



Town of Gorham
MARCH 12, 20077
PLANNING BOARD MINUTES

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

Members Present:

SUSAN ROBIE, CHAIRWOMAN
DOUGLAS BOYCE, VICE CHAIR
THOMAS FICKETT
THOMAS HUGHES
MICHAEL PARKER
MARK STELMACK
EDWARD ZELMANOW

Staff Present:

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

The Chairwoman called the meeting to order at 7:00 and read the Agenda. The Clerk called the roll, noting that all members were present.

1. APPROVAL OF THE FEBRUARY 5, 2007, MINUTES

Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to approve the February 5, 2007 minutes as written and distributed. Motion CARRIED, 6 ayes (Michael Parker abstaining as not having been present at the February 5, 2007 meeting). [7:02 p.m.]

The Chairwoman requested that the Town Planner ask the Code Enforcement Officer to provide a written ruling regarding Shaw Brothers' Brickyard Quarry and whether the proposed asphalt plant is an accessory use to the quarry or a permitted use. Once that written ruling has been secured, the Planning Board will hold a workshop to discuss the mechanical impacts of the decision on how the plans are reviewed and what the setback requirements are.

2. COMMITTEE REPORTS

A. Private Way Subcommittee: No report.

B. Ordinance Review Committee: Ms. Robie reported that the Subcommittee has met with the rest of the Planning Board to brainstorm mechanical changes to the Ordinance, which will be followed up by a meeting to decide which changes to present to the Town Council

C. Sign Ordinance Subcommittee: Mrs. Robie reported that this Subcommittee has met and made revisions and has proposed a process by which the potential ordinance will be reviewed by approximately 10 experts and community members prior to being discussed in a series of public hearings.

3. CONSENT AGENDA – No Items

4. SITE PLAN/CHANGE OF USE – “THE CHURCH” – off 29 SCHOOL STREET – by FOUR BROTHERS, LLC, MICHEL SALVAGGIO, JR., MEMBER
PUBLIC HEARING

Request for approval of a proposal to locate a restaurant, bakery, deli, coffee house, pizza shop, function hall & wellness center on land of School Street United Methodist Church with shared parking to be approved at the "7-11" Convenience Store on Cross Street. Zoned VC & UR; M102/L83 & 112.

Michel Salvaggio, Jr., president of Four Brothers, stated that after the February Planning Board meeting there remained 4 items to be addressed: (1) stormwater drainage; (2) signage; (3) deeded easements; and (4) building elevations. Mr. Salvaggio expressed his enthusiasm for the project, thanked the Town Planner, Public Works Director and the Planning Board for their help, as well as Rob McSorley of Sebago Technics and PoGo Realtors. Mr. Salvaggio introduced two other members of the Four Brothers group, Angelo and Marco Salvaggio.

Mr. Salvaggio explained the current elevations for the project, pointing out the two entrances, one for the deli and one for the bar, and explained that the sports bar sign has been reduced to below the roofline. He said that all the signs will be within the Code's maximum allowed square footage and will meet all the Code's requirements.

Rob McSorley, Sebago Technics, appeared on behalf of the applicants, and began his presentation with the concern expressed by Mr. Zelmanow about the easement agreement, which has been revisited with the Town Attorney, who said that it is sufficient at this time, but eventually an easement in agreement with the agreement will need to be drawn up and recorded in the Registry of Deeds. Mr. McSorley discussed the exterior changes in the form of two doors, and noted that the possibility of another entrance and stairway has been discarded and changed to a window instead. He touched briefly on the signage and the comments made by the Code Enforcement Officer, noting that they will comply with all requirements of the Ordinance in connection with the signs.

Mr. McSorley then discussed at length the challenges presented by the stormwater management involving the parking lot, enumerating various options, such as piping across Main Street, that had been considered and eliminated for various reasons, with cost being one of the most significant. He indicated that the parking lot, about 6000 square feet of paved surface, including walkway and concrete area, or 3,000 square feet of impervious area, would add only seven hundredths of an acre in a watershed area of some 6-1/2 acres. He said that putting gravel on the site might be the best solution but it might put too much water into the base for Cross Street and showed the Board a depiction of part gravel and part paving which might be feasible. Mr. McSorley said they feel there would be a minimal impact based on the size of the lot, other impervious areas and the soils that are there now, and if the entire lot were paved there would be a bit more runoff, but they could improve that by putting in more pervious area.

