



**Town of Gorham  
December 7, 2009  
PLANNING BOARD MINUTES**

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

**Members Present:**

**DOUGLAS BOYCE, Vice Chairman  
MICHAEL PARKER  
MARK STELMACK  
EDWARD ZELMANOW**

**Staff Present:**

**THOMAS POIRIER, Town Planner  
SANDRA J. MOWERY, Zoning Administrator  
BARBARA C. SKINNER, Clerk of the Board**

**Members Absent:**

**SUSAN ROBIE, Chairman  
THOMAS HUGHES  
THOMAS FICKETT**

Douglas Boyce, Vice Chairman, called the meeting to order at 7:05p.m. and read the agenda. The Clerk called the roll, noting that Chairwoman Susan Robie, Thomas Hughes and Thomas Fickett were absent.

Mr. Boyce announced that Tom Poirier has been promoted to the position of Town Planner for the Town of Gorham. Mr. Boyce also noted that there will be one or two vacancies on the Planning Board for the year 2010, and encouraged interested parties to contact the Town Clerk's office to apply for a position on the Board.

**1. APPROVAL OF THE NOVEMBER 2, 2009 MINUTES**

**Edward Zelmanow MOVED and Michael Parker SECONDED a motion to approve the minutes of November 2, 2009. Motion CARRIED, 4 ayes (Susan Robie, Thomas Hughes and Thomas Fickett absent) [7:07 p.m.]**

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**2. COMMITTEE REPORTS**

- A. Ordinance Review Committee**
- B. Sign Ordinance Subcommittee**
- C. Streets and Ways Subcommittee**

Mr. Boyce noted that in the absence of the Chairwoman there would be no Ordinance Review or Sign Ordinance reports. Mr. Parker confirmed that there is no report from the Streets and Ways Subcommittee.

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**3. ADMINISTRATIVE REVIEW REPORT**

Mr. Poirier reported that two projects are in the process of being approved by the Administrative Review Committee: one is by the Shaw Group, LLC, for an after-the-fact approval of a 2-unit residential condominium at 39 Spiller Road; the second project is by R&A Realty for a 14-space gravel parking lot on the Portland Water District parcel located at the intersection of Main Street and Libby Ave for use by the Maplewood Dental Clinic.

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**Michael Parker MOVED and Edward Zelmanow SECONDED a motion to remove Item 7, an amendment to the Land Use Code relating to utility lots, from the Agenda and to move Item 10 into Item 7's stead.**

Discussion: Mr. Poirier explained that staff is recommending removal of this item from the Agenda as it is the Council's wish that the utility lot amendment be expanded from consideration of just a pump station utility lot in order to encompass all other utilities and therefore more research is required on the issue.

**Motion CARRIED, 4 ayes (Susan Robie, Thomas Hughes and Thomas Fickett absent).** [7:15 p.m.]

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**4. PROPOSED AMENDMENTS TO THE GORHAM LAND USE AND DEVELOPMENT CODE, CHAPTER II AND THE OFFICIAL GORHAM ZONING MAP – SHORELAND ZONING.**

To set a meeting date for a Public Hearing to discuss proposed amendments relating to Shoreland Zoning.

Mr. Boyce explained that the item had been initially incorrectly advertised as a Public Hearing; it is only to set a meeting date for a public hearing date to be held at a future time.

**Michael Parker MOVED and Edward Zelmanow SECONDED a motion to move the January Planning Board meeting date from the 4<sup>th</sup> of the month to the 11<sup>th</sup> of the month. Motion CARRIED, 4 ayes (Susan Robie, Thomas Hughes and Thomas Fickett absent).** [7:16]

**Mark Stelmack MOVED and Michael Parker SECONDED a motion to set January 11, 2010 as the Public Hearing date to discuss proposed amendments relating to Shoreland Zoning.**

Discussion: Mr. Parker suggested that a workshop would be useful; Mr. Stelmack commented that instead of a workshop, staff could provide copies of the notes from the previous workshop held by the Board. Mr. Poirier explained to the Board that the State is requiring that all municipalities revise the Model Ordinance to meet changes in the shoreland zoning areas having to do with wetlands mapping, additional notice, certain bird habitats, and state wide timber harvesting. He said that the only change since the Board's workshop in June is the map that has been created by staff showing the new wetlands mapping available from the state, as well stream protection and shoreland areas. In response to Mr. Boyce, Mr. Poirier said notification was provided to those properties which have been added because they have become more restricted. The proposed changes to the shoreland zoning ordinance are available for review by the public both at the Planning Office and on line.

