



Town of Gorham
APRIL 2, 2007
PLANNING BOARD MINUTES

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

Members Present:

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

Members Absent:

THOMAS HUGHES

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 Thomas Hughes was absent.

1. APPROVAL OF THE MARCH 12, 2007, MINUTES

Thomas Fickett MOVED and Michael Parker SECONDED a motion to approve the March 12, 2007 minutes as written and distributed. Motion CARRIED, 6 ayes (Thomas Hughes absent). [7:02 p.m.]

2. REQUEST FOR RECONSIDERATION

Request for reconsideration of action taken on March 12, 2007 approving the proposed change of use and related site/parking lot improvements for the former School Street United Methodist Church at 29 School Street as proposed by Four Brothers, LLC. Zoned VC & UR; M102/L83 & 112.

Michael Parker noted that in view of the fact that the two requests for reconsideration have been withdrawn; there is no longer a need for reconsideration.

No motion being made, the request for reconsideration failed. [7:04 p.m.]

3. REORGANIZATION OF THE BOARD

A. Introduction of Reappointed Members

Susan Robie, Doug Boyce and Mark Stelmack have each been reappointed for a new three-year term of office.

B. Election of Officers

The Clerk called for nominations for the position of Chairman.

Thomas Boyce MOVED and Edward Zelmanow SECONDED the nomination of Susan Robie for the position of Chairwoman. Thomas Fickett MOVED and Michael Parker SECONDED a motion to close the nominations. Motion to close the nominations CARRIED, 6 ayes (Thomas Hughes absent). The motion nominating Ms. Robie as Chairwoman CARRIED, 5 ayes, 1 abstention (Susan Robie) and 1 absence (Thomas Hughes).

The Chairwoman called for nominations for the position of Vice Chairman.

Michael Parker MOVED and Thomas Fickett SECONDED the nomination of Douglas Boyce for Vice Chairman. Thomas Fickett MOVED and Michael Parker SECONDED a motion to close the nominations. Motion to close the nominations CARRIED, 6 ayes (Thomas Hughes absent). The motion nominating Mr. Boyce as Vice Chairman CARRIED 5 ayes, 1 abstention (Douglas Boyce) and 1 absence (Thomas Hughes).

C. Thomas Fickett MOVED and Douglas Boyce SECONDED a motion to maintain the current Committee Appointments [Ordinance Review, Sign Ordinance, Private Way]

1. Private way Subcommittee: Parker, Fickett, and Hughes.
2. Sign Ordinance Subcommittee: Boyce, Robie and Zelmanow.
3. Ordinance Subcommittee: Robie, Stelmack, and Parker.

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

4. COMMITTEE REPORTS

A. Private Way Subcommittee: Mr. Parker reported in Mr. Hughes' absence that there has been no change in the status of this subcommittee.

B. Ordinance Subcommittee: Ms. Robie reported that the Subcommittee has met with the rest of the Planning Board to brainstorm mechanical changes to the Ordinance, which are intended to improve the effectiveness and efficiency of the Planning Board. Subsequently the Subcommittee has met and identified approximately 10 items that will be pursued further to incorporate into a letter to the Town Council recommending changes to the Ordinance.

C. Sign Ordinance Subcommittee: Mrs. Robie reported that this Subcommittee will meet with 8 people from the public, including representatives from the business community, long-standing residents of Gorham, a landscape architect, a member of the media and a builder to who have been asked to review a draft of the Sign Ordinance either in writing or in person at a meeting on April 11. That feedback will be used potentially to modify the Sign Ordinance to be brought back to the entire Planning Board for its approval and recommendation to the Town Council Ordinance Committee.

5. CONSENT AGENDA

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

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

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

Review the Condition of Approval regarding interior illumination of the cupolas. Zoned UR/UC; M102/L144, 146 & 143.

Michael Parker MOVED and Thomas Fickett SECONDED a motion to accept the Consent Agenda.

Discussion: Mr. Stelmack confirmed that both items are included in the motion.

