



Town of Gorham
JUNE 4, 2007
PLANNING BOARD MINUTES

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

Members Present:

SUSAN ROBIE, CHAIRWOMAN
DOUGLAS BOYCE
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 of the Board called the roll, noting that all members were present.

1. APPROVAL OF THE May 7, 2007, MINUTES

Thomas Fickett MOVED and Edward Zelmanow SECONDED a motion to accept the minutes of May 7, 2007, as printed and distributed. Motion CARRIED, 6 ayes (Douglas Boyce abstaining as not having been present at the May 7, 2007 meeting). [7:05 p.m.]

Mark Stelmack MOVED and Michael Parker SECONDED a motion to take Item 7, a discussion of a modification to the subdivision plan for The Crossing, off Gray Road, by MJF Development Group, LLC, out of order in order to take it off the agenda. Motion CARRIED, 7 ayes. [7:07 p.m.]

Michael Parker MOVED and Douglas Boyce SECONDED a motion to take Item 7 off the agenda. Motion CARRIED, 7 ayes. [7:08 p.m.]

2. COMMITTEE REPORTS

A. Private Way Subcommittee: No report.

B. Ordinance Subcommittee: No report.

C. Sign Ordinance Subcommittee: Mrs. Robie reported that this subcommittee has met several times and has this evening presented in workshop the revised draft of the Sign Ordinance to the full Planning Board. The full Planning Board is planning to hold a workshop hearing on the draft Ordinance on June 18, 2007, at 6:00 p.m., to which members of the business community and residents of the Village Center and Urban Commercial areas will be invited. The draft will be posted on the web site, the Ordinance will be revised as appropriate based on feedback obtained, and the revised draft will then be presented to the Town Council.

3. CONSENT AGENDA- STREET ACCEPTANCE REPORT for "SHEPARD'S WAY" and "MARATHON WAY" in SHEPARD'S WAY SUBDIVISION off LIBBY AVENUE- by ADAM BLAIKIE, LLC.

Request for Street Acceptance by Adam-Blaikie. Zoned UR [M27/L1]

Thomas Hughes MOVED and Michael Parker SECONDED a motion to forward a positive recommendation to the Town Council on street acceptance for the streets Shepard's Way and

Marathon Avenue, in the Shepard's Way Condominium Subdivision located off Libby Avenue. Motion CARRIED, 7 ayes. [7:10 p.m.]

**4. SITE PLAN AMENDMENT- "TRAILERS DIVERSIFIED"-298A NEW PORTLAND ROAD-
by JO-SH ALGER ENTERPRISES, LLC.**

PUBLIC HEARING

Request for trailer storage and office expansion at 298A New Portland Road "Trailers Diversified" by Jo-SH Alger Enterprises, LLC. Zoned Industrial. [M12/L17.02.]

Bill Thompson, Project Engineer, BH2M Engineers, appeared on behalf of the applicants, Josh and Sherrie Alger, who were also present. Mr. Thompson presented photographs to illustrate how the existing buffering meets the local character of some of the other sites. He said that the trailers in the front setback will be moved and noted that the applicants would like to simply loam and seed the 50-foot buffer, saying that trees would obstruct visual surveillance of the area and create a security problem. Mr. Thompson said that the applicants would like to enlarge their office space to 18 by 20 feet, which would expand the office building by 360 square feet.

Mr. Fickett confirmed that the foundation for the expansion is already in. Joseph Alger came to the podium and said that the existing foundation extends about 30 feet out, they will only use 18 feet of the foundation.

Mr. Poirier gave the staff comments, noting that the Town Engineer has requested paved aprons at both entrance drives, which the applicants have agreed to do. Mr. Poirier said that the Fire Chief's concerns have been addressed in Conditions of Approval 3 through 5. He noted that the Ordinance requires 10 parking spaces, as follows: 2 spaces for the residents, 3 spaces for the 800 square foot proposed office building, and 5 spaces for the 5400 square foot storage building; however, the applicants are requesting a waiver to 8 spaces. Mr. Poirier said that the applicants have asked that they not be required to plant the landscape trees in the front yard setback, identified during the March 21, 2007 site walk, citing security issues and asserting that the property is already more landscaped than abutting industrial parcels. Mr. Poirier said that the Code Enforcement Officer would like the trash that has been dumped in the wetland to be removed, which has been addressed as Condition of Approval #7, requiring that the debris be removed within 30 days of approval of the application.