**Motion CARRIED, 4 ayes (Susan Robie, Thomas Hughes and Thomas Fickett absent).** [7:20 p.m.]

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

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**5. PUBLIC HEARING**

**PROPOSED AMENDMENTS TO THE GORHAM LAND USE AND DEVELOPMENT CODE, CHAPTER I, ZONING REGULATIONS, SECTION IX, VILLAGE CENTERS DISTRICT, SUBSECTION 1. LITTLE FALLS VILLAGE CENTER DISTRICT AND SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT, PERFORMANCE STANDARDS**

Proposed amendments to the Land Use and Development Code pertaining to principal buildings and accessory structures

Mr. Boyce explained that definitions are being added to the Code to include "principal building," "principal structure," and "principal use," so that when there are lots that have both principal and accessory uses, there is a clear differentiation between the two and what standards apply. During its workshop before the meeting, the Board considered the following proposed language: "If the front wall of a building is located more than thirty feet from the property line, the street frontage shall be treated with structural elements and/or

landscaping to establish a visual sense of a village scale setback. In no event shall any accessory structure be located closer than any principal structure to a street abutting the lot” and agreed that the phrase “street frontage” in the above-quoted paragraph be changed to “front yard. Additionally, the Board agreed that the word “principal” should be deleted from the proposed language as suggested by Councilor Phinney except where it appears in the newly added definitions.

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

**Michael Parker MOVED and Mark Stelmack SECONDED a motion to recommend adoption of the proposed language to the Code as amended this evening and as recommended for amendment by Council Phinney. Motion CARRIED, 4 ayes (Susan Robie, Thomas Hughes and Thomas Fickett absent). [7:25 p.m.]**

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**6. PROPOSED AMENDMENTS TO THE GORHAM LAND USE AND DEVELOPMENT CODE, CHAPTER I, ZONING REGULATIONS, SECTION V-DEFINITIONS and CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, SECTION III-SIGNS.**

Proposed amendments to the Land Use and Development Code relating to Sign Ordinance.

Mr. Poirier explained that the Sign Ordinance has been recently adopted and there are certain issues that need to be readdressed as proposed signs are being reviewed. The proposed changes are clean-up items addressing informational and directional signs, exempt and off-premises signs. Some of the changes have been requested by the Code Enforcement Officer and others are as a result of cleanup.

Mr. Boyce commented about some of the changes involving the size of signs which would be allowed in the various environments. Mr. Boyce also noted two typographic errors which need to be corrected: “log” instead of “logo,” and “rice” instead of “price.”

PUBLIC COMMENT PERIOD: David Kent, 20 Grant Road, asked about signs in the rural environment and lighted signs versus interior lit signs. Mr. Poirier replied that project signs approved under the Sign Ordinance are still allowed, and these proposed changes deal with signs that contain directions. Mr. Boyce read the definition of signs proposed to be added to the Code for information/direction and the proposed amendment specific to off-premise signs.

PUBLIC COMMENT PERIOD ENDED.

**Edward Zelmanow MOVED and Michael Parker SECONDED a motion to recommend adoption of the proposed language relating to signs with the typographic corrections as noted this evening. Motion CARRIED, 4 ayes (Susan Robie, Thomas Hughes and Thomas Fickett absent). [7:40 p.m.]**

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**7. PROPOSED AMENDMENTS TO THE GORHAM LAND USE AND DEVELOPMENT CODE, CHAPTER I, SECTION XVIII, SECTION E. PERFORMANCE STANDARDS, 5. OPEN SPACE.**

Proposed amendments to the Land Use and Development Code relating to utility lot size.

By earlier motion this item has been removed from the agenda.

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**10. PRIVATE WAY AMENDMENT – RYSHAE DRIVE – OFF SEBAGO LAKE ROAD -- BY ROBERT DAVIS.**

A request to extend Ryshae Drive, a private way off Sebago Lake Road, an additional 346 feet to access

two lots. Zoned SR (M89/L41.001)

Robert Davis, applicant, explained to the Board what is being proposed by the extension of Ryshae Drive.

