



**Town of Gorham
December 6, 2010
PLANNING BOARD MINUTES**

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

Members Present:

**EDWARD ZELMANOW, Chairman
THOMAS HUGHES, Vice Chairman
LAUREN CARRIER
THOMAS FICKETT
GEORGE FOX
CHRISTOPHER HICKEY
ANDREW MCCULLOUGH**

Staff Present:

**THOMAS POIRIER, Town Planner
BARBARA SKINNER, Clerk of the Board**

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m.. The Clerk called the roll, noting that all members were present.

APPROVAL OF THE NOVEMBER 1, 2010 MINUTES

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to approve the minutes of November 1, 2010 as written and distributed. Motion CARRIED, 6 ayes (Andrew McCullough abstaining as having been absent at the November meeting). [7:05 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee** - Mr. McCullough said that the Committee did not meet so there is no report.
- B. Streets and Ways Sub-Committee** – Mr. Hughes stated that this Committee has not met and there is no report.

CHAIRMAN’S REPORT – Mr. Zelmanow reminded everyone that replays of both Council and Planning Board meetings are available on line at the Town’s website.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that there are no new Administrative Review projects before the site plan review committee. In response to a question from Mr. Hughes, Mr. Poirier explained the difference between a project being “administratively” withdrawn and withdrawn by the applicant.

ITEM 1 - CONSENT AGENDA - Site Plan Review – 274 New Portland Road by John Pompeo, Owner Map 12, Lot 17.008, Industrial Zone

There being no Board member or anyone in the public wishing to remove the item from the Consent Agenda and with the applicant being satisfied with the Conditions of Approval,

Thomas Fickett MOVED and Lauren Carrier SECONDED a motion to approve the item on the Consent Agenda with conditions of approval as posted prior to the hearing and discussed with the applicant. Motion CARRIED, 7 ayes. [7:10 p.m.]

ITEM 2 - PUBLIC HEARING - Amendments to the Land Use Code relating to Street Frontage.

Mr. Poirier explained that the proposed amendment deals with the definition of “street frontage.” In order for a lot to be considered a buildable lot in Gorham, depending on the zone, a certain amount of street frontage is required. In the past, a lot that has frontage on a street typically would have access to that street and it would be possible to locate a driveway off the street. With the building of the Gorham bypass, since this is a controlled access highway, that is no longer the case, so this amendment is being proposed to the definition of street frontage to close the loophole which would allow someone to get a building permit without being able to locate a driveway on the bypass.

Mr. Poirier said that unfortunately when the notice of the public hearing was sent to the Press Herald about this meeting, the notice was incorrect. Staff has spoken with the Town Attorney who had the following recommendation: if there is no one to speak during the public hearing, the Board may postpone the public hearing to the next meeting, with the correct advertisement being placed, or the public hearing can be opened and then postponed.

There was no one from the public to offer comment, so the Chairman did not open the public hearing.

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to postpone the public hearing on this item to the Board’s January 3, 2011 meeting. Motion CARRIED, 7 ayes. [7:15 p.m.]

ITEM 3 - PRELIMINARY REVIEW -Preliminary Subdivision Plan – Peterson Fields Subdivision, 30 Brackett Road by Normand Berube – Map 28, Lot 7, Rural-Manufactured Housing and Black Brook and Brackett Road Special Protection Zone

Mr. Poirier said that the Board held a site walk with the applicant on August 26, 2010, and the applicant was last before the Board at a meeting on September 13, 2010. Staff has submitted revised staff notes for the Board’s review as part of this meeting.

Bill Thompson, BH2M Engineers, appeared on behalf of the applicant and gave a brief overview of the project. He said that this is proposed as a 7-lot clustered subdivision on 17 acres, with 11 acres of the site to be open space. Public water extension is proposed to come down from Black Brook Road, down Brackett Road, to serve the development, with two new hydrants to serve the development. Each lot will be served by on-site septic, underground electric, and the proposed street, Snowberry Drive, will be 1228 feet long, 20 feet wide with 2 foot gravel shoulders. Stormwater will be collected through a series of ditches and culverts and will be piped to a detention pond at the end of the road. He said that DEP is reviewing the stormwater permit application under their guidelines, with a few minor comments dealing with the frequency of the mowing of the open space. Each lot will have two street trees, red maple plantings, and it is proposed to continue the pine trees along the boundary with James Gregoire, the abutter at 36 Brackett Road, to provide a visual buffering. Mr. Thompson asked that there be a condition of approval regarding the planting as being most beneficial to Mr. Gregoire.

