



Town of Gorham
October 6, 2008
PLANNING BOARD MINUTES

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

Members Present:

SUSAN ROBIE, CHAIRWOMAN
DOUGLAS BOYCE
THOMAS FICKETT
THOMAS HUGHES
MICHAEL PARKER
MARK STELMACK

Members Absent:

EDWARD ZELMANOW

Staff Present:

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

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

1. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 8, 2008 MEETING:

Thomas Fickett MOVED and Mark Stelmack SECONDED a motion to approve the minutes of September 8, 2008 as written and distributed. Motion CARRIED, 5 ayes (Edward Zelmanow absent, and Douglas Boyce abstaining as not having been present at the September 8, 2008 meeting). [7:03 p.m.]

2. COMMITTEE REPORTS

A. Ordinance Review Committee – Ms. Robie reported that at the last meeting of this committee, the requirements were outlined which are to be included in a bed and breakfast with public dining ordinance. The next step is the development of the actual ordinance language. In addition, the Town Council's Ordinance Committee has met and briefly discussed the Planning Board's amendments to the noise ordinance and has agreed to meet again on October 7, 2008, to go through these amendments in detail prior to the ordinance being put on the Council's agenda.

B. Sign Ordinance Sub-Committee – Ms. Robie reported that the sign ordinance has been approved and the only remaining action is to meet with Mr. Mark Eyerman, who is preparing the tools needed for someone applying for a sign.

C. Streets and Ways Sub-Committee – Mr. Hughes reported that there is a meeting scheduled for Wednesday, October 8, 2008, with the Fire Chief and the Public Works Director. The meeting is set for 3:00 p.m. in the Planning Department offices of the Municipal Center.

3. MINOR SITE PLAN REPORT

Ms. Fossum reported that there are six pending applications and one pending withdrawal. Since the Board last met, there have been two new submissions: one is a submission by White Rock Outboard on Route 237 for a small storage shed; the submission was made on September 18 and the end of public comment period will be October 10. The second new submission since the Board's last meeting is a proposal by JCB Properties for conversion of a residential structure at 341 Main Street to a medical office building; that submission was made on September 19 and the end of public comment period is October 16.

The remaining minor site plan applications are at various points in the process:

Flagship Landscaping at 664 Main Street has been through the process with no adverse comments from the public, and the approval is being finalized.

A proposal by Biodiversity to add parking at their location on Flaggy Meadow Road is in the process; abutters have been heard from, and the applicant is revising his plan for resubmission.

The public comment period has closed for the application of Dwayne St. Ours, who is proposing to build a laundromat in Little Falls, and the applicant is preparing a revised submission.

A formal withdrawal is expected from TNT, who proposed an ATM structure at their site on lower Main Street.

Staff was advised about a month ago that the application of Guerin Properties, which was made some 10 months ago and which has been inactive, would be reactivated. Staff received the new submission late on October 3, 2008, and it is being circulating among staff.

Ms. Fossum said that the Planning Board's project report is posted on the Town's web site and is updated approximately every two weeks. The report indicates the status of each project, noting where the project lies, either with the developer or with the Town.

4. CONSENT AGENDA:

A. SUBDIVISION AMENDMENT – Douglas Knoll – by Design Dwellings

Request for approval of an amendment allowing the replacement of grass filter runoff treatment areas with wooded & meadow buffer treatment areas. Zoned: Rural. (M22/L4.701 to 4.714).

Michael Parker MOVED and Douglas Boyce SECONDED a motion to remove the item from the Consent Agenda. Motion CARRIED, 4 ayes (Parker, Fickett, Boyce and Stelmack), 2 nays (Robie and Hughes), and 1 member absent (Edward Zelmanow).

Mr. Parker asked for comments from staff due to the late submission from the Town's review engineer.