Mr. Poirier noted that a site walk was held December 2, 2009, but no issues were raised. He said that staff has outlined some cleanup to the plans, which will be made by the applicant's engineer when he returns from vacation. A required drainage easement will be added to the plans.

In response to a comment from Mr. Parker, Mr. Poirier pointed out that Note 10 on the plan states that the approval for the plan is for the private way only, and that the lots shown on the plan are for illustration only and have not been reviewed and approved under the Code. Mr. Poirier also advised the Board that the applicant has decided to record both plans with the Registry.

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

The Board then considered the Findings of Fact, as follows:

## **FINDINGS OF FACT**

### **Chapter II, Section V. Minimum Standards for the Design and Construction of Streets and Ways.**

#### **H. Standards for Private Ways.**

The Planning Board may approve the use of private ways to provide access to individual lots of land provided that the following conditions are met:

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.  
*The lots are proposed for single family dwelling units.*
- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.  
The plan shall:
  - be labeled "Plan of a Private Way"
  - provide an approval block for the signatures of a legal majority of the Planning Board
    - i. include a line for the date of approval
    - ii. "Private Way, Approved by the Town of Gorham Planning Board".
  - show information sufficient to establish on the ground the exact location, direction, width and length of the private way.
  - provide a street plan, profile and cross section prepared in accordance with Chapter II, Section V., E., 3 for each private way.
  - provide the following note, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."
  - *The final plans have been prepared to meet the requirements of the code.*
- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way. This agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way. This agreement shall also specify that the Town of Gorham shall not be responsible for the maintenance, plowing or repair of the

private way. This agreement, upon approval by the Planning Board, shall be recorded in the Cumberland County Registry of Deeds within 30 days of approval by the Planning Board.

*The private way maintenance agreement adequately specifies the rights and responsibilities of each lot located on the private way.*

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The paved apron shall be constructed to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 1/2" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

*The private way has a minimum right of way width of 50 feet and the existing private way has a paved apron exceeding the 20 foot requirement.*

- 5) Private ways shall be designed to conform with the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

*The private way extension meets the design requirements presented in Tables 1 and 2 and the typical cross sections depicted in figures 9 and 10.*

- 6) Private ways while under construction may be monitored and inspected by the Town Engineer, or a representative designated by the Town Manager or at the Town's option, a registered professional engineer hired by the Town at the developer's expense per the requirements of Chapter II, Section V, Subsection 1. Notwithstanding the above, prior to the issuance of occupancy permits for any of the lots served by the private way, the Developer's Engineer shall certify to the Code Enforcement Officer that the private way has been constructed in accordance with this section and the approved Private Way Plan.

*The applicant will be required to provide an inspection escrow for the Town's Inspection Engineer. The inspection escrow is 2.5% of the cost to construct the private way extension. The escrow will be established prior the pre-construction meeting.*

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes

*The private way will provide access for three lots. The lots are proposed to be for single family homes.*

- 9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).

*The land area of the private way is not used to satisfy the minimum lot requirements.*

**Edward Zelmanow MOVED and Mark Stelmack SECONDED a motion that the Planning Board finds that the application meets the standards and conditions for private ways as set forth in Chapter II, Section V (H) for the reasons set forth in the Findings of Fact. Motion CARRIED, 4 ayes (Susan Robie, Thomas Fickett and Thomas Hughes absent). [7:50 p.m.]**

**Michael Parker MOVED and Mark Stelmack SECONDED a motion to grant approval for the plan of private way amendment for Ryshae Drive located off Sebago Lake Road as requested by Robert Davis and Virginia Burnham with conditions of approval as posted prior to the meeting**

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and discussed with the applicant. Motion CARRIED, 4 ayes (Susan Robie, Thomas Fickett and Thomas Hughes absent) [7:51 p.m.]

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**8. PUBLIC HEARING:**

**MAJOR SITE PLAN REVIEW - 329 MOSHER ROAD – BY SHAW BROS. CONSTRUCTION**

A request for final approval of a site plan application for the first phase of redevelopment of the LaChance Brickyard facility to accommodate Shaw Brothers Construction offices, shop facility and associated outbuildings. Zoned Industrial (M34/L9).

