



**Town of Gorham
January 7, 2008
PLANNING BOARD MINUTES**

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

Members Present:

**SUSAN ROBIE, Chairwoman
DOUGLAS BOYCE, Vice Chair
THOMAS FICKETT
THOMAS HUGHES
MICHAEL PARKER
MARK STELMACK
EDWARD ZELMANOW**

Staff Present:

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

The Chairwoman called the meeting to order at 7:02 p.m. and read the 7 item Agenda. The Clerk called the roll, with all members present.

1. APPROVAL OF THE MINUTES FROM DECEMBER 10, 2007.

Michael Parker MOVED and Douglas Boyce SECONDED a motion to approve the minutes of December 10, 2007, as printed and distributed.

Discussion: Mr. Stelmack asked that the minutes be amended to include the following discussion: "Mr. Stelmack inquired if implementation of a noise monitoring program during site operations would be useful to determine conformance with target standards. Mr. Bodwell replied that a noise monitoring program would provide a good level of assurance for conformance with standards. Mr. Shaw stated that he is not willing to conduct an expensive noise monitoring program. Mr. Stelmack said that if a noise monitoring program were to be conducted, it might be designed to be one of relatively modest expense." **MOTION CARRIED, AS AMENDED, 5 ayes (Susan Robie and Edward Zelmanow abstaining as not having been present at the December 10 meeting).** [7:04 p.m.]

2. COMMITTEE REPORTS

Ordinance Review Committee – Ms. Robie reported that this committee met this evening to propose possible additions to the Town Council's Ordinance Committee's road paving ordinance proposal.

Sign Ordinance Sub-Committee – Ms. Robie reported that this committee will meet with the Town Council in workshop on January 29, 2008 to discuss the proposed sign ordinance changes.

Private Way Sub-Committee – No report.

**3. SITE PLAN AMENDMENT – "ATHLETIC FIELDS AND EXPANDED PARKING AT THE GORHAM MIDDLE SCHOOL" – WEEKS ROAD – BY TOWN OF GORHAM
PUBLIC HEARING**

Request approval to construct additional athletic fields and completion of a parking lot at the Gorham Middle School. Zoned SR (M24/L4).

William Hoffman, DeLuca-Hoffman Engineers, appeared on behalf of the Town of Gorham. He showed the Board the master plan that was approved when the Middle School was constructed, pointing out a drive which bisects the property. He said that everything to the west of the drive has been constructed already, and what is on the east of the drive, except for half of the parking lot, was proposed to be built at a future date. The Town now wants to move forward to complete the parking lot and construct additional athletic fields in

the area. The one change from the master plan is that instead of the proposed tennis courts, a large turf field would be constructed in the area where the tennis courts had been planned. Mr. Hoffman said that some forested buffer will be left between the edge of the playing fields and the new athletic fields. Stormwater management was planned for this portion of the site so no changes are required. Mr. Hoffman said that if approval is granted tonight, construction would begin later this month.

Mr. Poirier gave the staff comments, noting that the application identifies parking lot pavement as a bid alternative, with pavement being replaced with one inch of stone dust. The Code, however, requires that “for commercial, industrial and institutional uses and apartment buildings, the drives, maneuvering areas and parking areas shall be covered with two inches of bituminous concrete properly prepared and laid in two courses of one inch each in accordance with specifications prepared by the Public Works Department.” Mr. Poirier said that the applicant has received an amendment to their Maine Department of Environmental Site Location of Development Permit on December 14, 2007 to add two ball fields and parking lot. He commented that some concern had been expressed by the Town’s third party review engineer regarding the potential to increase water usage by 225,000 gallons per week during the dry period; verbal confirmation has been received by staff from the Portland Water District that the applicant has the capacity to handle the usage as described in the application.

Mr. Hoffman confirmed to Mr. Boyce that bids have already been received. Mr. Boyce asked how the specification for the parking lot impacts the budget. Mr. Hoffman replied that the bids were favorable within the allocated funds, and the parking lot could be paved, but there would still be a question as to whether that would be the best use of Town money. Mr. Hoffman said it seems that gravel parking would be appropriate for these fields as they would be used in good weather; however, if it the Board is not comfortable with a gravel parking lot, the funds are available to pave the parking lot.