Ms. Fossum presented the staff comments, noting that based on earlier discussions with Mr. McSorley about the proposal to pave the middle of the parking lot with gravel retained around the edges, the Town Engineer and Public Works Director are unable to confirm that Mr. McSorley's proposal will even work, and they still maintain that full paving and connection to the Town's stormwater infrastructure is the correct way to go. Ms. Fossum said that no one has seen the current revised plans for the parking lot. A memorandum has been prepared by the Assistant Planner about the signage issues, but the applicant has indicated that he will conform to what the Code requires. Additional information is required about the lighting details, such as pole sizes and colors of fixtures on poles, which Mr. McSorley indicated he would provide. Ms. Fossum also noted certain questions on the applicant's proposed signs.

Ms. Fossum said that the agreement has been reviewed by the Town Attorney, suggesting that the Board impose a condition of approval that the applicant submit a copy of the final easement agreement, which has been incorporated as Condition of Approval No. 13, as follows: "That the applicant shall submit a

copy of the final easement agreement for the parking lot to the Town prior to recording at the Cumberland Country Registry of Deeds.”

In response to a query from Mr. Hughes, Ms. Robie said she did not think the Planning Board has the right to waive the Code’s requirement that the parking lot be paved, but that the Board has the right to assess the situation to decide the extent to which the proposed solution is appropriate to the re-use of an existing building and to conclude that the applicant is taking the best possible approach to resolve a difficult situation. Ms. Robie noted that the Planning Board must decide if the applicant and his engineer have made the best possible attempt to provide parking, in conjunction with the opinion of the Public Works Director and the Town Engineer, and said that the Board is allowed to use its judgment to make such a decision.

Ms. Robie asked Board members to state their positions regarding the parking lot: Mr. Stelmack said it should be viewed in the same light as the applicant’s efforts to comply with the parking requirements of the Code, that the Board reduced those requirements, and the drainage issue should be viewed the same way: that they have done what they can, but can’t really find a solution. Additionally, Mr. Stelmack noted that the increased runoff will be almost insignificant, that he does not like the idea of gravel and would prefer that the lot be paved according to Code. Mr. Stelmack confirmed to Ms. Robie that he does not believe any storm water management should be required. Mr. Zelmanow said that the benefit of the paving far outweighs any impact from the runoff. Mr. Parker said that he would not like to see this issue stall this proposal, that the developer has gone the extra mile to conform with the Board’s request for more parking, that the amount of runoff will not be significant, and that he would support paving the parking lot and not worry about the runoff. Mr. Hughes said he would prefer that but he would not vote against the part paved/part gravel proposal. Mr. Boyce concurred with paving the lot, that it is important to have a maintainable facility, that it is unfortunate that there isn’t a good solution to the drainage issue, asked the engineer to confirm that runoff will go down Cross Street into Main Street and that it will not unduly impact abutters. Mr. McSorley replied that some runoff will make its way down Main Street and some will follow the current path east, and said that if the site is totally paved, there will be a slight increase affecting other private properties but not significantly. Ms. Robie said she has great respect for the Public Works Director and the Town Engineer, that their opinions are correct according to the Code, but Planing Board’s job is to weigh the cost of connecting to the existing public infrastructure against the fact that this is a re-use of an existing site.

Ms. Fossum asked for clarification as to whether the full Board is in agreement with full paving, so that the plan can reflect what the Board approves. Ms. Robie polled the Board: Mr. Parker said he favors full paving and exempting the need for further runoff control as does not see a great difference between surface paving and what is there now. Mr. Hughes said he favors full paving but also could approve the proposed part gravel/part paving. Mr. Fickett said he favors full pavement, as did Mr. Boyce, Ms. Robie, and Mr. Zelmanow. Mr. Stelmack said he also favors full pavement, due to the prohibitive cost to connect to the nearest point of infrastructure.

Ms. Fossum noted that a condition of approval will be required for signage. Mr. McSorley said they will not request any waivers for the signs; all will comply with Code requirements. Mr. Salvaggio indicated that the materials from which the signs will be constructed has not yet been decided, but none of the signs will be internally lit and will conform to Code, as well as the lighting for those signs. Ms. Fossum suggested that the signs be designed by a design company. Mr. Boyce suggested that no light sources be directed outward from the building. Ms. Robie suggested imposing a condition of approval that the applicant must come back before the Board within 30 days of the signs and lighting having been installed for the Board’s final approval or to be advised of what modifications are required, with any modifications to be completed within two months of the meeting.

