



Town of Gorham
July 20, 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

The Chairwoman called the meeting to order at 7:15 p.m. and read the agenda. The Clerk called the roll, noting that all members were present.

1. APPROVAL OF THE JUNE 22, 2009 MINUTES

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to approve the minutes of June 22, 2009, as written and distributed, with one correction on page 14, that the number of "aye" votes for adjournment be changed from 5 to 6.

Discussion: Mr. Zelmanow asked that the minutes also be corrected on page 10 to reflect his reason for recusing himself from discussion in a certain item deleting the word "not" so that the sentence will read: "legal conflicts involving a client of the law firm with which he is employed and the applicant that have been resolved..."

Motion to approve the minutes of June 22, 2009 as corrected CARRIED, 6 ayes (Michael Parker abstaining as having been absent at the June 22, 2009 meeting). [7:16 p.m.]

Mark Stelmack MOVED and Michael Parker SECONDED a motion to take Item 10, Schedule Next Meeting, out of order for discussion at this time. Motion CARRIED, 7 ayes.

10. SCHEDULE NEXT MEETING

The Board discussed the proposed meeting dates suggested by the Planning Director, with a decision being reached to hold the next meeting on Monday, August 10, 2009. Ms. Fossum described one application, a daycare that wishes to relocate its operation to another site, which is time sensitive (August 15, 2009), that could be on the agenda for that meeting.

Michael Parker MOVED and Mark Stelmack SECONDED a motion to hold the next regular Planning Board meeting on August 11, 2009.

2. COMMITTEE REPORTS

A. Ordinance Review Committee	No report
B. Sign Ordinance Sub-Committee	No report
C. Streets and Ways Sub-Committee	No report

3. ADMINISTRATIVE SITE PLAN REPORT

Ms. Fossum reported that there is one new Administrative Site Plan application by Life Church on New Portland Road to reconfigure its parking lot, received on Friday, July 17. The end of public comment is August 3, 2009. The application by Ossipee Trail Motors to expand its building has been approved and is moving forward. Staff is still waiting for Sappi to revise its recreational area site plan.

4. CONSENT AGENDA

- A. PRIVATE WAY AMENDMENT – BY DONALD GILBERT – “BLUEBERRY LANE”**
Request for approval to amend the private way plan to serve only one lot. Zoned: Suburban Residential; Map 97/Lot 2.

There were no requests from the Board or from the public to remove the item from the Consent Agenda.

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to grant approval of the item on the Consent Agenda with the proposed conditions of approval.

Discussion: Ms. Robie confirmed with staff that the applicant has agreed to the proposed conditions of approval.

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

Mr. Zelmanow recused himself from participation in this item as he did at the last meeting for the reasons previously stated.

5. PUBLIC HEARING: SUBDIVISION AMENDMENT – FAIRVIEW ACRES/ MAJOR SITE PLAN – VISTA PARK CONDOMINIUM MAJOR SITE PLAN – VISTA PARK CONDOMINIUM – UNIT 5/ - BY DESIGN DWELLINGS

Request for final approval of an amendment to the Fairview Acres Subdivision to create two new lots and final approval 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 3,200 square feet of retail with associated access drives and parking, and final approval of a Major Site Plan application for the construction of building 5/unit 5, a 3,150 square foot office building. Zoned Commercial Office; Map 32/ Lot 24.001.

Shawn Frank, Sebago Technics, advised the Board that since receiving preliminary approval at the Board's June 22 meeting, work with staff has been ongoing on the specifics of a master sign plan, landscape buffering and other final details. A meeting was held on site with the Public Works Director regarding specific requirements to improve and expand the shoulder on Route 237 with the intersection of the driveway into the site. Mr. Frank indicated that the applicant is comfortable with the Conditions of Approval and final approval is being sought this evening.

Mr. Poirier gave the staff comments, noting that a Review Memo was completed on July 14, 2009, requesting some minor changes to the plans which can be addressed through Condition of Approval #4. The applicant has submitted condominium association documents for review; the Town Attorney has reviewed and approved these documents. Easement language has been received from the applicant's attorney which will be forwarded to the Town Attorney for review and approval; Condition of Approval #5 has been added to address review and approval prior to the Board's endorsement of the plans.

