker that the plans are fairly similar to what the Board saw two years ago.

Ms. Robie suggested that the Board discuss the points brought up by Mr. Lowery, keeping in mind that the Board has not been to the site in some time, has not seen the plan in some time, and there are two Board members not present. In order to provide some guidance for the applicant and his engineer, the Board discussed the various items under consideration as follows:

North Branch Brook Riparian Buffer: Ms. Robie read the Special Exception criterion that “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,” noting that IFW’s input will be necessary. The Board concurred that the IFW’s recommendations should be followed.

Mapping the 100-Year Floodplain: Ms. Robie said that it is the Board’s practice and requirement to require that the Floodplain be mapped and the applicant is asking that it be waived. She asked if the Board in fact can waive the requirement. Ms. Fossum said she would confer with the State’s Floodplain Management Office and the Code Officer to see if the Board can waive the mapping requirement. Mr. Lowery said he would check the report that his firm did for the abutting property to see if a 500-year storm was modeled. Mr. Parker said he is unwilling to indicate if he would waive the requirement until he has had information from the Town’s review engineer. Ms. Robie said that in the past the Board has required the mapping, and were it to be waived, a precedent could be set that the Board doesn’t want, and it appears that no one on the Board wants to comment without an engineering review and an answer as to whether the Board can legally can waive it, and whether the Board wants to change its practice. Mr. Zelmanow said that too much information is better than a lack of information in assessing the application under the Special Exceptions review process.

Off-site Improvements: The Board agreed that it generally follows the direction of the Public Works Director or the Town Engineer on the question of off-site improvements, and this is an issue that should be discussed between the applicant and Public Works.

Subsequent Review for the Gravel Pit: The Board discussed issues that have arisen with another pit without recourse to review and what time frame should be imposed to establish that this pit is in compliance, particularly in light of its projected duration. It was particularly stressed that problems with compliance occur when the applicant is not the operator. A suggestion was made to review the pit concurrent with its phases of development. Mr. Lowery asked what the process would be, if it has to come back before the Board, and asked if there would be a condition that the pit meets the standards under which it was approved. Ms. Robie said that the Town Attorney would need to be consulted with to determine what is appropriate.

Department of Environmental Protection Permits: The Board agreed that the Board’s policy is if you want approval from the Board, the applicant must have the permit in hand. Ms. Robie noted that the Town needs to scrutinize the DEP permits to evaluate the obligations placed on the Town, especially those involving stormwater management.

Processing Construction Material: Ms. Robie asked if processing construction waste requires a special permit. Ms. Fossum said that the Code Office may be considering this more as an accessory use. She said there is a limit of 33% of material crushed or otherwise processed on the property can be brought in and the Planning Board has to specifically review and approve crushing, which must pass the Special Exception criteria review. Jack Gordon, applicant, responded to Ms. Robie that he brings in rocks, concrete and gravel that he would like to run through a crusher and mix it to use as road gravel, but he is not crushing now. Mr. Parker said that within the requirements of the Code he would see no reason not to allow re-processing in this pit. Ms. Robie said she is

unable to assess whether this could meet Special Exception criteria until public comment is heard, especially in light of crushing being a nuisance factor, and at a minimum she would like to see some data that it would meet the DEP's "no adverse impact" criteria. Mr. Lowery said that the applicant would be crushing on a limited basis and, in reply to a question from Mr. Poirier, only one crusher would be used by all the operators on site.

Multiple Operators: Mr. Parker asked how the applicant, who is not the operator, proposes to keep the operators "in line" and compliant with the pit's approval requirements. Mr. Lowery said that Mr. Gordon would be the final responsible individual. Ms. Robie asked how this application would differ from another pit reviewed by the Board wherein the entire application had to come back before the Board because of a change in operators. Ms. Fossum said they would not differ, the technical and financial capacity of the operators have to be considered, there are several pits where the operator is not the owner, and this is something that will have to be resolved if there are going to be changes in operators from time to time. Ms. Fossum told Mr. Gordon that the previous bond needs to be reviewed for renewal depending on how the Board views the issue of multiple operators and the consequences and liabilities of those different operators. Ms. Fossum said it could be helpful to have copies of the agreements that Mr. Gordon is proposing to develop with the operators for staff and the Board to review. Mr. Hughes confirmed that it is the owner who is legally responsible in the final analysis. Ms. Robie commented that it would appear that Mr. Gordon can change operators at will without recourse to the Planning Board but asked for a specific answer as the ordinance is not clear on this point.

The Board concurred that a site walk would be useful and should be scheduled. Ms. Fossum indicated that there are major issues needing to be resolved before a public hearing can be scheduled. Mr. Parker and Mr. Poirier discussed the amount of review time for the project.

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**9. SCHEDULE OPTIONAL MEETING IF NEEDED:**

The next meeting is the regularly scheduled for October 1, 2007 and there is not enough time in September for a second meeting.