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

Ms. Fossum read additional conditions of approval as follows: “That the applicant shall submit a copy of the final easement agreement for the parking lot to the Town prior to recording at the Cumberland Country Registry of Deeds;” “That the applicant’s signage and lighting will be designed in conformance with the Land Use and Development Code by a professional designer;” and “That once the building signs have been installed, with lighting, the applicant will return to the Planning Board within 30 days, or at a time of the Planning Board’s choosing, for final approval of the lighting or modifications to the satisfaction of the Planning Board, with any modification required by the Planning Board to be completed within two months of the meeting.”

Mr. Parker told the applicant that he believes the Planning Board has been most accommodating in completing his application when legitimately it is not ready.

Edward Zelmanow MOVED and Michael Parker SECONDED a motion to grant Four Brothers, LLC’s request for site plan approval to locate a restaurant, bakery, deli, coffee house, pizza shop, function hall and wellness center on the premises of the current School Street United Methodist Church at 29 School Street, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:48 p.m.]

5. FINAL SUBDIVISION & SITE PLAN – “PRESUMPCOT COVE CONDOMINIUMS” / “ISABEL DRIVE” – off 697 GRAY ROAD - by RAY PEPPERS REALTY, LLC, TIMOTHY R. PEPPERS, MEMBER PUBLIC HEARING

Request for final subdivision and site plan approval of a 12-unit residential condominium with a 500’ private driveway on 4.97+/- acres off Route 202 on land of Peppers. Zoned UR; M 110/L29.

Jim Fisher of Northeast Civil Solutions appeared on behalf of the applicant and gave a brief overview of the project. With regard to issues raised by staff, Mr. Fisher said the question of financial capacity has been addressed and the homeowner’s association documents and the road maintenance documents are still under review.

Ms. Fossum gave the staff comments, saying that the applicant has discussed the discontinuance of the apartment house drive with the Fire Chief, who would like to see the driveway entrance removed once the new driveway access to the condominium project is built. The curb cut on the roundabout, therefore, will be closed, but this will have to be coordinated with the MDOT and Portland Water District construction projects scheduled for this construction season. Ms. Fossum suggested that certain wording in Plan Notes 28 and 29 which have been added to the plans be changed from “proposed tree line” to “retain existing tree line,” and the note “vegetated non cut buffer” be repeated in several locations on the plans so that the extent of the no cut buffer is very clear. She suggested that Plan Note 22 be eliminated as it is not relevant. Ms. Fossum said that in the past few years, the Board has not given final approval until legal documents have been finalized, so that stormwater management responsibilities in particular can be reviewed and, in this instance, that the homeowners’ documents cover the private sewer maintenance issues. Ms. Fossum said that financial capacity has been established satisfactorily.

Finally, Ms. Fossum said that since the applicant last appeared before the Board in August of 2006, the sewer conveyance project has been approved by the Town and the Portland Water District, but there has been no discussion of off-site improvements with the developer up to this point. She said that one of the improvements might be to the sidewalk system, and it has been suggested recently that there might be

some contribution to that public improvement made by the developer, as sidewalks would be an amenity enjoyed by the condominium residents. In response to a query from Ms. Robie, Ms. Fossum said that the Public Works Director indicated that the sum of \$10,000 might be a reasonable contribution. Mr. Fisher asked if that sum would go into a pool of funds or would it actually be to construct sidewalks in front of this development. Ms. Fossum replied that it would go into an account used to improve the existing conditions to the sidewalks. Ms. Fossum told Ms. Robie that the sidewalk would connect to this project.

Mr. Fisher said he would like to confer with his client to determine what a reasonable figure would be to contribute, which he would like to make a condition of approval. He responded to the Planner's comments about the "existing tree line" by saying it will be a proposed new tree line which will be monumented by survey irons and stakes to make the no cut buffer obvious. He said that the stormwater maintenance will be clearly spelled out in the homeowners' documents. Mr. Fisher asked for approval pursuant to conditions of approval in order to coordinate with MDOT and the Portland Water District the stubbing out the specifics of the project.

Mr. Stelmack asked Ms. Fossum if the applicant's position on the no cut buffer, final legal documents and off site improvements is satisfactory. Ms. Fossum said that the plan notes regarding the proposed tree line and buffer were satisfactory. She said she believed that the remaining two issues, discussion of the offsite improvements to estimate and negotiate an appropriate contribution amount and finalization of the legal documents should occur before final approval by the Board. In addition, there are no conditions of approval prepared for this project tonight.

Mr. Hughes asked if this item could be included as a consent agenda item on the April 2 meeting; Ms. Fossum agreed that it could be, if the legal documents were in hand in a timely fashion. Mr. Parker said he was not prepared to vote on this tonight because of the loose ends involving the legal documents and offsite improvements.