Mr. Poirier stated that Gorham is a community regulated under Maine DEP's general permit for stormwater. The general permit regulates small municipal separate storm sewer system (MS4) to another MS4 or waters of the State other than groundwater. In the 2008 general permit the DEP requires MS4 municipalities to adopt a post construction ordinance, which the Town Council will be acting upon shortly. Projects approved after July 1, 2009 are required to have a condition of approval requiring annual inspections of BMPs discharging into the municipality's storm sewer system – even prior to the adoption of the Town's post construction ordinance. The condition only applies to construction projects with one acre or greater of disturbance. The annual reports are required to be submitted to the Town and will evaluate whether the site's stormwater BMPs are functioning as designed. Staff has added condition of approval #6 to address the requirement of the Maine DEP.

Mr. Poirier noted that the shoulder work along Route 237 as required by the Public Works Director shall be completed prior to issuance of the first occupancy permit.

Mr. Poirier provided the Board with a revised Condition of Approval #10 to reflect the Fire Chief's requests, as well as a new Condition of Approval #11 to address when site improvements shall be completed. He also advised the Board that the applicant has received DEP approval.

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

Mr. Poirier told Mr. Stelmack that Condition of Approval #6 will run so long as there is discharge into the Town stormwater system, and that is understood in the drafting of the Condition. Mr. Frank commented that the report is essentially the same that is required by the DEP. Mr. Frank told Mr. Parker that this will be the responsibility of the condominium association, which would hire a professional to do the inspection, assessment, sweepings and cleanings that will be required. Ms. Fossum assured Mr. Parker that there is in the process a specific DEP reporting format, and quoted from the Condition as follows: "...shall submit annual reports meeting the requirements of the Maine DEP "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems.." as the specific reference Mr. Parker indicated he would like the Condition to reference.

Thomas Hughes MOVED and Douglas Boyce SECONDED a motion to grant Design Dwellings, Inc.'s request for final approval of an amendment to the Fairview Acres Subdivision to create two new lots, with conditions of approval posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow recused). [7:43 p.m.]

Thomas Hughes MOVED and Douglas Boyce SECONDED a motion to grant Design Dwellings, Inc.'s request for final approval of a Major Site Plan application for the development of a 5-unit commercial/office business park to include 12, 600 square feet of office space and 3,200 square feet of retail with associated access drives and parking, inclusive of the Vista Park Condominium - a 4 unit condominium on lot 1B - and lot 1A, subject to the conditions of approval attached to the Fairview Acres Subdivision Amendment, posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow recused). [7:44 p.m.]

Thomas Hughes MOVED and Douglas Boyce SECONDED a motion to grant Design Dwellings, Inc.'s request for final approval of a Major Site Plan application for the construction of building 5/unit 5, a 3,150 square foot office building located in the Vista Park Condominium, subject to the conditions of approval attached to the Fairview Acres Subdivision Amendment, posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes (Edward Zelmanow recused). [7:45 p.m.]

Mr. Zelmanow returned to the dais.

6. SUBDIVISION AMENDMENT/ PRIVATE WAY – “FAIRFIELD WOODS/ COPPERHEAD ROAD” – BY CHRIS DUCHAINE

Request for preliminary and final approval of a proposed amendment to Lot 2 of the Fairfield Woods Subdivision Plan to create 3 new lots and approval of a 1,328' private way (Copperhead Road). Zoned Rural, Suburban Residential, Shoreland Zoning; Map 79/ Lots 3 &4.

Shawn Frank, Sebago Technics, spoke about discussions involving buffers, setbacks off of wetlands, setbacks off of Branch Brook, and the Shoreland Zoning regulations associated with the 100-year flood plans, which have resulted in what they believe to be allowable building envelopes for the 3 proposed lots, with appropriate subsurface sewage disposal systems and access driveways. Mr. Frank indicated that the DEP permit approval has not yet been received but hopes it will be forthcoming soon in light of the existing DEP permit for the overall subdivision.

Ms. Robie asked Mr. Frank to speak to the recent request for a fire pond for fire protection instead of installing residential sprinkler systems in the homes. Mr. Frank said there have been initial conversations with the Fire Chief regarding the potential pond, to be located at the intersection of Buck Street and the private drive. Susan Duchaine, Design Dwellings, came to the podium, inasmuch as she will be building the houses, and said that she disagrees with the Fire Chief about installing sprinkler systems, but that the only system she would consider installing is very expensive and believes that a fire pond gives more fire protection than sprinkler systems in houses. Ms. Duchaine said they would like to keep the option open and come back on a consent agenda with the fire pond if they were able to satisfy the Fire Chief's requirements.

