



Town of Gorham
June 22, 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
MARK STELMACK
EDWARD ZELMANOW

Staff Present:

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

Members Absent:

Michael Parker

The Chairwoman called the meeting to order at 7:04 p.m. and read the 6-item agenda. The Clerk called the roll, noting that Michael Parker was absent

Douglas Boyce **MOVED** and Thomas Fickett **SECONDED** a motion to take the second item on the Agenda, Gravel Pit Amendment for Gordon Sand & Gravel, out of order and hear it first as it appears to be relatively simple and should be a short item. Motion **CARRIED**, 6 ayes (Michael Parker absent). [7:05 p.m.]

Edward Zelmanow **MOVED** and Thomas Hughes **SECONDED** a motion to amend the Agenda to insert consideration of the June 1, 2009 minutes because they were inadvertently left off the Agenda. Motion **CARRIED**, 6 ayes (Michael Parker absent). [7:06 p.m.]

Edward Zelmanow **MOVED** and Mark Stelmack **SECONDED** a motion to approve the minutes of June 1, 2009, as written and distributed. Motion **CARRIED**, 6 ayes (Michael Parker absent). [7:07 p.m.]

2. **PUBLIC HEARING** (*Not Heard on June 1, 2009 due to observance of the 10:00 o'clock Rule*)
GRAVEL PIT AMENDMENT – GORDON SAND & GRAVEL, INC. – “GORDON PIT”

Request for approval of a Gravel Pit Amendment to revise the setback along the westerly portion of the site. Zoned Rural-Shoreland Protection District (M86/L11).

James Lowery, Sebago Technics, explained to the Board that when the Board approved the Gordon Sand & Gravel Pit expansion last year, one of the Conditions of Approval required that the applicant submit recorded copies of reciprocal deeds for buffer reductions less than 100 feet meeting staff's and the Town Attorney's approval prior to final endorsement of the plan by the Board. The Town Attorney requested a proviso that the deed agreements allowing for the reduced buffers are to run with the life of the properties. All of the reciprocal agreements have been submitted except for the agreement with the Sanborns, who refused to sign the modified agreement, and the applicant is now requesting that the buffer along that westerly portion of the property line be amended from 10 feet to 100 feet, pursuant to the criteria in the ordinance.

Mr. Poirier made the staff comments, noting that the Gravel Pit Ordinance allows buffer reductions under two separate criteria: the first reduction is from 250 feet to 100 feet under one set of criteria, under which the applicant's proposal falls. The second buffer reduction criteria allows for the reduction of a buffer from 100 feet to 10 feet, which requires reciprocal deeds being recorded.

The reduction from 250 feet to 100 feet requires the application to meet three criteria. The first criteria requires that noise generated at the excavation site, including noise generated within the reduced setback

area, may not exceed the noise requirements set forth in the Code. Mr. Poirier said that the applicant submitted noise information as part of its expansion approval; that study, along with two Conditions of Approval regarding noise, allowed the Board to vote that the expansion proposal met the buffer reduction requirements. See Conditions of Approval 11 and 12.

The second criteria requires the applicant to provide a satisfactory plan to control mitigation of dust that results from the mining operation; the applicant submitted a copy of the gravel pit's operation manual identifying how control of dust mitigation was proposed as part of its original expansion application.

The third buffer reduction criteria requires the applicant to provide a satisfactory plan to visually screen the mining operation from properties adjacent to the area proposed for a reduced buffer. The applicant has submitted a letter dated May 29, 2009, identifying that a mature stand of trees exists along the common property boundary in question, and the 100 foot buffer is proposed to be maintained in its current condition.

Mr. Stelmack suggested adding the words "... of the monitoring event completion" to the end of Condition of Approval 11. Mr. Lowery noted that two Conditions of Approval have been addressed: COA #8, regarding the Spill Prevention Control Plan, has been done, and Condition #17, regarding a vernal pool permit by rule number, has also been done.

Ms. Robie noted that when the expansion of the pit was approved last year, the then Noise Ordinance was in effect; however, the new Ordinance is now in effect so the statement in reduction criteria #1 is the former language. As this pit falls under the DEP's Intent to Comply Law, the gravel pit is obligated to meet lower noise standards. Mr. Lowery said the Code still mandates 75 decibels for a pit operation.

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

Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion that the Board finds that the applicant has submitted the necessary information to meet the three buffer reduction criteria as provided in Chapter II, I, C, (5)(a)(4), (a) through (b), in order to reduce the buffer to 100 feet. Motion CARRIED, 6 ayes (Michael Parker absent). [7:20 p.m.]

Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion to approve the applicant's request to amend the gravel pit plan buffer along the abutting Sanborn lot to 100 feet with conditions of approval as posted prior to the meeting, amended this evening, and discussed with the applicant. Motion CARRIED, 6 ayes (Michael Parker absent). [7:21 p.m.]

1. **PUBLIC HEARING** (continued)

SITE PLAN/SPECIAL EXCEPTION - GORHAM ELEMENTARY SCHOOL -- OFF SEBAGO LAKE ROAD - BY GORHAM SCHOOL DEPARTMENT.

Request for Site Plan & Special Exception approval of a 550 student elementary school on the Stevens Farm off Sebago Lake Road with associated site improvements. (Zoned Rural and Suburban Residential; Map 53 / Lot 38 and Map 71 / Lot 1).

Lyndon Keck, PDT Architects, came to the podium to discuss the current status of the application and issues which were important to individual Board members, as discussed in earlier appearances by the

applicant. Because the proposed school has a footprint in excess of 2000 square feet, special exception approval is required, and final approval is being requested this evening. The Army Corps of Engineers permit has been secured, as well as the MDOT traffic movement permit. The DEP permit has not been received, but DEP says it is presently being drafted, and it is hoped that the permit will be signed within the next three to four weeks.