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**10. ITEMS REQUIRING BOARD SIGNATURES:**

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**11. ADJOURNMENT**

**Thomas Fickett MOVED and Michael Parker SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Douglas Boyce and Mark Stelmark absent). [10:15 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2007



**3. CONSENT AGENDA**

**A. FINAL SUBDIVISION PLAN – OLDE CANAL BUSINESS PARK – off MOSHER ROAD/ROUTE 237 –by GRONDIN, PROPERTIES, LLC.**

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

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project prior to the start of construction;
3. That all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Cumberland County Soil and Water Conservation District, Department of Environmental Protection, latest edition;
4. That 3 (three) sets of the final approved plan set will be delivered to the Compliance Manager one week prior to the pre-construction meeting, for distribution to the Inspecting Engineer, the Town Engineer, and the Planning Director;
5. That prior to the release of the signed Mylar the applicant shall provide revised legal documents to the satisfaction of Town Staff and the Towns Attorney;
6. That prior to the commencement of any site improvements and/or earth-moving activities associated with the approved site plan, the applicant shall arrange through the Town’s Compliance Manager for a pre-construction meeting with the selected Review Engineer, Portland Water District, Public Works Director, Fire Chief, Code Enforcement Officer and the Planning Director, to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
7. 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 shall be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
8. That the undisturbed buffers along two small streams located on Lots 1 and 5, the forested no-disturbance stormwater buffers on Lots 1, 2, 3 and 5, and the wetland boundary on Lot 2 shall be permanently marked on the ground prior to the start of construction;
9. That the Stormwater buffers will be protected with a deed restriction using language approved by Town Staff and Town Attorney;
10. That the applicant shall hire a professional engineer to inspect the construction of the three wet ponds and submit as-built plans to the DEP-BLWQ and the Town within thirty (30) days after the ponds are constructed and stabilized;

11. That the Police and Fire Chiefs shall approve the street name. The road will be properly named and signed with a Town approved street sign and installed in a location approved by the Police and Fire Chiefs as soon as the road is constructed;
12. That all buildings shall be properly numbered with the numbers being visible from the street year around;
13. That three fire hydrants are required on Olde Canal Way as outlined in the Fire Chief's March 12, 2007 memo to the Town Planner;
14. That the applicant shall create a business park 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. 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 the applicant shall provide property line information and site information, including each sheet of the final approved set of plans for the project, in auto-cad format (version 2000) to the Planning Office prior to the scheduled pre-construction meeting and upon completion of the project shall also provide the final record drawings in auto-cad format to the Public Works Department; and
16. That the conditions of approval and the subdivision plans shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.

**5. GRAVEL PIT AMENDMENT–PIKE PIT – Hurricane Road - by Craig Pike**

**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 shall obtain all local, state, and federal permits required for the expansion of this gravel pit prior to the commencement of mining in any of the proposed expansion areas;
3. That all other applicable conditions of approval attached to previous gravel pit approvals shall remain fully in effect;
4. That prior to the commencement of any mining activities and/or earth moving activities associated with the gravel pit, the applicant and Leavitt Earthworks shall arrange through the Town's Compliance Manager for a preconstruction meeting with the selected review engineer, Public Works Director, Fire Chief, Code Enforcement Officer, and Planning Director to review the gravel pit's operations statement, conditions of approval, and site construction requirements;
5. That the applicant shall bring the gravel pit into compliance with the approved plan and Gorham's Land Use requirements relative to slopes, internal drainage, and repairs to the access road within 30 days of continuation of gravel mining activities, and that the access road shall be modified per the Town Engineer's recommendations to control erosion and dust;
6. That the applicant shall establish a \$6,011.00 performance guarantee covering the estimated Hurricane Road repair cost as outlined in Tim Braun's 09/12/2007 email and attached spreadsheet prior to continuation of gravel pit mining activities;
7. That the deadline for completion of the Hurricane Road repairs shall be set by the Town Engineer;
8. That the applicant shall install two groundwater monitoring wells as outlined in Steve Bushey's May 2002 letter to Deborah Fossum within 30 days of Planning Board approval;
9. That the applicant shall install "Smart Alarms" on loaders and bulldozers operating within the gravel pit within 60 days of Planning Board approval;
10. That the applicant shall bring the gravel pit into compliance with the reclamation plan within one year of Planning Board approval;
11. That the applicant shall establish a performance guarantee in the form of a bond, letter of credit, or such other financial instrument as deemed satisfactory by the Town Manager covering the cost of the reclamation plan;
12. That the applicant shall at all times maintain a berm of sufficient height and width to muffle sound from the pit operations and mitigate the impact of noise on the abutting Rich property;

13. That the duration of extraction and reclamation, provided the pit is in compliance, shall not exceed 3 years of mining and 9 months of reclamation, starting from the date of Planning Board approval;
14. That the Town shall be notified of any proposed changes in ownership of the pit or change in pit operator and that the Planning Board shall review and approve such change in ownership or operator to determine whether the proposed new owner/operator has sufficient financial and technical capacity to comply with all applicable ordinance requirements and the conditions of this approval; and
15. That these conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board approval and a dated copy of the recorded Decision Document shall be returned to the Town Planner within fifteen (15) days of the date of recording.

**7. SUBDIVISION AMENDMENT – FAIRFIELD WOODS – by BENJAMIN AND SANDRA SMITH**

**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 all other applicable conditions of approval attached to the original subdivision plan shall remain fully in effect;
3. That the applicant is responsible for obtaining all local, state, and federal permits required for the development of this project prior to the start of construction;
4. That all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Cumberland County Soil and Water Conservation District, Department of Environmental Protection, latest edition;
5. That 3 (three) sets of the final approved plan set will be delivered to the Compliance Manager for distribution to the Inspecting Engineer, the Town Engineer and the Planning Director;
6. That the Police and Fire Chiefs shall approve the driveway name. The driveway will be properly named and signed with a Town approved street sign and installed as soon as the driveway is constructed;
7. That all buildings shall be properly numbered with the numbers being visible from the street year around;
8. That the applicant shall provide property line information and site information, including each sheet of the final approved set of plans for the project, in auto-cad format (version 2000) to the Planning Office; and
9. That the conditions of approval and the subdivision plans shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.