Mr. Parker asked to be recused from participation in the discussion of this item as he did not attend the site walk on Marcy 21, and reminded presenters that information and material presented during the meeting is distracting.

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion to recuse Michael Parker from participation in this item because he did not attend the site walk. Motion CARRIED, 6 ayes (Michael Parker abstaining).

Ms. Robie referred to a suggestion by staff in the Agenda memo concerning a limitation on the number of storage trailers that the site can accommodate, due to safety and turning movement constraints. Mr. Hughes said that for the Board to set a number on the amount of storage trailers would be "shooting in the dark," that the applicants know better what is safe.

Ms. Robie said two issues need to be addressed: whether landscaping is required in the 50-foot buffer and the request for a waiver of the required number of parking spaces. Mr. Stelmack said that since the applicants both reside and work on the site, he believes that could reduce the required number of 10 spaces to 8, and suggested that a condition of approval be added that the parking waiver remain in effect

as long as the owner(s) both reside and work on site. Mr. Boyce, Mr. Fickett, Mr. Zelmanow and Mr. Hughes concurred with Mr. Stelmack.

In response to a query from Mr. Stelmack, Mr. Thompson said that the required buffer landscaping would pose a visual security problem and an open view line would be better, and said that having no landscaping is more in keeping with other properties in the area. Mr. Stelmack said he would be in favor of some kind of buffer landscaping. Ms. Robie read from the Ordinance, Industrial District, Performance Standards, section 3: "Fencing, screening, landscaped berms, natural features, or combination thereof, shall be utilized to shield from the view of abutting residential properties and public ways, along the perimeter setback of the Industrial District, all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas." She said that to plant several street trees would be a minimal attempt to meet that requirement, and other sites in the District that do not have such plantings would be required to install them should they come before the Planning Board. She also noted that the Board only has the opportunity to enforce the Ordinance when a plan comes before it, as this one has. Mr. Hughes said he does not believe that any buffering is required due to the perceived security issues. Mr. Zelmanow said that the entrances look big enough for police inspection and noted that no one can see beyond the first row of trailers anyway.

After discussion with Mr. and Mrs. Alger and Mr. Thompson, the Board concurred that some sort of buffer landscaping is required to soften the impact on the site, not necessarily to hide the trailers. Ms. Fossum said that there is another landscaping requirement under site plan review, Section IX, Approval Criteria and Standards, paragraph P: "Landscaping – The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development," and suggested that this criteria is what should be considered. Mr. Stelmack noted that Moody's Collision Center on Narragansett Street has installed a landscaping strip that hides nothing, but does soften the site. Mr. Boyce said that while he did not attend the site walk, the photographs provide sufficient documentary evidence for him to agree that there needs to be some enhancement of the existing frontage with plant material. Mr. Alger agreed that they could do that.

Mr. Thompson asked if he could work with staff to present a planting concept. Ms. Robie said that the Board can condition the landscape plan and approve the plan, ask the applicants to provide the landscape plan and put the item on a consent agenda, or the decision can be postponed. Mr. Boyce said he believes that the second option is the better one; Mr. Zelmanow concurred, as did Mr. Stelmack.

In reply to a query from Ms. Robie, Mr. Thompson said that once approval has been received, the trailers will be timely moved out of the setback. Ms. Fossum said that if the applicants can provide a date specific that can be made a condition of approval. Mr. Thompson said that they have a 30 day window to remove trash from the wetland so they will tie the trailer removal to that.

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

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion that the parking waiver to 8 spaces shall remain in effect as long as the owner both resides and works on the site. Motion CARRIED, 6 ayes (Michael Parker abstaining). [7:40 p.m.]

Ms. Robie noted that the majority of the Planning Board would like to put this item on a future consent agenda, in anticipation of receiving an acceptable landscaping plan.

Douglas Boyce MOVED and Mark Stelmack SECONDED a motion that this item be placed on a future consent agenda when a landscaping plan has been prepared. Motion CARRIED, 6 ayes. [7:42 p.m.]