Ms. Fossum replied to a question from Ms. Robie that the Board does not have the option to waive the parking lot standard because of the way the ordinance is worded, quoting again the language from the Code that “or commercial, industrial and institutional uses and apartment buildings, the drives, maneuvering areas and parking areas shall be covered with two inches of bituminous concrete properly prepared and laid in two courses of one inch each in accordance with specifications prepared by the Public Works Department.” Mr. Hoffman said that they will have the parking lot paved.

Mr. Parker asked if the applicant could secure a waiver for the parking requirement from the Town Council. Ms. Fossum replied that the Council does not have the authority to waive the ordinance requirement, they have the authority to amend the ordinance. She said that there may be an amendment to the ordinance before the paving would go on in the spring. Mr. Hoffman commented about the escalation in the cost of paving but was not able to give the actual difference in cost. He told Mr. Stelmack that the money is there to do the paving, but if there isn’t much use on the bituminous concrete pavement, it would go prematurely brittle and break up. Mr. Hoffman said the parking lot would be used for special events but probably not much day to day usage would occur. Mr. Stelmack said he is sympathetic about the cost issues of paving, but in view of the potential dust problems, he would prefer to see the parking lot paved.

In response to Mr. Parker, Mr. Hoffman said that while the lot would accommodate 99 parking spaces, with a gravel lot that cannot be striped, the net result of an unpaved lot would be only about 80 spaces. Ms. Robie said she would have concerns about safety issues with unmarked parking spaces. Mr. Hughes concurred. Mr. Hoffman said they will pave the lot unless the ordinance is somehow modified before paving time occurs.

Ms. Robie asked Mr. Hoffman if the connector to Canterbury Pines Way shown on the original master plan will be built. Mr. Parker said the best way to know where to go is where it is. Mr. Hoffman said they will install it.

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

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant approval of the Town of Gorham’s request for amendments to the approved Site Plan for the Gorham Middle School for athletic fields and expanded parking with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:25 p.m.]

4. SUBDIVISION AMENDMENT – “LOMBARD ESTATES-PHASE I”– off 10 SOLOMON DRIVE –by ROGER R. & KAREN S. GAGNON.

Requesting preliminary and final approval of a proposed subdivision amendment for a lot split to create one new lot. Zoned SR; M20/L5.001.

Roger Gagnon explained the application for a lot split to create one new lot. He said an amendment to the DEP permit for Lombard Estates has been secured. DeLuca-Hoffman has estimated the 100-year flood elevation and ground elevations at the top of the bank are some 20 feet higher than the stream bisecting the lot. Mr. Gagnon asked which street has the lower classification of his corner property (Weeks or Solomon) in order to provide access for the driveway as required by the Code. Mr. Gagnon said that the address block as requested by the Tax Assessor has been added to the plans.

Mr. Poirier gave the staff comments, noting that the DeLuca-Hoffman estimate of 196 flood plain elevation is located within the 100-foot stream buffer required by the applicant’s amended Site Location of Development permit. He said that as part of his approval, the applicant will be pinning this “no disturbance” buffer with steel markers labeled “NDB” (no disturb buffers) indicating where no cutting or building is allowed. Mr. Poirier recommended that when the applicant goes forward for a driveway permit, he consult with the Public Works Department to identify which of the two streets has the lower classification for the driveway placement as per the Code requirement. Mr. Poirier reminded the Board that it concurred at its September 11, 2006 workshop that it had no problem with the applicant’s waiver requests from the subdivision requirement for 2-foot contours and high intensity soil mapping. Mr. Poirier noted that in connection with the Tax Assessor’s requirement for an address block on the final plans, staff has added Condition of Approval #3 to insure that the applicant will “revise the plans to the satisfaction of Town Staff prior to the endorsement of the mylar by the Planning Board.”

