



**Town of Gorham  
JULY 14, 2008  
PLANNING BOARD MINUTES**

LOCATION: Council Chambers, Municipal Center  
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 7:15 and read the Agenda. The Clerk called the roll, noting that all members were present.

**1. APPROVAL OF THE MINUTES FROM THE JUNE 2, 2008, MEETING:**

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to approve the minutes of June 2, 2008 as written and distributed. Motion CARRIED, 7 ayes. [7:16 p.m.]**

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**2. COMMITTEE REPORTS**

**A. Ordinance Review Committee** – Ms. Robie reported that there was a meeting of the Town’s Ordinance Subcommittee at which time the Planning Board’s proposed changes to the noise ordinance were discussed. She said that the Subcommittee was generally in favor of the Board’s changes in the proposed language for clarification, but wants the Board to list separately the other changes it believes are necessary to make the ordinance consistent. The Board needs to go back into workshop session to discuss how those changes will be submitted.

**B. Sign Ordinance Sub-Committee** – Ms. Robie reported that the Board will hold a public hearing this evening on the ordinance before it goes to the Town Council.

**C. Streets and Ways Sub-Committee** – Thomas Hughes reported that there will be a meeting of this subcommittee on July 23, 2008 in the Planning Department office.

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**3. MINOR SITE PLAN REPORT**

Ms. Fossum said that there are currently six minor site plan applications pending before the Site Review Committee, and there have been no new applications since the last Planning Board meeting. She said Shaw Earthworks is actively pursuing its application for a contractor’s work area in the New Portland Parkway Commercial Subdivision. The Board will consider the application this evening of Norman Richardson for a paintball facility as it is subject to Planning Board review under the rural entrepreneurial use provisions of the Code. There is a special meeting scheduled for the Site Review Committee on July 22 at the request of an abutter to a project by Odias Bachelder, who is proposing to expand a use on his site to a used car sales business. She reported that there are 3 other projects for which Planning staff has completed its review some time ago, and staff is now waiting for the applicants to come forward with their revisions or final plans, so these are moving slowly at the developers’ pace.

**4. PROPOSED AMENDMENTS TO THE LAND USE AND DEVELOPMENT CODE, CHAPTER II, SECTION III - SIGNS  
PUBLIC HEARING**

Proposed amendments to the Gorham Land Use and Development Code, Chapter II, Section III – SIGNS – establishing new regulations for business signs.

Ms. Robie noted that there will be no presentation of the sign ordinance provisions that will be forwarded to the Town Council. She said that the Sign Ordinance Sub-committee has been working on this project for three years, there have been numerous public hearings, and the current version is on the Town's website. Basically, the sign ordinance as proposed creates four types of environments in which all current zones are classified; they are the Village Center, a residential environment, a roadside commercial environment, and an industrial environment. She said that various types of signs and sign square footages are enumerated for all of these zones. They are generally equal to or larger in most instances than the current sign allotments. Some of the sign provisions are geared to the size of the buildings on which they are placed. There is a list of prohibited signs, there is no sunset clause included unless a sign is changed or a building is destroyed. Certain nonconforming signs are allowed to stay.

Ms. Robie that Mark Eyerman, the consultant who has worked with the Subcommittee on the ordinance, is available for any questions.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow made the following recommendations for changes to the ordinance:

On page 20, under "K. CONTINUATION AND TERMINATION OF NONCONFORMING SIGNS," change item 2) to read as follows:

"2) Continued Use of Legally Nonconforming Signs:

Legally existing nonconforming signs may continue to be used in accordance with this sub-section. Legally nonconforming signs may be repaired but the sign may not be otherwise altered, enlarged, relocated, or replaced."

Change item 3d) of K as follows:

"3) Discontinuation/Replacement of Nonconforming Signs:

- d) Within thirty (30) days if the sign is demolished or destroyed, and the extent of the repairs exceeds 90% of the cost of replacing the sign with a conforming sign or the sign is moved from the parcel."

The Board concurred with item 3e) should be deleted in its entirety.

The Board concurred that the word "occupant" should be capitalized in all instances where it appears in the ordinance.