Mr. Poirier said staff had received an email from the Town's review engineer today, outlining that the treatments for Lots 1 and 14 are somewhat different from the other lots having wooded and meadow buffer treatment areas. He said that half the stormwater for Lot 1 will be directed to detention basin #1 and the other half will be directed toward the forested and meadow buffers on Lots 9 and 10. Lot 14 will utilize roof driplines. Mr. Poirier noted that the review engineer recommended that these site development requirements for Lots 1 and 14 be documented in subdivision plan notes and that the notes be expanded to allow for equivalent alternative stormwater treatment so long as the proposal is reviewed and approved by the Planning Department and the Town Engineer prior to construction. This would allow the developer more flexibility, so that if stormwater cannot be directed to basin #1 for Lot 1, driplines could be used instead without the developer having to come back before the Board. Mr. Poirier said that the applicant has today submitted plans with the new plan notes as detailed in the review engineer's comments. He said that staff also recommends corrections of minor typographic errors in the forested buffer deed restriction requirements prior to the Board's endorsement of the final plan. In response to Mr. Parker, Mr. Poirier said that the review engineer's comments have been adequately addressed.

PUBLIC COMMENT PERIOD OPENED:

Susan Duchaine, Design Dwellings, came to the podium and said that DEP has approved the proposed changes.

PUBLIC COMMENT PERIOD ENDED.

Ms. Fossum explained that the Town's review engineer was on vacation and some of the materials needed for her review came later in the process and she was able to review the final package only today upon her return from vacation.

Thomas Hughes MOVED and Michael Parker SECONDED a motion to approve the subdivision amendment with conditions of approval as posted prior to the meeting and as discussed with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:16 p.m.]

5. Site Plan Amendment -- Plan-It Recycling & Transfer -- By CLRS Properties, LLC, Ron Smalley. Proposed amendment to use a mobile, 1,400 square foot picking station. Zoned I (M12/L26.001).

Scott Collins, St. Germain and Associates, appeared on behalf of the applicant and explained that as a result of the Board's wishes as expressed at their meeting on September 8, 2008, when the applicant was last before the Board, the applicant agreed to retain the services of a landscape architect to evaluate the effectiveness of the existing and proposed screening relating to the proposed picking station. In this regard, the applicant retained the services of Terrence J. DeWan & Associates; the Board has copies of the report of Sarah Marshall with that company, and Ms. Marshall will make a presentation this evening. In addition, the Board asked for an engineering review of the utility poles to be used to support the privacy fence; while the applicant retained the services of Macleod Structural Engineers of Gorham, unfortunately Macleod did not provide its report in time for tonight's meeting. Mr. Collins suggested that the submission of that report to the Planning Department for its review be a condition of approval.

Sarah Marshall, landscape architect with Terrence J. DeWan & Associates, explained the various aspects of the company's work such as scenic inventories, visual impact analysis services, facility siting evaluations, highway location studies, and peer reviews. She said she reviewed the Town's ordinance to establish that a landscape buffer is required for the site, as well as effective visual and auditory buffering. Taking note of those requirements, she visited the site to evaluate the current screening/buffering conditions from two vantage points: Route 25 and Juniper Lane. Pointing to a series of photographs she had taken, she said that the picking station was not visible from Route 25, but it is visible from two residences on Juniper Lane. In order to fully comply with the requirements of the ordinance, Ms. Marshall recommended that the applicant plant some additional deciduous trees to naturalize the appearance of the perimeters with a mixture of evergreen and deciduous trees: the existing white pine buffer should be supplemented with one deciduous shade tree at the northeast corner of fence and six shade trees should be added along the eastern property line to soften the screening mass.

In response to a query from Mr. Stelmack, Ms. Marshall explained that the 20-foot privacy fence would be composed of a tight material through which no litter or dust could blow through. She said that the upper part, the 10-foot litter fence, would keep blowing material from leaving the property boundaries. Mr. Hughes asked on whose property the trees on Juniper Lane would be planted. Ms. Marshall replied that the trees would be planted on the applicant's property. In addition, she responded to Mr. Stelmack that she did not believe that trees planted along Juniper Lane and maintained by the City of Westbrook would be effective in the long run or would be something that the applicant could maintain.