Mr. Hughes, Mr. Stelmack, Mr. Gagnon and the Public Works Director discussed which of the two streets has the lower classification. Ms. Fossum said that the old road classification tables may not take into account the changes which have taken place in the area and suggested deferring to Public Works at the time a driveway permit is secured.

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

Mark Stelmack MOVED and Thomas Hughes SECONDED the applicant’s request for a waiver from subdivision requirements and the procedures leading up to final approval under the ordinance. Motion CARRIED, 7 ayes. [7:35 p.m.]

Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to grant the applicant’s request for a waiver from the subdivision submission requirements for 2-foot contours and high intensity soils mapping. Motion CARRIED, 7 ayes. [7:37 p.m.]

Mark Stelmack MOVED and Thomas Hughes SECONDED a motion to grant preliminary and final approval for Lombard Estates, Phase 1 Subdivision, 1st Subdivision Amendment with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:38 p.m.]

The engineer for Item #5 not yet present, the Board moved to take Item #6 next as follows:

Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to take Item #6, “Subdivision Amendment - “Gordon Farms Phase II” – off Fort Hill Road, by Smith & Smith Construction, Inc.” ahead of Item #5. Motion CARRIED, 7 ayes. [7:38 p.m.]

6. SUBDIVISION AMENDMENT – “GORDON FARMS PHASE II” – off FORT HILL ROAD – by SMITH & SMITH CONSTRUCTION, INC.

Request for preliminary and final approval of a subdivision amendment to modify the stormwater drainage network on lots 21, 32, and 33. Zoned R-MH; M45/L23.421, .432, and .433.

Shawn Frank, Sebago Technics, appeared on behalf of Smith & Smith Construction and Lawrence and Allison Caruso, owners of Lot 32 in Phase II of the Gordon Farms Subdivision, and explained that the project was approved in July of 2005. Since that time, the majority of the infrastructure has been constructed and the majority of the stormwater management has been installed, with homes being constructed on the lots. He said that the underdrain filter pond originally proposed for Lot 32 had not been constructed as the developer was storing loam on the lot. Mr. and Mrs. Caruso purchased the lot, and during the mortgage inspection, it was determined that the house itself is slightly within the easement associated for the underdrain filter pond, as well as there being other issues associated such as the septic system and the driveway. Mr. Frank said that Lot 21 and Lot 33 remain in the control of the developer, with a detention basin constructed on Lot 21, which will allow the underdrain filter pond originally planned for Lot 32 to be relocated to Lot 33. The proposed amendment will entail regrading of the existing detention pond on Lot 21 to maintain the pond’s post-development peak rate of run-off at development rates. Mr. Frank said a request has been submitted to the DEP to amend the Site Location of Development Permit due to the proposed changes in the stormwater management system. He asked that the Board grant approval prior to the DEP approval in order to permit the Carusos to resume construction of their home.

Mr. Poirier gave the staff comments, noting that Condition of Approval #3 has been added stating that the applicant will “add the amended Maine Department of Environmental Protection Site Location of Development Permit Number to the plans prior to the Planning Board’s endorsement.” Mr. Poirier said that construction of the treatment pond spoken of by Mr. Frank will not begin until the springtime, so staff has Condition of Approval No. 7, which says that “prior to the commencement of earth-moving activities associated with the subdivision amendment, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements.” Mr. Poirier said that the applicant’s most recent resubmission dated January 4 has not yet been reviewed by staff, which staff would have to do, so Condition of Approval #4 has been added, stating that “the applicant will revise the plans and legal documents to the satisfaction of Town Staff and Town Attorney, prior to the endorsement of the mylar by the Planning Board.” He commented that the applicant is also asking for both preliminary and final approval at this meeting.

Mr. Frank said that the applicant has no issues or concerns with the Conditions of Approval.

Mr. Stelmack commented that it has been the Board's policy not to grant approval until the DEP permit is in hand, but because this is an amendment to an existing permit that should not involve a great deal of effort, he would be in favor of not withholding approval because the amendment has not been obtained. Mr. Hughes concurred with Mr. Stelmack.