Mr. Parker said he believes that when this application receives final approval, a decision will have had to been made about either sprinklers or a fire pond, and that if a fire pond is the choice, the Board will need to have some input. He believes that the Board has historically preferred to avoid fire ponds due to the maintenance requirements. Mr. Frank referred to a fire pond installed in another development which would be similar to one installed in this project. However, Mr. Frank said that as the project stands now, approval is being requested with the sprinkler systems for the 3 units, but they would like to keep the fire pond as an option, knowing they would have to return to the Board.

Mr. Poirier gave the staff comments, noting that a revised submission was received on July 2, 2009, which has been reviewed by staff with comments back to the applicant as of July 14, 2009. The legal documents have been forwarded to the Town Attorney, who has requested some revisions. Mr. Poirier said that the applicant has not received its DEP approval to impact additional wetlands, and due to the project's location within the shoreland area, floodplain and close proximity to numerous natural resources, staff recommends holding off granting final approval until that approval has been received. In addition, a memo from the Fire Chief dated July 20 has been received, noting that the Chief has discussed the fire pond issue with Susan Duchaine, saying that fire ponds are allowed in the Land Use Code, and if it is built per Code, the Chief would accept it. However, the Chief has not reviewed any plan showing the engineering of such a fire pond for this project, there would also need to be an easement recorded in the Registry of Deeds for the maintenance of the pond, and should the applicant decide to go forward with a fire pond, no building permits would be issued until the fire pond is built, field tested and approved.

Ms. Fossum said that should the applicant decide on the addition of a fire pond with the required easements, subdivision amendment to the plan would be required because the easements in and of themselves would change the subdivision plan, and the applicant would have to come back before the Board. Mr. Stelmack confirmed with staff that fire ponds are allowed under the Code, and the fact that the Fire Chief does not look with favor upon fire ponds does not drive the Board's decision as ponds are in fact allowed by the Code. Mr. Frank confirmed that they will go with the plan with the sprinkler systems for the Board's consideration.

Ms. Robie and Mr. Frank discussed whether measurements were made from the normal mean high water line on one of the plan sheets, which Mr. Frank said came from the original subdivision approval. The 100 year storm demarcation line and various shoreland and resource protection setback areas were also discussed. Mr. Frank noted that the building envelopes will be staked in the field by a professional land surveyor. In response to a question from Mr. Stelmack, Mr. Frank said standard "Best Management Practices" as defined by the DEP will regulate development during construction, with an established erosion sediment control plan in place during the construction phase.

PUBLIC COMMENT PERIOD OPENED: Bill Vondras, 230 Buck Street, expressed concern about disturbing the brook during construction and possible changes to the neighborhood caused by the development. Mr. Frank responded by saying that hydraulic calculations were performed to establish the 100-year flood plain and the calculations had to be done again with the area to be filled for the roadway subtracted, with a minimal impact being shown.

PUBLIC COMMENT PERIOD ENDED.

Mr. Parker indicated that he would support staff's recommendation for preliminary approval. Mr. Zelmanow asked if the item would need to be advertised as a public hearing for final approval. Ms. Fossum said that public hearings are not required for subdivisions unless the Board has a particular reason for asking for that. However, she said that the item was not advertised as a request for final approval, so anyone reviewing tonight's agenda might feel that there would be another opportunity to come forward. Mr. Hughes asked if the two items holding up final approval are the DEP permit and review of the legal documents. Ms. Fossum replied that the applicant has not responded to the most recent staff Plan Review Memo so there are other outstanding details as well. Ms. Robie noted that in general it is the Board's policy not to grant final approval until the DEP permit has been reviewed, and in this instance, due to the location of the proposed project within the shoreland area and flood plain and the associated concerns, it makes sense to follow the rules. Mr. Fickett, Mr. Boyce, and Mr. Stelmack all concurred with granting preliminary and not final approval this evening.

Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to grant Chris Duchaine's request for preliminary subdivision approval of the proposed 2nd amendment to Fairfield Woods Subdivision for three additional lots off Buck Street. Motion CARRIED, 7 ayes. [8:25 p.m.]

