



Town of Gorham
MAY 7, 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
MARK STELMACK
EDWARD ZELMANOW

Members Absent:

DOUGLAS BOYCE

Staff Present:

DEBORAH FOSSUM, Dir. of Planning & Zoning
THOMAS POIRIER, Assistant Planner

Staff Absent:

BARBARA SKINNER, Clerk of the Board

The Chairwoman called the meeting to order at 7:00 and read the Agenda. Deborah Fossum called the roll, noting that Douglas Boyce was absent.

1. APPROVAL OF THE APRIL 2, 2007, MINUTES

Thomas Fickett MOVED and Edward Zelmanow SECONDED a motion to approve the April 2, 2007 minutes as written and distributed. Motion CARRIED, 5 ayes (Douglas Boyce absent, Thomas Hughes abstaining as not having been present at the April 2, 2007 meeting).

Ms. Robie asked for a moment of silence to remember Clark Neily, former Planning Board member.

2. COMMITTEE REPORTS

A. Private Way Subcommittee: No report. Ms. Robie welcomed Mr. Hughes back.

B. Ordinance Subcommittee: No meeting.

C. Sign Ordinance Subcommittee: Mrs. Robie reported that a focus group meeting was held with members of the development community, engineering community, and community at large, with revisions to the ordinance now being prepared. The next meeting of the Subcommittee will be Wednesday, May 9.

3. ZONING MAP AMENDMENT- 359A MOSHER ROAD- BY NORMAN K. RICHARDSON
PUBLIC HEARING

Proposed amendments to the Land Use and Development Code, Chapter I, Zoning, Section VII Suburban Residential District, Subsection E. Performance Standards, 2., Rural Entrepreneurial Uses to allow outside non-residential entrepreneurial activities, subject to Planning Board review and approval.

Ms. Fossum explained that the applicant, Norman Richardson, would like to operate a paint ball facility at his property on Mosher Road, which is currently zoned Suburban Residential, which does not permit such outdoor commercial activity. Mr. Richardson initiated a request for zoning map amendment to rezone his property from Suburban Residential to Roadside Commercial, which is the only district in Gorham that currently clearly permits outdoor recreational uses. The Town Council referred Mr. Richardson's request to its Ordinance Committee, which discussed the request and decided that a better approach from their perspective would be to amend the language for rural entrepreneurial uses in the Suburban Residential District, instead of a zoning map amendment. Ms. Fossum noted that instead of being a zoning *map*

amendment, this is now a zoning *text* amendment. She said that the Town Council's Ordinance Committee drafted language which would permit outdoor commercial recreational activity within the uses allowed under Rural Entrepreneurial. She said that the Planning Board, after reviewing the proposed language, workshopped the item at a meeting on April 2 and suggested several areas which could be further clarified and improved. She said that the Council's Ordinance Committee added a new standard "I" to the section on Rural Entrepreneurial Uses which would permit non-residential activity, or outdoor recreational uses in this cases, and the Planning Board added additional language as to what standards would be used in the review of those projects as they come before the Planning Board. She said that the Board also modified existing standard "i" to add lighting to those items which the Planning Board considers when reviewing compatibility with adjacent residential uses. In addition, there was a slight modification to the wording in section "f." Ms. Fossum said that this change to Rural Entrepreneurial Uses will be allowed throughout the Suburban Residential Districts in town and is not specific to the area where Mr. Richardson's property is located. She confirmed that there will be no changes to the Rural Entrepreneurial Uses located in the Rural District.

Ms. Robie and Ms. Fossum discussed striking through the Town Council's proposed language for E.2.f. and incorporate the Planning Board's change to that section, making it clear that unless the change is made, the Ordinance is contradictory.

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

Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to recommend approval of the Planning Board's recommended version of proposed amendments to the Land Use and Development Code, Chapter I, Zoning, Section VII Suburban Residential District, Subsection E., Performance Standards, 2., Rural Entrepreneurial Uses, to allow outside non-residential entrepreneurial activities.