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

Mr. Parker explained the consent agenda process to Mr. Fisher. Ms. Robie and Mr. Boyce told Mr. Fisher that he needs to come to an agreement with the Public Works Director and the Town Engineer so that the Board will know what the offsite contribution will be.

Mark Stelmack MOVED and Michael Parker SECONDED a motion to postpone the Presumpscot Cove Condominiums project to the April 2, 2007 Planning Board agenda for consideration for final approval as a Consent Agenda item. Motion CARRIED, 7 ayes. [8:35 p.m.]

Stretch Break to 8:45 p.m.

6. PRELIMINARY & FINAL SUBDIVISION PLAN AMENDMENT – "SOUTHWOODS SUBDIVISION" –off 25 OAK WOOD DRIVE – by KEVIN A. & KATHLEEN D. JENKINS
Request for preliminary and final approval of a lot split on 1.67 acres. Zoned UR; M25/L1.015.

Andy Morrell, BH2M Engineers, appeared on behalf of the applicants and gave a brief overview of the project. Mr. Morrell said that the applicant has amended the original DEP Site Location permit as required, wetlands delineation has been performed and is shown on the plans, and a 35 foot no-cut buffer requested by an abutter is shown on the plans. Mr. Morrell said that the applicant is requesting three

waivers: one from submission requirements to permit both preliminary and final approval this evening, one from the requirement for high intensity soils mapping, and one from the requirement for topographic mapping.

Ms. Fossum gave the staff comments, saying that the issues raised at the site walk have been resolved by the applicant. She said that approval is recommended for the waivers requested. Ms. Fossum called the Board's attention to Condition of Approval No. 5, which states that if the house that is built on lot 15b is not visible from the street, then the owner of that lot will be responsible for obtaining approval of a named driveway through the Tax Assessor's office in order to identify the structure in the event of an emergency, along with the installation of a driveway sign pursuant to Public Works' specifications before issuance of an occupancy permit.

Mr. Stelmack confirmed with Ms. Fossum that the waiver requests were satisfactory. Mr. Fickett confirmed with Mr. Morrell that both lot 15a and 15b will meet the zoning standards.

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

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant the applicant's request for three waivers from the Ordinance, those being the requirement for topographic survey of the property, for high intensity soils mapping of the property, and from the submission requirements in procedures leading up to final subdivision approval. Motion CARRIED, 7 ayes. [8:50 p.m.]

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant approval of Kevin and Kathleen Jenkins' request for preliminary and final approval of an amendment to the Southwoods Subdivision Plan, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [8:51 p.m.]

Thomas Hughes asked to be recused from participation in Item 7.

Michael Parker MOVED and Douglas Boyce SECONDED a motion to recuse Mr. Hughes from participation in Item 7. Motion CARRIED, 6 ayes (Mr. Hughes abstaining).

7. PRIVATE WAY PLAN - "BRODEIS WAY" – off 206 SOUTH STREET - by JASON A. & JESSICA CURTIS

Request for approval of a proposed 146+/-' private way to serve 1 lot on 2.05 acres off South Street on land of Brooks. Zoned SR; Map 24/Lot 7.

Andy Morrell, BH2M Engineers, appeared on behalf of the applicants and gave a brief overview of the project, noting that the applicants proposed to create a 16 foot wide, 146 foot long gravel private way to give adequate frontage for a new lot on 2.05 acres. Mr. Morrell discussed the proposed drainage control, and said that the proposed lot will be served by a drilled, individual septic system and underground utilities.

Mr. Parker asked if runoff will increase toward the south; Mr. Morrell replied that it will not and demonstrated the runoff effect of the private way by means of a vegetated ditch on either side of the roadway.

Ms. Fossum gave the staff comments, saying that the private way is proposed in order to create the frontage required for the new lot, the applicant's engineer has addressed the abutters' concerns about stormwater, and there is no requirement for any maintenance agreement for the private way. Mr. Parker asked for confirmation that there is no requirement in the Code dictating no increase in runoff from a private way, saying that he believes that Mr. Morrell has dealt with the abutters' concerns even though it may not be a written requirement. Ms. Fossum replied that the Town Engineer will review runoff from the private way, but this is not like a full-scale subdivision development or site plan project where there is development of the lot areas as well as the road.

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

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion to grant approval Jason and Jessica Curtis's request for approval of Brodeis Way, a 140-foot long private way to serve one lot, located off South Street, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Thomas Hughes recused). [9:00 p.m.]