Ten Minute Stretch Break to 8:35 p.m.

7. SUBDIVISION/Private Way - "WILDLIFE SUBDIVISION"/"WILDLIFE DRIVE" – BY RICHARD PEDNAULT

Request for preliminary approval of a 5-lot subdivision and 750' private way ("Wildlife Drive") located off 129 Ossipee Trail. Zoned Rural; Map 60 / Lots 1 and 1.003.

Les Berry, BH2M Engineers, appeared on behalf of the applicant and described the proposed project as a 13-acre parcel, 5 lots, and a 750 foot private way. When the applicant was last before the Board, there were three issues discussed: a high intensity soils survey; nitrate plume analysis; and right of way continuation. The Board granted a waiver of the nitrate plume analysis, the high intensity soils mapping has been done but the net residential density did not change, and the right of way continuation has been added to the plan. Mr. Berry said that if possible, the applicant would like to have the right of way continuation requirement done away with, as there would have to be a 150 foot wide swath to accommodate the right of way. As the Board can grant a waiver of the requirement if the topography does not allow it or if the property is blocked by wetlands, Mr. Berry suggested that as DOT will only allow 5 lots on the road because of the sight distance

issue, there can be no further expansion, and perhaps that would be enough of a reason for the Board to grant a waiver from the right of way continuation requirement, as it is all due to topography and Route 25.

Mr. Poirier said that the applicant has submitted its Class B high intensity soils survey and has also provided for a right of way continuation to the adjacent undeveloped Anderson parcel. He said that the applicant's DOT driveway entrance permit does limit them to 5 lots, and reiterated that the Land Use Code allows a waiver of the right of way continuation requirement when the topography does not allow such a continuation or the property is blocked by wetlands. He stated that the applicant's request for such a waiver does not appear to meet waiver standards.

After a lengthy discussion, a poll of the Board resulted in Michael Parker and Thomas Fickett being agreeable to granting the right of way continuation waiver request, and Susan Robie, Thomas Hughes, Mark Stelmack, Douglas Boyce, and Edward Zelmanow in favor of keeping the right of way continuation requirement in place.

Michael Parker MOVED and Douglas Boyce SECONDED a motion to grant Richard Pednault's request for preliminary plan approval of the proposed Wildlife subdivision, a 5-lot residential subdivision on 13.05 +/- acres off Ossipee Trail. Motion CARRIED, 7 ayes. [8:55 p.m.]

8. DISCUSSION - SUBDIVISION/SITE PLAN – HAWKES FARM CONDOMINIUMS – BY DESIGN DWELLINGS, INC.

Discussion on a proposal for 44 detached single-family residential condominium units on 13.05 acres off Main Street. Zoned Office Residential; Map 26 / Lots 13 & 13.002.

Ms. Robie disclosed that her husband's uncle owns property adjacent to the railroad right of way, but she does not believe that would preclude her from participating in the review of this application.

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion that Ms. Robie be permitted to participate in the review of this application. Motion CARRIED, 6 ayes (Susan Robie abstaining). [8:56 p.m.]

Shawn Frank appeared on behalf of the applicant Susan Duchaine of Design Dwellings. Mr. Frank noted that a resubmission was made on July 17, 2009, and pointed out the differences that now appear on the updated plan. The entrance intersection on Main Street has been located so that it is now across from Elizabeth Street, which also provides a 25 foot front setback from the existing home on Main Street. A traffic impact analysis is being conducted. He said that a meeting has been held with Meadowbrook residents about the proposed stormwater management, who are comfortable with their system being able to deal with the stormwater, which is a berm which was constructed along the common property line with this parcel, with a 24 inch culvert that outlets the runoff coming from the applicant's site. Mr. Frank also indicated a stone swale that parallels the railroad track and outfall could be worked down to that point as well. There is a 50 foot right of way now on the plan down to the proposed pump station. A street tree is proposed to be planted on each lot and the existing tree line along another abutting property will be retained. Sidewalks are proposed throughout the entire development, as well as a basketball court. There is no dedicated off street parking as the roadways are proposed to be 24 feet wide and each unit will have a garage, as well as driveways to provide parking.

Mr. Stelmack asked if the many comments from the review engineer have been addressed; Mr. Frank said an initial response was provided to staff last week. Mr. Parker discussed the proposed right of way with Mr. Frank, who indicated that the intent is to coordinate the right of way with the proposed pump station. Ms.

