



Town of Gorham
January 12, 2009
PLANNING BOARD MINUTES

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

Members Present:

SUSAN ROBIE, CHAIRWOMAN
DOUGLAS BOYCE, Vice Chairman
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

Members Absent:

MARK STELMACK

The Chairwoman called the meeting to order at 7:10 p.m. and read the Agenda. The Clerk called the roll, noting that Mark Stelmack was absent.

1. APPROVAL OF THE DECEMBER 1 and DECEMBER 15, 2008 MINUTES

Edward Zelmanow **MOVED** and Douglas Boyce **SECONDED** a motion to approve the minutes of December 1, 2008 as written and distributed. Motion **CARRIED**, 5 ayes (Mark Stelmack absent, Michael Parker abstaining as not having been present at the December 1, 2008 meeting. [7:10 p.m.]

Edward Zelmanow **MOVED** and Thomas Fickett **SECONDED** a motion to approve the minutes of December 15, 2008 as written and distributed. Motion **CARRIED**, 5 ayes (Mark Stelmack absent, Douglas Boyce abstaining as not having been present at the December 15, 2008 meeting. [7:11 p.m.]

2. COMMITTEE REPORTS

- A. Ordinance Review Committee** – Ms. Robie reported that as is evidenced by the Public Hearing of Item 6 of this evening’s Agenda, the new Ordinance Committee of the Town Council met on December 22 and decided that they wished to make the noise levels established in Site Plan Review also be used in the Performance Standards of Chapter II regarding noise, and since that is a stricter interpretation of the ordinance, there must be a second Public Hearing before the Planning Board.

In addition, during the December 22 meeting, the proposed Bed and Breakfast ordinance was discussed, with the Council’s Ordinance Committee adding two items for the Planning Board to consider: one being the definition of an “inn” and where inns might be permitted, and to consider allowing some of the permitting to be based on the distance between a proposed inn or bed and breakfast with public dining and adjacent properties, thus perhaps accommodating the use of an historic site as an inn.

Ms. Robie said that the Ordinance Committee referred the Board’s letter concerning proposed sunset provisions relating to applications to the Town Council.

B. Sign Ordinance Sub-Committee – Ms. Robie reported that a meeting is to be held in February to review with the Code Officer what experiences, if any, have been encountered with the implementation of the new ordinance.

C. Streets and Ways Sub-Committee – No report.

Michael Parker MOVED and Thomas Hughes SECONDED a motion to take Item 8 before Items 4, 5, and 6.

Discussion: Ms. Robie said Item 8 could be a very long item and it might be better to take up the Public Hearing items first.

Mr. Parker concurred and withdrew his motion; Mr. Hughes withdrew his second.

3. MINOR SITE PLAN REPORTS

Ms. Fossum reported that staff has been working with five minor site plans, now to be referred to as “Administrative Reviews,” three of which have been given final approval. These are the application of Dale Rines to convert a residential structure to an office building, the application of Dwayne St. Ours for a laundromat at Little Falls, and JCB Properties for the reuse of property on Main Street. Currently still under review is an application from SAPPI at Mallison Falls, and pending is Odias Bachelder’s project on Main Street, which has received approval but for which the applicant still needs to provide a revised mylar for signature.

4. PUBLIC HEARING:

Proposed amendment to the Land Use and Development Code, Chapter VII, Impact Fees, Section II, Middle School Facilities Impact Fee #1, effective July 1, 2009.

Proposed amendment to Chapter VII, Impact Fees, to eliminate Section II.

Ms. Robie noted that the Board has discussed this item three times and this is the second continuation of the public hearing. She said that a draft letter has been prepared to the Town Council which outlines the Board’s findings as a result of its discussions. There was a poll taken (6 ayes, 1 nay) against adoption of the proposed amendment, with the reasons listed in the draft letter as to why the majority of the Board would not recommend adoption of the amendment.