5. PRELIMINARY AND FINAL SUBDIVISION – “DOW ROAD SUBDIVISION” – 127 DOW ROAD– by TENNEY, COLLINS, & FIELDS.

Request for preliminary and final subdivision approval of a 3-lot subdivision off 127 Dow Road. Zoned Rural [M56/L24, 24.001&.002]

Tom Greer, Pinkham & Greer, appeared on behalf of the applicants and described the proposed application to create a 3-lot subdivision on 6.64 acres located off Dow Road. Two lots will be 60,000 to 70,000 square feet, and Collins and Fields will retain the remaining 3-1/2 acres. He said that a Class B high intensity soils map was prepared, which allowed 4 units, and said that if an additional unit is added, it would be on the Collins and Fields lot. He discussed the proposed drainage plan, saying that some 60 acres drain to the current 24” culvert crossing Dow Road and their project will change less than 1% of the 60 acres, so there is basically no change in the flows. He said that he believes that the culvert will be upgraded when the State comes through replacing culverts. He said that two waivers are being requested for the project: one is a waiver of the topographic survey as they have taken 10-foot contour intervals for the site and estimated them to a 2-foot intervals. The other waiver requested is from the nitrate impact analysis, as they have submitted test pit soils data and believe that the 8% slope provides direction to the plumes. Mr. Greer said a combined driveway, 20 feet wide, has been provided for the two new lots that will split at the boundary line, and does not believe that an easement will be necessary. Mr. Greer noted that one of the lots could potentially located off the road proposed by an abutting proposed subdivision, should that subdivision be approved and the road is accepted as a public road or appropriate easements could be obtained to enter onto a private way.

Mr. Stelmack and Mr. Greer discussed how MDEP might deal with the Dow Road culvert.

Mr. Poirier gave the staff comments, and asked Mr. Greer to identify the two-unit lot on the site, who said that because the other two lots were too small, the Collins and Fields lot is the only lot that could be a two-unit lot. Mr. Poirier noted the assessor’s comments about street addresses and map/lot numbers; Mr. Greer said that the plan will have that information added. Mr. Poirier also referred to the Fire Chief’s concerns about sprinklers to be added to the houses built on Lots 24.001 and 24.002, shown as Conditions of Approval 8 and 9.

Mr. Stelmack confirmed with Ms. Fossum that the Ordinances do not prohibit two entrances into the same subdivision.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion to waive the submission requirements and procedures leading to final approval and to allow preliminary and final approval in a single meeting. Motion CARRIED, 7 ayes. [7:50 p.m.]

Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to grant Tenney, Collins & Fields’ request for preliminary and final subdivision plan approvals of the proposed “Dow Road Subdivision,” a 3-lot residential subdivision off Dow Road with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:51 p.m.]

6. SUBDIVISION AMENDMENT – “TALL PINES II”–off SPILLER ROAD– by GILBERT HOMES.

Request for approval of a subdivision amendment to add one new lot (Lot #20) by Gilbert Homes, Inc. Zoned SR. [M77/L48.118]

Bill Thompson, BH2M Engineers, appeared on behalf of the applicant to request preliminary and final approval of a subdivision amendment of Tall Pines II to add one new lot. Mr. Thompson explained that this project was initially reviewed by DEP as a 20-lot subdivision, but due to concerns about nitrate plume travel and potential impact to the detention pond, Lots 20 and 18 were combined, and final approval for a 19-lot subdivision was received, although DEP approval was for 20 lots. Since that time, Sevee & Maher has done additional studies which revealed that if Lot #18 is divided to create Lot #20, there would be no water quality issues due to the nitrate plume travel, and if Sevee & Maher's recommendations were followed, a leachfield can be located on the lots without adverse impact. Mr. Thompson noted that this is the second requested amendment to the subdivision, because a contractor's oversight resulted in a foundation being constructed within the sideline/frontline setbacks adjacent to the future 50 foot right of way, and an amendment was approved to slide the common lot line between Lots 16 and 18, which will not adversely affect the detention and drainage pond on Lot #18. At this time, an amendment is being requested to divide Lot 18, as it has the required frontage. Mr. Thompson pointed out the two septic locations proposed and recommended by Sevee & Maher report, in addition to well locations, which will be kept 100 feet from the detention ponds and from the septic. Sevee & Maher recommends that the wells be drilled into bedrock.

Mr. Thompson showed Mr. Boyce how the 100-foot separation is achieved on Lot 18 of the appropriate setbacks of the well and septic from each other and the detention pond. In response to Mr. Hughes, Mr. Thompson said some wells have been drilled on other sites and there have been no problems.