Walter Stinson, Sebago Technics, appeared on behalf of the applicants Danny and John Shaw, with Chris Cloutier of Shaw Brothers and Shawn Frank of Sebago Technics present as well. Mr. Stinson gave a brief overview of the project, noting that the plan tonight differs from that presented initially in November in one respect in that the land south of the access road has been added as part of the proposal as well. The total area of fill will be about 11.6 acres, and landscaping is also included on the easterly portion of the lot. The change in the plan resulted in a change in the drainage scheme, with the major stormwater treatment pond having been moved further south, with 2 underdrain treatment ponds. All of the stormwater from the site will be treated. Mr. Stinson said that in addition to the site plan for the demolition of the LaChance structures and the phase 1 filling, there is also an application for an amended site plan for the quarry project. There is a new lot encompassing the original 5 acres of the LaChance parcel, and some 6 and a half acres have been removed from the quarry site and have been added to the LaChance parcel, for a total of 11.6 acres. Frontage along Route 237 has been retained for that portion of the parcel.

Mr. Poirier gave the staff notes, commenting that since the last Board meeting staff has reviewed the applicant's submissions, and with the submission of November 30, 2009 the applicant has addressed all of staff's concerns.

Mr. Stinson confirmed to Mr. Stelmack that the Permit by Rule application for two utility crossings has been approved. Mr. Stinson pointed out to Mr. Parker on the plan where the two crossing are to be located. At Mr. Boyce's request, Mr. Stinson described the proposed landscaping and discussed the flow of stormwater from those portions of the site to be developed. In response to a query from Mr. Boyce, Mr. Stinson said that the final curb cut status is dependent on the site plan.

PUBLIC COMMENT PERIOD: David Kent, 20 Grant Road, spoke in favor of the project and urged its approval by the Board.

PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier advised Mr. Boyce that staff has not received any written comments on this application.

The Board considered the Findings of Fact, as follows:

**FINDINGS OF FACT**

**Chapter IV, SITE PLAN REVIEW, Section IX, Approval Criteria and Standards –**

A. **Utilization of the Site** - The plan for the development will reflect the natural capabilities of the site to support development.

*Plan note 4 indicates the parcel size is 11.62 acres.*

B. **Access to the Site** - Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

*The net trip generation assessment provided by Sebago Technics concludes that the net increase in peak hour trip ends associated with the future development of the site (i.e., relocating Shaw Bros headquarters from Rt 25) will be less than 100, and therefore a Traffic Movement Permit is not required from the Maine DOT.*

- C. **Access into the Site** - Vehicular access into the development will provide for safe and convenient access. *This standard does not apply at this time. There are no apparent issues.*
- D. **Internal Vehicular Circulation** - The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site. *This standard does not apply at this time. Future buildings and parking will be proposed in subsequent applications.*
- E. **Pedestrian Circulation** - The development plan will provide for a system of pedestrian circulation within and to the development. *This standard does not apply at this time. Future buildings and parking will be proposed in subsequent applications.*
- F. **Storm water Management** - Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties: *On December 3, 2007 the Maine Department of Environmental Protection issued quarry permit #L-23529-80-A-N to Shaw Brothers Construction, Inc. for the Brickyard Quarry project; because the redevelopment of the LaChance Brickyard is located within a licensed quarry operating under Article 8-A, a permit under the Site Law is not required to construct the (future) office and shop facility.*
- G. **Erosion Control** - For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. *An erosion and sedimentation control narrative was submitted for the November 02 Board review; the narrative has been added to the plan set.*
- H. **Water Supply** - The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. *The applicant is proposing to stub the existing water line at the street until Phase II of the project.*
- I. **Sewage Disposal** - A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available. *The applicant is not proposing to use the existing septic tank on the site. The applicant is proposing to pump the septic tank and then fill in the tank. The applicant is proposing to bring 8" sewer line across Mosher Road (State Route 237) from the Olde Canal Pump Station.*
- J. **Utilities** - The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project. *The applicant is not proposing to run electrical and telephone service as part of Phase I construction.*
- K. **Natural Features** - The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