Ms. Robie quoted from the draft letter as follows:

“The Board voted basically 6 to 1 to recommend that the impact fee regarding the Middle School Capacity not be eliminated.

During the discussions, the following points were made that led to this recommendation:

- The impact fee was imposed following a bond issue to vote to build the Middle School with excess capacity.
- No specific financial consequence of the removal of the impact fee was discussed by the Town Council, taxes would go up 17 mil, as estimated by the Town Council.
- No discussion of unforeseen negative consequences of elimination of the impact fee was held by the Town Council. Negative impacts include increased property taxes, and a potential lack of equity to the new homeowners who paid the fee for 4 to 5 years, as well as their possible reaction to the elimination vis-à-vis fairness issues. The Town Attorney was unaware of any communities in the

State that have adopted impact fees and later repealed them before the improvement was entirely funded.

- The impact fee concept is a legal method to assess increases in housing stock a fair share of infrastructure necessitated by the building of new residential capacity. It is used by neighboring towns, widely in Maine and even more widely across the United States. Besides property taxes, impact fees are the only legal method to raise money for schools in the State of Maine. (See reference “An Update on the Use of Impact Fees – October 2007 –Jim Damicis & Sylvia Most)
- The impact fee on the Middle School is not imposed on new residences with deed covenants restricting occupants to citizens above certain ages.
- With the exception of deed restricted age, the impact fee statute as written is based solely on the increase in housing structures and is not determined by who the particular homeowner will be. This was to ensure fairness among the new home owners by not focusing on the nature and makeup of the home owners.
- The members of the public, through the original bond vote, approved to build the Middle School to accommodate the current middle school enrollment and to provide for future growth in the town. This proactive step to provide today for the future increase in Middle School enrollment meant that current Gorham households, regardless of their makeup, would have to incur the expense of this foresightedness. These current households should be allowed to expect that any new household would pay a fee to the town to compensate for the impact the creation of this new household would have on the Middle School.
- The fee falls either directly or indirectly on the individual homeowner.
- Impact fees are used and can only be used for infrastructure costs directly required in the future for new residences.
- Housing starts in Gorham have a lower percentage drop than any other surrounding town. Therefore, the slowing effect on building starts in Gorham as a driving force for eliminating the impact fee is not supported by the data provided.”
-

Ms. Robie noted that the one member of the Board who would recommend elimination of the Middle School impact fee gave as his reason to do so the timing of the imposition after the bond issue was voted upon, but favored impact fees in general. Ms. Fossum confirmed that the final statement in the draft letter is based on information provided by the Town Manager and should also be provided to the Town Council with the Board’s letter.

Michael Parker MOVED and Douglas Boyce SECONDED a motion to revise the draft letter as follows: insert the words “as estimated by the Town Council” in the second bullet; and to add the statement “The Town Attorney was unaware of any communities in the State that have adopted impact fees and later repealed them before the improvement was entirely funded” in the third bullet. Motion CARRIED, 6 ayes (Mark Stelmack absent).

Discussion: Ms. Fossum asked if Ms. Robie had added the wording in the fourth bullet that “Besides property taxes, impact fees are the only legal method to raise money for schools in the State of Maine.”

Ms. Robie agreed that she had added that language, based on statements made by the Town Attorney.

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to add that language to bullet #4. Motion CARRIED, 6 ayes (Mark Stelmack absent).

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT ENDED.

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to recommend against adoption of the proposed amendments to the Land Use and Development Code, Chapter VII, Impact Fees, to eliminate Impact Fees, Section II, Middle School Facilities Impact Fee #1, effective

July 1, 2009. Motion CARRIED, 5 ayes, 1 nay (Thomas Hughes) and 1 absence (Mark Stelmack).
[7:27 p.m.]

5. PUBLIC HEARING:

Proposed amendments to the Land Use and Development Code, Chapter VII, Impact Fees, Section III, Recreational Facilities and Open Space Impact Fee #2, effective July 1, 2009.

