



Town of Gorham
March 3, 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 7:00 p.m. and read the Agenda. The Clerk called the roll, with all members present.

1. APPROVAL OF THE MINUTES FROM FEBRUARY 4, 2008

Thomas Fickett MOVED and Michael Parker SECONDED a motion to approve the minutes of February 4, 2008 as printed and distributed.

Discussion: Mr. Stelmack advised that his name had been misspelled on page 4. The Clerk noted that a correction would be made.

Motion, as amended, CARRIED, 7 ayes. [7:02 p.m.]

2. COMMITTEE REPORTS

Ordinance Review Committee – Ms. Robie reported that the Planning Board as a whole has been working on ordinance amendments to the section on roads and ways and on administrative changes for application approvals and sunset provisions.

Sign Ordinance Sub-Committee – Ms. Robie reported that this subcommittee met last Thursday (02/28/08) to put final touches on the draft of the sign ordinance proposal

Private Way Sub-Committee – No report.

3. SITE PLAN REVIEW COMMITTEE REPORT

The Town Planner reported that there have been no new applications for minor developments submitted in the last month. The Site Review Committee did approve the site plan application of Biofine Renewables, and there are currently four applications still pending before the Site Review Committee.

4. PRIVATE WAY AMENDMENT- BLUEBERRY LANE-By Donald Gilbert.

Request for approval of an amendment to the approved Blueberry Lane private way plan located off North Gorham Road, to construct a 160 private way, to serve one 2-unit building. Zoned: Suburban Residential. (M97/L2.001)

Les Berry, BH2M Engineers, appeared on behalf of the applicant, stating that this private way would supersede the Blueberry Lane approved in 2004. The private way would be 160 feet long to serve a duplex on a single lot. He said the private way would be 18 feet wide plus 2-foot shoulders and the sight distance is adequate.

In response to a comment by Mr. Hughes, Ms. Fossum noted that the abutter on the westerly side where the tree line exists expressed a concern about the fact that the trees would have to go. Mr. Stelmack commented that during the site walk, while the abutter was resigned that the trees would have to go, there had been some discussion about talking to the developer about substituting the tree line with a fence. Mr. Berry said that it would either be a fence or planting new trees, which would be the better idea, but the abutter has not spoken to Mr. Berry, that the abutter would talk directly to Mr. Gilbert. Ms. Fossum said that nothing additional has been heard from the abutter. Mr. Parker commented that the Board appeared more concerned about the trees than the abutter, and that this is not a critical issue for the Board. Mr. Stelmack concurred.

Mr. Parker asked if the unit will be sprinkled. Mr. Berry replied that no decision has yet been made if the duplex will be sprinkled. Mr. Parker noted that the Chief has asked that the developer “consider sprinkling,” but it does not appear to be required. Ms. Fossum said that the ordinance has no absolute requirement that the building be sprinkled. Ms. Robie noted that it is difficult for the Board to impose any such condition as this is a private way, not a subdivision. Mr. Berry and Mr. Stelmack discussed the distance to any hydrants in the area.

Mr. Poirier said that the Board has already discussed staff’s comments, and that staff recommends the final approval be granted subject to the stated conditions of approval.

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

Mark Stelmack MOVED and Thomas Hughes SECONDED a motion to grant approval of the applicant’s request for Amendment #1 to the private way plan for Blueberry Lane, located off North Gorham Road, to construct a 157’ private way serving a single two-unit building, zoned Suburban Residential, Map 97, Lot 2.001, with conditions of approval as posted prior to the meeting and discussed this evening with the applicant. Motion CARRIED, 7 ayes. [7:12 p.m.]

5. PRIVATE WAY- Dragonfly Lane- By Susan Searles Sato.

Request for approval of a proposed 400’ private way located off Longfellow Road to serve 2 lots. Zoned: Rural Manufactured Housing. (M10/ L10)

Les Berry, BH2M, appeared on behalf of the applicant, saying that the private way, which has come before the Board before, will serve a proposed new lot, as well as the lot of Paul Boivin. Mr. Berry noted that there is only one favorable place on site for locating subsurface sewage disposal, which the

applicant intends to use, and therefore the parcel will not be subdivided in the future. Mr. Berry said that fee interest in the private way will be maintained by Lot 1.