*This standard does not apply; the existing site is fully developed and or disturbed. A note was added to the plans that says, "Prior to demolition/start of work, a land surveyor must flag the upland edge of all wetlands within 50 feet of the proposed project area. These temporary wetland flags shall remain in-place until the Town's inspecting engineer confirms they are no longer required."*

- L. **Groundwater Protection** - The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.  
*No well or subsurface waste disposal is proposed. The proposed storm water management system will not introduce unfiltered surface runoff into the groundwater table.*
- M. **Exterior Lighting** - The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.  
*This standard does not apply at this time. Future buildings and parking will be proposed in subsequent applications.*
- O. **Waste Disposal** - The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.  
*This standard does not apply at this time. Future buildings and parking will be proposed in subsequent applications.*
- P. **Landscaping** - The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.  
*The limits of construction have been identified on the plans. The applicant is proposing to leave some existing vegetation as well as adding additional vegetation.*
- Q. **Shoreland Relationship** - The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.  
*The applicant's parcel is not located in the Shoreland Overlay District.*
- R. **Technical and Financial Capacity.** The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.  
*The applicant has provided a cost estimate for the project and has provided a letter from a financial institution. The applicant has provided a brief description of their technical capacity to complete the project.*
- S. **Buffering** - The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.  
*11-17-09 SYTD: Accompanying this site plan application is an application to amend the property lines on the previously approved Brickyard Quarry site plan such that the entire pad/future building site is located on one parcel.*
- T. **Noise** - The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 - *Sound Level Limits* and the associated ordinances.  
*This standard does not apply at this time. Future use will be proposed in a subsequent applications.*
- Mr. Stelmack commented that he saw no problem in voting in favor of any of the Findings.
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**Edward Zelmanow MOVED and Michael Parker SECONDED a motion that the Planning Board finds that the applicant has met all applicable criteria and standards as set forth in Chapter IV, Section IX, of the Land Use and Development Code. Motion CARRIED, 4 ayes (Susan Robie, Thomas Hughes and Thomas Fickett absent). [8:04 p.m.]**

**Michael Parker MOVED and Mark Stelmack SECONDED a motion to grant final approval of the amendment to an approved site plan and final approval of a major site plan to Shaw Brothers Construction Inc., owner, for the re-development of 11.62 acres located at 329 Mosher Road, Map 34/Lot 9, situated in the Industrial District, with conditions of approval as posted prior to the meeting and discussed with the applicant and modified this evening.**

Discussion: It was determined that the conditions have not been modified; Mr. Parker amended his motion to delete the phrase "modified this evening." Mr. Stelmack seconded the modification to the original motion.

**Motion as amended CARRIED, 4 ayes (Susan Robie, Thomas Fickett and Thomas Hughes absent) [8:05 p.m.]**

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**9. SUBDIVISION REVIEW– STONEFIELD III SUBDIVISION – OFF HARDING BRIDGE ROAD – BY GILBERT HOMES**

To request for preliminary review of a 12-lot subdivision on 30+/- acres off Harding Bridge Road. Zoned R (M50/L6):

Bill Thompson, BH2M Engineers, gave the Board an overview of the history of the Stonefield Subdivision since its inception in 2001. He said that this phase is contemplated to develop 12 lots on a 1500 foot road, with phase IV connecting the road at the upper end. Each lot in phase III will be served by public water and subsurface disposal system and underground electric. There are no wetland impacts, stormwater will be managed by buffers and two vegetated soil filters; a Site Location amended permit application and a permit for stormwater will be submitted to DEP after the project has received preliminary approval. Mr. Thompson said that they are asking that slopes between 20 to 30 percent not be deducted from the density calculations as they can be incorporated in the roadways and lot grading. The fire hydrant issue raised by the Fire Chief has been addressed. The Portland Water District's easement issue has been resolved, as well as the gravel shoulder requirement. Mr. Thompson referred to an abutter letter dealing with road improvements issues and asking if stormwater will impact the property of the writer of the letter, John Petersen. Mr. Thompson said that the projected runoff for 10 and 20 year storms has been reduced, but the 2 year storm figure is slightly higher for post development runoff, and they will have to ask DEP for a waiver for that requirement.