**Douglas Boyce MOVED and Edward Zelmanow SECONDED a motion to recommend adoption of the proposed amendments to Chapter II, Section III, Signs, establishing new regulations for business signs, amended as discussed this evening.**

Discussion: Ms. Robie noted that unless the Town Council makes the ordinance more restrictive in some way, it does not need to come back before the Board for an additional public hearing.

**Motion CARRIED, 7 ayes.** [7:25 p.m.]

**5. GRAVEL PIT AMENDMENT - BY R.J. GRONDIN & SONS, INC.**  
**PUBLIC HEARING**

“Parson’s Pit Reclamation Plan”- off Farrington Road – Request for approval of an amendment to the Parson’s Pit reclamation plan to permit wetland creation and preservation. Zoned: Rural,. M62/L1, 10, 18, 19 and M79/L4.

Larry Grondin, R.J. Grondin & Sons, came to the podium and gave a brief history of the project, saying that the pit operations began on one side of Farrington Road in 1986 and in the early 2000s, land on the other side became available so the pit was expanded in 2002. He said that when the process was begun in 2002, a subdivision of some 60 lots was envisioned, but now the end product is wetlands creation.

Jamie Lowery, Sebago Technics, reviewed some of the site plan highlights on the parcel, noting that the total parcel area owned by the Grondins is just over 150 acres. He said that all of the wetlands creation that will take place are within the limits of the existing pit area, with a large amount of wetlands preservation area that is around through the rear of the site and behind the pit area. He pointed out two small areas that will be retained by the applicant for potential future use along the western side of the property. He said that the mitigation areas total about 24 acres, and the preservation area is about 92 acres. Mr. Lowery said that per conversations with the Planning Board in the past, there will be some reconstruction of the existing Farrington Road which will be lowered roughly 25 to 30 feet so that the proposed road meets the Town’s rural access standards. There are provisions and notes on the plans that stipulate if the road construction were to languish and the Town’s design standards were to change for rural access roads, the newly constructed road in the future would have to adhere to those new standards.

Ms. Robie asked if the applicant intends to obtain a variance from the Maine DEP to mine below the water table. Mr. Lowery replied that that will have to happen as the wetlands reclamation plans are designed for the plantings. Ms. Robie said that according to the Town’s ordinances, that is a separate issue from a reclamation plan, and if the applicant proposed to mine and sell the material between the water table, he has to get a variance from the DEP, and the applicant must either come back before the Planning Board or have the application put on as a Consent Agenda item.

Mr. Grondin said that through both Maine DEP and the Army Corps of Engineers in creating the wetlands permits will be obtained to go down to the water table. He confirmed to Ms. Robie that the material will be taken below five feet above the water table and sold. Ms. Robie recommended that the applicant secure a plan amendment to mine below the water table and get the variance, because that has nothing to do with a reclamation plan, that is mining. She said that the applicant has to have an amendment to the gravel pit plan to mine below the water table, then the applicant can do a reclamation plan amendment, but these are two different things and two separate amendments.

Ms. Fossum confirmed that the applicant will have to have the variance from the DEP. Mr. Poirier commented that the applicant would not have to come back, as they can get the variance and there can be a condition of approval. Ms. Fossum suggested that the application be tabled and a legal opinion sought as to sequencing. Ms. Robie said they should proceed with their presentation and get some sense from the Board about it.

Mr. Grondin commented that that they thought everything was taken care of with this one application for approval.

Rich Jordan, Boyle Associates, appeared at the podium and told the Board that he has worked with Grondin on their Larrabee Farms project in Scarborough as well as this project for about 6 years. He said that getting

a variance from DEP would be fairly simple as hydrology studies have been done for about 5 or 6 years so that should hopefully speed up the process of getting the variance.

Mr. Jordan said that the wetlands creation plantings will be dictated by a client's needs, who will be someone in the greater Gorham area who knows they have impacted wetlands or is proposing to impact wetlands. The DEP and the Army Corps are the main overseers on how mitigation is chosen, and Grondin's client must prove that the Farrington Road wetlands mitigation is the best way to mitigate the impact the client's project will have. Then a site design is performed specific to the mitigation needs of that project, with the simplest description being that if the client fills forested wetlands, the design is for a project that attempts to recreate forested wetlands. He said that mitigation is combined with preservation as a package deal. He said that ideally there would be one client whose mitigation needs would be satisfied by the Farrington Road wetlands, but it could be five or six small projects needing three or four acres each of mitigation requiring different types of wetlands with different types of hydrology. As each project is approved by DEP and the Army Corps, a buffer will be set up around each area to protect it in perpetuity.

