



Town of Gorham
February 2, 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

Staff Present:

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

Members Absent:

EDWARD ZELMANOW

The Chairwoman called the meeting to order at 7:30 p.m. and read the Agenda. The Clerk called the roll, noting that Edward Zelmanow was absent.

1. APPROVAL OF THE JANUARY 12, 2009 MINUTES

Michael Parker MOVED and Thomas Hughes SECONDED a motion to approve the minutes of January 12, 2009 as written and distributed. Motion CARRIED, 5 ayes (Edward Zelmanow absent, Mark Stelmack abstaining as not having been present at the January 12, 2009 meeting).
[7:32 p.m.]

2. COMMITTEE REPORTS

- A. Ordinance Review Committee** – Ms. Robie reported that the committee is planning to meet this month, probably on the 17th, to discuss the Bed and Breakfast ordinance, administrative sunset rules and some miscellaneous changes to the Streets and Ways ordinance.
 - B. Sign Ordinance Sub-Committee** – Ms. Robie reported that a meeting is to be held on February 11, 2009, 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.
-

3. ADMINISTRATIVE SITE PLAN REPORTS

Ms. Fossum reported that there have been no new site plan submissions that are subject to Administrative Review in the past month. There are still two applications that are working their way through the system: one is an application from SAPPI for recreational improvements at Mallison Falls, and the other is Odias Bachelder's Lee Auto Upholstery project on Main Street, which has received approval but for which the applicant still needs to provide a revised mylar for signature.

Ms. Fossum said that the three recently approved Administrative Review projects have gone through their preconstruction meeting with Planning staff and the Code Office and are ready to move to their construction phases.

Ms. Fossum also reported that staff is working on a “tip sheet” for applicants for these Administrative Reviews in order to explain the process and to tell developers what they should expect as they go through the process.

Ms. Robie explained that the following items are administrative in nature and have been recommended for approval by staff. Unless a Board member or a member of the public wishes to have an item taken off the Consent Agenda for discussion, the items will be voted on as a single item without discussion.

4. CONSENT AGENDA ITEMS

A. Site Plan Amendment: Martin Farm Storage Facility-off Route 114 – By New England Organics

Request for final approval of a change in use and to amend conditions of approval attached to the original Martin Farm Storage Facility approved December 4, 1995. Zoned: Rural, Map 64/Lot 4.001.

B. Street Acceptance Report – “Harding Bridge Road” in the Little River Farms Subdivision, Phase I & II – at the end of the Harding Bridge Road by Little River Properties, LLC

Request for street acceptance for a section of new road that will become an extension to the existing Harding Bridge Road by Little River Properties, LLC. Zoned Rural; Map 50.

C. Street Acceptance Report – “Gorham Industrial Parkway” – off Route 25 by Grondin Properties, LLC. Request for street acceptance for Gorham Industrial Parkway by Grondin Properties, LLC. Zoned Industrial. Map 12.

There being no requests to remove any item from the Consent Agenda by either a Board member or the public,

Michael Parker MOVED and Thomas Hughes SECONDED a motion for approval of the items on the Consent Agenda with proposed conditions of approval.

Discussion: Ms. Robie asked if the conditions of approval have been provided to the applicant. Staff replied that they have.

Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:40}

5. PRELIMINARY SUBDIVISION PLAN

Preliminary Subdivision Application: Blueberry Ridge – by Blueberry Fields, LLC aka Joffe/Colpitts

Request for preliminary subdivision plan approval of a proposed 29-lot residential subdivision on 50.17 acres with 7 lots located in Buxton and 22 lots in Gorham off Finn Parker Road in the Rural Zone; Map 54/Lot 4.

Bill Thompson, BH2M Engineers, appeared on behalf of the applicants, noting that Stephen Joffe was also present. Mr. Thompson explained that since last before the Board, the roadways have been redesigned, both entrance roads entering from Buxton and going through the Gorham neighborhood, and connecting back out. Mr. Thompson said that he believes that all comments raised at the last meeting have been addressed. Inasmuch as these will be individual house lots, he noted that the Buxton Planning Board does not want to see houses sited on the lots, but for the Gorham lots he has shown on the plans a north-south orientation, some typical clearing areas on how the sites could be developed, and each lot shows the building window with setbacks. As far as access to open space is concerned, Mr. Thompson said that all along they have indicated they do not want to develop trails as there are natural trails already present, and the homeowners’

association should decide if and where trails should be developed. He said that after preliminary approval, the project will go to DEP for Site Location of Development and NRPA permit for the two stream crossings.

Mr. Thompson said that there probably be one more meeting with the Buxton Board.

Mr. Stelmack asked when the applicant might receive the DEP permits. Mr. Thompson replied that they hope to have their paper work in by March 1, and it can take as long as 6 months to review a project.