Mr. Boyce read the letter from Mr. Peterson as follows:

"To: Town of Gorham Planning Board  
From: John Petersen  
156 Harding Bridge Rd  
Gorham, ME 04038

My neighbors and I are concerned about an item on the agenda of the December 7<sup>th</sup> meeting, namely Item #7 that of the Subdivision Review – Stonefield III Subdivision by Gilbert Homes.

Our first area of concern is the unresolved issue of the completion of the paving of Harding Bridge Road undertaken as a required joint project by Grondin Construction and Gilbert Homes. It is our understanding that this remains unresolved as evidenced by the necessity of private plowing for the December 5, 2009 snowstorm. It is the feeling of many in our neighborhood that this issue must be resolved prior to Gilbert Homes being permitted to begin construction of yet another project in our area. If the road is not considered in satisfactory condition for the Town of Gorham to take over responsibility for its maintenance and for use

by the Town of Gorham's school buses, how can this same road be considered durable enough for use by heavy construction vehicles and by a potential for greatly increased traffic? Many of us have been waiting for Mr. Gilbert to fulfill his obligation for this project for quite some time. For some of us, this will be our fifth winter waiting for this essential town service which our taxes help support.

For some of who have abutting properties, we are additionally concerned with the issues of water run-off from the proposed development site. The map available shows a proposed drainage pond which may increase water flow to our property which is in the lowest area of our neighborhood. We would like much more information on how water runoff will be prevented from harming abutting properties.

Thank you for your consideration of our concerns.”

Signed by: John Petersen, and residents at 138, 139, 147 and 150 Harding Bridge Road.

Mr. Thompson commented that while the letter refers to a stormwater “pond,” it is in reality a vegetated soil filter. While there will be a ponding of water initially, it will infiltrate through the treatment system within a 24-hour period.

Mr. Poirier gave the staff comments. He said that the applicant has provided grading plans showing how slopes between 20 and 30 percent not deducted from the net residential density calculations can be incorporated into the roadway and lot grading. The Board should move on a waiver about the slope areas being deducted from the net residential density calculations. Mr. Poirier said that the Town maintains a public easement over the old Harding Bridge Road even though the road has been discontinued by the Town. Staff believes that the right of way should not be encumbered by the DEP buffer requirements.

Mr. Boyce asked Mr. Thompson what the encumbrance would be of the easement; Mr. Thompson replied that they would simply move the buffer back 20 feet, and that strip would not be part of the buffer. Mr. Thompson said that the present plan note about the Council's action in 1994 could be expanded. Mr. Parker said that a note should be on the plan that public use of the easement is permitted along the abutting properties.

Mr. Parker asked Mr. Poirier to discuss the issue of the extension of Harding Bridge Road becoming a public way, as alluded to in the John Petersen's letter. Mr. Poirier said that the extension referred to is part of Little River Properties' Harding Bridge Farms, phases 1 and 2. Mr. Poirier said there is a separate agreement between the two developers, Gilbert Homes and Little River Properties, regarding costs for the upgrade to Harding Bridge Road and is a separate issue not within the Board's purview. Mr. Poirier said that the Town cannot require a developer to submit his road for street acceptance. Mr. Parker asked staff to respond to the abutters to address their concerns.

The Board discussed with Mr. Thompson the issue of the slight increase in the 2-year storm rate of runoff, with Mr. Thompson saying he did not believe the abutters would see that small increase. Mr. Stelmack said he would like to see something done in the way of an engineering control standpoint to get the increase taken care of, particularly as it could be more frequent for the people who live there. Mr. Thompson said he would take a look at it.

Mr. Parker asked that the public access easements be shown on the plan and asked to be provided with any feedback about the use of the easements. Mr. Poirier responded to a query from Mr. Boyce that the Town's review engineer, due to the relatively small number of outstanding comments, is amenable to waiting to review a revised stormwater management report and plans which incorporate both these and DEP review comments. Mr. Boyce said it would be helpful to see a plan from the Little River topographic plan indicating where the runoff from a pre-development was destined. Mr. Poirier suggested that Mr. Thompson look at the

stormwater and the 2-year storm discrepancy. Mr. Zelmanow suggested a correction on sheet 1 of the plans, note 18, changing the word "geologist" to "hydrogeologist." Mr. Thompson concurred.