Ms. Robie said her concern is because staff has not yet been able to review the resubmission of January 4, so another alternative would be to grant the waiver and put the amendment on the Consent Agenda for next month's Board meeting, at which time there would have been a review and probably the DEP permit would be in hand as well. Mr. Frank said that waiting a month would not impact the construction of the pond so much as it will impact the Carusos. In response to Ms. Robie, Mr. Frank said that there is a DEP permit in hand which does not impact the house construction, so the stop work order on the Carusos home is a Town issue. He said the construction of the pond is the final thing to come into compliance with the Site Location of Development Permit and the proposed change of location of the pond is the reason for the amendment to the Permit, but DEP is not involved in the individual house construction. Ms. Fossum said that the Code Enforcement Officer has probably placed the stop work order on the site because it is not in compliance with the approved subdivision plan. Ms. Fossum said staff has reviewed an initial revised plan set and the applicant's engineer has received the engineering and staff's comments on the proposed changes, and the revisions which were received on January 4 were basically second round revisions responding to those comments.

Mr. Parker said he is in favor of proceeding in order to accelerate the Carusos' ability to get back to building their home, contingent upon receiving the DEP amendment prior to the Board's endorsement of the mylar.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion to grant the applicant's request for a waiver from the procedures leading up to final subdivision approval under the ordinances. Motion CARRIED, 7 ayes. [7:49 p.m.]

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant preliminary and final approval for Gordon Farms, Phase II, Subdivision 1st Subdivision Amendment with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:50 p.m.]

Ten Minute Stretch Break to 8:00 p.m.

5. SUBDIVISION AMENDMENT – “PLUMMER ROAD SUBDIVISION/ ELEXIS DRVE”- off PLUMMER ROAD– MEROLA, ALBERT T. & DENISE L.

Request for final 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 R-SZ M86/L6.002

Jeff Read, Pinkham & Greer, appeared on behalf of the applicants. He said that the application received preliminary approval in July of 2007, with two items still to be resolved: offsite improvements and easement documentation. He said that the easement documents are completed with a condition of approval that the documents will be revised to satisfy any final review comments by staff and the Town Attorney prior to the Board's endorsement of the plan mylar. With respect to the offsite improvements, Mr. Read referred to the

Town Engineer's memo of June 28, 2007 recommending that the cost of guardrail installation at the intersection of Plummer Road and Wescott Brook be the applicant's requirement, saying that it is not fair or reasonable to burden the applicant with the cost of this pre-existing condition. As a compromise, Mr. Read said that the guardrail on the right side of Elexis Drive would be wrapped around the corner, carried past the dry hydrant and the culvert on the one side of the brook.

Mr. Poirier gave the staff comments, saying that with an adjacent subdivision, Brookside Estates, being developed, the Town Engineer believes that an array of improvements for public safety should be split between this project and Brookside Estates, with the Brookside Estates developer handling a requirement for an inch and a half of overlay shim for 740 linear feet on Plummer Road, 2 speed limit signs and a street light at the intersection, and this developer being responsible for installation of the 135 feet of linear guardrail. He said that the easement documents are in good shape, with some minor changes being addressed by the applicant's attorney and referred to Condition of Approval #11, that the easement documents are completed with a condition of approval that the documents will be revised to satisfy any final review comments of Town staff and the Town Attorney prior to the Board's endorsement of the final plan mylar.

Mr. Poirier also noted that staff has this afternoon received concerns from the Bensons, abutting property owners, who would like the Board to consider the feasibility of a right-of-way continuation to their property line, pursuant to the requirement of the Code that the Board consider such continuation to undeveloped land. Mr. Poirier said that the Board should consider whether the Benson property is considered "undeveloped land," based on the fact that there is an active farm on the site as well as a gravel pit. Should the Board decide that this is undeveloped land, there are two waiver provisions which would allow the Board to waive right-of-way continuation, which are (1) the topography is not suitable for access to adjoining land, or (2) the project is surrounded by wetlands and no suitable land is available for the continuation.

