



**Town of Gorham**  
**JULY 9, 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**

**Staff Present:**

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

**Members Absent:**

**EDWARD ZELMANOW**

The Chairwoman called the meeting to order at 7:00 and read the Agenda. The Clerk of the Board called the roll, noting that Mr. Zelmanow was absent.

**1. APPROVAL OF THE JUNE 4, 2007 MINUTES:**

**Thomas Fickett MOVED and Douglas Boyce SECONDED a motion to accept the minutes of June 4, 2007, as printed and distributed. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:05 p.m.]**

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**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 twice and has held a public hearing on the proposed Sign Ordinance. The subcommittee has begun the process of finalizing the proposed Ordinance in preparation of its return to the Town Council's Ordinance Subcommittee.

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**3. CONSENT AGENDA:    NO ITEMS**

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**4. SITE PLAN AMENDMENT – ODAT REALTY HOLDINGS, INC. – "Sanford Drive" – PUBLIC HEARING - Request for approval of an expansion to the ODAT industrial building on Sanford Drive to add a 65' x 97' attached warehouse building and a 30' x 60' detached warehouse. Zoned Industrial, M12/L33.016.**

Andy Morrell, BH2M Engineers, appeared on behalf of the applicants and described the project, saying that the addition to the existing warehouse will create an additional 6305 square feet of warehouse space, as well as another 30' by 60' detached warehouse. Mr. Morrell referred to the site walk that had been held before the evening's meeting, saying that no major issues were raised.

Mr. Poirier gave the staff comments, noting that the Fire Chief had submitted his comments via a memo dated June 12, 2007, and many of his comments have been added as conditions of approval. In addition, the Fire Chief noted that the proposed 30 by 60 foot, or 1800 square foot, new warehouse is not large enough to require sprinkling, but he would like the owner to consider sprinkling it anyway. Mr. Poirier

referred to the Town's stormwater review engineer's comment that stormwater from the addition to the existing paved area may pose a building under freezing conditions for vehicles and pedestrians, and the applicant should consider adding an underdrain drip edge.

Mr. Stelmack asked if there has been a resolution to the underdrain issue. Mr. Morrell said he did not believe so, that from the applicant's point of view the small amount of impervious being created by the addition is negligible, and there is no problem with icing now. Mr. Stelmack noted that at the site walk there was very little standing water in the parking lot, even though there had been a significant amount of rainfall, and said he did not believe an underdrain is necessary.

Ms. Robie asked Mr. Morrell about sprinkling the proposed additional warehouse. Mr. Morrell said that the applicant would prefer not to, inasmuch as the storage building will have no power or heat.

**PUBLIC COMMENT PERIOD OPENED:**

Barbara Higgins asked if there will be no power to the building, how will it be lit inside?

Mr. Morrell replied that the building will be used for long-term storage, and will not be entered on a regular basis. Mr. Morrell confirmed to Mr. Fickett that no hazardous material will be stored in the building.

**PUBLIC COMMENT PERIOD ENDED.**

**Mark Stelmack MOVED and Thomas Hughes SECONDED a motion to grant ODAT Realty Holdings, Inc.'s request for approval for a site plan amendment to add a 65' x 97' attached warehouse and a 30' x 60' detached warehouse with conditions of approval posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:15 p.m.]**

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**5. SUBDIVISION AMENDMENT – BOYINGTON ASSOCIATES, LLC – “Sanborn Meadows” Request for amendment approval to the grading plans for lots 6, 7, 9, 10 and 11. Zoned Rural, M83/L11.**

Rod Boyington, Boyington Associates, explained that the request is for a grading plan to increase the marketability of several lots and the application is before the Board because fill thresholds were met.

Tom Poirier made the staff comments, noting that the berm around detention pond #1 still needs to be reworked so that the pond will be constructed as designed, as a substantial amount of stormwater from Murray Drive, along with stormwater from Lots 4, 5, 8 and 9, is directed to this detention pond. A condition of approval, #3, has been added to ensure that detention pond #1 is completed as designed in a timely manner.

Mr. Boyington confirmed to Mr. Stelmack that he is aware of the requirement to install sedimentation control measures for the temporary stockpiles currently on site and during final grading of the lots. Mr. Boyington also confirmed to Mr. Hughes that he is in agreement with condition of approval #3 regarding detention pond #1. Mr. Boyington told Mr. Fickett that the lots in question have not been sold.