Mr. Jordan explained that in Scarborough, they go through the process with the Army Corps and the DEP, they give an approval, a 6 to 12 month process, the client gets his Army Corps and NRPA permits, and at that point takes the permit to the Scarborough Town engineer or someone on the Town's staff, who reviews it. If that person thinks there are any red flags, it goes to the planning staff, and then comes back with comments. He said they don't go before the Board or the Council unless there are major changes that the engineer decides are not de minimis.

Mr. Parker confirmed what has been reclaimed and what is still open in the pit with Mr. Grondin, who said that there are about 6 acres of active pit area. Mr. Parker asked how the ordinance's requirement that no more than 15 acres can be open at a time is resolved with the 24 or so acres that will become the wetlands mitigation area. Mr. Grondin replied that most is temporarily reclaimed and they will be reclaiming as they work out.

Mr. Grondin said that if there is no wetlands mitigation needed, basically it would revert back to the standard reclamation for the pit itself. As far as preservation is concerned, the land would be back to where it is today. So it is a package deal: either a wetlands mitigation/preservation site or it's not. As an example, Mr. Jordan noted that Cabela's had just under 4 acres of impact at their site, and the Larrabee project provided 4.5 acres of wetlands creation and 37 acres of preservation. Mr. Grondin confirmed that the land would be back in the market for development if the mitigation/preservation doesn't work.

Ms. Robie expressed her concern about the perched bog and how it would be preserved, noting that the buffer for the gravel pit was intended to protect it, that 75 feet is not enough protection, and expressed her disappointment that it could be "on the open market."

Mr. Parker then asked if they have a client before they start mining to the water table or if they mine to the water table and then get the client. Mr. Jordan replied that if there is not a client and they are removing the sands from a certain portion of the site, it is easier to take it all at once rather than go back in and do successive removals; so they tend to take the area out to within a foot or so above final grade depending on field conditions. Mr. Jordan said he asks for a foot below what we think the hydrology is and then 18 inches of top soil is put in as opposed to the 6 inches of temporary.

Ms. Robie said that what the applicant is asking the Board to do is to approve a reclamation plan amendment that is prior driver prior to having any DEP permits or having an amendment to the original site plan. Mr. Grondin said that before the project was started in Scarborough, he asked Mark Stebbins with the DEP's pit program if he needed to get a variance through his program. Mr. Stebbins' initial reaction was yes, but then he waived his review because he knew what Grondin would have to go through with the DEP, not just his

program. Mr. Grondin said that if the Town wants it, he could probably get the waiver in 60 to 90 days because of the amount of hydrology data we have. Ms. Robie replied that it is not what the Board wants, it is what the Code says has to happen. Mr. Grondin said had they known this 6 months ago, they would probably have the permit already.

Ms. Fossum explained that when the Council approved this amendment to the ordinance, which allows a contractor to excavate into the water table, the provision was designed so that the approval would be conditioned by the Planning Board on the applicant receiving the DEP variance. She said that this in the past has been interpreted to mean that the Board's approval would contain a condition of approval stating that the applicant has to receive the variance from DEP prior to any mining or excavation within 5 feet of the water table.

Mr. Zelmanow noted that that condition would be in conjunction with an amendment to the original site plan, not for a reclamation plan. He told the applicant that he has leap-frogged over to step one, which is to amend the original site plan.

Ms. Robie asked the Board if the members approve of the reclamation plan, and if they do, what, if any, oversight is prudent for the Town. Mr. Lowery asked why the approval cannot be granted with the wetland plantings reclamation plan, which is much more designed than just a typical excavation reclamation plan. Ms. Robie replied that the applicant's mining permit from the Town does not include mining up to the water table, so a reclamation plan that is wetlands mitigation requires a mining permit to go five feet above the water table, then the reclamation plan can be amended.