Mr. Keck said there are six items which had been raised by individual Board members at the last meeting, as follows:

- 1) Concern had been raised about screening for an abutter's house at the school entry drive at Route 237. Additional trees and shrubs have been added to accomplish that screening along the property line with the house and along the curve of the drive.
- 2) The Portland Water District would like to make electrical upgrades at the pump station at the Little Falls area; the applicant has met with the Water District to discuss the issue. A bid alternate will be carried to make those improvements, but there is no guarantee that there will be enough money in the project to make the improvements. There are other bid alternates in the project specifically related to landscaping and additional granite curbing that are of a higher priority to the Building Committee and so the Water District bid alternate will fall down the list in terms of priorities.
- 3) Regarding locating a door that would face the parent drop-off loop, a larger lobby entrance to the playground doorway has been made, and there is now a door that faces toward the parent drop-off. The vestibule is now 120 square feet larger and a door has been added. The distance from the door to the curb is approximately 72 feet.
- 4) The Board had indicated a desire to have granite curbing at the bus loop drop-off. Discussions with the Department of Education confirm their approach to carry granite curbing as bid alternates on the project. In discussions with the client, Mr. Keck said a commitment has been made to install granite curbing in the bus loop only out of local funds.
- 5) Meetings with the Department of Education on landscaping and sidewalk revisions have resulted in cutbacks in some of the screening, landscaping is now going to be a bid alternate. Landscaping can be guaranteed at the entry, screening for the house on the south side of the project near the ball fields, as well as screening for a house on the north side of the project. Landscaping in the project includes the trees at the front of the school, trees for the house at the south, trees for the house at Route 237, landscaping in the wetland repair areas, and landscaping for the water quality pond. A bid alternate includes adding two rows of trees along the water quality pond to help with a visual screen looking toward the gravel pit, and some of the screening on the east side will also be a bid alternate.
- 6) Addressing Board concerns about traffic issues on the proposed school road (Justice Way) and Stevens Drive, Mr. Keck said Gorrill Palmer, traffic engineers for the project, found that while Route 237 is posted as a 30 mph road, traffic moves faster than that, with the 50 percentile speed limit at roughly 37 mph and the 85 percentile speed limit at roughly 42 mph. At 42 mph, the worst case scenario, the sight distance requires 420 feet; coming out of Justice Way looking right the sight distance will be 480 feet, and coming out of Stevens Drive, the sight distance is 435 feet. Both sight distances are therefore in excess of the required 420 feet.

Mr. Boyce expressed his thanks to the applicant for addressing his concerns. Mr. Zelmanow said he appreciated the relocation of a door at the parent drop-off area, and asked that the center of the drop-off area lines up with the sidewalk leading to that door. Mr. Keck stressed that the School Department is not

making a commitment that they will use that door as an entrance or as either a drop-off or pick-up door; they have other regulatory problems with the Department of Education. Should the policy change in the future, the door will be there, but at this time it is the intention of the Building Committee to have all students enter the front entrance. Mr. Zelmanow said he hopes that the policy does change and perhaps the parents can have some influence on the policy.

Mr. Zelmanow pointed out that it appears on the plan that a chain link fence goes through the snow storage area. Mr. Keck said he will look at that issue.

Ms. Robie expressed her gratitude that the door has been placed at the parent drop-off, and noted that should the policy change, the door will be there. She asked Mr. Keck to demonstrate where light fixtures will be located and what they will look like. Mr. Keck replied that there a light at Route 237, and then demonstrated on the plan where others will be, such as the drive into the teachers' parking lot and the teachers' parking lot, visitors' parking lot. He said that some lights will be single head and some will be double head, they will be hooded and shielded, and hopefully will be LED lights. Mr. Keck said it is School Department policy as to whether the lights will be on all night, except for the one at Route 237, which will be on all the time.

Ms. Robie said that the Board is not supposed to approve applications unless the DEP permits are in hand, the rules allow an item to be considered on the Consent Agenda once the permit has been received and reviewed, and the rules also allow a special Board meeting of at least 4 members on a single item to be held within 72 hours of getting a DEP permit. She asked Mr. Keck how much delay would be acceptable to the applicant. Mr. Keck replied that it was hoped that approval could be given with a Condition of Approval demonstrating receipt of the DEP permit. Ms. Robie noted that at times the permit has different information that originally reviewed by the Board, and conditioning its receipt does not allow the Board or the Town to review it. Mr. Hoffman of DeLuca-Hoffman came to the podium and said that conversations with the DEP reveal that the technical reviews have come back favorably with no outstanding issues, there was a question about the applicant's wetlands mitigation package but no change from what has been submitted is anticipated. However, Mr. Hoffman said the applicant would return before the Board should there be a change that is not de minimus.

Mr. Poirier made the staff comments, noting that the applicant has had conversations with DOT regarding advance warning signs along Route 237, with DOT not allowing school zone signs along Route 237 as the school would not be located directly on Route 237. Staff has discussed the issues with the Public Works Director, and his recommendation is that there be some type of warning blinking signs along Route 237 during school operation hours. Mr. Keck said it was their intention to have a flashing light activated when traffic came out of Justice Way. Mr. Poirier suggested adding a condition of approval stating "That the applicant shall coordinate with the Public Work Director for installation of appropriate advance warning signs along State Route 237."

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

Ms. Robie read the Special Exception Criteria as follows:

Criteria 1 The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads.

- Criteria 2** The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.
- Criteria 3** The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.
- Criteria 4** The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
- Criteria 5** The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use.
- Criteria 6** The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion that the applicant has shown evidence of meeting the six Special Exception Standards contained in the Ordinance. Motion CARRIED, 6 ayes (Michael Parker absent). [7:55 p.m.]

Ms. Robie then asked the Board to express its wishes on whether to grant approval before the applicant has secured its DEP approval. Mr. Hughes said he is in favor of a condition of approval, rather than having the applicant come back for a special meeting. Mr. Fickett suggested that the issue is already covered in Condition of Approval #7, "That the applicant shall provide a copy of its Maine Department of Environmental Protection Permit, and if the state permit requires substantial modifications to the plan not considered de minimis in nature, the applicant will be required to seek approval of an amendment to the plan from the Planning Board, prior to the Planning Board's endorsement of the final plan." Mr. Hughes, Mr. Fickett, Mr. Boyce, Mr. Zelmanow and Mr. Stelmack all concurred with granting final approval this evening, with Condition of Approval #7 as already stated.

Thomas Hughes MOVED and Mark Stelmack SECONDED a condition of approval to be Condition of Approval #8 which will read "That the applicant shall coordinate with the Public Work Director for installation of appropriate advance warning signs along State Route 237." Motion CARRIED, 6 ayes (Michael Parker absent). [7:56 p.m.]

Douglas Boyce MOVED and Edward Zelmanow SECONDED a motion to grant the Gorham School Department's request for approval of a major site plan for a 60,100 square foot elementary school facility and associated improvements on 27.72 acres off Sebago Lake Road, with conditions of approval as posted prior to the meeting, amended this evening, and discussed with the applicant. Motion CARRIED, 6 ayes (Michael Parker absent). [8:00 p.m.]