Mr. Hughes returned to his seat on the podium.

Mark Stelmack MOVED and Michael Parker SECONDED a motion to waive the ten o'clock rule. Motion CARRIED, 7 ayes. [9:00 p.m.]

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

Request for preliminary approval of a proposed 25-lot residential subdivision and a road on 21.6+/- acres off Gray Road on land of Ferrante. Zoned UR; M30/L18.

John Riordan, SGC Engineering, appeared on behalf of the applicants, and introduced Mike Roy, project engineer, and Mike Ferrante, of MJF Development Group, LLC, the applicant. Mr. Riordan said the original plan was for 24 lots and two roads terminating in two separate cul-de-sacs; however, based on the Fire Chief's concerns about the lengths of deadend roadways and the Planning Board's earlier suggestions about looping the roadway and achieving greater density, the plan has been reworked to achieve 29 lots with one shortened deadend roadway and a looped roadway. Mr. Riordan noted that the Town Engineer and consulting engineer would prefer to have Old Dynamite Way designed to the standards of an urban subcollector instead of the proposed urban access road. Mr. Riordan said that this change adds 6 inches of aggregate subbase, which the applicant is willing to do, and this road is already designed for a 24-foot travel way. However, Mr. Riordan asked that the Board waive the “K” value of the vertical curve of the road. Mr. Riordan disputed the Peer Reviewer's use of a standard 5400 square feet of impervious surface for each lot to estimate the amount of stormwater runoff, saying that the smaller size lots justify the 4000 square feet of impervious surface used by SGC to calculate the amount of runoff. Finally, Mr. Riordan objected to the size of the area required to be set aside for the wastewater pump station, proposing, instead of a minimum lot size as required by the Code, a 7500 square foot parcel of land adjacent to the site as a “utility lot” to be conveyed to the Portland Water District. If the Board determines that the pump station must be placed on a minimum sized lot, it would be relocated to the other side of the road on Lot 22.

Ms. Fossum gave the staff comments, addressing the three issues raised by Mr. Riordan. She noted that the Code does not specifically allow any exemptions for “utility lots,” and advice from the Town Attorney has been that any utility has to meet the minimum lot size. Mr. Riordan suggested that it is only due to a change in ownership request by the Portland Water District for fee ownership instead of just an easement, and there is no public good in insisting that it now qualify for the same lot size as a dwelling. Ms. Fossum advised Mr. Riordan that the Planning Board cannot vary from the zoning requirements, and reiterated legal counsel’s advice that any utility must meet the minimum lot size.

Ms. Fossum said that insofar as the waiver request for the “K” values of the urban sub-collector design is concerned, the Town Engineer can recommend modifications to the standards for the Planning Board’s consideration. Ms. Fossum confirmed to Mr. Parker that the entire length of Old Dynamite Way must be built to the urban sub-collector standard.

Ms. Fossum said that the Peer Review engineer believes it important that capacity be designed into the subdivision and recommended the standard impervious area of 5400 square feet that is typically used in the TR55 Manual for drainage calculations for lots of one-third to one-half acre in size and for the larger type of building which will probably go on the lots. She said that even though the engineer has indicated they would deed restrict the amount of development on the lots, the Board would have to consider whether to restrict development on each lot through the building permit process..

Mr. Zelmanow asked Mr. Riordan to position the guardrails to the back side of the sidewalk; Mr. Riordan agreed to comply with that request.

Ms. Robie summarized the issues before the Board as follows: the utility lot issue is off the table, the developer will have to locate the pump station on the other side of the road as the Board cannot vary from the zoning ordinance; Mr. Riordan said they would do that. Ms. Robie said that the urban access road design needs to be negotiated with the Town Engineer, he can waive the “K” values, the Planning Board cannot. She said that the issue of the stormwater management/assumed impervious area is one that needs to be discussed by the Board.

Mr. Boyce said he is satisfied with the applicants’ demonstration that the numbers they use justify their use of the lower number of 4,000 square feet, and there is an allowance of an extra 1,000 square feet per lot on average built into their numbers. Mr. Parker noted that the Peer Reviewer didn’t say it had to be something different, he said if he were the developer he would not assign it as low as 4,000, which doesn’t impose on the Planning Board a responsibility to go higher than the 4,000. Mr. Stelmack asked if the lower figure imposes a burden on the Town to enforce each of 29 lots as they come in for building permits to make sure that the impervious areas are meeting the intent of the design. Ms. Robie noted that the developer offered to deed restrict the issue. Ms. Robie said it is unusual to see 15,000 square foot lots with as little buildable area as these have, so there is little potential for harm. Ms. Fossum commented that the deed restrictions stay with the property each time it is transferred. Ms. Fossum said that the 5400 square foot figure is a standard that has been used over time. Mr. Riordan said that there are five lots that do not contribute to the stormwater management calculations.