Duchaine said she believes that future access is to get to larger parcels of land and that if the Board wants to get to a road, that is not the intent of the ordinance. Ms. Robie replied that it certainly is the intent of the ordinance, it is to provide for road continuation, and it is the very clear sentiment of this Board that it wants this road to connect to New Portland Road, which Ms. Duchaine has said is impossible at this time. Ms. Robie said it makes no sense not to make the road continuation possible at some point in the future, and the proposed right of way is located where it is least likely to result in that. Ms. Robie asked Mr. Frank if it is possible to access the pump station with an easement; he said he would look into that.

Mr. Poirier gave the staff comments, noting that the staff Review Memo was based on the applicant's first submission, which has since been modified by the submission made on July 17. Staff has placed this item on the agenda for discussion to identify certain threshold items. Staff has had some concern with the single entrance/exit from the site onto Main Street, particularly during morning and afternoon heavy commuting traffic. The applicant has been asked to provide a traffic analysis; the Planning Board may wish to have an outside peer reviewer review the applicant's traffic analysis once it has been submitted. On-street parking is another item which the Board may wish to discuss, keeping in mind that a development recently approved added some bump-out parking spaces to accommodate additional on-street parking. Staff recommends that the right of way connection be at an angle that facilitates a connection to New Portland Road. Mr. Poirier said that the Town's review engineer has asked the applicant to provide regional drainage analysis points beneath the railroad and/or other restriction points, with the peak ponding elevation at these points during a 100-year storm event to be evaluated for pre and post development conditions. This will give the Board and abutters a better idea of the impact of the new impervious area on the regional drainage area. Mr. Poirier said that the Board may also want to give the applicant more insight into proposed landscaping plans.

Mr. Stelmack confirmed with Mr. Frank that the stormwater management plan submitted by Sebago Technics with its attachment dealing with post construction maintenance inspection relates to DEP's MS4 requirements.

Ms. Robie asked the Board for its input on the requirement for a peer review of the applicant's traffic impact analysis. Mr. Boyce said he was not certain that a peer review would serve much purpose for a single entrance roadway that the applicant is going to analyze and tell the Board what the level of service is under peak hour conditions for traffic getting in or out of the proposed development. He said that Main Street traffic is what it is, and unless there is something in the Code that suggests that development be halted since traffic is snarled, he is not sure there are any offsite improvements that this development would be caused to construct that would provide any true mitigation. He said he doesn't believe this type of development warrants a traffic light or turn lanes. Mr. Frank said the only thing they need to get is a driveway entrance permit, there will be no traffic movement permit required. Mr. Hughes agreed with Mr. Boyce, as did Mr. Stelmack, Ms. Robie, Mr. Fickett, Mr. Zelmanow and Mr. Parker.

Ms. Robie said that one of the streets in the development has to be an urban subcollector, versus an urban access road, due to the number of vehicle trips, and that it is her understanding that the Public Works Director can lower the road classification at his discretion. Mr. Frank said 24-foot wide roadways are proposed throughout. Ms. Robie said that if the urban access standard is maintained, some parking "cut-outs" could be provided for on-street parking. Mr. Hughes commented that with the short setbacks, not many cars can be accommodated in a driveway.

Mr. Frank said he will look at relocating the right of way continuation. Ms. Duchaine said she is opposed to the right of way continuation because it facilitates cut-through traffic, but she will explore the option. Mr. Boyce commented that Johnson Road, quite near this development, is much the better cut-through access to New Portland Road than this development would be. Mr. Parker commented that it would be to the advantage of the residents of this project to have more than one way in and out and would also facilitate the movement of fire and rescue equipment. Mr. Poirier told Ms. Duchaine that staff had suggested a trail, not a second sidewalk.