Mr. Poirier gave the staff comments, noting that the Board had held a site walk in August of 2007 when a private way plan was being proposed by another applicant. He said there is adequate site distance. Staff has added Condition of Approval #8 to address emergency vehicle access during construction, stating “That during private way construction, the applicant will ensure that the driveway to the Boivin residence is properly maintained for emergency vehicle access,” as well as Condition of Approval #9, to deal with the question of fee interest, that “That the applicant will make changes to the plan as outlined in the Planning Department’s Review Memo dated February 28, 2008 prior to the Planning Board’s signing.”

Mr. Parker noted that even though this a one-unit private way, people using the existing driveway will also be using the private way, so there is a need for a maintenance agreement. Mr. Poirier said that a maintenance agreement has been submitted.

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

Michael Parker MOVED and Thomas Hughes SECONDED a motion to grant Susan Searles Sato’s request for approval of the Plan of Private Way for Dragonfly Lane located off Longfellow Road, to construct a 400’ private way serving 2 lots, zoned Rural, Manufactured Housing, Map 10, Lot 10, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:14 p.m.]

6. PROPOSED AMENDMENTS TO THE LAND USE AND DEVELOPMENT CODE, CHAPTER II, SECTION III, SIGNS, ESTABLISHING NEW REGULATIONS FOR BUSINESS SIGNS.

Referral of the Sign Ordinance Sub Committee’s proposed sign ordinance amendments to the Town Council Ordinance Committee for consideration.

Ms. Robie reviewed the proposed responses to the feedback obtained as a result of the Town Council/Planning Board joint workshop held on January 29, 2008. The first issue to be discussed by the Board dealt with the treatment of LED type readerboards and a question from Mr. Hughes to clarify whether the background graphic has to change. Ms. Robie confirmed that the background does not have to change when the message does, it means that it cannot change more frequently than the message does. The Board concurred that the background graphics change issue (page 6 of the ordinance) needs to be clarified.

Mr. Parker asked what signs will be permitted at gas stations to indicate pricing. Ms. Robie said that whatever sign used by a gas station is counted within whatever the overall sign size allowed is.

The next issue raised involved nonconforming signs, with the Board discussing at length the circumstances when a nonconforming sign must be replaced. Mr. Hughes asked for clarification of the language in the section entitled “Discontinuation/Replacement of Nonconforming Signs: b) Within thirty (30) days of a change ~~of the occupant of the building or space of ownership of the sign,~~ or” Ms. Robie quoted the definition of “occupant” as follows: “For the purposes of this section, occupant means any distinct use that occupies a separate and identifiable space within a building,” so

it is the business, not a person buying the business, which triggers the requirement that within 30 days the nonconforming sign must be changed. The Board agreed that the definition of occupant needs to be put into the ordinance.

In the Proposed Response dealing with Nonconforming Signs, it was agreed that there should be a new paragraph consisting of the sentence, “**In addition, a provision is added that requires that any sign that is made nonconforming under the prohibited signs provisions and is a sign that is now prohibited throughout the Town must be removed or brought into conformance within five years (April 1, 2113) (see page 20).**”

The Board agreed that destruction of a sign should be added as item “d,” on page 21 of the ordinance, which lists the triggers that cause the replacement of a nonconforming sign.

Ms. Robie summarized the changes that the Board has noted:

1. The wording on LED graphics;
2. Add “occupant” to the definitions;
3. Add section “d” to item 4 on page 21 addressing destroyed signs.

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion to refer the Sign Ordinance Subcommittee’s proposed sign ordinance amendments to the Town Council for consideration.

Discussion: Mr. Zelmanow noted that the wording “as amended here this evening” be added. The movant and seconder agreed. Ms. Robie said there will be a letter accompanying the Board’s referral, making it clear that the Council can drop anything being proposed tonight. Mr. Stelmack commended the Sign Ordinance Subcommittee for their efforts, as well as those of the Planning Staff.

Motion CARRIED, 7 ayes.