Proposed amendment to Chapter VII, Impact Fees, to eliminate Section III, Recreational Facilities and Open Space Impact Fee #2 effective July 1, 2009 and to allow the Planning Board to consider alternate fees on subdivisions.

Ms. Robie read a proposed draft letter to the Town Council which memorializes the Board's deliberations on the proposed amendment, wherein a poll of the Board showed a unanimous desire to retain the impact fee.

"During the discussion the following points were made.

- The current recreation impact fee is working well to provide recreation facilities required by increased growth in the Town.
- User fees are not a viable alternative to the current recreation fee as the relationship between the school facilities and recreation program facilities is such that they are for the most part one and the same.
- A discussion of the previously used semi-impact fee associated with subdivision development with a provision for setting aside small pieces of land in each subdivision or requiring the developer to pay an 'in lieu' fee was discussed. The legality of the "in lieu" fee provision is questionable, but the issue has not been decided by the law court and would require another law suit to determine whether it was legal or illegal. Further, it was concluded that the setting aside of small tracts of land in each subdivision was not a viable proposition because the tracts of land were not wanted by the Town and the homeowners' associations did not maintain them and/or did not wish to maintain them.
- The only legal method open to Towns by state law to collect revenue for infrastructure required by new growth is through impact fees that are town-wide based on increases in the housing structures. Any other method seems not to pass the test that the benefit of such a fee can be tied directly to those who are required to pay the fee."

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

Michael Parker MOVED and Thomas Hughes SECONDED a motion to recommend against adoption of the proposed amendments to the Land Use and Development Code, Chapter VII, Impact Fees, to eliminate Section III, Recreational Facilities and Open Space Impact Fee #2, effective July 1, 2009. Motion CARRIED, 6 ayes (Mark Stelmack absent). [7:30 p.m.]

Michael Parker MOVED and Thomas Hughes to forward the proposed letter as read to the Town Council. Motion CARRIED, 6 ayes (Mark Stelmack absent). [7:33 p.m.]

6. PUBLIC HEARING:

Proposed amendment to the Land Use and Development Code, Chapter II, General Standards of Performance and Chapter IV, Site Plan Review.

Additional revisions to proposed Noise Ordinance Amendments last heard by the Planning Board on September 9, 2008. Referred back to the Planning Board by the Town Council Ordinance Committee on December 22, 2008.

Ms. Robie noted that the major change to the ordinance occurs in Chapter II, General Standards of Performance, Section I – Environmental, H. Noise Abatement, 1) “Noise is required to be muffled so as not to objectionable to surrounding land uses. Noise may be equal to but not exceed the limits established in Chapter IV, Section IX, T. Measurements shall be made at the property line in accordance with the procedures established by Chapter IV, Section IX, T.” The other change is that an exemption was added for municipal, public safety, emergency response and winter maintenance vehicles and activities, and criteria was added to maintenance that is subject to the noise ordinance but which can be permitted by the Code Officer. Those criteria were 1) frequency of no more than once every three months, permitted sound level, no more than 85 dBA for brief limited; 2) intermittent time periods totaling no more than one hour for the duration of maintenance; and 3) maintenance exceeding normal sound limits, as described in Item 2 to occur only between the hours of 7AM and 5 P.M.

These changes are considered more restrictive than the ordinance originally voted on by the Planning Board and was therefore sent back to the Planning Board for public hearing.

Mr. Zelmanow suggested revising the language in Item 3 to read that “The following *items* are excluded from the sound level limits” instead of “*activities*.” In addition, he suggested revising 3j), “municipal, public safety, emergency response and winter maintenance *vehicles and activities*” to “municipal, public safety, emergency response and winter maintenance *vehicles activities*” The Board concurred with these changes.

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

Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion to recommend adoption of the proposed amendments to the Land Use and Development Code, Chapter II, General Standards of Performance and Chapter IV, Site Plan Review relating to noise abatement, with the changes recommended by the Planning Board here this evening. Motion CARRIED, 6 ayes (Mark Stelmack absent). [7:42 p.m.]