Mr. Frank said that BH2M did a regional drainage analysis some years ago; Mr. Frank has been provided with a copy that he will update. Mr. Frank explained to Mr. Stelmack that one concern is the maintenance of the box culvert under the old railroad right of way so that it can accept outflow, that the Meadowbrook abutters have spent much time addressing their own onsite drainage concerns, which have included runoff from this field, and that the initial drainage infrastructure was inadequate for Meadowbrook. Mr. Frank said that the regional analysis would be based on a 100-year storm event and there may be some impact. Mr. Stelmack asked what the point of the analysis is and how the results would be used. Ms. Robie replied that this development will take away a substantial amount of land that has been absorbing stormwater, and said there could be an impact based on the storage of stormwater on their property, how big the detention ponds are, the rate of drainage in a large storm event that drains to the box culvert, and because they are creating more impervious area, are they going to make the situation worse, and if so, what can be done on their property to mitigate it. Ms. Robie said they can change the design of the stormwater management ponds to mitigate that impact. Ms. Duchaine commented that DEP requires that when the developer and the builder are the same entity, 95% of the stormwater must be maintained on the site; however, when the developer and builder are different, all that needs to be maintained is what comes off the roads.

Thomas Hughes MOVED and Mark Stelmack SECONDED a motion to waive the 10:00 o'clock rule. Motion CARRIED, 7 ayes. [9:44 p.m.]

PUBLIC COMMENT PERIOD OPENED: An abutter from Meadowbrook West expressed concern about drainage from Hawkes Farm, suggested that the number of units should be reduced, and commented about traffic congestion on Main Street.

Arthur Berry, 36 Meadowbrook Drive, Unit #1, commended the Board on the direction it is taking and the questions it is asking. Said that if maintained and kept cleaned, the box culvert is adequate. He said the meeting with Mr. Frank was very productive and believes the plan that Mr. Frank is putting together will take care of any additional water that will come the way of Meadowbrook.

Lynn O'Leary, abutter, said she will meet with the engineer to discuss drainage concerns in her back yard. She said that Ms. Duchaine has agreed to look into adding trees as a buffer.

PUBLIC COMMENT PERIOD ENDED.

9. DISCUSSION:

SUBDIVISION/SITE PLAN – WINSLOW ROAD SUBDIVISION – BY STJ, INC.

Discussion on a request for a 6-lot subdivision and road on 12.35 acres off Winslow Road near Route 237. Zoned Rural; Map 70 / Lot 22.

Shawn Frank, Sebago Technics, appeared on behalf of the applicant and introduced STJ representative Mark Curtis. Mr. Frank gave the Board an overview of the project as previously having been mined as a gravel pit and which is located on Winslow Road near its intersection with Mosher Road, State Route 237. He said that it is proposed to construct a small hammerhead to provide access to 6 lots, with underground utilities, subsurface disposal systems, and public water through the extension of an 8-inch water main within the shoulder of Winslow Road from Route 237. Mr. Frank said he does not believe a right of way continuation is feasible. Mr. Frank said a preliminary subdivision application has been submitted and asked that a site walk be scheduled.

Mr. Poirier gave the staff comments, noting that as there is a road opening moratorium until 2010 on Winslow Road, in order to proceed with the water main extension, STJ will need to request permission from the Public Works Director to construct in Winslow Road right of way prior to 2010. Mr. Poirier said that the

Board should discuss with the applicant the possibility of right of way connection to the abutting Judith Stevens parcel, which appears feasible.

Mr. Stelmack asked what the month and day in 2010 is for the opening moratorium. Mr. Poirier said he will get the information from the Public Works Director, and that when such a waiver has been granted, it usually means that the entire width of the road has to be repaved for the entire length of the water main installation. Mr. Frank said that they have contacted the Portland Water District to discuss the possibility of getting permission to go outside the pavement.

Mr. Frank responded to Mr. Parker that the road is proposed to be a public road.

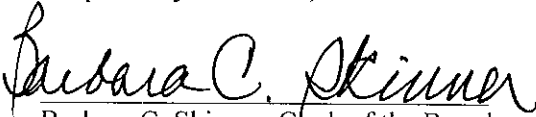
The Board, Mr. Frank and Mr. Curtis discussed the right of way continuation. Mr. Curtis said he did not believe it made any sense in this development; however, Mr. Frank said he will look into it.

10. SCHEDULE NEXT MEETING: AUGUST 10, 2009

11. ADJOURNMENT

Michael Parker MOVED and Douglas Boyce SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [10:10 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
July 20, 2009

4. CONSENT AGENDA

A. PRIVATE WAY AMENDMENT – BY DONALD GILBERT – “BLUEBERRY LANE”

Request for approval to amend the private way plan to serve only one lot. Zoned: Suburban Residential; Map 97/Lot 2.