Discussion: Mr. Stelmack asked if the motion should include the suggestions made this evening about changing the format of the proposed Planning Board recommendations. Ms. Fossum noted that she will make the change as suggested by the Board in the formatting.

Motion CARRIED, 6 ayes (Douglas Boyce absent).

**4. ZONING MAP AMENDMENT- ROUTE25/ MAIN STREET-by GRONDIN PROPERTIES, LLC, KENNETH GRONDIN, MEMBER
PUBLIC HEARING**

Proposed rezoning amendment to the Official Zoning Map to land along Route 25 between the Westbrook Town Line and Crockett Interiors in the Grondin Commercial Subdivision, from Industrial to Roadside Commercial. Map 12/ Lots 26.007 & 26.008.

Owens McCullough, Sebago Technics, appeared on behalf of the applicant and explained the proposed zone change, showing Lots 7 and 8 as those lots of the Commercial Subdivision which are now requested to be rezoned Roadside Commercial instead of Industrial. He explained that these are the only remaining 2 lots of the Subdivision that have not been sold, and the interest being expressed in these lots is for uses as Roadside Commercial. There is an interested party for Lot 7, with a use suitable for Roadside Commercial. Mr. McCullough provided a cross section from Route 25 through the knoll on Lot 8 and the anticipated building elevation as requested by the Board during its workshop discussion on this item on April 2. Mr. Parker and Mr. McCullough discussed the slopes on both sides of the berm on Lot 8.

Ms. Fossum noted that staff had no comments to add except to review the process of the Planning Board making a recommendation to the Town Council, and ultimately it is the Council's decision. She noted that a letter has been received from an abutter.

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

Michael Parker MOVED and Edward Zelmanow SECONDED a motion to recommend adoption of the proposed amendment to the official Zoning Map of the Town of Gorham to rezone land along Route 25 between the Westbrook town Line and Crockett Interiors in the Grondin Commercial Subdivision, from Industrial to Road Commercial.

Discussion: Mr. Hughes noted that any proposal to cut down the berm on Lot 8 will be met with negative comments.

Motion CARRIED, 6 ayes (Douglas Boyce absent).

5. SITE PLAN – “K.L. JACK INDUSTRIAL FASTENERS” – 11 JENNA DRIVE – by K.L. JACK & CO., INC.

PUBLIC HEARING

Request site plan approval 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 Industrial & Black Brook and Brackett Road Special Protection District; M29/L2.002.

Steve Bushey, DeLuca Hoffman Associates, appeared on behalf of the applicant and described the proposed project on Lot 2 of the New Portland Parkway subdivision. Mr. Bushey explained the waiver request for a reduction in the perimeter setback from 100 feet to 50 feet and placement of the building within the 100-foot setback zone. He described the proposed buffering and landscaping, which involves keeping a majority of the existing white pines located in the 50 foot setback, as well as adding additional balsam fir and Austrian pine in the gaps among the white pines. In addition, it is proposed that white pine, balsam fir and sugar maple trees will be planted along the southern edge of the building and parking area to help screen the view from New Portland Road. Mr. Bushey discussed the 24-foot entrance drive off Jenna Drive into a paved area/parking lot, with the principal access having overhead doors and entry doors. He said that K.L. Jack anticipates using about half of the building for itself, with another tenant or two in the other half of the facility. He said that the parking lot has 23 parking spaces, with 2 spaces in the 50-foot buffer area as shown on the original configuration having been deleted, but still well above the Code requirement of 15 spaces.

Mr. Bushey discussed the status of the DEP permit application, stating that DEP has indicated that all staff have signed off on approving the project and now the staff analyst needs to write up the permit order, which he has been told will be finalized this week. He noted that DEP had to review stormwater management concerns because of the amount of impervious surface attributable to this lot, which has been increased from what was originally allocated under the subdivision plan in order to accommodate the desired footprint and thus requires subdivision amendment as outlined in Item 6 of this meeting's agenda. Mr. Bushey also pointed out that the proposed subsurface waste water system site has been relocated to a different location than was originally approved within the subdivision approval, another issue for DEP approval.