7. PUBLIC HEARING:

SUBDIVISION & SITE PLAN AMENDMENT – BY SIMONA SHORES GORHAM LLC – 697 GRAY ROAD

A request for approval of a change in ownership and subdivision name along with additional revisions to the sidewalk length & street name. Zoned: Urban Residential; Map 110/Lot 29.

Lee Allen, Northeast Civil Solutions, told the Board that the project in question was formerly known as “Presumpscot Cove Condominiums,” and presently this applicant is asking for three things: 1) the name changed from Presumpscot Cove Condominiums” to “Simona Shores,” 2) ownership change to go from Ray Peppers Realty LLC to Simona Shores Gorham, LLC, and 3) approval to remove approximately 42 linear feet of sidewalk. In addition, both preliminary and final approval are being sought this evening.

Mr. Poirier gave the staff comments, noting that the applicant was required to submit revised condominium documents, but missing are Exhibits A through F, which must be reviewed by Planning staff for maintenance of the roads, commonly owned association property, utilities and stormwater maintenance. In addition, the condominium association documents must also identify that the annual fire hydrant rental fee is the responsibility of the condo association members; staff has added condition of approval #3 “That the applicant shall provide amended condominium association documents for Town Staff and Town Attorney approval prior to Planning Board’s endorsement of the final plan.”

Mr. Poirier said that the Planning Board has in the past granted both preliminary and final subdivision approval in the same meeting, as has been requested by Mr. Allen. Mr. Poirier said that since this an amendment, staff has added condition of approval #4 “That all other applicable conditions of approval attached to the subdivision and site plan approvals shall remain fully in effect.” In response to a query from Ms. Robie, Mr. Poirier indicated that there was no concern expressed by review staff about the removal of the sidewalk as it does not lead to any of the condominiums units or to the trail down to the river.

Mr. Hughes asked about what has been received about the developer’s financial capability and if anything further is required. Mr. Poirier replied that typically staff does not receive an indication that the applicant has the funds in an account to complete the project, all that is required is a letter from a financial institution that the applicant can either have the funds or have access to the funds.

Mr. Parker drew the applicant’s attention to the “no cut” zone along the river and mentioned the Board’s concern that no further encroachment on the river occur.

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

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion to grant the applicant’s request for a waiver from the procedures leading up to final subdivision approval under the ordinances. Motion CARRIED, 6 ayes (Mark Stelmack absent). [7:45 p.m.]

Douglas Boyce MOVED and Michael Parker SECONDED a motion to grant site plan, preliminary and final subdivision approvals of the proposed amendments to the Simona Shores Condominiums as requested by Simona Shores Gorham, LLC, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Mark Stelmack absent). [7:46 p.m.]

Ten Minute Recess

8. DISCUSSION:

SUBDIVISION APPLICATION: Libby Avenue Subdivision -- 222 Libby Avenue – by Risbara Bros.

Discussion on a request to develop a 42-lot residential subdivision per the Development Transfer Overlay District standards. Zoned: Urban Residential/Suburban Residential; Map 30/Lot 13.

Matthew O’Brien, Northeast Civil Solutions, project engineer, provided the Board with additional materials and plans. Mr. O’Brien explained in detail how the residential density for the site was calculated and a revised Existing Conditions and Net Residential Density Plan has been provided. He said that the parcel is located along a boundary line of two residential districts, the Urban Residential section consisting of most of the lots to the east, and the Suburban Residential district is to the west of the parcel. Their calculations arrive at a possible 37 allowable lots, with another 5 lots by utilizing the Development Transfer Overlay District standards, for a total of 42 lots.