Motion CARRIED, 6 ayes (Thomas Hughes absent). [7:15 p.m.]

6. SITE PLAN – “SUBWAY SHOP/GORHAM” – 109 MAIN STREET – by SUB BUILDERS, INC. PUBLIC HEARING –

Request for final approval of a 1653 sq.ft. restaurant with 12 parking spaces on .24 acres. Zoned UC; M102/L153.

Thomas Fickett MOVED and Douglas Boyce SECONDED a motion to take this item off the table.

Motion CARRIED, 6 ayes (Thomas Hughes absent). [7:16 p.m.]

Thomas Harmon, Civil Consultants, appeared on behalf of the applicant and introduced Loren Goodrich of Sub Builders. Mr. Harmon gave a brief overview of the project, indicating that only right hand turns are to be permitted into the site off Main Street, with no left turns permitted either in or out. Mr. Harmon said that modifications have been made to the site by narrowing the entrance lane from 14 feet to 12 feet, and stamped concrete has been planned for the east side of the exit in order to allow delivery vehicles to exit to the right. The requisite photometric study, a memo addressing Village Design Standards, stormwater study, and demonstration of financial capacity have been provided. Mr. Harmon said that still unresolved is Mr. Goodrich's desire to keep the backlit signs on the existing Subway Shop at Elm Street and Main Street. Mr. Goodrich said there would be no pylon sign, just building signs on the east and west ends of the building. In response to Mr. Stelmack, Mr. Harmon said that the new island in the intersection will not be landscaped.

Ms. Fossum gave the staff comments, saying that additional information has been provided as requested by the Board about removal of the underground gasoline tanks on the site, the Village Design standards have been addressed, and financial capacity has been demonstrated. The concerns of the Public Works Director and Town Engineer about prohibiting left turns have been satisfied, and the Town Engineer has also completed a final review of the stormwater calculations and finds the design acceptable. Ms. Robie asked if the Board can allow backlit signs in Village; Ms. Fossum said that the signage on the current Subway building was installed prior to the Village Design standards being adopted, and they cannot be moved to the new building. Ms. Fossum said Mr. Goodrich could replace the signs on his present building with the same kind, but he cannot install those signs on a new building. Mr. Fickett noted that the signs on the new building have to be externally lit. Ms. Robie told the applicant that the signs can have spotlights on them, but they cannot be internally illuminated in the Village.

At Mr. Boyce's request, Ms. Fossum read the following from Chapter II, General Standards of Performance, Section III, Signs, page 136, of the Land Use and Development Code:

“Non residential uses may display attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises. The area of neon or similar signs per nonresidential use or business shall not exceed 24 square feet per side, nor shall the total sign area exceed 72 square feet.”

Continuing, Ms. Fossum read from page 53 of the Code, Section X, Urban Commercial District, E, Performance Standards, 10, Signs:

“All signs shall comply with the following standards:

- a) Freestanding signs shall be limited to a maximum height of eight (8) feet.
- b) Signs shall not be located on roofs.
- c) Attached or projecting signs shall not extend above the roofline for flats or the ride line of pitched roofs.
- d) Internally illuminated signs shall be prohibited”

At Mr. Boyce's request, Mr. Goodrich described the signs being proposed for the building as being 1 foot 6 inches high by 7 feet 3 inches long, ten square feet, with one sign to be located on the west end of the building and one on the east end of the building, and no signs on the Main Street frontage. Mr. Goodrich said he will not light the signs internally but will use some type of gooseneck lighting.

At Mr. Parker's request, Mr. Harmon reviewed the proposed plan for delivery trucks entering and exiting the site.

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

Michael Parker MOVED and Thomas Fickett SECONDED a motion to grant Sub Builders, Inc.'s request for final approval of a site plan for a 1653 square foot restaurant with 12 parking spaces on .24 acres with conditions of approval posted prior to the meeting and discussed with the applicant.