Mr. Poirier gave the staff comments, noting that the Sevee & Maher report of March 5, 2007, recommends that “Water quality should be tested at the time of well installations and should be tested periodically to verify that water quality standards are being met. Providing our recommendations are followed, the proposed subdivision meets the Gorham ordinance requirements relative to leachfields and potential water quality impacts.” Mr. Poirier noted that staff has tried to address those concerns with Condition of Approval #3, “That the applicant's engineer shall verify to the Code Enforcement Officer and the Compliance Officer prior to Lots 18 and 20 occupancy permits being issued that the location of bedrock water supply wells and on-site septic locations are consistent with the approved amended subdivision plans and with the Sevee & Maher reports dated July 14, 2006 and March 5, 2007,” and also Condition of Approval #4, “That lots 18 and 20 bedrock water supply wells will be tested at the time of installation and periodically to verify water quality standards are met...” Mr. Thompson agreed to the Conditions.

Mr. Zelmanow asked staff what is meant in Condition of Approval #4 by “periodically,” who will do the testing, how long will the testing be done, and what happens if it fails. Mr. Poirier suggested that testing protocol could be obtained from Sevee & Maher, as well as a backup plan. Mr. Stelmack asked at whose expense will this testing be done, whether it is the developer's expense or the homeowner's. Mr. Thompson said that testing at the time of installation would be the responsibility of the developer, and he will ask their hydrogeologist what the protocol would be for subsequent testing, as well as a time frame for the testing. Mr. Thompson said that without speaking for his client, he would agree that it should not be the responsibility of the homeowner, and perhaps an annual testing for two years would be sufficient. Mr. Parker said he believes that the Planning Board's requirements for the siting of the well and leachbed is so any buyer can reliably predict the availability of suitable water, and on these two lots the options are limited. He asked what the homeowner's recourse is if the water does not test satisfactorily after two years. Mr. Zelmanow agreed, saying that the hydrogeologist should be asked what gave rise to the

recommendation for periodic testing. Mr. Parker said that the owner needs the assurance that the water will test satisfactorily after two years since the owner after that has no reliable source as there is no other place to put a well. Mr. Thompson said they will revisit with Sevee & Maher to find out why they put that statement in their report.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Stelmack confirmed with staff that the well and septic placement issues on Lots 13 and 15 will be handled by the Code Enforcement Officer.

Michael Parker MOVED and Thomas Fickett SECONDED a motion to postpone this item until the developer is prepared to bring it back before the Board. Motion CARRIED, 7 ayes. [8:07 p.m.]

7. SUBDIVISION PLAN- The CROSSING- off GRAY ROAD- by MJF DEVELOPMENT GROUP, LLC.

Discussion of a modification to the required minimum horizontal center-line curve radius on Old Dynamite Way in the proposed "The Crossing" subdivision off Gray Road. Zoned UR [M30/L18]:

Withdrawn at applicant's request.

8. SCHEDULE OPTIONAL MEETING IF NEEDED

No optional meeting required.

9. ADJOURNMENT

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [8:08 p.m.]

Respectfully submitted,

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

P:\PLBD\Agendas\Minutes\PBMN07FY\PBMN060407doc

5. PRELIMINARY AND FINAL SUBDIVISION – “DOW ROAD SUBDIVISION” – 127 DOW ROAD– by TENNEY, COLLINS, & FIELDS.

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 Planning Board’s endorsement of the final subdivision plan, the map lot numbers and assigned street addresses shall be added to the plan Mylar,
4. That the subdivision is restricted to 4 dwellings units per the net residential density of the parcel, which is determined by dividing the net acreage of the parcel (242,235 sq. ft) divided by the minimum lot area per dwelling unit (60,000 sq. ft.) of the Rural District;
5. That prior to the issuance of any occupancy permits within the subdivision, each structure shall be properly numbered with the number visible from the street year round;
6. That the applicant shall provide property line information and site information, in auto-cad format (version 2000) to the Planning Office;
7. 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;
8. That all new homes within the subdivision will be sprinkled and the sprinkler plans must be submitted to the State Fire Marshal’s office and the Gorham Fire Department for review and permitting. The plans to Gorham Fire shall be submitted at least two weeks prior to the start of construction of the system in each building;
9. That the sprinkler test papers shall be forwarded to the Fire Department before a certificate of occupancy is issued;
10. That all driveways within the subdivision, existing or new, shall be constructed with a paved apron with 4” of bituminous pavement commencing at the edge of existing street for a length of 20’; and
11. That these conditions of approval and Final Subdivision Plan Mylar 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 along with a receipt showing the recording of the above items shall be returned to the Town Planner prior to the commencement of construction or conveyance of any lots within the subdivision.