After considerable further discussion, the Board unanimously decided to accept the developer’s numbers as being specifically calculated for this particular site with its relatively small, narrow lots.

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

Mark Stelmack MOVED and Michael Parker SECONDED a motion to grant MJF Development Group, LLC’s request for preliminary subdivision approval of “The Crossing

Subdivision,” , a 29-lot residential subdivision, and Old Dynamite Way/Hidden Brook Drive, with no conditions at this time.

Discussion: Mr. Boyce noted that the applicant must resolve the two issues of relocating the pump station to the other side of the road and the waiver of the road construction “K” value with the Town Engineer.

Motion CARRIED, 7 ayes. [10:00 p.m.]

9. DISCUSSION: AMENDED SUBDIVISION / MINOR SITE PLAN – “K.L. JACK INDUSTRIAL FASTENERS” - 11 JENNA DRIVE – by K.L. JACK & CO., INC.

Discuss proposal for a 14,400 sq. ft. office and warehouse facility in the New Portland Parkway subdivision on land of JIF Management of Maine, LLC. Zoned I; M29/L2.002.

Steve Bushey, DeLuca-Hoffman Associates, appeared on behalf of the applicant and described the project as a 14,400 square foot office and warehouse facility on a 2 acre piece of property, located at 11 Jenna Drive off New Portland Parkway. He said that this would be the first lot developed in this subdivision. He said that the building is to house one or more tenants, and the site will include parking and loading areas to accommodate multi-tenant use. There will be single access into Jenna Drive, with 25 parking spaces provided on site. The project will be served by public water with an on-site wastewater disposal system, with a small pump station, sited on the southeasterly corner of the property, in the 100-foot perimeter setback, which is not the originally approved location for a septic system. Mr. Bushey described the runoff directions of this lot, with the use of a low impact bio-retention cell, a low mulched and vegetated swale, and runoff to leach down through a sand filter, underdrained, and discharged out. Mr. Bushey stated that the site has 44,000 square feet of impervious surface, whereas this lot was approved with a maximum impervious surface of 22,700 square feet based on anticipated development intensity. He said, however, that their calculations show they are well within the capacity of the system that has been constructed, and they would use some of the excess capacity built into the storm water management system. They would not, however, be taking any additional impervious area from any of the other lots; they are taking advantage of being the first development in the subdivision by taking some of the excess capacity.

Mr. Bushey explained that due to the positioning of the corner of their building some 65 to 68 off of the property line, they are requesting a reduction in the required 100-foot perimeter buffer to 50 to accommodate the size of the building. He noted that existing conditions along New Portland Road involve a fair amount of vegetation in the first 50 feet of the perimeter, and it is proposed to supplement what is there already with some 3 to 5 foot pine trees and balsam fir trees. He also discussed proposed landscaping coverage for the building along Jenna Drive.

Mr. Bushey discussed the elevations of the proposed building, and told Mr. Hughes that there is no lighting proposed for the New Portland side of the building.

Ms. Fossum clarified that the building’s corner being in the perimeter setback does not mean the building would have to be moved if the Board approves a reduction in the perimeter setback.

Mr. Stelmack confirmed that this project would borrow excess capacity and asked if that is why it was designed that way. Mr. Bushey suggested that the proposed system was designed as reasonable for the proposed lots, and they are fortunate that they are the first to develop a lot and there is excess that they can use. Mr. Bushey told Mr. Parker that he believes Chase Custom Homes owns Jenna Drive and concurred that this project will need an easement to use the road. Ms. Robie suggested that New Portland Road can be considered a gateway into Gorham, and noted that the Comprehensive Plan charges the Town to preserve whatever it can of the tree-lined approaches to the Town, and that the 100 foot buffer on

industrial land where there are trees is designed to do that. Mr. Boyce disagreed with Ms. Robie's description of New Portland Road at this point as a gateway, but suggested that reduction of the 100 foot buffer is more related to the residents across the Road and the vantage point they have looking at this property, and he would want to be sure that the lighting on the property, including building-mounted lights, is not an offensive light source to be seen from across the street. Mr. Boyce said that to gain his support in the setback reduction, additional buffering for the residences across the street would be a reasonable expectation. Mr. Parker said that the landscaping should make up for the buffer reduction. Mr. Fickett said that this is an industrial building with a fine looking landscape plan which will fit. Mr. Zelmanow said he will reserve judgment until a site walk is held.