Mr. Stelmack asked if the proposed buffering will be effective if the picking station is moved around on the site. Ms. Marshall suggested that a condition of approval be considered which would stipulate that if the picking station needs to be moved, the owner would consult with the Planning Director, who would then assess the adequacy of the buffer in the proposed location to determine whether or not the project should return before the Board for an amended site plan. Ron Smalley, the applicant, said that the picking station is

a mobile unit for the practical reasons of being able to move it on site for functionality of the facility and for maintenance, but there is not a lot of space to relocate it and it may never be moved.

Ms. Robie commented that the new green paint color of the picking station makes it less visible than it was when it was painted orange.

Mr. Hughes said that he does not believe that the ordinance requires all industrial buildings to be 100% shielded or buffered from view. He said that if there were no picker the applicant would not be before the Board tonight, and he would rather see a green picker rather than the pile of trash that was visible before the picker was utilized. Mr. Fickett asked what the view shed will be in the winter. Ms. Marshall replied that the pines and the fence will be visible and the addition of deciduous trees will be well worth it the rest of the year.

Mr. Poirier gave the staff comments, recommending that the Board discuss with the applicant the possible locations to which the picker might be moved, that while screening appears to be adequate at the front of the site, if the picker is moved to the rear of the site there does not appear to be adequate screening. He suggested that the applicant's landscape architect could identify on the plans those areas which could have acceptable screening for the picker. Mr. Poirier said that as Mr. Collins noted, staff has not seen for review the engineering drawings for the utility poles.

Mr. Hughes said he would favor the idea of a condition of approval that should the picker be moved, the applicant would have to come to the Planning Director. Mr. Parker asked the applicant if he could envision any reason why the picker would be moved, other than for maintenance. Mr. Smalley replied that having a mobile picking station would enable changing the flow of the yard to be more efficient, but they are happy with the flow as it is now. Mr. Parker said he would favor a condition of approval.

PUBLIC COMMENT PERIOD OPENED: Robert Morrell, 260 Conant Street. Mr. Morrell thanked the Planning Board for its attention to this issue, saying he believed it would benefit Gorham, Westbrook and the applicant. He said he very pleased with the progress made by the Town and the applicant, but asked for consideration of the concept of planting trees along Juniper Lane with tree maintenance to be done by the City of Westbrook. He explained to Mr. Stelmack how he believed trees planted on Juniper Lane will screen the picking station from abutters on Juniper Lane. He said that trees on Juniper Lane could serve as a wind break to perhaps control odor. Mr. Morrell commented on the need for an engineering assessment of the poles supporting the privacy fence.
PUBLIC COMMENT PERIOD ENDED.

Ms. Robie noted that there are two issues for the Board to consider: the fact that there is no engineering assessment on the fence and support poles yet, and the question of trees on Juniper Lane. Mr. Stelmack said he would be willing to see the engineering assessment be placed on a Consent Agenda, provided that the assessment gives favorable consideration to the current configuration. Ms. Robie, in response to Mr. Hughes, said there are two suggestions, one for a condition of approval if final approval is given tonight and the other being that final approval be given on a Consent Agenda when the final engineering assessment is in hand. Ms. Robie said she would prefer the Consent Agenda approach, Mr. Parker concurred, as did Mr. Boyce and Mr. Fickett.

Insofar as asking the applicant to plant trees along Juniper Lane is concerned, Mr. Boyce indicated that he does not believe that such a requirement is within the Board's purview, and said that is something the applicant and the property owners could discuss among themselves. Mr. Fickett said he is not in favor of requiring the applicant to plant trees on Juniper Lane, preferring that the applicant maintain trees on his own property. Mr. Hughes said he likes the idea of trees on Juniper Lane, but does not believe the Board can make that a requirement for the applicant to accomplish. Mr. Hughes said that if the proposed buffering is found to be insufficient or unacceptable, he would hope that the applicant could meet with the abutters such

as Mr. Morrell to arrive at a mutually agreeable solution for the trees on Juniper Lane. Mr. Parker said he would encourage the trees on Juniper Lane but he would not make them a condition of approval. Mr. Stelmack said he concurs with what has been said.