Mr. Bushey said that the proposal attempts to incorporate the new DEP methods for stormwater management and in order to accommodate runoff from the parking area, a bio retention cell will be installed. He described the cell as a low depression swale type area with plantings and mulch to which water from a typical rain storm of perhaps one inch will run, be allowed to settle through a filtering layer

of soil, capturing various deposits coming off the parking lot, and be outletted through an under drain system under the driveway into Lot 3 of the Subdivision. This was part of the original design and intent of the subdivision plan.

Mr. Bushey said that all the review comments have been addressed, except for the last item from the outside stormwater review engineer, asking that the total number of 54 plants that need to be planted in the bio retention cell be noted on the plans, which has been dealt with in a detail sheet of the plans. Mr. Parker discussed with Mr. Bushey the requirements for handicapped parking spaces, one space per 25 parking spaces, asking if the handicapped space could be positioned more centrally. Mr. Bushey replied that the designated space is best located in an area of only 2% grade to a door. Mr. Stelmack asked Mr. Bushey about the maintenance of the bio retention cell; Mr. Bushey said a full maintenance plan was provided to DEP in their permit application. He said that over time the maintenance method might be to excavate the cell and replace the filtering layer.

Tom Poirier, Assistant Planner, made the staff comments, noting that the approval of this project is contingent upon approval of the proposed amendments to the New Portland Parkway Subdivision requested in Item 6 of this Agenda. He noted that the applicant has not yet received its DEP permits. Mr. Poirier said that while this lot is zoned Industrial, it is also within the Black Brook and Brackett Road Special Protection District which restricts blasting to Portland Water District contractors, and a note has been added to the plans that blasting is prohibited in the Black Brook and Brackett Road Special Protection District, with reference made to that section of the Code which outlines additional restrictions. Mr. Poirier said that the Fire Chief's comments have been added to the proposed Conditions of Approval.

Ms. Robie commented that in general, approval is not granted to an application without first having received DEP approval. She asked if the Board would like to place this item on a consent agenda in order to see the DEP permit before granting Planning Board approval. Mr. Stelmack said he believed that the e-mail received from Cindy Patterson at DEP is adequate to establish that DEP intends to grant a permit. Mr. Zelmanow said he believed that the item should be placed on a consent agenda on the basis that something can come up to prevent granting of the permit. Mr. Fickett said he concurred with Mr. Stelmack, as did Mr. Hughes. Mr. Parker said that as long as there is a condition of approval noting that it is contingent upon obtaining a DEP permit, he did not believe the applicant should wait another month to be put on a consent agenda. Ms. Robie said that it should be noted that this is not a change in the Board's general policy concerning the requirement to review DEP permits before granting Board approval., and she would vote for this application because in this case the Board has seen what the DEP intends through the letters provided. Ms. Fossum noted that this is a modification of an existing permit, rather than a new permit, and said that Condition of Approval 1 covers any major changes that the DEP might require and staff would hold the mylar for the Board's signature until those permits are in hand.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Bushey replied to a question from Mr. Stelmack that the lighting is building mounted as shown on the utility plan, with a 20-foot pole with a shoe box fixture at the driveway and Jenna Drive.

Michael Parker MOVED and Edward Zelmanow SECONDED a motion to waive the 100-foot setback requirement along the southerly lot border and to permit a 50-foot buffer in its place. Motion CARRIED, 6 ayes (Douglas Boyce absent).

Michael Parker MOVED and Mark Stelmack SECONDED a motion to grant approval of a 14,400 sq. ft. office and warehouse facility in the New Portland Parkway subdivision on land of

JIF Management of Maine, LLC, as requested by K.L. Jack Industrial Fasteners, Inc., with conditions of approval as posted prior to the meeting and discussed with the applicant.