Mr. O’Brien indicated that they would like the Board’s consensus on the proposed layout, and referred the Board’s attention to the Development Transfer Overlay District requirement that 80% of lots within the subdivision area must have an average lot depth of at least 140% of the lot width, noting staff’s comments that 12 of the proposed lots do not meet that requirement, so only 71% of the lots comply with the requirement. Mr. O’Brien explained the revisions to the lot layout to achieve the required 80%. Rocco

Risbara, applicant, came to the podium, and confirmed that they were able to get to the required 80%. He said that they have worked with Public Works on the street layouts, and have the radii as tight as possible and still have them acceptable. Mr. Risbara told Mr. Hughes that the curbing on the roads is sloped on both sides. Mr. Hughes nevertheless expressed his concerns about the 22-foot wide road width and the difficulties in parking, especially in winter. Mr. Risbara said it is proposed that driveways will accommodate 2 to 4 cars. Mr. Poirier gave the staff comments, noting that since this is the first project to come before the Board under the Development Transfer Overlay district requirements, staff has completed a performance standard sheet for the Board's information. He noted that the Development Transfer Fee and Calculations are based on the number of bonus lots. Another standard involves buffering:

“Buffering: planting, landscaping, disposition and form of buildings and other improvements, or fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.”

He suggested that the Board should review the applicant's proposal to see if any additional landscaping is required, particularly along the southern and northeastern property lines to buffer views of the proposed stormwater infiltration ponds and associated stormwater infrastructure.

Mr. Poirier discussed the requirement that 80% of the lots must meet the performance standard of the required lot depth ratio to lot width, identifying the lots which do not meet that standard as lots 1, 4, 5, 13, 19, 20, 21, 25, 29, 30, 36 and 37. He noted that as Mr. O'Brien stated, these lots have been revised to meet the standard.

Mr. Poirier said that the Development Transfer Overlay district also has restrictions on access to subdivisions or developments to minimize the number of entrances onto arterial or collector roads. The MEDOT has classified Libby Avenue as a major urban collector road, and the applicant has minimized the number of subdivision accesses onto Libby to one entrance, with a second entrance/exit onto Timber Ridge Road in the Gateway Commons subdivision. Staff has also asked that a subdivision plan note be added stating that individual lot access shall be restricted to the subdivision roads, thus assuring that no direct vehicular access is possible onto Libby Ave.

The Transfer Overlay district also requires that a minimum of 10% of the gross area of the parcel be set aside as open space, and must include an area of usable land that is at least 5% of the total net acreage of the parcel. At least 50% of the required usable land shall be developed for formal spaces or recreation facilities. The applicant's proposal only identifies the total square footage of open space and does not address the usable open space provision, so staff recommends that the applicant show where, how much, and the types of open space on a plan for the Planning Board to review to determine that the performance standards are being met.

Mr. Poirier referred to staff's Planning Review Memo of January 7, 2009, in which staff asks if the applicant is proposing any formal or active open space such as greens, commons or parks; the applicant's response was that no active recreation space is proposed on the site, and all open space is intended to be formal, passive recreation and the maintained upland area will meet the open space requirement. In addition, the applicant stated that the Town of Gorham owns property across Libby Ave and provides active recreational facilities in close proximity.

Mr. Poirier also referred to the front yard setback performance standard in the Transfer Overlay district, with a minimum setback of 15 feet and a maximum of 25 feet. Staff has asked for a plan note that the houses shall be placed on the lots as shown on Sheet 4 of the Overall Grading Plan, unless the applicant receives approval from the Town Planner or Code Enforcement Officer that the new house location meets the

requirements of the Overlay district. The applicant and developer believe that the addition of this note will place an unfair burden on the Town as well as the developer, for, as has been stated previously before the Planning Board, the developer reserves the right to construct each residence tailored to homebuyers' requirements. Mr. Poirier suggested that the Board consider how the plan note can be modified to provide some leeway, but that the minimum and maximum setbacks are still set out on the plan.

Mr. Poirier commented that some of the street trees shown on the plan are located too close to underground utility services. Staff suggests that the applicant might want to discuss this issue with a forester, but it may be necessary to relocate some of the street trees to back and side yards.