**3. PUBLIC HEARING (Not Heard on June 1, 2009 due to observance of 10 o'clock Rule)
MAJOR SITE PLAN AMENDMENT/SPECIAL EXCEPTION -74 COUNTY ROAD - BY
BATEMAN PARTNERS, LLC.**

Request for Major Site Plan Amendment and Special Exception approval by Bateman Partners, LLC

in association with Mercy Hospital to upgrade Lot 1, Unit 2, Stargazer Subdivision, to accommodate a Primary Care/Quick-Care medical facility with associated site improvements. (Zoned Urban Residential; Map 3 / Lot 22.402).

Thomas Greer, Pinkham & Greer, introduced Nathan Bateman of Bateman Partners, LLC and gave a brief overview of the project. Mr. Greer said additional landscaping has been added to screen the parking from residential abutters, shielded lights on the sides of the building as well as along the parking lot have been proposed, and hours of operation will be from 8:00 a.m. to 8:00 p.m., 7 days a week, so there will be some activity during the winter hours. Mr. Greer noted that a master sign plan has been proposed in accordance with the Town's new sign ordinance; staff has asked that the sign be lowered by one foot in height, and the background has been changed to make it dark and the lettering light colored. Mercy Hospital will be shown as the master tenant at the top of the sign, with three other potential units to be added as they come forward for site plan approval before the Board. Mr. Greer noted that staff's proposed Conditions of Approval are acceptable. He said that they are also waiting for their DEP permit, and are not sure exactly when the permit will be secured, but it will likely be another month. They have been told by the Code Enforcement Officer that they can do interior renovation work without that permit, but no exterior work can be done without the DEP permit. Therefore, they are requesting final approval with a Condition of Approval that there can be no exterior renovation work without the DEP permit in hand. He said the only issues to be reviewed by DEP involve adding a few parking spaces across the front and upgrading the stormwater water treatment system.

Mr. Stelmack asked Mr. Greer in what context the DEP is looking at the increased parking spaces. Mr. Greer replied that DEP is looking at stormwater runoff because they are changing the impervious area on the site, triggering the new stormwater regulations that have been adopted since the project was originally approved.

Mr. Poirier gave the staff comments, noting that hospitals in the Rural District greater than 2,000 square feet in area are a Special Exception and require approval under the Special Exception Criteria found in Chapter I. Staff has prepared a special exception report with the special exception criteria and a copy of the applicant's written description of how it meets that criteria. Mr. Poirier said the applicant has submitted comments addressing staff's concerns in its June 17, 2009 Plan Review Memo. He said that the Planning Board could add a Condition of Approval stating that the revised plans submitted on June 22, 2009 shall be reviewed and approved prior to the Planning Board's signature. Mr. Poirier noted that Condition of Approval #8 as presently drafted will need to be amended to deal with the applicant's request to condition commencement of exterior improvements pending receipt of its DEP permit.

Mr. Poirier said that the applicant has complied with staff's requests to amend its master sign plan by lowering the height of the sign by one foot and by changing the background and lettering colors.

Mr. Poirier said that the Code Enforcement Officer expressed concern during his review of the project about the proposed septic system and if it is adequate to handle the proposed use. The applicant has submitted numbers from the Goodall Hospital in Waterboro, referring to the adequacy of the system proposed by the applicant, but the Code Enforcement Officer has requested that the following Condition of Approval be added: "That the applicant shall submit comparable records from the Waterboro Goodall Hospital facility satisfying Section 503.1.3 of the Maine Subsurface Wastewater Disposal Rules meeting the approval of the Code Enforcement Officer prior to occupancy permit."

Ms. Fossum suggested revising Condition of Approval #8 as follows: "That the applicant shall provide a copy of its Maine Department of Environmental Protection Permit prior to commencement of any exterior site improvements, and if the state permit requires substantial modifications to the plan not considered de minimis in nature, the applicant will be required to seek approval of an amendment to the plan from the

Planning Board.” Mr. Greer agreed to the modification of the Condition. Ms. Fossum also suggested that a preconstruction meeting occur prior to the commencement of any building improvements so that all of the staff can meet with the applicant.

Mr. Zelmanow suggested adding a condition of approval that there be no idling at the ambulance entrance, which is intended to satisfy Special Exception Criteria 4, dealing with odors and fumes. Mr. Greer that this would not be a problem. Mr. Zelmanow’s suggestion was incorporated as “That the applicant shall install a ‘no idling’ sign at the ambulance entrance.”

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

Ms. Fossum asked for clarification on the pylon sign illumination from Mr. Greer; he replied that the sign is not intended to be illuminated in the supports.

Ms. Robie then enumerated the three outstanding items involved with the application: 1) review of the most recent stormwater submission is not complete; 2) the DEP permit is not in hand; and 3) the Code Enforcement Officer has requested septic system documentation prior to an occupancy permit. She also noted that the applicant has received permission from the Code Enforcement Officer to do internal modifications to the building. Ms. Fossum said that staff was not aware of that. Mr. Greer said that the contractor has met several times with the Code Enforcement Officer and the Fire Chief, and that was the word Mr. Greer got back as schedule is important to the project. Mr. Greer said that in order to secure financing, site plan approval needs to be secured, and that will take a week or two. With approval tonight, Mr. Greer said it is anticipated that work will start on July 15, and Mercy Hospital would like to occupy the building by October 1.

Mr. Boyce said he would be willing to entertain a motion to approve this project this evening, and if Special Exception Criteria #5 is approved, that approval would be based upon the Code Enforcement Officer receiving the information he needs on the proposed septic system. He said the issue of the DEP permit process relative to this project, as a fully developed site with relatively minimal site improvements being made, is not going to cause the applicant any undue significant change at this point. Similar to the DEP’s review of stormwater, a condition of approval can be crafted to allow for a review of the most recent stormwater submission.

Ms. Robie asked if approval of Special Exception Criteria #5 can be handled with a condition of approval; Ms. Fossum said that it is possible to do so, that the Criteria can be met with conditions. Mr. Boyce said two conditions of approval would be involved in the Special Exception Criteria votes.

The Board then considered each of the Special Exception Criteria separately as follows:

Criteria 1 The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads.

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion that the applicant has met the requirements of Special Exception Criteria #1 based upon the information provided in the Special Exception Report of June 22, 2009. Motion CARRIED, 6 ayes (Michael Parker absent). [8:25 p.m.]

Criteria 2 The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.