Discussion: Ms. Robie said that the phrase “contingent upon approval of the proposed amendments to the New Portland Parkway subdivision” should be added to the motion. Movant Mr. Parker said that the addition of the phrase is acceptable.

Motion as amended CARRIED, 6 ayes (Douglas Boyce absent).

6. RELIMINARY & FINAL SUBDIVISION PLAN AMENDMENT – “NEW PORTLAND PARKWAY–off NEW PORTLAND ROAD – by K.L. JACK & CO., INC.

Request to amend New Portland Parkway Commercial Subdivision Plan. Zoned Industrial & Black Brook and Brackett Road Special Protection Overlay District; M29/L2

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to grant preliminary and final subdivision approval of proposed amendments to the New Portland Parkway Subdivision as requested by K.L. Jack Industrial Fasteners, Inc., with conditions of approval as posted prior to the meeting and discussed with the applicant.

Point of Order: Mr. Fickett asked if the Board needed to grant a waiver for preliminary and final approval on the same night. Mr. Hughes withdrew his motion, and Mr. Fickett withdrew his second.

Thomas Fickett MOVED and Edward Zelmanow SECONDED a motion to allow preliminary and final subdivision amendment approval in one meeting. Motion CARRIED, 6 ayes (Douglas Boyce absent).

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to grant preliminary and final subdivision approval of proposed amendments to the New Portland Parkway Subdivision as requested by K.L. Jack Industrial Fasteners, Inc., with conditions of approval as posted prior to the meeting and discussed with the applicant.

Discussion: Ms. Fossum suggested adding the phrase “contingent upon Maine Department of Environmental Protection approval” which is not expressly set forth in the Conditions of Approval, unless the Board believes that COA #2 covers the issue. Mr. Parker and Mr. Hughes said they believe COA #2 covers the issue. Ms. Fossum said that standard practice is that the Mylar is not signed until the permit is received

Motion CARRIED, 6 ayes (Douglas Boyce absent).

7. SUBDIVISION AMENDMENT- HARDING BRIDGE FARMS PHASE I & II- HARDING BRIDGE ROAD- TAXMAP 50/ LOT 24 by LITTLE RIVER PROPERTIES, LLC

Request to amend Plan Note 16 to allow development of a 2-unit condominium/duplex on Lot 24. Zoned Suburban Residential District; M50/L 24.

Owens McCullough, Sebago Technics, appeared on behalf of the applicant and explained that the proposed amendment does not change any lot lines, infrastructure, or roadways. What is proposed to be changed is Note 16 on the subdivision plan which limited development to single-family residential house lots in order to allow the construction of a 2-unit condominium/duplex on Lot 24. Mr. McCullough said that this duplex would take up all the density allowed within the subdivision and there can be no further such duplexes. He said that both Phase I and Phase II would need to be amended, and if the amendment is approved, the proposal will go through Minor Site Plan Review.

Mr. Hughes commented that neighboring homeowners might object to a duplex. Mr. McCullough said that Ken Grondin has spoken to most of the neighbors and secured their consent. Mr. Fickett asked if the lot has sufficient square footage; Mr. McCullough replied that Lot 24 is one of the larger lots at 5.6 acres.

Ms. Fossum said that all property owners of record within the subdivision were notified with a copy of the Agenda, and all the lot owners in Phase I and Phase II are affected by this amendment. She said that buyers should be advised that they may not add a unit to their structures and that there is one duplex in the subdivision. Mr. McCullough replied to Mr. Parker that this amendment does not materially change the subdivision and the proposed duplex location is the same as originally proposed on Lot 24, with one driveway, so that no DEP action is involved.