Mr. Poirier gave the staff comments, noting that the applicant is proceeding under the Cluster Subdivision provisions of the Land Use Code. The applicant needs to provide additional information to the Board such as building orientation, building envelopes, tree planting, landscaping and amenities. He said that the proposal calls for saving trees or planting two street trees per lot. He said that the development plan is unclear on how certain requirements are addressed to provide additional features in return for cluster approval. The features can be conditioned prior to final submittal or the Board can ask the developer to submit revised plans detailing these features. In addition, during the joint meeting with the Buxton Planning Board on October 20, 2008, there was discussion of pedestrian circulation through the creation of a sidewalk or walking trail. The Board may want to discuss the creation of a walking trail as part of the innovative design in meeting the applicant's request for smaller lots under the Cluster provision. Mr. Poirier quoted from the Code as follows: "6) The developer shall take into consideration the following points, and shall illustrate the treatments of spaces, paths, roads, service and parking areas and other features required in his proposal," which clearly identifies *paths* as part of the cluster development requirement. Mr. Poirier said that it has been the Board's policy to require that the developer receive his MDEP approvals before final approval.

Mr. Parker asked if there is an agreement yet between Buxton and Gorham about plowing. Mr. Poirier said that Gorham's Public Works Director has looked at the plan and does not foresee any issues regarding plowing with Buxton. Mr. Thompson said that no decisions have been reached but they are working on an agreement.

Mr. Thompson replied to a question from Ms. Robie that the center of the proposed "Spirit Wood Circle" will be loamed and seeded. Ms. Robie suggested that the applicant propose a variety of species of trees. She also noted that Lot 25 needs to have a grading plan because it has slopes greater than 20%.

The Board discussed in detail with the applicant and his engineer the issue of showing the existing trails on the plans. The Board concurred that the existing trails should be shown on the plans, with a pathway accessing those trails just before the circle, as well as other possible points of access. Ms. Robie said that significant features should be identified on the plans to show what is there, which could help the Board in determining if additional access is appropriate from any point in the cluster development.

Mr. Poirier said that Plan Note 27 was a requirement under Item 10 of the Cluster section of the Code. Ms. Robie and Mr. Thompson discussed the depictions of the nitrate plumes. Mr. Poirier confirmed to Mr. Stelmack that the review engineer's comments have been addressed.

It was also determined from a reading of the minutes of the joint meeting in October that the immediate abutting landing airstrip facility shall be identified on the plans.

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

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion to grant Blueberry Fields, LLC's request for preliminary plan approval of the proposed "Blueberry Ridge" subdivision, a 22-lot clustered residential subdivision on 50.17 +/- acres off Finn Parker Road. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:25 p.m.]

- 6. SCHEDULE OPTIONAL MEETING – None required for the entire Board; however, an ordinance workshop meeting is scheduled in another meeting room for 5:30 p.m. on the 17th of February to discuss the bed and breakfast proposed ordinance changes.**
-

7. ADJOURNMENT

Douglas Boyce MOVED and Michael Parker SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:28 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
2009

4. CONSENT AGENDA ITEMS

A. Site Plan Amendment: Martin Farm Storage Facility-off Route 114 – By New England Organics

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 submit a copy of the approved Maine DEP operations manual to the Town Engineer, Code Enforcement Officer, and Planning Director, and provide copies of any future revisions or updates required and/or approved by the Maine DEP;
4. That the applicant shall ensure installation of “Smart Alarms” on equipment operating on the site;
5. That the facility shall be operated in a manner that is consistent with the approved operations manual and any substantive changes to the operations manual shall be subject to review and approval by the Gorham Planning Board;
6. That the applicant shall conduct water monitoring studies at two locations, one upstream and one downstream of the site, to test for drinking water quality prior to utilizing the facility for the storage of proposed material; and furthermore, the water quality test results shall be submitted to the Town Engineer and Code Enforcement Officer for review prior to any utilization of the site;
7. That the water monitoring studies conducted at the two locations shall include the following test parameters hexavalent chromium, mercury, and arsenic in addition to the standard water quality test parameters used on past Martin Farm Storage Facility water quality testing;
8. That the applicant shall in the future be required to conduct water monitoring studies at two locations, one up stream and one downstream of the site, to test for drinking water quality if the Code Enforcement Officer and Town Engineer believe water quality testing is warranted;
9. That the access road shall be maintained to allow proper access for emergency vehicles at all times and the paved apron shall be swept periodically, as needed, to prevent the build up of dirt and mud being tracked onto the paved surface of Route 114;
10. That the deliveries of storage material and mixing operations shall be limited to between 6:30 a.m. and 5:00 p.m. weekdays and to between 7:30 a.m. and 2:00 p.m. on Saturdays. Except in emergency situations, the facility shall not be used on Sundays;
11. That the applicant shall post a performance close-out bond in the amount of \$50,000 meeting the approval of the Town staff and Town attorney, which shall be reviewed by the Town every fifth year;
12. That no odors shall be detectable at a distance of more than 500 feet from the facility for more than 48 continuous hours. If odors are detectable at a distance of more than 500 feet for more than 48 continuous hours, the applicant and or operator of the facility shall be responsible for eliminating the odor within 24

hours. No additional material shall be delivered to the site until the odor problem is eliminated; and

13. That the Decision Document for this approval shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board approval date; and that a copy of the recorded Decision Document along with a receipt from the Cumberland County Registry of Deeds showing the date, and book and page number of the recorded plan shall be returned to the Planning Office prior to the storage of any of the materials on site.