Mr. Thompson told Mr. Boyce that the 20 to 30 percent slopes are shown on sheet 4 in the grading on lots 35 and 36 and at the "t"-turnaround.

**Mark Stelmack MOVED and Michael Parker SECONDED a motion to approve the applicant's request for a waiver that the 20 to 30 percent slopes discussed by Mr. Thompson do not need to be deducted from the net acreage calculations. Motion CARRIED, 4 ayes (Susan Robie, Thomas Fickett and Thomas Hughes absent). [8:55 p.m.]**

Mr. Stelmack expressed concern about the applicant returning for final approval without having addressed the runoff problem and would like some assurances that something will be done. Mr. Boyce noted that the peer review engineer will be looking at the stormwater issue again once the DEP weighs in and will be signing off that the situation is acceptable before the Board is asked to grant final approval. Mr. Thompson said they will develop a solution to the problem before coming back for final approval. Mr. Poirier suggested conditional preliminary approval with the stormwater issue to be resolved before returning for final. Mr. Boyce said he is comfortable with preliminary approval with the understanding that the issue will be looked at; Mr. Stelmack agreed.

The Board agreed that an additional site walk is not needed as long as the applicant is not requesting a waiver from an increase in the 2-year storm event runoff.

Mr. Boyce reiterated the need to look at the public easement for recreational purposes to see if it affects the current application or only phase 4.

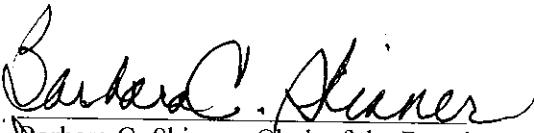
**Edward Zelmanow MOVED and Mark Stelmack SECONDED a motion to grant preliminary approval of a 12-lot subdivision proposed by Gilbert Homes, known as Stonefield III Subdivision, off Harding Bridge Road. Motion CARRIED, 4 ayes (Susan Robie, Thomas Fickett and Thomas Hughes absent). [8:58 p.m.]**

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## 11. ADJOURNMENT

**Edward Zelmanow MOVED and Mark Stelmack SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (Susan Robie, Thomas Fickett and Thomas Hughes absent). [9:00 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
December 7, 2009

**10. PRIVATE WAY AMENDMENT – RYSHAE DRIVE – OFF SEBAGO LAKE ROAD -- BY  
ROBERT DAVIS**

**Approved**  
**Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That at least one week prior to the date of the pre-construction meeting, a complete set of the final approved plan set will be delivered to planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Director of Planning;
5. That prior to the commencement of any site improvements, land clearing and/or earth-moving activities associated within the approved private way, the applicant and the design engineer shall arrange pre-construction meeting with the Planning Department, Town Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Planning Director to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
6. That the private way shall be properly maintained for access of emergency vehicles year round;
7. That the houses shall be properly numbered with the numbers being visible from the private way year around;
8. That prior to the issuance of any occupancy permits for any of the lots served by the private way, the developer's engineer shall submit an accurate final set of stamped "as-built" record drawings meeting the approval of the Town Engineer;
9. 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
10. That the Planning Board Chairman is authorized by the Planning Board to sign these Findings of Fact on behalf of the entire Board; and
11. That the private way plan, approved maintenance agreement 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 be returned to the Town Planner.

**8. MAJOR SITE PLAN REVIEW - 329 MOSHER ROAD – BY SHAW BROS. CONSTRUCTION**

**APPROVED**

**Conditions of Approval:**

1. That prior to the commencement of demolition, the applicant is responsible for obtaining all required local, State and Federal permits;
2. 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 Town Planner may approve;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That at least one week prior to the date of the pre-construction meeting, a complete set of the final approved plan set shall be delivered to planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) the Town Planner;
5. That prior to the commencement of work on this site, an escrow fund for site inspections will be established with the Town, and a preconstruction meeting with Town's engineer for construction scheduling and field inspections shall be held;
6. That the Planning Board Chairman is authorized by the Planning Board to sign these Findings of Fact on behalf of the entire Board; and
7. That these conditions of approval and the Final Plans shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to issuance of any building permits for any of the lots within the subdivision.