Michael Parker MOVED and Mark Stelmack SECONDED a motion to grant approval of the request by Little River Properties, LLC, to amend Plan Note 16 of the approved Harding Bridge Farms Subdivision Plans for Phase I and II to allow development of a two-unit condominium/duplex on Lot 24. Motion CARRIED, 6 ayes (Douglas Boyce absent).

8. PRELIMINARY SUBDIVISION- OLDE CANAL BUSINESS PARK-off ROUTE 237/ MOSHER ROAD- by GRONDIN PROPERTIES, LLC [KENNETH & PHILIP GRONDIN, JR., MEMBERS]

Request for preliminary plan approval of a proposed 9-lot commercial/ industrial subdivision on 56 +/- acres on land of Rines. Zoned Industrial; Tax Map 34/ Lot 3

Owens McCullough, Sebago Technics, appeared on behalf of the applicant and gave an overview of events to date, including the filing of a Site Location application with DEP, which has been under review for some 3 to 4 months. He described the project as having frontage on Route 237 and the Presumpscot River, with the proposal including a 2100-foot road ending in a hammerhead turnaround, built to the Town's industrial standards, and 9 commercial lots ranging in size from about 2-1/2 acres to about 12-1/2 acres. He said the land is currently undeveloped and has been zoned Industrial since the 1970s, abuts a Central Maine Power line easement, a main transmission line, and the old Cumberland and Oxford Canal. The property abuts a residential zone to the north, as well as a residential zone to the south, as well as being in a Shoreland zone and a Resource Protection zone down by the River. He said that no development is being proposed in either the Shoreland or Resource Protection zone. Mr. McCullough said that a wetland of special significance has been found adjacent to the property, which will require special buffering involving a 100-foot undisturbed buffer from the edge of the wetland back into the site. He said that there will be about 6500 square feet of wetland impact on the site, associated with roadway and utility crossings for the project, and that they have applied for an NRPA permit as part of their DEP Site Location permitting process.

Mr. McCullough said the project will be served by public utilities, including public water and sewer, which will be available to the project through the new Route 237 sewerage. He said they will have to put in a pump station and have been working with abutters for an easement for the pump station. Mr. McCullough noted that the LaChance Brick property would be able to gravity feed into the pump station, as well as the possibility of running some gravity sewer further up Route 237 all the way up to Queen Street. It is proposed that the pump station would be turned over to the Portland Water District, and therefore the station must be built to the standards imposed by the PWD. He noted that Shaw Brothers is installing a 6" force main along Grondin's frontage now, but Grondin has chosen to have a second force main installed for their pump station.

Mr. McCullough said that an MDOT traffic permitting process has occurred, which includes a traffic assessment, an analysis of the site, as well as provision for a left turn lane into the site due to an estimate of 180 to 195 peak hour trip-ins for the project. Mr. McCullough demonstrated a graphic showing the proposed left turn lane, with almost 900 feet of work having to be done along Route 237. He said that DOT has written into their permit that the lane does not have to be constructed until the 100 trip-ins trigger is met. There will be a note on the plan that at 50% build-out of the development, there has to be a

follow up traffic count by the developer to determine if the turn lane warrants are met. Additionally, at 75% and 100% development there will need to be follow-up traffic counts made. Mr. McCullough said that in their DOT permit Grondin has been asked to participate in construction of the roundabout center concrete island as part of their project approval.

Mr. McCullough said that after the site walk, he met with Mr. Grondin about providing a pedestrian access easement along the northeastern property line and along the Cumberland & Oxford Canal towpath and insuring that the trail system is protected. He said Mr. Grondin, is amenable to that idea, as well as providing room at the end of the turnaround for some parking spots and providing an easement along the property line. He said they will work with the Public Works Director and the Town Engineer as to the best way of locating the parking spots.