Discussion: Mr. Boyce suggested that a finding that the applicant meets the requirements of this Criteria should be conditioned subject to final review of the stormwater report by the Town's consulting engineer and receipt, review and approval by staff of the DEP permit.

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion that the applicant meets the requirements of Special Exception Criteria #2 subject to final review of the stormwater report by the Town's consulting engineer and receipt, review and approval by staff of the Maine DEP permit.

Discussion: Mr. Greer confirmed that staff will review and approve the DEP permit.
Motion CARRIED, 6 ayes (Michael Parker absent). [8:25 p.m.]

Criteria 3 The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion that the applicant has met the requirements of Special Exception Criteria #3 based upon the information provided in the Special Exception Report of June 22, 2009.

Discussion: Ms. Robie noted that the applicant has agreed to install a "no idling" sign at the ambulance entrance.

Motion CARRIED, 6 ayes (Michael Parker absent). [8:27 p.m.]

Criteria 4 The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.

Douglas Boyce MOVED and Mark Stelmack SECONDED a motion that the applicant has met the requirements of Special Exception Criteria #54 based upon the information provided in the Special Exception Report of June 22, 2009.

Discussion: Mr. Zelmanow noted that the applicant has agreed to install a "no idling" sign at the ambulance entrance.

Motion CARRIED, 6 ayes (Michael Parker absent). [8:29 p.m.]

Criteria 5 The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use.

Discussion: Condition of Approval #9 is crafted to address this Criteria as follows:
"That the applicant shall submit comparable records from the Waterboro Goodall Hospital facility satisfying Section 503.1.3 of the Maine Subsurface Wastewater Disposal Rules meeting the approval of the Code Enforcement Officer prior to occupancy permit."

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion that the applicant will meet the requirements of Special Exception Criteria subject to the satisfaction of Condition of Approval #9. Motion CARRIED, 6 ayes (Michael Parker absent). [8:32]

Criteria 6 The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

Douglas Boyce MOVED and Thomas Hughes SECONDED a motion that the applicant has met the requirements of Special Exception Criteria #6 based upon the information provided in the Special Exception Report of June 22, 2009. Motion CARRIED, 6 ayes (Michael Parker absent). [8.34]

Ms. Fossum said that Condition of Approval #11 will state "That the applicant shall install a 'no idling' sign at the ambulance entrance."

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to grant Bateman Partners' request for approval of a major site plan for a 11,620 square foot Quick Care Medical Facility and associated improvements on 11.03 acres off County Road/State Route 22, with conditions of approval as posted prior to the meeting, amended this evening, and discussed with the applicant. Motion CARRIED, 6 ayes (Michael Parker absent). [8:35 p.m.]

Ten Minute Stretch Break

4. **PUBLIC HEARING (Not Heard on June 1, 2009 due to observance of 10 o'clock Rule)**
PROPOSED AMENDMENTS TO CHAPTERS I, II, AND IV OF THE GORHAM LAND USE AND DEVELOPMENT CODE TO ADD "BED AND BREAKFAST, BED AND BREAKFAST ESTABLISHMENT, BED AND BREAKFAST ESTABLISHMENT WITH PUBLIC DINING AS AN ACCESSORY USE, AND INN" AS ALLOWED USES IN VARIOUS ZONING DISTRICTS. THESE AMENDMENTS INCLUDE PERFORMANCE STANDARDS FOR THE USE.
Proposed amendments to the Gorham Land Use and Development Code to add "Bed and Breakfast, Bed and Breakfast Establishment, Bed and Breakfast Establishment with Public Dining As An Accessory Use, and Inn" as allowed uses in the following Zoning Districts: Chapter I. Section VI - Urban Residential, VII - Suburban Residential, VIII - Rural, IX Village Centers District, Subsections 1 - Little Falls Village Center, and 2 - Gorham Village Center, Section X - Urban Commercial, XI - Roadside Commercial, XIII - Commercial Office, Section XIV - Office Residential and XVI - Narragansett Development District. Depending on the type of facility, these uses would fall under the home occupation, permitted use or special exception standards of the Districts within which they are located. Additional amendments are proposed to Chapter I, Section V - Definitions; Chapter II, General Standards of Performance, Section II, Parking Loading and Traffic, insertion of a new Section VIII = Bed and Breakfast Facilities (Bed & Breakfast, Bed & Breakfast Establishment, Bed & Breakfast Establishment with public dining facilities, and Inn), with the current Sections VIII, IX, and X being renumbered IX, X, and XI; and Chapter IV - Site Plan Review, Section II - Classification of Projects.

Ms. Robie noted that that the Board has previously concurred that expansion of an existing bed and breakfast may be increased from 10% to 25% with review by the Code Enforcement Officer, who has determined that the basis for the 25% is to be calculated both on square footage and volume, and whichever one triggers the 25% increase will be the one that applies. Ms. Robie said that the Board also decided to stay with a ratio of 5

dining seats per each room in the bed and breakfast, as it is the intent of the ordinance to allow only establishments that are truly both offering both a bed and a breakfast. Neither parking nor buffering were modified by the Board in its review of the proposed ordinance.

Ms. Robie said that the only remaining issue to discuss this evening is whether to expand the number of nights from 5 nights a week to 7 nights a week that a Bed and Breakfast Establishment with Public Dining as an accessory use may serve and whether to include breakfast. Ms. Robie noted that this is a matter of to what extent should this ordinance permit a commercial use in a residential zone when discussing whether to go from 5 nights to 7 and whether to include breakfast. After discussion, a majority of the Board (Boyce, Fickett, Hughes, Zelmanow, Stelmack) concurred that 7 nights would be alright. Similarly, a majority of the Board agreed that the hours of 7:00 a.m. to 10:00 p.m. would be permissible (Fickett, Hughes, Stelmack, Zelmanow).

Mr. Zelmanow noted changes to the definitions section of the ordinance and was encouraged to propose punctuation changes and corrections in correspondence to staff.

PUBLIC COMMENT PERIOD OPENED: Matt Mattingly, proprietor of the Pinecrest Inn, thanked the Board for their efforts in considering the proposed language.
PUBLIC COMMENT PERIOD ENDED.

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to recommend adoption of the proposed amendments to Chapters I, II and IV relating to “Bed and Breakfast, Bed and Breakfast Establishment, Bed and Breakfast Establishment with Public Dining As An Accessory Use, and Inn” as home occupation, permitted and special exception uses in certain zoning districts and subject to certain performance standards and site review requirements as proposed. Motion CARRIED, 6 ayes (Michael Parker absent). [9:09 p.m.]