Mr. Stelmack questioned the elevation on the site to which the picker might be moved, suggesting that a differing elevation could be either higher or lower. Mr. Smalley said there is an 8 foot drop down to the wetlands, so moving the station could make it lower but could involve different viewing angles. Mr. Smalley said they propose to have the picking station at the corner of the site, at the highest elevation, and anywhere they might move it in the future would actually be lower. Mr. Boyce suggested that a line could be drawn on the plan to indicate the area in which the picking station could operate without presenting an adverse view shed.

Ms. Robie said she would prefer a condition of approval that if the picking station is moved, the impact of that movement be assessed by the Planning Director, and if it is deemed to be a potential problem with respect to the view shed, the applicant shall come back to the Planning Board for a site plan amendment. Mr. Hughes and Mr. Parker concurred, with Mr. Parker commenting that he hopes that it does not “come out from behind the curtain” and that it only be moved for maintenance and then returned to its present position.

Thomas Hughes MOVED and Michael Parker SECONDED a motion to postpone the final approval of this application to an upcoming Consent Agenda after receipt of the engineering assessment.

Discussion: Ms. Robie suggested amending the motion to change the wording to “*after receipt of a positive engineering assessment.*” Mr. Parker said perhaps the wording should be “*after a suitable engineering solution has been submitted.*”

Thomas Hughes AMENDED and Michael Parker SECONDED an amended motion to postpone the final approval of this application to an upcoming Consent Agenda after receipt of a positive engineering assessment. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:01 p.m.]

Stretch Break to 8:10 p.m.

Mr. Hughes noted that Mr. and Mrs. Waltz are personal friends but he feels he can review Agenda Items 6 and 7 impartially.

Thomas Fickett MOVED and Douglas Boyce SECONDED a motion to allow Mr. Hughes to participate in the consideration of Agenda Items 6 and 7. Motion CARRIED, 5 ayes (Thomas Hughes abstaining and Edward Zelmanow absent). [8:11 p.m.]

6. SITE PLAN APPLICATION – “LOT 3, NEW PORTLAND PARKWAY” 16 Cyr Drive– BY WALTZ AND SONS, INC. – Zoned I, Black Brook & Brackett Road Special Protection District, M29/L2.003

Jeff Read, Pinkham & Greer, appeared on behalf of the applicants and explained that the project involves an 11,800 square foot circular access loop drive which will go around a 4,300 square foot fenced and gated storage facility. The development initially will include one propane tank and additional tanks will be added as demand requires.

Mr. Read referred to the items listed for discussed in the Planning Department’s agenda memo as follows:

1. Propane tank pads. Issue involves the applicant's proposal to locate the propane tanks on concrete piers with crushed stone located around the remainder of the propane tank storage area, whereas the Fire Chief requires that the tanks be placed on concrete slabs. Mr. Read said he believes that the Chief requires the slabs as a method of weed control.
2. Impervious Area Calculation. If the Planning Board requires that the tank area be concrete or pavement, the applicant will be required to amend its current Maine DEP submission. Mr. Read said they have worked with DEP to minimize the impervious footprint on the site as they are slightly above the original impervious area allotment, as will be discussed in the next Agenda item. This does not include the area inside the tank enclosure because, based on feedback and help from DEP, the proposed stone and gravel underneath the tanks will allow stormwater to infiltrate instead of sheeting and running off. He described DEP's recommendation as a stone and gravel mix as 4 inches of stone, a 50-50 mix of 1-1/2 and 3/4 inch washed crushed stone, a layer of weed control fabric, over 18 inches of gravel, on top of the natural soils. Therefore, the square foot area where the tanks will be placed would be pervious area, as opposed to impervious if the area were a concrete slab.
3. Subdivision Amendment. This applicant must amend the original approved New Portland Parkway Commercial Subdivision by increasing the amount of impervious surface allowable on Lot 3 from 10,600 square feet to 11,800 square feet. This is the subject of the next Agenda item. It will be an amendment to the existing DEP permit as well as a modification of the recorded subdivision plan, making it the 2nd Amended Subdivision Plan. The two changes to the Subdivision Plan involve the reference to the DEP permits and an amendment to the table on the plan outlining the impervious areas for each of the lots to reflect what is being proposed tonight.