Mr. McCullough said they will seek a waiver for the Class B high intensity soils survey, as this project will have no on-site septic or disposal. All the wetlands on the project have been mapped and no net density calculations will be done due to the zone the project is in. Secondly, they would like a waiver of the requirement to provide access to abutting properties. To illustrate this request, Mr. McCullough showed graphics showing the CMP easement and Presumpscot River, abutting property holders Abbott and Kay Mosher, and the LaChance Brick Yard across the street, and pointed out the various topographic features impacting the site.

Mr. McCullough said they are hopeful that the DEP permits will be secured within the next 6 weeks, at which time they would like to return for final plan approval.

Mr. Parker asked how access to the north would be secured if not through this development. Mr. McCullough replied that discussions have been held with the Mosher's about the possibility of a looped road through the site to develop double loaded residential lots on each side outside of the Shoreland Zone, with a private way stream crossing to access certain other sites. Ms. Robie and Mr. McCullough discussed certain aspects of the stream setbacks. Ms. Robie expressed concern about waiving the requirement of access to abutting property due to the uncertainties of future development. Mr. McCullough replied that any road constructed would not meet any Town standards because of the slope topography of 25 to 35% and the physical limitations of the land. Ms. Robie suggested placing the required access along the easement for the force main between Lots 8 and 9. Mr. Stelmack asked Mr. McCullough about the 2 proposed stream crossings should the abutting property be developed, with at best driveways into that area due to the probable difficulty in constructing a Town road. Ms. Robie noted that the economics of constructing a connection to the abutting property would be determined by the developer of that property, but unless the connection is established through this application, the land will be isolated.

Mr. Parker asked abutter Abbott Mosher to comment on whether he would consider the property in question to be "isolated" should this development proceed as described.

Abbott Mosher, abutter on Route 237, complimented Mr. McCullough on his presentation, and said he is not yet sure what he might do with the property in question and confirmed that access to it is challenging. He said that if the land is developed as residential, they would probably not want to access their property through a commercial area, and it would certainly do no harm to establish a potential access. He said that once public access is established, maintenance is required.

Mr. McCullough returned to the podium and pointed out the pond straddling the lot line between Lots 8 and 9, impacting the suggested access to abutting property under discussion, noting that the pond takes the storm drainage from Lots 1, 2, 8, 9. He said that the pond would have to be moved to provide access along the force main easement, and commented that a better way to access that property would be from the other side of the Mosher property. Mr. Stelmack noted that the stormwater management would have

to be reconfigured in a major way in order to accommodate the suggested access. Mr. McCullough said that they would also have to amend their DEP permit application if the pond were to be moved. Mr. Parker note that the existing easement is pretty busy, and asked if Lots 6 and 7 could accommodate an easement. Mr. McCullough said that while the elevation change is only a couple of feet, Lot 6 is 2.37 acres and Lot 7 is 2.93 acres, and if a 50-foot right of way was placed between them, the front yard setback off that right of way is 50 feet and the side yard setbacks are 30 feet each, and the width is more than doubled. Ms. Fossum confirmed that a 50-foot right of way is a minimum standard. Under those circumstances, Mr. Parker said that establishing an easement between Lots 6 and 7 would be a detriment to those lots.

Ken Grondin, R.J. Grondin, came to the podium and said that the idea of connecting adjacent parcels of land to avoid potential land-locked parcels in the future is a good one. Mr. Grondin referred to an example in 1996 when the former Harding Bridge Road was discontinued by the Town Council, a land-locked parcel was created. He discussed the potential for utilizing both frontages for creating future lots and spoke about a possible access configuration, and suggested isolating the industrial concepts from the pristine river front at all costs, avoiding a 50-foot wide view corridor through an industrial setting toward the river front. Mr. Grondin said he would be willing to work with Mr. Mosher to establish whatever Mr. Mosher wanted to access the land on its own.

Mr. Parker suggested that there are two reasons not to create an easement off this property: one is that it is infeasible, it doesn't fit, and the second is that there is an alternative. Mr. Fickett concurred with Mr. Parker, saying that to create a residential road through an industrial business park does not seem feasible. Mr. Hughes agreed, as did Mr. Stelmack, who said there will no savings in curb cuts and there is no point in trying to force something that does not fit. Mr. Zelmanow also agreed. Ms. Robie noted that a poll of the Board indicates approval of the waiver request.