Mr. Bushey said he will check into trip generations and vehicle sizes, and will mark the 50-foot perimeter lines, the 100-foot line and building corners. Ms. Robie confirmed that the Board is generally acceptable of the impervious area; Mr. Parker said he would like to know whether the owner of the other lots has any concerns about this applicant doubling the allowable impervious area on this first lot to be developed.

Ms. Robie directed that a site walk be scheduled. [10:40 p.m.]

10. PRE-APPLICATION CONFERENCE: SUBDIVISION PLAN AMENDMENT – “DAVIS FARM ESTATES SUBDIVISION” - OFF DAVIS ANNEX – BY JUSTIN A. & KELLY L. DEARBORN

Presentation of a proposal to reconfigure the lot layout and reduce the number of lots in the approved subdivision from 14 to 5. Zoned SR; M38/L3.

Andy Morrell, BH2M Engineers, appeared on behalf of the applicants and explained that since receiving final approval in May of 2006 for a 14 lot subdivision, with the requirement to extend public water from Flaggy Meadow Drive and some requirements for improvements to the Davis Annex Road, the applicants have returned to request an amendment to the Plan to reduce the number of lots to five with one lot having been sold since approval. The amendment is for the 4 new lots to be served by individual drilled wells, not public water, and to change the road from a public road to a private way. The applicant has contacted the Public Works Director to determine what improvements might be required to the Davis Annex Road, but as yet there is no information available.

Ms. Robie quoted from the Land Use Code, Section IX, The Provision of Public Waster Supply, as follows: “The analysis shall be based upon the proposed development scenario as if the entire lot or parcel will be developed/subdivided and there is no potential for future additional development. The Planning Board may require that the analysis be based upon a full build-out scenario for the parcel that assumes that the entire parcel will be developed based upon the allowed zoning density with public water and cluster development...” Ms. Robie noted that it is obvious that Lot 4 on the plan can be subdivided in the future, and commented that this could be a way to develop some lots now and avoid the requirement for extending public water, and build a few lots later that also would avoid the public water requirement. She advised that Lot 4 should be divided now. Mr. Morrell said that the applicant intends to build his own residence on Lot 4, and said that the applicant would be willing to put a note on the plan or as a condition of approval that any future development of this subdivision would require the extension of public water.

Ms. Robie noted that the applicants can go to the Town Council to request a waiver of the water extension policy. Generally, the Board concurred that regardless of the number of lots, public water would have to be extended. Ms. Fossum said that the Board's ground rules would be the same, but the Town Council can waive that requirement; however, quoting from the Code, Ms. Fossum read “... a waiver of the public waster supply requirement shall be made in writing to the Town Manager within thirty (30) days of the

Planning Board's determination that public water shall be used/extended and prior to the approval of the final plan by the Planning Board. The request shall set forth the specific hardship that will result from compliance with the request. In granting a waiver, the Town Council may impose conditions relative to the future use and development of the property or the provision of private fire protection water supplies. If a waiver is granted, any conditions imposed by the Council shall become conditions of approval of the plan if the plan is approved by the Planning Board and the conditions shall be listed on the approved plan." Ms. Fossum noted that there is no official amendment application on which the Board can vote at this time.

Mr. Parker commented that the original thirty day period from the date of the Planning Board's original determination has long since passed. Ms. Robie noted that if this applicant requests an amendment to that original subdivision approval and the Board votes on that amendment request, then there is a thirty day period during which the applicant can go to the Council; in effect, a "new clock" starts to run.

Mr. Morrell asked about improvements to Davis Annex Road if the applicant proceeds with an application for an amendment. Ms. Robie said that technical recommendations need to come to the Planning Board for review from the Town Engineer and the Public Works Director. Mr. Morrell said that what was agreed upon originally was an 18-foot paved roadway with a one-foot gravel shoulder on either side for some 1800 feet of Davis Annex Road.

Mr. Zelmanow asked Ms. Fossum to check with the Town Attorney regarding the appeal language, to determine whether an application to amend basically revises the appeal period again.

11. SCHEDULE OPTIONAL MEETING IF NEEDED

The Board concurred that no subsequent meeting this month need be scheduled.