Mr. Stelmack and Mr. Read discussed in detail the foundation upon which the tanks will sit and the use of some type of fabric to prevent the growth of weeds through the crushed stone. Mr. Hughes suggested that the use of concrete or cement pad could result in someone slipping or falling on it during the winter months. Mr. Read spoke about the inevitable cracking and spawling which would occur over time, and noted that the crushed stone will be cheaper and easier to maintain and will minimize the impervious area on the site.

Ms. Robie said she finds it very difficult to go against the Fire Chief's requirements.

Mr. Poirier gave the staff comments, noting that the first memo from the Fire Chief was received on July 11, 2008. It contained many of the standard conditions the Chief requires, one of them being the requirement for concrete pads for the propane storage tanks. As the Fire Chief indicates in his September 30, 2008, memo his reason for requesting that the propane tanks be placed on concrete slabs is the lack of maintenance around the propane tanks. Mr. Poirier said that discussions with the Chief indicate that the Chief is not requiring that all the concrete be placed at once, it could be placed in phases so long as it is a minimum of ten feet around the tank. The Chief does not require that the piping have concrete, only the tanks.

Mr. Poirier said that as Mr. Read had stated, impervious area calculations required the applicant to go back to DEP to amend the subdivision approval, which is Agenda 7. The impervious area is being amended from 10,600 square feet to 11,800 square feet, which will require subdivision amendment where plan note 33 is revised, the maximum impervious area per lot table is revised, and a plan note is added detailing the subdivision amendment.

Mr. Poirier said some minor discrepancies were noted on the plan: the light detail is placed in the wrong location; the change would be made prior to the Board's endorsement of the plan. Additionally, on sheet 2 the plant list indicates the same number of species planting (17) to be planted on the south and east property lines; the plantings on the east property line should be revised to 5.

Mr. Poirier said an email has been received today from the Town's third party reviewer stating that as designed, the plan meets the Town's stormwater requirements.

Mr. Read confirmed to Mr. Parker that there are no propane storage facilities in the Town of Gorham limits. Referring to Ms. Robie's comment that it is difficult to go against the wishes of the Fire Chief, Mr. Read stated that the necessity for concrete is not supported anywhere in any code or any ordinance from local to state to federal, and that this is something that the Fire Chief personally wants and is over kill, that a concrete slab is not necessary to control weeds.

Ms. Robie took exception to characterizing the Fire Chief's written remarks as "his personal opinion," noting that the Chief's memo states "We have been requiring concrete pads for large propane tanks since 1988..." Skip Waltz, the applicant, came to the podium and said that what most people consider "large propane tanks" are 1000 gallon tanks for residences and commercial businesses. He said those tanks normally require concrete pad or blocks as support of those containers, and in addition those tanks only sit off the ground approximately 6 inches, so grass and weeds and combustible materials must be a minimum of 10 feet away from those containers. Mr. Waltz said that in this instance the tank is 30,000 gallons and is almost 5 feet above the ground, so that normal grass, even if ignited by a lightning strike, would not impinge on a 30,000 gallon tank 5 feet above the ground on crushed rock. Mr. Waltz also said that crushed stone provides a more stable surface to prevent slipping and falling.

Mr. Stelmack referred to a product called permeable pavement and asked the applicant about the feasibility of using that product. Mr. Read replied that it would provide the same level of protection from weeds that the concrete would; however, even though that product is supposed to allow infiltration, it is not recognized by DEP in this instance to treat stormwater.

Ms. Robie referred to the proposed one light on a utility pole which she believed the applicant would put on a motion sensor. Mr. Read said the fixture will be a full cut light fixture and certainly it can be put on a motion sensor. Ms. Robie asked that this become a condition of approval.

PUBLIC COMMENT PERIOD OPENED: Mark Curtis, employed at Gorham Sand and Gravel, said he had priced the project for the applicant and commented that a concrete pad would add significant cost to the project. He said they have installed "veg mats" at cell phone tower sites, they work well and are easily maintained. He said that the fabric proposed to be placed between the layers of stone and gravel also works well.