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 minor changes which the Director of Planning may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That prior to the commencement of any site improvements, land clearing and/or earth-moving activities associated within the approved private way, the applicant and the design engineer shall arrange pre-construction meeting with the Planning Department, Public Works Director, Fire Chief, Code Enforcement Officer, Planning Director, and the Town’s Inspecting Engineer to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That at least one week prior to the date of the pre-construction meeting, a complete set of the final approved plan set will be delivered to each of the following: (1) Code Office, (2) Public Works Director, (3) Compliance Coordinator, and (4) Director of Planning;
5. That prior to the commencement of construction of the private way, the applicant will establish a performance guarantee with the Planning Department to cover the cost of constructing the paved apron;
6. That all other applicable conditions of approval attached to past private way approvals shall remain fully in effect;
7. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
8. That the private way shall be properly maintained for access of emergency vehicles year round;
9. That prior to the issuance of the first occupancy permit the applicant’s engineer shall certify that the private way has been constructed in accordance with the specifications of the Town of Gorham’s Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant’s engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
10. That all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices” Cumberland County Soil and Water Conservation District, Department of Environmental Protection, latest edition; and
11. That the private way plan and decision document shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board; and that a receipt from the Cumberland County Registry of Deeds showing the date, and book and page number of the recorded plan and a copy of the recorded decision document shall be returned to the Town Planner.

5. SUBDIVISION AMENDMENT – FAIRVIEW ACRES/ MAJOR SITE PLAN –VISTA PARK CONDOMINIUM MAJOR SITE PLAN – VISTA PARK CONDOMINIUM – UNIT 5/ - BY DESIGN DWELLINGS

Approved
Conditions of Approval:

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town's Inspecting Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That prior to the Planning Board's endorsement of the final plan the applicant shall submit revised plans per Town's review staff comments dated July 15, 2009 meeting the approval of the Town's review staff;
5. That prior to the Planning Board's endorsement of the final plan the applicant shall provide easement language and revised condominium documents for review and staff approval;
6. That the Condominium Association and the owner of Lot 1A shall submit annual reports meeting the requirements of the Maine DEP "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" to the Town Engineer, the reports shall document that the Stormwater Best Management Practices (BMP) are adequately maintained and is functioning as intended or requires maintenance, if the post construction BMP requires maintenance, the owner or operator shall provide record of the deficiency and corrective action(s) taken;
7. That 4 (four) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
8. That the applicant shall provide property line information and site information in auto-cad format to the Town of Gorham Assistant Planner prior to the scheduling a pre-construction meeting
9. That the applicant shall be responsible for the cost and installation of all required driveway signs to be placed in locations approved by the Fire Chief and Police Chief;
10. That the applicant shall meet all of the Fire Chief's requirements as outlined in his memo to the Town Planner, dated December 22, 2008, as outlined below:
 - a. One hydrant will be required to be installed at the corner of the roadway and the 10 space parking area. This will be a private hydrant and the hydrant rental and maintenance shall be the responsibility of the owner or owners. A copy of a signed maintenance agreement shall be provided with Portland Water District at the time the hydrant is installed.
 - b. The water main and hydrant shall be installed before any building permits are issued, per NFPA Fire Prevention Code 1.

- c. A complete set of building construction plans shall be provided to the Gorham Fire Department and the State Fire Marshall's Office for review and permitting.
 - d. Other requirements may be established depending on who and what for the buildings will be purchased or leased.
11. That the site improvements shall be completed as shown on the approved plans prior to request for either temporary or final occupancy permits for Unit 5; or a performance guarantee, covering the remaining site improvements, shall be established through the Planning Department;
 12. That the applicant shall create a condominium association or other legal entity acceptable to the Town and shall submit the association documents or declaration creating the association or other legal entity in a form acceptable to the Town Attorney. The documents or declaration shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of all streets within the subdivision, and shall state that the condominium association and/or the lot owners shall be responsible for all costs related to the driveway, landscaping, and stormwater infrastructure. The applicant shall be responsible for recording the approved documents in the Cumberland County Registry of Deeds within 90 days of the date of approval of the subdivision by the Planning Board; and
 13. That these conditions of approval and the Final Subdivision Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board's endorsement of the final plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to issuance of any building permits for any of the lots within the subdivision.