Discussion: Mr. Fickett asked if the applicant had seen the conditions of approval. Mr. Harmon and Mr. Goodrich reviewed the proposed Conditions of Approval and concurred with them. Mr. Harmon responded to Mr. Zelmanow's and Mr. Boyce's queries about a traffic movement drawing showing possible left turns into the site and the solution that has been reached to prohibit left turns.

Motion CARRIED, 6 ayes (Thomas Hughes absent). [7:36 p.m.]

7. SCHEDULE OPTIONAL MEETING IF NEEDED

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

8. ADJOURNMENT

Douglas Boyce MOVED and Edward Zelmanow SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Thomas Hughes absent). [7:37 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2007

5. CONSENT AGENDA

A. FINAL SUBDIVISION & SITE PLAN – “PRESUMPCOT COVE CONDOMINIUMS” / “ISABEL DRIVE” – off 697 GRAY ROAD - by RAY PEPPERS REALTY, LLC, TIMOTHY R. PEPPERS, 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 minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town’s Inspecting Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 3 (three) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
5. That the applicant shall provide property line information and site information in auto-cad format to the Town of Gorham Tax Assessor prior to the scheduled pre-construction meeting;
6. 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;
7. That the road shall be properly named and signed with a Town approved street sign;
8. That the road sign shall be installed as soon as the road is constructed;
9. That all houses to be properly numbered with the numbers being visible from the street year around;
10. That a hydrant shall be required to be installed on the water main extension just prior to unit 1. The Fire Chief shall approve the exact location at the time of installation;
11. That per NFPA Fire Prevention Code 1 the water main and hydrant shall be installed and in service before building materials are allowed on site;
12. That if propane is used in the buildings, propane tanks shall be placed on cement slabs, and protected by bollards. All propane installations shall meet all applicable sections of NFPA 58;
13. That if the buildings are sprinkled, we would not require the extension of the eight inch water main and the private hydrant;
14. That the private way shall be maintained year around to allow access for emergency vehicles;

15. That the required hydrant is being placed on a private way and shall be the home owner's association's responsibility to pay the annual rental fee, and shall be required to sign an annual maintenance contract with the Portland Water. This requirement should become part of the homeowner's association requirements. A copy of the maintenance agreement shall be forwarded to the Fire Department;
 16. 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;
 17. That the contractor shall provide to the Town and Homeowners Association a booklet showing location ties for each building sanitary service and floor drains. Furthermore, each diagram will provide ties to the service where connected to the main sewer/drain and it's location at the point of entry to the building. Each diagram shall be "drafted", not a reproduction of field sketches;
 18. That the legal documents 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; and
 19. 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 commencement of the project.
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6. SITE PLAN – "SUBWAY SHOP/GORHAM" – 109 MAIN STREET – by SUB BUILDERS, INC.

**Approved
Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That 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 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 prior to the commencement of any site improvements and/or earth-moving activities, representatives of the applicant, general contractor, site contractor, and the site design engineer shall arrange for a pre-construction meeting with the Town Planner and other staff members to review the proposed

commencement date of the project, the overall schedule of improvements, conditions of approval, and site plan requirements;

6. That the applicant will be responsible for the off site improvements to the intersection of Main Street and New Portland Road. The form and amount of any performance guarantees to cover those improvements will comply with the requirements of the Land Use and Development Code and must be posted prior to the commencement of any site improvements;
7. That the off-site improvements to Main Street and New Portland Road shall be completed as shown on the approved plans prior to request for either a temporary or final occupancy permits for the building.
8. That the applicant will continually maintain the grounds and landscaping as per the approved site plan and stormwater management plan. Any increase to impervious area or changes to the landscaping will require approval from the Town Engineer.
9. That a complete set of building construction plans shall be provided to the Fire Department at the time a building permit is issued. The building construction plans shall also be sent to the State Fire Marshal's Office for review and permitting.
10. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code.
11. That the natural gas meter on the building shall be protected with bollards.
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; and
13. 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.