Thomas Hughes MOVED and Mark Stelmack SECONDED a motion to waive the 10:00 o’clock rule. Motion CARRIED, 6 ayes (Michael Parker absent). [9:10 p.m.]

5. SUBDIVISION AMENDMENT-FAIRVIEW ACRES/MAJOR SITE PLAN -VISTA PARK CONDOMINIUM/- MAJOR SITE PLAN -VISTA PARK CONDOMINIUM – UNIT 5/ – BY DESIGN DWELLINGS (Not Heard on June 1, 2009 due to observance of 10 o’clock Rule)

Request for approval of an amendment to the Fairview Acres Subdivision to create two new lots and review of a Major Site Plan application for the development of a 5-unit commercial/office condominium (Vista Park Condominium) to include 12,600 square feet of office space and 3200 square feet of retail with associated access drives and parking, and a Major Site Plan application for the construction of Building 5/Unit 5, a 3100 square foot office building. (Zoned Commercial Office; Map 32 / Lot 24.001).

Mr. Zelmanow said that due to legal conflicts involving a client of the law firm with which he is employed and the applicant that have been resolved, he wishes to be recused from participation in this application in order to avoid any semblance of conflict of interest.

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion to recuse Mr. Zelmanow from participation in discussions of this application. Motion CARRIED, 5 ayes (Michael Parker absent, Edward Zelmanow abstaining). [9:11 p.m.]

Shawn Frank, engineer from Sebago Technics, appeared on behalf of the applicant and introduced Susan Duchaine, president of Design Dwellings. Mr. Frank gave a brief overview of the project, and discussed stormwater treatment, proposed landscaping, and explained what the proposed landscape buffering will be. He said an overall landscaping plan has been created for the project, a master plan for the buffer areas associated with the proposed development. He pointed out proposed buffers along the property lines, landscaping having been defined at the entrance, and the addition of street trees on Mosher Road. He said that the applicant has obtained a 20-foot strip of land, as well as an easement, from an abutting property owner, to place a landscape buffer. He said the proposed landscaping plan would be the applicant's responsibility; however, when each individual unit came forward, it would be enhanced with additional landscaping as the responsibility of those individuals.

Mr. Frank said there have been meetings with staff to discuss the buffers, as well as the requirements of a master sign plan. An initial scoping meeting has been held with MDOT, to look at a worse case scenario in association with the highest traffic user that may be located on Lot 1. A traffic study would have to be done basically at the entrance to the site, the intersection of Main Street and Mosher Road, and DOT has asked that the study include the high accident location at the intersection of Libby Avenue and Main Street as well in order to perhaps identify any specific patterns occurring and suggest corrective recommendations. Mr. Frank said that there may be a left turn required on Mosher Road to allow traffic to wait to turn into the project and to permit traffic proceeding on Mosher Road to pass by. Mr. Frank also noted that the Public Works Director is concerned with the existing shoulder from the site's proposed driveway to the intersection between Mosher and Route 25.

Mr. Frank said that DEP is in the process of writing the necessary permits for the wetland crossing and the stormwater management process.

Mr. Frank said they hope to receive preliminary subdivision approval this evening and understand that more is required for site plan approval both for Lot 5 and for the overall site plan.

Mr. Poirier gave the staff comments. He said that staff's Review Memo of May 29, 2009 outlines certain questions such as the location of the driveway within the 50-foot side and rear setbacks and if the drive could run adjacent to or inside that 50-foot buffer or minimize its impact within that buffer area. The Code Enforcement Officer, in correspondence of June 10, 2009, states "I would therefore conclude that the developer's proposal for a 20' landscaped, or other type buffer as approved by the Planning Board, adjacent to a property or properties within the same C.O. District would be compliant with both Chapter I and Chapter II of the Code." Mr. Poirier said this statement refers to the southern property boundary, and as Mr. Frank has alluded to, there is no buffer along the western property boundary, which the Board may decide needs additional landscaping.

Staff also outlined in its Review Memo of May 29, 2009 the applicant's phasing plan lacks some required detail on the phasing of the project; additional phasing is required for Units 2 and 3 because they share a common driveway, and stormwater from the shared access driveway and parking areas is directed to stormwater pond 3.

Staff was also present at the June 1, 2009 DOT scoping meeting referred to by Mr. Frank. Mr. Poirier said he has today provided the traffic engineer for the project with traffic movement information from the Wagner Farm Subdivision on Libby Avenue, which will impact the Libby Avenue/Route 25 intersection. Two DOT issues from the scoping meeting involve a left turn into the site and building up the shoulders from the site to the intersection of Mosher Road and Route 25.

Mr. Poirier said that the applicant is requesting a waiver from the high intensity soils survey, which staff is recommending be approved as the buildings on site will be served by public water and sewer and the subdivision approval does not require a net residential density calculation.

Mr. Poirier said that the applicant is required to submit a master sign plan, which staff has been informed will be included with the next submission.

Ms. Robie asked what is outstanding for preliminary approval of the subdivision amendment. Ms. Fossum replied that when the item was initially to be considered on June 1, there were opened ended questions regarding the fact that there had not been a DOT scoping meeting, the high intensity soils waiver was premature, and there were questions about the adequacy of the buffering. Ms. Robie said therefore that the first issue to be discussed by the Board is the waiver request.

Mr. Stelmack confirmed that the purpose of the soils survey is to determine the adequacy of the soils for onsite waste disposal for septic purposes. He said that as the applicant is proposing to provide public sewer and water, he sees no need for the high intensity soils survey and is in favor of granting the waiver. The Board concurred.

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to grant the applicant's request for a waiver from the submission requirement for a high intensity soils survey. Motion CARRIED, 5 ayes (Michael Parker absent, Edward Zelmanow recused). [9:30 p.m.]

Ms. Robie asked the Board to comment on whether the proposed buffers are adequate, and if not, what should be done. Mr. Frank confirmed his understanding of the Code Enforcement Officer's decision that where the project abuts residential areas, there is a specific buffer width requirement, but within the district, even though there are residential uses, it is more a question of the adequacy of the buffering. Ms. Fossum said she believes that the Code Enforcement Officer established that in this case where there is no specific yard width associated with the buffer on the rear and side lines, it would be adequate to provide the buffer on an adjacent parcel, so long as there are easements that allow that buffer to stay in place for the life of the project or beyond. Therefore, it will be necessary to see the easements that establish the buffer.