Mr. Poirier stated that sidewalks are required in the Transfer Overlay district to provide connection to the existing sidewalk network. He said that the applicant is proposing to connect into the existing sidewalk network located on Timber Ridge Road in the Gateway Commons subdivision. Sidewalks in the Transfer Overlay district are preferred to have a 7 to 9 foot esplanade between the road and the sidewalk; however, the applicant is proposing a 9-foot esplanade, but the esplanade width is at the Board's discretion.

Mr. Poirier said staff has received comments from abutters in the Gateway Commons subdivision about the potential for increased traffic on Timber Ridge Road and the potential for shortcutting through Gateway Commons as traffic backs up on Libby Ave and Route 25. Staff has asked the applicant's traffic engineer to address any possible cut-through traffic utilizing the subdivision roads, and has been advised that Bill Bray, the applicant's traffic engineer, will address the issue following the Planning Board meeting. Mr. Bray's comments will be reviewed by the Town's traffic review engineer.

Ms. Robie said that great strides have been made working with the Public Works Director in the road design, but she is disappointed in the layout of the houses, not the lots. She said that the plan is not what the ordinance envisioned, that the orientation of the houses would be the same on all the lots or that it is all built to one build-to line. She said none of the views provided show any of the possible houses oriented along the long way of the lot, that the plan looks like the same house in the same place on each lot. She said the other issue is the open space, which is supposed to be different, there was supposed to be some purposeful open space. She also said that while she understands that the Public Works Director would not traffic calming inserts with some parking spaces set off the roadway reducing the esplanade, that is not something the Public Works Director will ever like because it is more difficult to plow. But it would make a much better appearing development and would provide additional parking.

Mr. Risbara said the plan was designed to show the Board that there is room on the lots for variation, he does understand that placement of the houses is dictated by the Overlay district, and that is something that they will have to keep track as they go for building permits, that he believes the Code Enforcement will want not only the plot plan for the building immediately under consideration, but the plot plans that show the lots on either side so that he can keep track of what has been done. He said he hopes the Board can see why he does not want to be why he is asking not to be restricted and locked into exactly this position on each lot, which would take away too much flexibility. Ms. Robie said that what may happen is that the Board will require that a certain percentage of the houses have a certain number of longitudinal houses per x number of houses. She also supported the concept of the plan note as mentioned by the Assistant Planner that the houses shall be placed on the lots unless the applicant receives approval from the Town Planner or Code Enforcement Officer that the new house location meets the requirements of the Overlay district. Mr. Risbara said that this requirement could be a "deal breaker" for him as he has to be able to build what the customer wants, that a developer cannot practically commit to what will be built and its orientation on each lot. Ms. Robie said that at least Mr. Risbara could show the Board (and potential buyers) how houses could be placed on the lots.

Mr. Risbara asked the Board for direction concerning the onstreet parking, saying that they would be willing to put some in, but the Public Works Director really does not want it. Ms. Fossum said that with the shorter

driveways that are proposed, it is essential that there be some onstreet parking provided. She said that the ordinances used to provide for onstreet parking in urban areas of the Town, and basically this is an urban neighborhood, and if the Board wants to require it, they should. Mr. Parker suggested that perhaps it would be appropriate for staff to talk to Public Works; Ms. Fossum agreed. Mr. Poirier asked if the Board is looking to see onstreet for the entire development or just in certain pockets; Ms. Robie replied that just places to put 3 or 4 cars, not the entire development. Ms. Robie polled the Board, with Mr. Parker, Mr. Fickett, Mr. Zelmanow, Ms. Robie in agreement with the concept of using part of the esplanade to accommodate onstreet parking, Mr. Hughes wanting to see the road itself made wider and Mr. Boyce opting for parking on one side of the road only.