Mr. Stelmack asked if there will be a maintenance program for the surface being proposed. Skip Waltz said that when applying for their permits they must provide a propane maintenance plan under federal law. They are mandated to have an operational plan for a facility maintenance program. Mr. Stelmack said he would not worry about fire hazards if he could be convinced that there would be appropriate maintenance.

Sue Waltz, applicant, said that one of the items in the maintenance plan is securing the services of a company to come in and perform weed and grass control on the property, and they would provide the Board with a copy of such a contract.

Ms. Robie commented that the Board has required in some instances that an operations plan be part of the application and part of the record and is enforceable by the Code Office. She said the Board has also required reports provided to the Planning Office and the Code Office documenting that what should be done is done.

Mr. Fickett asked when the facility would be inspected. Mr. Waltz replied that in the operational plan for maintenance of the facility there are requirements for monthly and yearly inspections. He said the Gorham

Fire Department is more than welcome to come in and inspect. Mr. Waltz said that the inspection reports generated could be copied to the Fire Chief, and there could be inspections as regularly as the Fire Chief would want.

Robert Lefebvre, Gorham Fire Chief, came to the podium and said there has not been a facility of this size in Gorham. Smaller tanks in Gorham have been placed on cement slabs since 1987. NFPA codes do require smaller tanks to be placed on a cement foundation or slab. He said that his concern about having protection under the tank is if the state must inspect the facility, then look at the photos supplied by Mr. Waltz and say if those facilities are being inspected yearly and ensuring that there is no encroachment of grass in those facilities. There is only one facility in the photos that shows tanks being stored that don't have grass and weeds growing around them; however, if the surrounding area is to be paved for the access road, he is somewhat more comfortable with the crushed stone idea. He said he does not oppose the facility, but his responsibility as Fire Chief is to make sure that the facility meets or exceeds the Code to protect the Town. It will not be located in a remote area with no traffic and no other facilities or buildings. He noted he would accept other than concrete or pavement, he is not asking for the entire facility to have concrete or be paved, it is just the area underneath the saddles that are of concern, as well as a ten foot section on either side of the tanks. He also stressed that he would accept it being done in stages.

The Chief said he would like to see the maintenance agreement; Ms. Robie said that what would be provided would be the operations manual for the maintenance of a propane facility that is governed by the Maine Propane and Natural Gas Board. The Chief referred to the photos provided as proof of the lack of inspection that is being performed.

Mr. Waltz said that he would install a concrete pad under the propane tanks if they don't meet maintenance requirements after one year's time. Chief Lefebvre said he would accept that if it is part of the record, and he can therefore accept the proposal for the crushed stone, fabric and gravel. Ms. Robie said that it can be a condition of approval, as well as there needing to be a condition of approval that makes the operations maintenance plan part of the record, with a mechanism of forwarding reports to the Chief. The Chief said he will be inspecting the facility on a regular basis.

PUBLIC COMMENT PERIOD ENDED. [9:14 p.m.]

Mr. Poirier noted that if the concrete pads are required to be installed, that will require an amendment to the subdivision plan. In addition, this approval will be conditioned on the applicant receiving Maine DEP approval for the stormwater, which is addressed in Condition of Approval 10, "That the site plan approval is dependent upon and limited to the applicant receiving Planning Board approval for the proposed New Portland Parkway Subdivision amendment." Mr. Parker suggested that to focus on what the cement pad is supposed to correct, the condition of approval be crafted that if vegetation underneath the tanks is not controlled, then a concrete pad must be installed.

Mark Stelmack MOVED and Michael Parker SECONDED a motion to grant Waltz and Sons, Inc.'s request for approval to construct a propane storage tank area and associated site improvements on the land zoned Industrial, M29/L2.003, with conditions of approval as posted prior to the meeting and discussed this evening with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [9:15 p.m.]

- 7. PRELIMINARY & FINAL SUBDIVISION PLAN AMENDMENT – “NEW PORTLAND PARKWAY–off NEW PORTLAND ROAD – by WALTZ & SONS, INC.,**
Request to amend New Portland Parkway Commercial Subdivision Plan. Zoned Industrial & Black Brook and Brackett Road Special Protection Overlay District; M29/L2.003

Ms. Robie noted that this is the application mentioned earlier to increase the amount of impervious surface allowable on Lot 3 from 10,600 square feet to 11,800 square feet.