Mr. Hughes asked why, if the applicant can get Army Corps approval to go below the water table for the reclamation plan, it would seem they could mine below it also. Mr. Hughes said the applicant should be able to do it all in one step. He said he believes this is a better reclamation plan. Mr. Parker said that from what he saw in Scarborough the close guidance of the Corps of Engineers and DEP is excellent, probably better than anything the Board can do, and that the Board does not need to oversee it beyond turning it over to staff for the record. Mr. Parker noted that the applicant did not phase its original application to mine this pit in the original application and you have permission to go only within 5 feet of the water table. He said that the applicant has not applied to go below five feet below the water table, yet the reclamation plan does that, so to be consistent with the Code, the applicant needs that permission.

Mr. Hughes, Mr. Parker, Mr. Fickett, Mr. Boyce, Mr. Zelmanow and Mr. Stelmack all concurred that that is a good reclamation plan and that no further oversight is recommended other than it come back to staff for the record.

Ms. Robie suggested that there needs to be two Consent Agenda items – one for the amendment to the gravel pit, and the other for the reclamation plan amendment.

Ms. Fossum said that that the application initially was very clearly to mine into the water table. The notification was not as specific or as broad as it should have been because over the past 18 months the focus has been on the reclamation portion as opposed to the entire pit permit amendment. This should be readvertised so that it is clear to the abutters exactly what is technically approved here, an amendment to the permit and to the reclamation plan. She said that the public hearing would have to be reopened

Mr. Poirier commented that he had talked to Mark Stebbins on Friday, who was very unclear on whether they needed the variance or not. His wording was "someone's going to review it in DEP for mining below the water table." Ms. Robie said that the Board can pass the amendment if the applicant has applied for the variance and condition it upon receipt of it, and that copies need to be in the file.

Ms. Robie asked if there was any issue of public access to the wetland. Mr. Jordan replied that there is no prohibition except to keep ATVs out in the mitigation area. Ms. Robie asked if there should be a condition of approval that the existing trails be kept open. Mr. Grondin replied that there would be no need to go back into the preservation area and do anything there to obstruct those.

Mr. Stelmack asked if there should be a condition of approval that it would revert to a standard reclamation in case the mitigation process fails. Mr. Grondin replied that if the project as it is being proposed never happens, then it just won't change and it will be the standard reclamation plan. He did note that there might have to be another amendment five years now saying that they would going back to the original reclamation, or it could perhaps be a plan note.

Mr. Parker raised his original question of whether the applicant mines to the water table before committing to reclaiming it or does the applicant mine to the water table when there is a mitigation client, which impacts the applicant's ability to go back to the old reclamation plan. He said that if the applicant has mined below the water table, he cannot revert to his old reclamation plan.

Mr. Grondin replied that typically what has happened at their other project is that we haven't built the wetland until we have a client. It is not our intent to create a wetland without a client, that is a wetlands bank which is less desirable. Mr. Parker said that if you go 5 feet below the water table, then you can no longer say you are going to revert to the original plan, you are committed to the new plan, and the Town would need some sort of performance guarantee to assure that that happens.

Mr. Grondin said he would recommend that typically you can get to 2 feet above water table quite easily which DEP feels is sufficient for water recharge. Mr. Jordan commented that the 2-foot provision still allows traditional reclamation if there is no wetlands client. Mr. Parker said he would like to see this addressed when the applicant returns before the Board.

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

**Edward Zelmanow MOVED and Mark Stelmack SECONDED a motion to table this item. Motion CARRIED, 7 ayes. [8:46 p.m.]**

Ms. Fossum confirmed that the item will have to be readvertised and the public hearing reopened.

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**6. SITE PLAN – BY C & C FAMILY, LLC**

**PUBLIC HEARING**

Rust Road Reclamation – Request for After-the Fact approval of fill material placed in a farm field and removal of fill material from the Rust Road right-of-way. Zoned Rural, M43/L21.

Walter Stinson, Sebago Technics, appeared on behalf of the applicant and gave an overview of the project, noting that this plan is the result of a court decision which required that the applicant return to the Town with the proper materials for permitting the fill that had been placed, as well as the removal of a portion placed across the Rust Road right-of-way. He described the proposal to remove the fill from the top of the Rust Road right-of-way, the placement of a 15-foot wide gravel pad in the area in question, approximately 15 inches thick, so there would be no obstruction of the right-of-way. He said that approval is being sought to allow the remaining fill to stay as it presently exists on the land.