12. ADJOURNMENT

Michael Parker MOVED and Douglas Boyce SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [11:00 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board

_____, 2007

4. SITE PLAN / CHANGE OF USE – “THE CHURCH” – off 29 SCHOOL STREET – by FOUR BROTHERS, LLC, MICHAEL SALVAGGIO, JR., 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;
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 revision;
4. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
5. That all buildings shall meet all applicable sections of the 101 Life Safety Code;
6. That a complete set of building construction plans showing complete details of all changes, new building layouts and all construction shall be submitted to the State Fire Marshal’s Office and the Gorham Fire Department for review and permitting.
7. That the building shall be completely sprinkled meeting all applicable sections of the Town of Gorham’s Sprinkler ordinance. The sprinkler plans shall be submitted to the State Fire Marshal’s Office and the Gorham Fire Department at least two weeks prior to the start of installation of the system for review and permitting.
8. That a complete fire alarm system meeting all applicable sections of NFPA 72 shall be installed in the building. The alarm system installer shall meet with the Fire Department before installation to determine fire alarm zone layouts.
9. That sprinkler test papers and Alarm System test papers must be provided to the Fire Department before a certificate of occupancy is issued.
10. That the applicant may request a de minimus change to the site plan for the addition of propane tanks after receiving approval from the Fire Chief, Director of Planning, and the Code Enforcement Officer. At a minimum the propane tanks shall be installed on cement slabs, protected by bollards, and meet all applicable sections of NFPA 58.
11. That prior to the commencement of any site improvements and/or earth-moving activities, representatives of the developer, general contractor, site contractor, and the site design engineer shall arrange for a pre-construction meeting with the Town Planner and other staff members to review the proposed commencement date of the project, the overall schedule of improvements, conditions of approval, and site plan requirements;

12. That the site improvements shall be completed as shown on the approved plans prior to request for either temporary or final occupancy permits for the building; or a performance guarantee, covering the remaining site improvements shall be established through the Planning Department;
13. That the applicant shall submit a copy of the final easement agreement for the parking lot to the Town prior to recording at the Cumberland County Registry of Deeds;
14. That the applicant's signage and lighting will be designed in conformance with the Land Use and Development Code by a professional designer;
15. That once the building signs have been installed, with lighting, the applicant will return to the Planning Board within 30 days, or at a time of the Planning Board's choosing for final approval of the lighting or modifications to the satisfaction of the Planning Board, with any modification required by the Planning Board to be completed within two months of the meeting; and
16. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board's endorsement of the final plan, 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.

6. PRELIMINARY & FINAL SUBDIVISION PLAN AMENDMENT – “SOUTHWOODS SUBDIVISION” –off 25 OAK WOOD DRIVE – by KEVIN A. & KATHLEEN D. JENKINS

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;
3. That all applicable conditions of approval attached to the original South Woods Subdivision approval and any subsequent amendments to the plan remain in effect;
4. That prior to the commencement of connection to the public sewer and water lines located in the right of way of Oak Wood Drive, the applicant shall arrange through the Planning Office for a pre-construction meeting with the Town’s Compliance Coordinator, Town Engineer, Public Works Director, Portland Water District and the Planning Director to review the any site construction requirements for Oak Wood Drive;
5. If the house that is built on lot 15b is not visible from the street (Oak Wood Drive) then the owner of lot 15b will be responsible for obtaining approval for a named driveway through the Tax Assessor’s Office along with the installation of a driveway sign per Public Work’s specifications prior to the issuance of an occupancy permit.
6. That prior to the date of the preconstruction meeting, the applicant shall provide property line information and site information in auto-cad format to the Town Planner; and
7. That these conditions of approval and the Final Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board’s endorsement of the final plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the date of the preconstruction meeting or commencement of any site improvements.

7. PRIVATE WAY PLAN - "BRODEIS WAY" – off 206 SOUTH STREET - by JASON A. & JESSICA CURTIS

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 shall make arrangements through the Town's Compliance Coordinator for a pre-construction meeting with appropriate Town Staff, his contractor, his inspecting engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That one week prior to the pre-construction meeting, three (3) complete sets of the final approved plan set will be delivered to the Compliance Coordinator for distribution to the (1) the Town's Inspecting Engineer, (2) the Public Works Director, and (3) Director of Planning;
5. That prior to the preconstruction meeting, 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 upon completion of the project, the applicant's engineer shall provide the final record drawings in auto-cad format to the Public Works Department;
6. That prior to the commencement of construction of the private way, the applicant will establish a performance guarantee with the Planning Department;
7. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
8. That the applicant's engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant's engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
9. 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
10. 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 date of the pre-construction meeting or commencement of any improvements on the site.