**PUBLIC COMMENT PERIOD OPENED:**

Dan Boutin, potential buyer of Lot 11, asked about the moratorium on building permits. Mr. Poirier replied that the Code Enforcement Officer has put a freeze on building permits for the lots with fill impact until the subdivision amendment has been granted.

Barbara Higgins, Fort Hill abutter, asked why there is a need for the change now as a lot of fill has already been hauled in, and there is a lot of erosion in that fill. Mr. Boyington said that the fill is

necessary to make the lots more saleable, that without the material there would be a steeper grade to the garages, and with the fill there will be full daylight on the back side of the houses. He also said that Lot 11 is not impacted on this grading plan, and that Lot 11 has been excluded from any grading changes. Mr. Boyington noted that best management practice devices are in place for erosion control, such as silt fences, temporary mulch, and vegetated buffer strips.

Mr. Boyce asked if the SYTDesign's reviewer's stormwater comments were prompted by the Code Officer's request. Mr. Poirier said that the review was prompted by the applicant coming in for subdivision amendment and that SYTDesign has a separate inspecting engineer reviewing the project. Mr. Boyce noted that the current plan appears acceptable to the peer reviewer if the erosion sedimentation control provisions are carried out during the remainder of construction.

PUBLIC COMMENT PERIOD ENDED.

**Thomas Hughes MOVED and Douglas Boyce SECONDED a motion to grant Boyington Associates' request for preliminary and final subdivision plan approval of proposed amendments to the grading plan for lots 6, 7, 9 and 10 in the Sanborn Meadows Subdivision, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:30 p.m.]**

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**6. SUBDIVISION PLAN AMENDMENT – MEROLA, ALBERT T. & DENISE L. – Plummer Road/Elexis Drive**

Request for preliminary subdivision plan approval of an amendment to the Sara Childs Subdivision to add 5 additional lots and a new private way to serve 6 lots on 22.29 acres off 105 Plummer Road. Zoned Rural – Shoreland Protection Overlay District, M86/L6.002

Jeff Read, Pinkham & Greer, appeared on behalf of the applicants and described the project, noting that the utilities will be underground and the houses will be sprinkled.

Mr. Poirier gave the staff comments, saying that the Town Engineer has recommended that the developer bear the cost of guardrail installation at the intersection of Plummer Road crossing Westcott Brook. Mr. Poirier said that the Town Engineer is willing to meet with the applicant to discuss the matter. He said that the intersection distance from the proposed Elexis Drive to Winding Brook Way is 117 feet, and the application is requesting a variance from the required 200 feet, which is permitted if in the opinion of the Planning Board the strict application of the required distance to the developer and his property would cause undue hardship or would not be in the best interest of the Town. Mr. Poirier said that the applicant has completed a floodplain analysis to determine the 100-year base flood elevation for Westcott Brook north of Plummer Road. Additionally, the applicant has added a plan note stating that the proposed use for the subdivision is single-family dwelling units. He noted that the proposed private way is to serve 6 lots, so no more than one dwelling unit can be constructed on each lot, and there would be no possibility for constructing accessory apartments in the single family homes built on these lots. Finally, prior to final approval, the applicant must submit the DEP permit-by-rule, NRPA permit-by-rule and Maine Construction General Permit.

Mr. Read said he would like to address the guardrail issue with the Town Engineer. Ms. Robie asked about the stormwater easement for the protection of the natural stormwater course for the abutter that the stormwater peer reviewer had suggested, quoting from the reviewer's July 5, 2007 correspondence as follows: "We recommend 30-foot wide drainage easements be provided along the narrow wetland path on Lots 2C and 2F to ensure continued drainage from the upgradient wetland area on the Benson property to Westcott Brook. Though the proposed building envelopes provide a 25-foot setback from wetlands, this would not prevent homeowners from grading in these areas and potentially disturbing the natural drainage pathways. Because of the drainage ditch and culvert inlet located within it, we recommend the

20' x125' construction easement on the adjacent property be renamed/redefined to include drainage and maintenance rights.” Mr. Stelmack concurred with Ms. Robie’s concern. Mr. Read said he would like to discuss that with the reviewer and staff. Ms. Robie and Mr. Stelmack discussed the previous site walks and the proposed location of Elexis Drive. Mr. Stelmack and Mr. Read discussed lots with slopes greater than 33%.