Mr. Poirier gave the staff comments, saying that due to the nature and type of the project, staff is recommending that the project be completed within 45 days of the signing of the final plans by the Planning

Board, as no building permits or occupancy permits are required. Condition of approval #4 addresses the completion of site improvements. Staff is also asking that a performance guarantee be placed prior to the start of construction. Mr. Stinson noted that the applicant does not have a problem with the 45-day requirement. Mr. Poirier noted that the landing of aircraft on the parcel will not be permitted under this site plan approval. He called the Board's attention to Condition of approval #8: "That future land uses of the property are subject to the court order dated February 26, 2007 and that the applicant shall take no action to bar or restrict access to the public for use of Rust Road by motor vehicle or any use consistent with lawful use of a public easement."

**PUBLIC COMMENT PERIOD OPENED:**

Alan Rust, 56 Rust Road. Mr. Rust noted he was one of the co-defendants with the Town in the lawsuit. He said that at the site walk the two Board members asked about the width of Rust Road, that it is a two-rod road with a 33-foot wide easement, and he hopes that any slope grading would be done on the outside of the easement footprint. Mr. Stinson confirmed that the slope will be done to the outside. He said he would like to make sure that the Court's order is followed. Mr. Stelmack confirmed that the abutter is satisfied with the material outside of the easement lines.

**PUBLIC COMMENT PERIOD ENDED.**

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to grant approval of the applicant's request for after-the-fact approval of fill material placed in a farm field and removal of fill material from the Rust Road right-of-way Map 43, Lot 21, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [8:55 p.m.]**

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*10-Minute Stretch Break*

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**7. SITE PLAN AMENDMENT – BY FIRST RUSSIAN BAPTIST CHURCH**

**PUBLIC HEARING**

Request for approval of an amendment for a 8,460 square foot building addition to house Sunday school classes and a gym for church youth, along with a parking lot expansion and associated site improvements. Zoned Suburban Residential – Shoreland, M49/L10.

Dwayne St. Ours, Clerk of the First Russian Baptist Church, gave a brief overview of the proposal for an 8,460 square foot function building.

Joseph Timakov, engineer, described the proposed function building and said that the existing gravel parking lot will be paved, and overall parking will be expanded from 36 paved spaces to 89 spaces, along with the installation of associated light poles and concrete walkways. Mr. Timakov said that based on comments received from the Town's review engineer, certain changes have been made to the stormwater management proposed.

Mr. Poirier identified the parking lot size as an item for discussion by the Board, noting that the applicant will need a waiver from the 113 spaces required by the Code. He also said that there are some minor issues that need to be resolved, which are addressed in Condition of approval #3. In response to a query from Ms. Robie, Mr. Timakov said that the parking requirements in the Code are based on both halls being occupied, while in reality there will never be a time when both halls are occupied at the same time, it will be either one or the other. Mr. Hughes said the request for a waiver of the parking requirements is quite logical; Mr.

Stelmack concurred. Mr. Timakov confirmed to Mr. Parker that there is more room on site for more parking spaces should they become necessary. Mr. Parker said he was comfortable with the waiver.

Mr. Boyce said he did not see a connection to the public sewer on the plans. Mr. Timakov said the location and depth of the connection is now known and will be put on the plans. He said the existing septic tanks will be abandoned. Mr. Poirier said that will have to be a condition of approval to have the connection to the public sewer shown on the plans.

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

**Edward Zelmanow MOVED and Michael Parker SECONDED a motion to grant a waiver for the parking spaces requirement under Chapter II, Section II Parking, Loading and Traffic, A. Off-Street Parking Standards, 8) c, with the finding that it has been clearly demonstrated that the parking demand will be lower than that established by this section and that the reduction will not detract from neighborhood property values, inconvenience the public, or increase congestion on adjacent streets. Motion CARRIED, 7 ayes. [9:21 p.m.]**

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to grant approval of the applicant's request to construct an 8,460 square foot building addition to house Sunday School classes and a gym for church youth, along with a parking lot expansion and associated site improvements on Map 49, Lot 10, with conditions of approval as posted prior to the meeting, as discussed and amended this evening and as discussed with the applicant. Motion CARRIED, 7 ayes. [9:24 p.m.]**

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**8. MINOR SITE PLAN/RURAL ENTREPRENEURIAL USE – BY NORMAN RICHARDSON**  
Request for approval of a commercial paintball field at 363 Mosher Road. Zoned Suburban Residential (M31/L 9, 10, 11).