Mr. Parker, Mr. Hughes, Mr. Fickett, Mr. Zelmanow concurred with the request for a waiver of the Class B high intensity soils requirement.

There was discussion with Mr. Grondin as to what DOT requires in the way of a performance guarantee for building the left turn lane.

Ms. Fossum gave the staff comments, noting that the access to adjoining land is required to establish a more fully developed road pattern and there was very little discussion about extending the hammerhead toward the CMP line. She said that it is expensive but it can be done. Ms. Fossum noted that there is a large undeveloped farming area on the other side of the CMP line and not too far is another industrial site, where the Gorham Energy Plant was proposed and approved. Mr. McCullough said he spoke to Mr. Grondin, and they would have no problem in extending a right of way there because it will become an easement for the pedestrian access. Ms. Fossum said that the easement deeds associated with this project need to be reviewed, and also to be considered is the creation of a maintenance association for the development. She said that there are also detail changes that need to be addressed and clarified.

PUBLIC COMMENT PERIOD OPENED:

Norman Richardson, abutter at 359A Mosher Road, across Route 237 from this development, expressed a concern about how his property entrance will be impacted by the possible left turn lane.

PUBLIC COMMENT PERIOD CLOSED.

Mr. McCullough confirmed that pending resolution of outstanding items and with the DEP permit secured, the applicant can return to request both preliminary and final approvals at the same meeting.

Thomas Hughes MOVED and Michael Parker SECONDED a motion to waive the requirement for a Class B high intensity soils survey and waive the requirement for access to adjoining land to the north. Motion CARRIED, 6 ayes (Douglas Boyce absent).

Michael Parker MOVED and Thomas Fickett SECONDED a motion to postpone action on the request for preliminary plan approval and allow the applicant to request preliminary and final subdivision approval in the same meeting. Motion CARRIED, 6 ayes (Douglas Boyce absent).

9. SCHEDULE OPTIONAL MEETING IF NEEDED

The Board concurred that as there is no unfinished business this evening, no optional meeting is required. Ms. Robie asked Ms. Fossum about the status of the Shaw Brothers' Brickyard Quarry and Asphalt Plant application. Ms. Fossum replied that the application is still under review, but the Council Chamber has been tentatively reserved for Monday, May 21, and Tuesday, May 22, 2007, for a regular Planning Board meeting allowing the Board to review submissions and the public to question the submissions. Ms. Robie asked for Board input about the July meeting and whether or not a meeting will be held in August. The Board agreed to have the July meeting on July 9, and agreed to wait a month to decide about holding a meeting in August.

The Board commended the Clerk of the Board and said her presence at the meeting was missed.

10. ADJOURNMENT

Michael Parker MOVED and Thomas Fickett SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Douglas Boyce absent).

Respectfully submitted,

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

5. SITE PLAN – “K.L. JACK INDUSTRIAL FASTENERS” – 11 JENNA DRIVE – by K.L. JACK & CO., 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 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 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;
6. 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;
7. That the applicant shall satisfy all of the Fire Chief’s requirements as outlined in his memo to the Town Planner, dated April 26, 2007;
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 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
9. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.

6. RELIMINARY & FINAL SUBDIVISION PLAN AMENDMENT – “NEW PORTLAND PARKWAY–off NEW PORTLAND ROAD – by K.L. JACK & CO., 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 prior to the start of construction;
3. 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
4. That the conditions of approval and the amended 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.

7. SUBDIVISION AMENDMENT- HARDING BRIDGE FARMS PHASE I & II- HARDING BRIDGE ROAD- TAXMAP 50/ LOT 24 by LITTLE RIVER 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 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
4. That the conditions of approval and the amended 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.