Mr. Read commented that this will be a gravel private way to serve 6 lots, there have been issues with steep slopes and wetlands, a continuation of the right-of-way would result in additional wetlands impact, and the abutting property has in excess of 1500 linear feet of road frontage on Plummer Road already.

Mr. Hughes asked if the Benson property is considered developed. In response to a query from Ms. Robie, Ms. Fossum replied that the gravel pit on the Benson property is a large one, and said that the reason why the Bensons have an interest in having this requirement considered is that they are considering gifting lots to family members on the periphery of the farm as opposed to the major part of the farm property.

Mr. Read asked how the current private way design would be impacted should the Bensons consider development from it, would it not have to be upgraded. Ms. Fossum said it would have to be upgraded, but not at these applicants' expense and not without their consent. Mr. Boyce commented that upgrading the proposed Elexis Drive sufficiently for significantly more development would be problematic, given the physical constraints currently present, and said that it was difficult to access in the first place for this current level of development.

Ms. Robie said it is difficult to call the Benson parcel "undeveloped" with an existing gravel pit as large as it appears to be. Mr. Stelmack said that the area that the Bensons might want to have access to would appear to be undeveloped, but if the entire parcel is to be taken in context, he would agree with Ms. Robie that it is not undeveloped. Mr. Parker said the wetlands impact would be significant if a right-of-way were to be provided, and the abutting parcel has sufficient road frontage so that it cannot be considered inaccessible, and he believes these are sufficient reasons why this developer does not need to extend the right-of-way. Mr. Hughes agrees with Mr. Parker, but noted that should the right-of-way be extended, it could result in a roadway exceeding the current 1500 foot limitation for a dead end road unless the road were looped back to Plummer Road. Mr. Fickett concurred that he has no problem waiving the 50-foot right-of-way requirement. Mr. Boyce said if a waiver is needed, he would be supportive of no connection. Mr. Zelmanow and Mr. Stelmack also concurred

that no right-of-way is needed. Ms. Robie said that in her belief it is the existence of the gravel pit on the parcel which makes it meet the definition of “development,” so she is in agreement as well.

Ms. Robie confirmed to Ms. Fossum that there is a determination that the Board does not need to grant the waiver because the Board members believe that the abutting parcel is considered developed because of the gravel pit that is on it, as well as other adjunct reasons as well, not the least of which is that the proposed Elexis Drive cannot be widened over the wetlands at the entrance from Plummer Road.

Mr. Parker asked what the cost estimate is for the guardrail asked for by the Town Engineer. Mr. Read said they are willing to do half of the requested 135 feet. Mr. Poirier said that the Brookside Estates offsite improvements schedule of values indicates that the total estimated cost of the guardrail is \$2700. Mr. Parker said this is a reasonable expectation for this 5-lot subdivision and should be done as requested by the Town Engineer. Mr. Stelmack said he agrees with Mr. Parker that this is not an unreasonable request, as did the rest of the Board.

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

Edward Zelmanow MOVED and Michael Parker SECONDED a motion to grant final approval for the amendment to the Sara Childs Subdivision, “Plummer Road Subdivision, Elexis Drive,” off Plummer Road, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [8:30 p.m.]

7. SCHEDULE OPTIONAL MEETING IF NEEDED.

The Board concurred that no second meeting during January is needed.

8. ADJOURNMENT

Michael Parker MOVED and Douglas Boyce SECONDED a motion to adjourn and resume the workshop meeting. Motion CARRIED, 7 ayes. [8:31 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2008

3. SITE PLAN AMENDMENT – “ATHLETIC FIELDS AND EXPANDED PARKING AT THE GORHAM MIDDLE SCHOOL”– WEEKS ROAD– BY TOWN OF GORHAM

Request approval to construct additional athletic fields and completion of a parking lot at the Gorham Middle School. Zoned SR (M24/L4).