Norman Richardson, applicant, confirmed to Ms. Robie that a fence will be installed across the front of the parking and the four parking spaces located in the front yard setback have been removed. He said that the Code Enforcement Officer has decided that a single building permit will be required to cover some of the structures on site. He said that eventually only the paint sold at the field will be permitted as opposed to bringing paint in. Field paint is color coded so it is an easy matter to determine if outside paint has been brought in.

Mr. Poirier gave the staff comments, noting that the application falls under the Rural Entrepreneurial Use Performance Standards of the Code, identified in the Suburban Residential District. He said that the Board should review performance standards a) through l) to be sure that the proposal meets the criteria identified in those standards. He said that the applicant is also coming forward under the gravel parking standards for approval of a 17-space gravel parking lot, which is permitted under Chapter II, A. Off-Street Parking Standards, 7), c), which allows “For commercial, industrial and institutional uses (excluding retail or service businesses) that will generate an estimated average of thirty-five (35) vehicle trips or less per day or for Rural Entrepreneurial Uses that meet the Performance Standards of Chapter II, Section VII, Subsection E. 2. in the Suburban Residential District or of Chapter II, Section VIII, Subsection E. 2. in the Rural District, parking areas shall be constructed with a suitably durable material (including gravel) that minimizes dust and is appropriate for the type of land use activity. Surfacing, grading and drainage shall be required to facilitate groundwater recharge by minimizing impermeable surface and stormwater run-off. Parking lots constructed in conformance with this provision shall have a paved apron 30 feet in length commencing at the existing edge of pavement on the adjacent public road.” Mr. Poirier noted that the parking lot detail has been



reviewed by the Town Engineer and he had no comments. He also said that a plan note has been added that structures used for paintball use may be moved to other portions of the site but will remain outside of any required property setback. Mr. Poirier said that four of the gaming forts were identified by the Code Enforcement Officer as structures, for which an after-the-fact building permit need t be secured.

The Board then reviewed the Rural Entrepreneurial Performance Standards:

2. a) Minimum size of the lot requirement of the use is 3 acres: this site is 15 acres.
- b) Total floor area shall not be more than 1% of the area of the lot on which it is located or 5000 square feet, whichever is less: the buildings on site do not add up to 5000 square feet.
- c) Vehicular access to the lot on which the use is located shall be from a public street that is classified by the Town as an arterial street, collector street, industrial or commercial street, or service road: true.
- d) Total number of peak hour trip ends generated by the use based upon the ITE Trip General Manual shall not exceed one trip end per two hundred square feet of gross floor area occupied by the non-residential use: does not apply and falls under l)
- e) Use of the building shall be limited to low-impact non-residential activities such as, but not limited to, personal, business and repair services, business and professional offices, light industrial uses, research facilities, and warehousing and storage, and shall not involve the retail sale of goods except as accessory to another principal use: the only item to be sold is paintball material. The special exception uses in the Suburban Residential District that are not allowed as a Rural Entrepreneurial Use do not apply in this instance.
- f) The non-residential activity shall occur completely within the building and there shall be no outside storage of materials, equipment, or products, except non-residential activities stated in l): to be considered under l).
- g) Architectural character of the existing building: does not apply.
- h) Parking associated with the use shall not be located in any required setback: satisfactory.
- i) Use shall not produce noise, odors, fumes, vibrations, lighting or electrical interference at the boundaries of the parcel that exceed the levels produced by typical single-family residential uses: Discussion: In response to a question from Mr. Boyce, Mr. Richardson said he has not received any complaints about his operation.
- j) Hours of operation of the use shall be compatible with surrounding uses. Discussion: The Board decided that the hours of 8:00 a.m. to 7:00 p.m., April through December, and should be included in a condition of approval.
- k) Signs: there will be a conforming sign.
- l) The non-residential activity not occurring completely within the building will be compatible with the surrounding uses as determined through the application of standards a) through k) of this section and may be limited by the Planning Board as part of the approval of the site plan to assure compatibility:

PUBLIC COMMENT PERIOD OPENED: Sam Blunda, 414 Fort Hill Road, spoke in favor of the application and feels that Mr. Richardson's facility is one of the safest and noise will be minimal.

**Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant the applicant's request that the proposed commercial paintball field meets the requirements of the Suburban Residential District's Rural Entrepreneurial Uses Including the Reuse of Existing Agricultural Buildings Performance Standards. Motion CARRIED, 7 ayes. [9:55 p.m.]**

**Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant the applicant's request for minor site plan approval of a commercial paintball field with associated site**

**improvements of Map 31, Lots 9, 10 and 11, with conditions of approval as posted prior to the meeting, amended this evening, and discussed with the applicant. Motion CARRIED, 7 ayes. [9:57 p.m.]**

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**9. SCHEDULE NEXT MEETING – NONE NEEDED**

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**10. ADJOURNMENT – 9:59 p.m.**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2008

**6. SITE PLAN – BY C & C FAMILY, LLC**

**Approved  
Conditions of Approval**

1. That the 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 minimus 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 applicant shall complete the site improvements as shown on the final plans within 45 days of the Planning Board’s endorsement of the final site plan;
5. That 4 (four) sets of the final approved plan set will be delivered to the Planning Department one week prior to the pre-construction meeting, for distribution to the Inspecting Engineer, the Public Works Director, Code Enforcement Officer, and the Planning Director;
6. That prior to the commencement of any site improvements and/or earth-moving activities associated with the approved site plan, the applicant shall arrange a pre-construction meeting with the selected Review 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;
7. That the applicant shall provide property line information and site information, in auto-cad format (version 2000) to the Planning Office prior to the scheduled pre-construction meeting;
8. That future land uses of the property are subject to the court order dated February 26, 2007 and that the applicant shall take no action to bar or restrict access to the public for use of Rust Road by motor vehicle or any use consistent with lawful use of a public easement.
9. That the applicant shall post a performance guarantee for site improvements prior to the start of construction, the performance guarantee shall be established through the Planning Department with approvals from the Town Planner and Town Manager; and
10. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.

**7. SITE PLAN AMENDMENT – BY FIRST RUSSIAN BAPTIST CHURCH**

**Approved  
Conditions of Approval:**

1. That these approved amendments are 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 minimus changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state, and federal permits required for the development of this project prior to the start of construction;
3. That the applicant shall make the requested changes outlined in the Planning Review Staff's Planning Memo dated July 10, 2008 prior to the Planning Board's endorsement of the final plan;
4. That all other applicable conditions of approval attached to previous site plan approvals shall remain fully in effect;
5. That the proposed church addition 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;
6. That the connection to the public sewer will be shown on the final plan prior to the Planning Board's endorsement of the final plan;
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 the building shall be sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance and sprinkler plans shall be submitted to the State Fire Marshal's Office and the Town of Gorham two weeks prior to the start of installation of the system for review and permitting;
9. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and NFPA Fire Prevention Code 1;
10. That the buildings construction plans shall be sent to the State Fire Marshall's Office and the Town of Gorham Fire Department for review and permitting;
11. That 4 (four) sets of the final approved plan set will be delivered to the Planning Department one week prior to the pre-construction meeting, for distribution to the Inspecting Engineer, the Public Works Director, Code Enforcement Officer, and the Planning Director;
12. That prior to the commencement of any site improvements and/or earth-moving activities associated with the approved site plan, the applicant shall arrange a pre-construction meeting with the selected Review 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;
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;

14. That the applicant shall provide property line information and site information, in auto-cad format (version 2000) to the Planning Office prior to the scheduled pre-construction meeting; and
15. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.

**8. MINOR SITE PLAN/RURAL ENTREPRENEURIAL USE – BY NORMAN RICHARDSON**

**Approved**  
**Conditions of Approval:**

1. That these approved plans are 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 minimus 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 hours of operation shall be from 8:00 a.m. to 7:00 p.m., April through December.
5. That 4 (four) sets of the final approved plan set will be delivered to the Planning Department one week prior to the pre-construction meeting, for distribution to the Inspecting Engineer, the Public Works Director, Code Enforcement Officer, and the Planning Director;
6. That prior to the commencement of any site improvements and/or earth-moving activities associated with the approved site plan, the applicant shall arrange a pre-construction meeting with the selected Review 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;
7. 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 use of the site for paint ball games; or a performance guarantee, covering the remaining site improvements shall be established through the Planning Department; and
8. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.