Mr. Risbara confirmed with the Board that some of the requisite street trees will have to be put in side and back yards. Mr. Parker said that trees planted in side and back yards can be both attractive and useful. Mr. Hughes, Mr. Fickett, Mr. Boyce and Ms. Robie agreed. Mr. Zelmanow suggested waiting to deal with the tree issue after the parking issues are resolved.

The Board advised Mr. Risbara that bituminous curbing would not be acceptable and that granite is preferred. Mr. Boyce spoke of some kind of extruded concrete curbing that might be a viable alternative; Mr. Risbara said he would look into it.

Mr. Poirier asked if the Board would like the applicant to place additional street trees along the detention ponds on the southern property boundary. Mr. Risbara said he have their landscape architect take a look at that.

The Board then discussed the open space issue with Mr. Risbara at length. Mr. Zelmanow said the question is not “active” or “passive” open space, but “usable” open space. Ms. Robie suggested that the applicant consider more creative solutions such as pocket parks, school bus stops and walking trails. Ultimately Mr. Risbara agreed to explore the possibility of connecting the proposed open space with the other side of the parcel. It was, however, reiterated that there is open space owned by the Town across Libby Ave that can service this project. Mr. Risbara said he would also talk to the School Department about possible bus routes and positioning bus stop areas.

Ms. Robie raised the question of traffic calming to minimize cut-through traffic. Mr. Risbara said he would have to defer to their traffic engineer, Bill Bray. Mr. Allen, Northeast Civil Solutions, said that the warrants are not met to install stop lights at the intersection of Libby Ave and Route 25. Mr. Allen said that at this time Mr. Bray is responding to comments raised by the Town’s traffic review engineer. Mr. Risbara said that the connection to Timber Ridge Road is vital to the Fire Chief, but it could have a speed bump in it and could have a stop sign at each corner.

PUBLIC COMMENT PERIOD OPENED: David Wehmeyer, 20 Timber Ridge Road, expressed concerns about the number of children who live on Timber Ridge Road and wait for the school bus, traffic impacts, and parking issues. Expressed concern about the size of the retention ponds and the difficulty snow plows and trash trucks have in negotiating corners in the area.

Jennifer Everett, 184 Libby Ave, expressed concern about a lack of sidewalk connection to the rest of the Village, the Libby Ave entrance could pose problems with traffic backing up leading to cut-through traffic using Gateway Commons Drive, and encouraged the planting of more trees to buffer existing neighbors. She asked if the developer still intends to blast the hill on the property and what will happen to the existing trees.

Ms. Robie told Ms. Everett that there are two pieces of property that are owned by the Town of Gorham across the street from this development. These pieces connect into the Village School and the Chick

property, and will serve as an adequate connection into the Village when proposed further development is accomplished.

PUBLIC COMMENT PERIOD ENDED.

Mr. Risbara indicated that he has enough guidance from the Board to go forward. He would like to have a sitewalk scheduled as soon as possible in the spring. He commented that blasting will be required to take a large hill down, but that blasting will not be near the perimeter. He said he would like to be working at the site by May or June of this year, and there will probably be a phasing plan included in the next submission. He pointed to some 9 or 10 lots that would constitute the first phase.

Mr. Poirier commented that the northern wetland has a DOT drainage easement in it that is the drainage path for Libby Ave. Mr. Risbara said that the drainage way is some 12 to 18 inches wide and some 12 inches deep and carries quite a lot of water.

9. SCHEDULE OPTIONAL MEETING – NONE NEEDED.

10. ADJOURNMENT

Thomas Fickett MOVED and Edward Zelmanow SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Mark Stelmack absent). [9:26 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2009

7. SUBDIVISION & SITE PLAN AMENDMENT – BY SIMONA SHORES GORHAM LLC – 697 GRAY ROAD

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 amended condominium association documents for Town Staff and Town Attorney approval prior to Planning Board's endorsement of the final plan;
4. That all other applicable conditions of approval attached to the subdivision and site plan approvals shall remain fully in effect; and
5. That the amended subdivision plan and these 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.