Ms. Duchaine discussed the buffering and the easement being considered for the one residence being impacted. At Mr. Stelmack's request, Ms. Duchaine said Mrs. Martin believes that the buffering is adequate, and said that on the site walk, Mr. Sanderson asked for some additional buffering which has been added. Ms. Robie said it is up to the Board to decide what is adequate.

PUBLIC COMMENT PERIOD OPENED: James Sanderson, 8 Fairview Drive, asked what the trees are that make up the buffer for his property. Mr. Frank replied that the trees are 9 Austrian pine and 2 silver maples. Mr. Sanderson said that there would be no leaves on the maples in the winter and would therefore not provide sound buffering during that time. He suggested spruce or similar trees instead which would have year-round foliage.

Allie Rimkunas, 413 Mosher Road, asked about maintenance of the buffer in the event some of the trees dies over time. Ms. Fossum read from the section in Chapter II about buffer standards. She said that in the past she believes that the Code Enforcement Officer in the past has interpreted this section to require that the screening in buffer areas be maintained.

PUBLIC COMMENT PERIOD ENDED.

Ms. Fossum commented that in terms of preliminary subdivision plan approval, much of the buffering discussion will actually come as the individual site plans are reviewed and approved. Therefore, the only

question remaining under submission requirements for preliminary plan approval at this time would be Item 5: "As applicable: building areas, lot areas and lot coverage ratios; net residential density ratios; street frontages; front, side and rear setbacks; buffer strips; and distances between structures." The only one in that list to be clarified are the buffer strips. In addition, Item 14, "Proposed planting, including buffer and screening provisions and integration with natural features," needs to be considered by the Board as having been adequately met. Under the plan review section, the issue of the scoping meeting has just been held within the past two weeks, with DOT asking for a study based on the highest potential user for Lot 1. However, a traffic permit may not be triggered based on Lot's 1 user. In conclusion, Ms. Fossum said the only issue remaining is the buffer issue.

The Board concurred that preliminary approval of the subdivision amendment can be granted this evening. Ms. Robie noted, however, that the approval of the buffers is preliminary and can be modified if there are abutters who are not satisfied or if there are reasons to change the plantings or the density of the buffers. In response to a query from Mr. Stelmack, Ms. Robie replied that these buffers are to be done up front. Mr. Frank confirmed that these buffers will be the developer's responsibility, but on a site by site basis, those applicants will demonstrate their own landscaping schemes. Replying to Mr. Fickett, Ms. Fossum said that a master sign plan will be required for site plan approval for the condominiums.

Mark Stelmack MOVED and Thomas Hughes SECONDED a motion to grant preliminary approval of the applicant's request for approval of an amendment to the Fairview Acres Subdivision to create two new lots. Motion CARRIED, 5 ayes (Michael Parker absent and Edward Zelmanow recused). [9:55 p.m.]

Mr. Zelmanow returned to the dais.

6. SUBDIVISION AMENDMENT/PRIVATE WAY APPROVAL -"FAIRFIELD ESTATES"/"COPPERHEAD DRIVE" - BY CHRIS DUCHAINE (*Not Heard on June 1, 2009 due to observance of 10 o'clock Rule*)

Request for approval of a proposed amendment to Lot 2 of the Fairfield Woods Subdivision Plan to create 3 new lots and approval of a private way plan for Copperhead Drive to access the three new lots. (Zoned Rural, Suburban Residential, and Shoreland Zoning; Map 79 / Lot 3/4).

Shawn Frank, Sebago Technics, gave a brief overview of the project, noting that the proposal is to provide access to three new building lots. Mr. Frank said that IF&W has provided input regarding specific setbacks both for Branch Brook, the tributary to Branch Brook and the wetlands. A meeting has been held with staff and agreement has been reached on where the setback requirements are and the envelopes are being adjusted accordingly. Mr. Frank said that the 100 year flood plain has been established, and noted that the private way will be filling a portion of that 100 year flood plain, so the numbers have to be redone in order to be sure that the elevation of the 100 year flood plain will not be increased as part of the creation of the roadway. He said that the individual lots are designed to be outside the 100 year flood plain. Additional soils test pits have been done and R. W. Gillespie & Associates will perform a nitrate analysis. Specific grading plans and defined building envelopes for the three units have been provided. Mr. Frank said that the real issue that arose during the last meeting with staff was the shoreland zoning and associated setbacks in terms of the wetlands that drains into the resource protection area. He said that they have been in contact with DEP, who cannot meet with them before the end of the year, so they have asked Mark Hampton, wetlands specialist, to meet with the Code Enforcement Officer, so the setbacks can be finalized and the building envelopes can be identified. Mr. Frank said that the setback issue is one that should be discussed further.

Mr. Poirier gave the staff comments, saying that staff is reviewing the plan under the 100 year flood plain, shoreland zoning, and the recommendations asked by the Board from Inland Fisheries & Wildlife. He said the applicant will determine if the road has an impact on the 100 year flood plain. The culverts to be installed in the proposed private way are also an issue as they cannot restrict the flow in the 100 year flood plain, so there may need to be some recalculation of culvert sizing. In addition, IF&W is also requiring that stream crossing on the brook must provide for adequate fish passage and any in-stream work will need to be completed between July and October. Mr. Poirier said still remaining to be resolved is the issue of the shoreland zoning buffer requirements having to do with the location of the shoreland zone on the parcel. The shoreland buffer is typically around the wetland. Ms. Fossum said another issue is how far up a stream measuring should be done and continue the resource protection setback. Mr. Poirier said that staff will meet with the applicant's soils scientist to determine where that buffer is and where the protection is to be located. IF&W would like to see 100' undisturbed buffers from the upland edge of the Branch Brook channel, with the buffers being placed into permanent resource protection, and placement of a 25' foot undisturbed buffers on the wetlands draining into Branch Brook; IF&W believes there are at least three of these areas within the proposed project area.

Mr. Poirier said the applicant needs to provide a 50' ROW to adjoining land to provide for road continuation unless the Board grants a waiver. The Code allows the Planning Board to waive street continuation when topography is not suitable for access to adjoining land or the project is surrounded by wetlands and no suitable land is available for continuation. Staff has included a copy of a 2006 aerial photography showing the location of undeveloped land adjacent to the applicant's lot.

The Board discussed the topography surrounding the project and the wetlands adjoining the parcel.

Mark Stelmack MOVED and Thomas Hughes SECONDED a motion to grant the applicant's request for a waiver from the requirement to provide a ROW continuation to abutting undeveloped land on the basis that 1) the topography is not suitable for access to adjoining land, or 2) the project is surrounded by wetlands and no suitable land is available for continuation. Motion CARRIED, 6 ayes (Michael Parker absent). [10:15 p.m.]