Mr. Poirier gave the staff comments, noting that the applicant is requesting a waiver from the procedures leading up to final subdivision approval to receive preliminary and final subdivision approval together. He said that as with the site plan application heard earlier, subdivision approval is conditioned upon the applicant receiving Maine Department of Environmental Protection approval for the permit amendment; Condition of Approval #3 has been crafted to address this issue.

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to grant the applicant's request for waiver from the procedures leading up to final subdivision approval under the ordinances. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [9:16 p.m.]

Thomas Hughes MOVED and Michael Parker SECONDED a motion to grant preliminary and final subdivision approval of the proposed amendments to the New Portland Parkway Subdivision as requested by Waltz and Sons, Inc., with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [9:17 p.m.]

8. SUBDIVISION PLAN/SITE PLAN APPLICATION – “WOODLANDS SUBDIVISION” 78 CRESSEY ROAD – BY GEORGE & DORIS WOOD – Zoned UR, M38/L26

To review the request for a proposed 4-unit apartment building on 3.35 acres, zoned UR, (M38/L26).

Jan Wiegman, Sebago Technics, appeared on behalf of the applicants and gave a brief overview of the project, describing the project as a 4 unit apartment on 3.35 acres, which will create 4 dwelling units, thereby requiring subdivision approval. He said there will be two apartments downstairs and two units on the second floor of the apartment building, there will be 8 parking spaces, on site septic systems, public water, and overhead utilities. Private outdoor space of 260 square feet for each unit has been provided, consisting of patios, decks and outdoor spaces. Additionally, there will 1000 feet of dedicated outdoor space. There will be an onsite stormwater detention facility which will discharge to a natural drainage way on site. Mr. Wiegman said the buffering plan has been modified to better screen the parking, as well as around the rear of the apartment building.

Mr. Wiegman pointed out to Mr. Parker the common open space, which will not be improved. Mr. Stelmack and Mr. Wiegman discussed the nitrate plume analysis rationale for requesting a waiver. Mr. Wiegman said the site is now served by public water and the plan meets the distance separation requirements.

Ms. Robie asked if the Board has waived nitrate plume analyses in the past. Ms. Fossum said analyses have been done in rural areas where development has been clustered with wells and onsite septic systems in close proximity, typically in areas where public water was not available, with no opportunity to provide it or extend it. Mr. Stelmack said he saw no reason to require the nitrate plume analysis.

Ms. Robie commented on the proposed buffering of the parking lot with the use of yew bushes in the landscaping plan, which is the favorite food of the white tailed deer, and suggested a condition of approval that some other species be planted if the yew bushes do not survive.

Mr. Poirier gave the staff comments, nothing that the Fire Chief's requirement that the building will be sprinkled has been added as condition of approval #7. He said that the Board should consider if the application meets the multi-family performance standards. The applicant is requesting a waiver of the procedures leading up to final subdivision approval, with both preliminary and final approval being granted in one meeting. Condition of approval #13 has been added to address a requirement that the applicant must

submit draft language for the two easements proposed in the application for review and approval by Staff and the Town Attorney.

The Board concurred that the application meets the multi-family performance standards.

Mark Stelmack MOVED and Thomas Hughes SECONDED a motion to waive the requirement for a nitrate plume analysis based on evidence provided by the applicant that it is not needed. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [9:40 p.m.]

Michael Parker MOVED and Thomas Fickett SECONDED a motion to grant the applicants' request for waiver from the procedures leading up to final subdivision approval under the ordinances. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [9:41 p.m.]

Michael Parker MOVED and Thomas Fickett SECONDED a motion to grant George and Doris Wood's request for approval of a subdivision and minor site plan to construct a 4 unit apartment building, along with associated site improvements on lot Map 38, Lot 26, with conditions of approval as posted prior to the meeting and discussed this evening with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [9:42 p.m.]

9. SCHEDULE OPTIONAL MEETING –

Ms. Robie noted that a joint meeting with the Buxton Planning Board has been scheduled for Monday, October 20, 2008, at 7:00 p.m.