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 Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 4 (four) complete sets of the final approved plan set will be delivered to the Inspecting Engineer, Public Works Director, Code Enforcement Officer, and Director of Planning one week prior to the pre-construction meeting;
5. 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;
6. 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
7. That the conditions of approval and the 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.

**4. SUBDIVISION AMENDMENT – “LOMBARD ESTATES-PHASE I”– off 10 SOLOMON DRIVE
–by ROGER R. & KAREN S. GAGNON.**

Requesting preliminary and final approval of a proposed subdivision amendment for a lot split to create one new lot. Zoned SR; M20/L5.001.

**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 all other applicable conditions of approval attached to the original subdivision plan shall remain fully in effect;
3. That the applicant will revise the plans to the satisfaction of Town Staff prior to the endorsement of the mylar by the Planning Board;
4. 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;
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;
6. That 4 (four) sets of the final approved plan set will be delivered to the Compliance Manager for distribution to the Inspecting Engineer, the Code Enforcement Officer, the Town Engineer and the Planning Director;
7. That all buildings shall be properly numbered with the numbers being visible from the street year around;
8. That the applicant shall provide property line information and site information, in auto-cad format (version 2000) to the Planning Office; and
9. That the conditions of approval and the 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.

5. SUBDIVISION AMENDMENT – “PLUMMER ROAD SUBDIVISION/ ELEXIS DRIVE”- off PLUMMER ROAD– MEROLA, ALBERT T. & DENISE L.

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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 other applicable conditions of approval attached to the original subdivision plan shall remain fully in effect;
4. 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 Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
5. That 4 (four) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, (4) Code Enforcement Officer, and (4) Director of Planning one week prior to the pre-construction meeting;
6. 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;
7. That prior to any occupancy within the subdivision each structure shall be properly numbered with the number visible from the street year round;
8. 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;
9. 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 prior to the issuance of the first occupancy permit. Furthermore the applicant’s engineer shall be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
10. That all 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;
11. That the easement documents shall be revised to satisfy any final review comments of the Town Staff and the Town Attorney, prior to the endorsement of the Final Plan Mylar by the Planning Board;

12. That the applicant will be responsible for improvements to Plummer Road in accordance with the terms set forth in the letter from Timothy Braun, Town Engineer, to Planning Staff, dated July 12, 2007. 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 and prior to the conveyance of any lots within the subdivision;
13. That each building within the subdivision must have its lowest floor, including basement, a minimum of one foot above the 100 year flood elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
14. That the applicant shall create a homeowners association or other legal entity acceptable to the Town and shall submit the association documents or declaration creating the association or other legal entity in a form acceptable to the Town Attorney. The documents or declaration 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 in the event that the streets within this subdivision are not offered to or accepted by the Gorham Town Council. 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;
15. That these conditions of approval and the Final Subdivision Plan 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 scheduling of a pre-construction meeting.

6. SUBDIVISION AMENDMENT – “GORDON FARMS PHASE II” – off FORT HILL ROAD – by SMITH & SMITH CONSTRUCTION, INC.

Request for preliminary and final approval of a subdivision amendment to modify the stormwater drainage network on lots 21, 32, and 33. Zoned R-MH; M45/L23.421, .432, and .433.

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 all other applicable conditions of approval attached to the original subdivision plan shall remain fully in effect;
3. That the applicant will add the amended Maine Department of Environmental Protection Site Location of Development Permit Number to the plans prior to the Planning Board’s endorsement;
4. That the applicant will revise the plans and legal documents to the satisfaction of Town Staff and Town Attorney, prior to the endorsement of the mylar by the Planning Board;
5. 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;
6. 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;
7. That prior to the commencement of earth-moving activities associated with the subdivision amendment, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
8. That 4 (four) sets of the final approved plan set will be delivered to the Compliance Manager for distribution to the Inspecting Engineer, the Code Enforcement Officer, the Town Engineer and the Planning Director;
9. That the applicant shall provide property line information and site information, in auto-cad format (version 2000) to the Planning Office; and
10. That the conditions of approval and the 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.