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

**Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant Albert and Denise Merola’s request for preliminary subdivision approval of an amendment to the Plummer Road Subdivision for a 6-lot residential subdivision and Elexis Drive. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:50 p.m.]**

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**7. SITE PLAN AMENDMENT – JO-SH ALGERS ENTERPRISES, LLC – “Trailers Diversified”**  
Request for Trailer Storage and Office Expansion at 298A New Portland Road – “Trailers Diversified” by JO-SH Algers Enterprises, LLC. Zoned Industrial, M12/L17.02.

Andy Morrell, BH2M Engineers, appeared on behalf of the applicants and gave an overview of the project, indicating that the only remaining issue is that of landscaping.

Mr. Poirier gave the staff comments, noting that the Board had requested a landscaping plan for the front yard setback to soften the impact of the site, and the applicant proposes to plant three dogwood trees. He also noted that the applicant has not yet submitted a letter of financial capacity. He said that two conditions of approval have been added, #6 dealing with a parking waiver, and #10 dealing with removal of trailers from the front yard setback within 30 days of approval.

The Board discussed the landscaping plan and whether it meets the appropriate criteria. Mr. Parker noted that the applicants missed an opportunity to show how proactive they are by removing the trailers, and Mr. Stelmack suggested that condition #10 be amended to include a planting deadline. The Board concurred with Mr. Stelmack’s suggestion, and condition #10 was amended as follows: “That the applicant shall remove the trailers from the front yard setback and have the landscaping installed within 30 days of this approval.”

Ms. Fossum said that the scale of the project is not extensive so that the letter of financial capacity falls within the same standard that allows for a variation of the strict application of the ordinance’s chapter.

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

**Mark Stelmack MOVED and Thomas Fickett SECONDED a request for approval of the proposed site plan amendments with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:05 p.m.]**

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**8. SCHEDULE OPTIONAL MEETING IF NEEDED.**  
No addition meeting required.

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**9. ADJOURNMENT**

**Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:06 p.m.]**

Respectfully submitted,

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

**4. SITE PLAN AMENDMENT – ODAT REALTY HOLDINGS, INC. – ”Sanford Drive” –**

**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 the addition to the building shall be sprinkled meeting all applicable sections of the Town of Gorham’s Sprinkler Ordinance;
5. That the sprinkler plans shall be submitted to the State Fire Marshal’s Office and the Gorham Fire Department for review and permitting at least two weeks prior to the start of installation of the system;
6. That the warehouse addition and the storage shed building plans shall be sent to the State Fire Marshal’s Office and the Gorham Fire Department for review and permitting;
7. That all previous conditions of approval attached to the site plan shall remain effect;
8. That the warehouse addition and storage shed shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
9. That the alarm system in the existing building shall be extended into the addition and meet all applicable sections of NFPA 72;
10. That sprinkler test papers and alarm system test papers shall be submitted to the Fire Department at the time the certificate of occupancy is issued;
11. That a complete list of any hazardous chemicals and MSDA sheets shall be supplied to the Gorham Fire Department for any products that have been added since the last certificate of occupancy;
12. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
13. 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
14. 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.

**5. SUBDIVISION AMENDMENT – BOYINGTON ASSOCIATES, LLC – “Sanborn Meadows”**

**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 Detention Pond 1 will be completed as shown on the approved plans prior to July 31, 2007;
  4. That all previous conditions of approval attached to the subdivision shall remain in effect;
  5. 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; and
  6. 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.
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**7. SITE PLAN AMENDMENT – JO-SH ALGERS ENTERPRISES, LLC – “Trailers Diversified”**

**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 office building shall meet all applicable sections of the NFPA 101 Life Safety Code;
4. That any trailer storing hazardous materials shall be marked with proper placards and the MSDS sheets shall be readily available in the office;
5. That the gas tank/pump shall be protected by bollards and in installed meeting all State of Maine requirements as set forth by the State Fire Marshal’s Office;

6. That a Planning Board parking waiver has been granted from 10 to 8 parking spaces provided the owner resides and works on the site;
7. That all previous conditions of approval attached to the site plan shall remain in effect;
8. 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;
9. That the applicant shall contact the Code Enforcement Officer and Compliance Officer to inspect the site to ensure the debris/trash has been removed from the edge of the gravel storage area and wetland, within 30 days of this approval;
10. That the applicant shall remove the trailers from the front yard setback and have the landscaping installed within 30 days of this approval;
11. That the site improvements shall be completed as shown on the approval plans prior to the applicant’s 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
12. 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.

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