7. SCHEDULE OPTIONAL MEETING IF NEEDED.

Ms. Robie read the Public Notice for the meeting scheduled for March 17, 2008, as follows:

“The Gorham Planning Board will hold further public hearing on Monday, March 17, 2008, at 6:00 P.M. in the Gorham Council Chambers located at 75 South Street, Gorham, Maine, to hear comment on a revised application for a Mineral Extraction Permit for the Brickyard Quarry, a proposed quarry operation on 125.5 acres +/-; zoned: Industrial/Suburban Residential; Map 31/Lots 12, 13, 14 & 15, and a revised Site Plan Application for a hot-mix bituminous asphalt batch plant: zoned Industrial, Map 31/Lot 15 for Shaw Brothers Construction, Inc., on land of S.B. Aggregates, LLC, located on Route 237/Mosher Road.

The Public Hearing may be continued to March 20, 2008; March 24, 2008; March 31, 2008 or as otherwise determined by the Board.

The above applications may be reviewed at the Planning Office, 75 South Street, Room 251, Gorham Maine during regular business hours. For additional information, call 222-1620.”

In response to a comment from Mr. Hughes, Ms. Fossum said that the phrase “may be” was used to indicate to the public that there is a possibility that the public hearing would be continued through

other dates. Ms. Robie said that public comment on March 17 will be limited to the revised application. Mr. Stelmack asked staff if readvertisement is necessary if the Board decides on March 17 to continue the public hearing to March 20. Ms. Fossum replied that if notice of the continuation of the public hearing is made on the night of the 17th, no additional notice would be required. Mr. Stelmack asked if the Board decided to continue the public hearing to a date in April, would that have to be advertised, as it is not mentioned as a possibility in the notice Ms. Robie read. Ms. Fossum replied that if it were continued to a date specific at that meeting, no readvertising would be necessary.

8. ADJOURNMENT

Douglas Boyce MOVED and Michael Parker SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [7:55 p.m.]

Respectfully submitted,

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

4. PRIVATE WAY AMENDMENT- BLUEBERRY LANE-By Donald Gilbert.

**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 applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That prior to the commencement of any site improvements, land clearing and/or earth-moving activities associated within the approved private way, the applicant and the design engineer shall arrange pre-construction meeting with the Planning Department, Town Engineer, 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;
4. That at least one week prior to the date of the pre-construction meeting, a complete set of the final approved plan set will be delivered to each of the following: (1) Code Office, (2) Public Works Director, Compliance Coordinator, and (3) Director of Planning;
5. That prior to the commencement of construction of the private way, the applicant will establish a performance guarantee with the Planning Department to cover the cost of constructing the paved apron;
6. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
7. That the private way shall be properly maintained for access of emergency vehicles year round;
8. That prior to the issuance of the first occupancy permit the applicant's engineer shall certify that the private way has been constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant's engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
9. 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;
10. That the private way plan and decision document shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board; and that a receipt from the Cumberland County Registry of Deeds showing the date, and book and page number of the recorded plan and a copy of the recorded decision document shall be returned to the Town Planner.

5. PRIVATE WAY- Dragonfly Lane- By Susan Searles Sato

**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 applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That prior to the commencement of any site improvements, land clearing and/or earth-moving activities associated within the approved private way, the applicant and the design engineer shall arrange pre-construction meeting with the Planning Department, Town Engineer, 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;
4. That at least one week prior to the date of the pre-construction meeting, a complete set of the final approved plan set will be delivered to each of the following: (1) Code Office, (2) Public Works Director, Compliance Coordinator, and (3) Director of Planning;
5. That prior to the commencement of construction of the private way, the applicant will establish a performance guarantee with the Planning Department to cover the cost of constructing the paved apron;
6. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
7. That the private way shall be properly maintained for access of emergency vehicles year round;
8. That during private way construction, the applicant will ensure that the driveway to the Boivin residence is properly maintained for emergency vehicle access;
9. That the applicant will make changes to the plan as outlined in the Planning Department's Review Memo dated February 28, 2008 prior to the Planning Board's signing,
10. 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;
11. That prior to the issuance of the first occupancy permit the applicant's engineer shall certify that the private way has been constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant's engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code; and

12. That the private way plan, Private Way Maintenance Agreement, and decision document shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board; and that a receipt from the Cumberland County Registry of Deeds showing the date, and book and page number of the recorded plan and a copy of the recorded decision document shall be returned to the Town Planner.