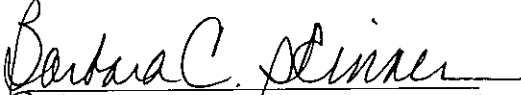
PUBLIC COMMENT PERIOD OPENED: Susan Duchaine expressed concern about the timing of the interpretation of the ordinance dealing with shoreland zoning.

7. SCHEDULE NEXT MEETING – July 20, 2009

8. ADJOURNMENT –

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Michael Parker absent). [10:20 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
June 22, 2009

2. **PUBLIC HEARING**
GRAVEL PIT AMENDMENT – GORDON SAND & GRAVEL, INC. – “GORDON PIT”

Approved
Conditions of Approval

1. That the amendment is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and that any variation from the approved plans, progression of phasing or to the details of the phasing plans proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning and Zoning may approve;
2. That the applicant shall obtain all local, state and federal permits required for the gravel pit to the commencement of mining in any of the proposed phases;
3. That all other applicable conditions of approval attached to previous gravel pit approvals shall remain fully in effect;
4. That within ten days of final approval, the applicant shall provide four full sets of the approved plans, sealed and signed by all professionals, to the Town: (1) to the Town Engineer, (2) to the Code Enforcement Officer, (3) to the Compliance Coordinator, and (4) to the Planning Director.
5. That the applicant shall provide property line information and site information, in AutoCAD format to the Assistant Planner, prior to the pre-construction meeting;
6. That the applicant shall submit accurate plans, including the use of GPS-based information where applicable, and AutoCAD information of exiting quarry operation area and conditions as part of the yearly Application for Registration of Existing Pit Operations to the Town Engineer and Code Enforcement Officer;
7. That the keys for access control gates should be provided in lock boxes located at the gate entrances with lock box keys provided to the Gorham Fire Department;
8. That the Spill Prevention Countermeasures and Control Plan (SPCC) should be signed and sealed by a professional engineer and the plan shall be reviewed by the Town Engineer and updated by the applicant as necessary. Copies of the most current plan shall be provided to and made available in the Code Enforcement office, the Public Works Department, and on site at all times;
9. That the applicant shall provide copies of all federal and state air emissions licenses for the crusher prior to start of production of construction material to the Town Engineer, and the Code Enforcement Officer;
10. That the applicant shall ensure installation of “Smart Alarms” on all equipment operating on the site, excluding vehicles entering and existing the site that are not involved in gravel pit site operations;
11. That the applicant shall conduct subsequent noise monitoring on a request by the Code Enforcement Officer or as part of the Maine DEP’s monitoring of the gravel pit. Results of all subsequent monitoring shall be provided to the Town Engineer and the Code Enforcement Officer within 14 days of the monitoring event completion;

12. That the applicant will contact and reimburse the Gorham Public Works Department for a “no engine brake” sign to be located on Mighty Street;
13. That prior to initiating any construction activities at the project site, the applicant shall provide a reclamation performance guarantee in a form and amount acceptable to the Town Attorney and the Town Manager. This guarantee shall include provisions for a periodic three-year review of the performance guarantee and adjustment of coverage based on an updated estimate of the cost of reclamation for each phase of the project;
14. That the reclamation work shall be completed within nine months of the closing of the site (or a portion of a site with regard to phased reclamation plans). Reclamation of continuing operations shall be conducted in phases, if necessary, so there is never open more than fifteen (15) acres of total extraction operation area;
15. That upon default of any obligations to reclaim the gravel pit under this approval, the Town may, after written notice and an opportunity to be heard by the Board of Appeals, cause the quarry operator's reclamation plan to be implemented pursuant to the performance guarantee;
16. That reclaimed areas shall be guaranteed for a period of eighteen (18) months following the substantial completion of reclamation, during which time the performance guarantee shall remain in full force and effect;
17. That the applicant shall add a plan note identifying the vernal pool permit by rule number on the Site Plan Sheet prior to the Planning Board's endorsement of the final plan;
18. That the applicant shall submit recorded copies of reciprocal deeds for each abutter agreeing to buffer reductions to Town Staff and Town Attorney approvals prior to the Planning Board's endorsement of the final plan;
19. That the applicant shall submit annual groundwater monitoring data to the Town Engineer and Code Enforcement Officer on a yearly basis;
20. That the applicant shall complete the road improvements described in Tim Braun's memo dated March 27, 2006 to Planning Staff prior to commencement of phase I-B or any further gravel pit phases;
21. That the applicant shall provide a sum in the amount of \$16,000.00 to be used by Gorham Public Works for maintenance and repair of Mighty Street between the pit entrance and the northern terminus of Mighty Street during mining of Phase I-A. Any unexpended funds remaining in this account at the close of Phase I-A will be reimbursed to the applicant; however, if the cost of repair/maintenance during Phase I-A exceeds \$16,000.00, the applicant will be required to reimburse the Town for the additional sum;
22. That the applicant shall submit copies of all Maine Department of Environmental Protection site inspection reports as well as descriptions of sound measurement report data to the Town Engineer, and the Code Enforcement Officer; and
23. That these conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board approval and a dated copy of the recorded Decision Document shall be returned to the Town Planner.

1. SITE PLAN/SPECIAL EXCEPTION - GORHAM ELEMENTARY SCHOOL -- OFF SEBAGO LAKE ROAD – BY GORHAM SCHOOL DEPARTMENT.

**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 and Zoning may approve;
2. That the applicant shall obtain all local, state and federal permits required for the development of this project prior to the commencement of construction;
3. That 4 (four) sets of the final approved plan set will be delivered to the Assistant Planner one week prior to the pre-construction meeting, for distribution to the Inspecting Engineer, the Public Works Director, Code Enforcement Officer, and the Planning Director;
4. That prior to the commencement of any site improvements and/or earth-moving activities associated with the approved site plan, the applicant shall arrange through the Planning Office for a pre-construction meeting with the Town staff and Portland Water District to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
5. That all site construction work shall be carried out in conformance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices and in accordance with the Erosion and Sedimentation Control Plan contained in the application;
6. That the applicant shall meet the requirements as outlined in a memo dated 4/14/2009 from Robert Lefebvre, Fire Chief to Debbie Fossum, Town Planner:
 - a) The building shall be completely sprinkled meeting applicable sections of the Town's Sprinkler Ordinance and NFPA 13. The sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for permitting and review. The sprinkler plans shall be submitted to the Fire Department at least two weeks prior to the start of installation of the system.
 - b) Sprinkler main controls will be placed in a room with an outside door. The door will be marked sprinkler control room. This room will also be where the main Fire Alarm panel is placed.
 - c) A standpipe system shall be required throughout the building. Hose station locations to be determined by the Fire Chief. The standpipe system shall meet NFPA 14.
 - d) The building shall meet all applicable sections of NFPA 101 Life Safety Code and NFPA Fire Prevention Code 1.
 - e) A complete set of building construction plans shall be sent to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting. A copy of the State construction permit shall be provided to the Fire department at the time a Town building permit is issued.