10. ADJOURNMENT

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [9:44 p.m.]

Respectfully submitted,

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

A. SUBDIVISION AMENDMENT – Douglas Knoll – by Design Dwellings

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 minimus changes which the Director of Planning may approve;
2. That the applicant shall amend the subdivision plan and declaration of restrictions to meet the approval of Town Staff prior to the Planning Board's endorsement of the final plan;
3. That all other applicable conditions of approval attached to the original site plan shall remain fully in effect; and
4. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board's endorsement of the final plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner.

6. SITE PLAN APPLICATION – “LOT 3, NEW PORTLAND PARKWAY” 4 Cyr Drive– BY WALTZ AND SONS, INC. – Zoned I, Black Brook & Brackett Road Special Protection District, M29/L2.003

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 site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That the installation, storage of containers, and transfer of product shall comply with all applicable sections of NFPA 58 Liquefied Petroleum Gas Code, NFPA Fire Prevention Code 1, and the State of Maine Rules and Regulations for Flammable and Combustible Liquids;
5. That the plans shall be sent to the State Fire Marshal’s Office for approval and permitting with a copy of the approved permit being provided to the Gorham Fire Department;
6. That a lock box shall be provided at the front gate and contain a key to the facility;
7. 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 planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Director of Planning;
8. 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, Inspecting Engineer, Public Works Director, Fire Chief, and Code Enforcement Officer to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
9. That all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control: Best Management Practices,” Department of Environmental Protection, latest edition;
10. That the site plan approval is dependent upon and limited to the applicant receiving Planning Board approval for the proposed New Portland Parkway Subdivision amendment;
11. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board’s endorsement of the final plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.

7. PRELIMINARY & FINAL SUBDIVISION PLAN AMENDMENT – “NEW PORTLAND PARKWAY–off NEW PORTLAND ROAD – by WALTZ & SONS, INC.,

Approved
Conditions of Approval:

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project prior to the start of construction;
3. That the subdivision amendment approval is dependent upon and limited to the applicant receiving Maine DEP stormwater permit approval for New Portland Parkway subdivision;
4. That upon receipt of Maine DEP approval, the applicant shall make required subdivision plan changes per the approval of Town Staff prior to the Planning Board’s endorsement of the final plan;
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; and
6. That the conditions of approval and the amended 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.

8. SUBDIVISION PLAN/SITE PLAN APPLICATION – “WOODLANDS SUBDIVISION” 78 CRESSEY ROAD – BY GEORGE & DORIS WOOD – Zoned UR, M38/L26

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 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;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting
4. That all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control: Best Management Practices,” Department of Environmental Protection, latest edition;
5. 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, and Code Enforcement Officer to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
6. That a complete set of building construction plans for the apartment building will be provided to the Fire Department at the time the building permit is obtained;
7. That the applicant shall add the following plan notes to sheets 2 and 7 prior to the Planning Board’s endorsement of the final plans, The proposed multi-family building shall be sprinkled meeting the requirements of the Gorham’s Sprinkler Ordinance;
8. That the multi-family building shall meet all applicable sections of the NFPA 101 Life Safety Code;
9. That the multi-family building shall be fully sprinkled meeting all applicable sections of the Town’s sprinkler ordinance;
10. That the sprinkler plans shall be submit to the State Fire Marshal’s Office and the Gorham Fire Department for review and permitting at least two weeks prior to the installation of the system;
11. That the propane tank shall be placed on a cement slab and protected by bollards;
12. That the driveway shall be properly maintained for access of emergency vehicles year round;
13. That the applicant shall supply draft easement language for review by Town Staff and Town Attorney prior to the Planning Board’s endorsement of the final plans;
14. That prior to the issuance of a temporary or final occupancy permit, the Code Enforcement Officer shall determine that all required site improvements have been constructed in accordance with the approved plans and specifications or a performance guarantee covering the remaining site improvements shall be established through the Planning Department;

15. 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 planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Director of Planning; and
16. 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 Planning Board's endorsement of the final subdivision plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.