- f) All propane tanks shall be placed on cement slabs and protected by bollards. The gas regulator at the building shall be protected with bollards.
 - g) The Fire Alarm panel shall be a multi-zone panel, point of contact. The zones and zone layouts shall be determined by the Fire Department.
 - h) The Fire Alarm system shall meet all applicable sections of the NFPA 72 Code. It should be noted that before a certificate of occupancy is issued the Fire Department will conduct testing of the alarm system with decibel meters to ensure that the system meets the decibel levels required under the code.
 - i) Magnetic door hold openers shall be placed on all fire and smoke doors throughout the building that will release upon activation of the alarm system.
 - j) Five new hydrants will be required to be installed on the water main extension. The exact locations of the hydrants to be determined by the Fire Chief at the time of installation. These hydrants will be private hydrants and will require a maintenance contract with Portland Water District a copy of the contract shall be forwarded to the Fire Department.
 - k) The name of the roadway leading into the school off Route 237 should be properly named and signed for 911 purposes. The name shall be approved by the Police and Fire Chiefs.
 - l) The elevator shall be large enough to accommodate a stretcher in the prone position.
 - m) The propane gas line supply the kitchen area will be equipped with an emergency shut off valve that will automatically close upon activation of the Fire Suppression system in the kitchen.
 - n) Other issues may arise when reviewing the actual construction plans.
7. That the applicant shall provide a copy of its Maine Department of Environmental Protection Permit, and if the state permit requires substantial modifications to the plan not considered de minimis in nature, the applicant will be required to seek approval of an amendment to the plan from the Planning Board, prior to the Planning Board's endorsement of the final plan;
8. That the applicant shall coordinate with the Public Works Director for installation of appropriate advance warning signs along State Route 237;
9. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty days of the Planning Board's endorsement of the final plan, and dated copies of the recorded Decision Document, shall be returned to the Town Planner.

3. PUBLIC HEARING

MAJOR SITE PLAN AMENDMENT/SPECIAL EXCEPTION -74 COUNTY ROAD – BY BATEMAN PARTNERS, LLC.

Request for Major Site Plan Amendment and Special Exception approval by Bateman Partners, LLC in association with Mercy Hospital to upgrade Lot 1, Unit 2, Stargazer Subdivision, to accommodate a Primary Care/Quick-Care medical facility with associated site improvements. (Zoned Urban Residential; Map 3 / Lot 22.402).

Approved

Proposed 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 and Zoning may approve;
2. That the applicant shall obtain all local, state and federal permits required for the development of this project prior to the commencement of construction;
3. That 4 (four) sets of the final approved plan set will be delivered to the Assistant Planner one week prior to the pre-construction meeting, for distribution to the Inspecting Engineer, the Public Works Director, Code Enforcement Officer, and the Planning Director;
4. That prior to the commencement of any building improvements and/or earth-moving activities associated with the approved site plan, the applicant shall arrange through the Planning Office for a pre-construction meeting with the Town staff and Portland Water District to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
5. That all site construction work shall be carried out in conformance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices and in accordance with the Erosion and Sedimentation Control Plan contained in the application;
6. That the applicant shall meet the requirements as outlined in a memo dated 05/20/2009 from Robert Lefebvre, Fire Chief to Debbie Fossum, Town Planner:
 - a) The building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1.
 - b) The building construction plans shall be forwarded to the State Fire Marshal's Office for review and permitting. A copy of the State permit shall be provided to the Fire Department before a building permit is issued.
 - c) A complete set of building construction plans shall be provided to the Gorham Fire Department at the time a building permit is issued.
 - d) While the building is presently sprinkled the changes in the layout of the inside of the building, as well as the lowering of ceiling will require a great deal of alterations to the sprinkler system. A complete set of updated sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting. A copy of sprinkler test papers will be required at the time of the certificate of occupancy.
 - e) There shall be a sprinkler control room where the main sprinkler control valves are housed

as well as the main fire alarm control panel. This room shall have an outside door and shall be marked sprinkler control room.

- f) The building shall have a Fire Alarm System meeting all applicable sections of NFPA 72. The Fire Alarm Control panel shall be a point of contact panel and shall be required to be monitored. The main fire alarm panel shall be located in the sprinkler control room and a remote enunciator panel shall be located at the front door lobby.
 - g) The propane tank shall be placed on a cement slab and protected by bollards. The gas regulator at the building shall be protected by bollards. The propane installation shall meet all applicable sections of NFPA 58.
 - h) A complete list of all Hazardous Chemicals and their MSDS sheets shall be provided to the Fire Department on a CD and shall be updated yearly.
 - i) The ambulance entrance doors shall be marked as such and shall have no parking signs placed in the area where the ambulance will enter and exit.
- 7. That the site improvements shall be completed as shown on the approved plans prior to request for either temporary or final occupancy permits for the storage building; or a performance guarantee, covering the remaining site improvements, shall be established through the Planning Department;
 - 8. That the applicant shall provide a copy of its Maine Department of Environmental Protection Permit prior to commencement of any exterior site improvements, and if the state permit requires substantial modifications to the plan not considered de minimis in nature, the applicant will be required to seek approval of an amendment to the plan from the Planning Board;
 - 9. That the applicant shall submit comparable records from the Waterboro Goodall Hospital facility satisfying Section 503.1.3 of the Maine Subsurface Wastewater Disposal Rules meeting the approval of the Code Enforcement Officer prior to occupancy permit;
 - 10. That the revised plans submitted on June 22, 2009, shall be reviewed and approved prior to the Planning Board's signature to address any concerns of staff;
 - 11. That the applicant shall install a "no idling" sign at the ambulance entrance; and
 - 12. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty days of the Planning Board's endorsement of the final plan, and dated copies of the recorded Decision Document, shall be returned to the Town Planner.