Mr. Thompson said there are response comments to the staff’s December 6 notes as follows: Portland Water District has reviewed this project for the water line extension, and have asked for certain items to be amended prior to final approval. Mr. Thompson referred to 4 items from the staff notes that need to be addressed, one of them being the need to show the location of the cluster mailbox, which will be at Lot 2. The homeowners’ documents and maintenance agreement need to be completed, which typically will be submitted prior to final approval. The Town’s Public Works Director, Bob Burns, has indicated that he would prefer a t-turnaround to come to the right. Mr. Thompson said that while they tried to accommodate

Mr. Burns' request, changing the turnaround would result in the loss of a lot and they hope it will not prove to be a deal-breaker in having the project move forward.

Mr. Thompson said they met with Portland Water District and have decided on a proposed location that will not be impacted by the 5-year moratorium on Brackett Road. The proposed location is just off the pavement in the shoulder, and the PWD indicated that would be fine so long as it is no more than 4 feet off the pavement in order to facilitate access. It is proposed to jack the water pipe under the road and to connect with a t-valve connection to the water main blow off at Black Brook Road. Mr. Hughes commented that wells in this development could be contaminated. Mr. Thompson said he believes they can connect into the pipe at a different connection without touching the pavement but all 7 lots could have drilled wells as they are outside the Special Protection zone. In response to a query from Mr. Hickey, Mr. Thompson said that this detail is not shown on the plans yet before the Board, and said they will speak to Portland Water District about it.

Mr. Hughes confirmed with Mr. Poirier that this project will fall within the scope of the Town's Post-Construction Stormwater Management Ordinance and that the "urban" area designation is defined by the DEP.

The Board and Mr. Thompson discussed the proposed open space and access to it, with Mr. Thompson noting that the open space will be promoted for trails and winter activities, that the open space is currently mowed and will remain undeveloped and protected. He said that the area has wetland grasses but they are mowable. Mr. Thompson said that the DEP asked about the open space and that in their permit, it will be called an agricultural use, hayed and baled once a year. Mr. Hickey commented that for recreational purposes, a more diverse ecosystem might be preferable. Mr. Thompson told Mr. Zelmanow that the trail system will not be surfaced in any way, just mowed, with signage. He said the homeowners' documents will reflect the maintenance requirements.

Mr. Thompson said it was his understand that with proposed public water, the required nitrate studies could be waived. Mr. Zelmanow noted that it would appear that public water is not yet certain; Mr. Thompson replied the only issue is whether public water can be connected to the development without disturbing the pavement. In the event public water is not possible, the homes will have wells and be sprinkled.

Mr. Poirier suggested that the Board discuss the Public Works Director's concern about the t-turnaround. Mr. Thompson said they cannot extend the road as it would impact the detention pond and changing the direction of the t-turnaround would cause a lot to be lost.

PUBLIC COMMENT PERIOD OPENED: James Gregoire, 36 Brackett Road, asked if the applicant is proposing to continue the 8-inch water line currently on Brackett Road. He said he appreciates the applicant's comments about the buffer between his property and that of the development. He noted it is difficult to mow the field, which is a concern to keep in mind. He asked the Board what qualifies as "recreational area." Mr. Gregoire said he would be willing to talk to the developer about changing the t-turnaround to the right, which would obviously be on his land.

Mr. Thompson said the 8-inch water line will be continued and the homeowners will need to know the requirements of maintaining the open space to prevent it growing over.

Robert Cook queried the Board about his responsibilities to extend public water should he ever wish to develop the lots he owns north of the proposed development. Mr. Poirier suggested that the best thing for Mr. Cook to do would be to meet with staff when he is ready to proceed.

PUBLIC COMMENT PERIOD ENDED.

The Board and Mr. Thompson discussed the right-of-way connection to the Charlotte Caron property; Mr. Gregoire said that Ms. Caron is his mother-in-law and her property will be reverting to him, so he can talk to Mr. Thompson about the t-turnaround issue.

Mr. Hughes asked Mr. Thompson if they would be willing to consider preliminary and final development in one meeting, at which time the item will be advertised as a public hearing. Mr. Thompson indicated they would be agreeable to that. [8:00 p.m.]

ITEM 4 - PRE-APPLICATION CONFERENCE – SITE PLAN REVIEW – Athletic Field
Improvements by University of Southern Maine LLC – Map 40, Lot 16, Urban Residential District

Mr. Poirier explained that this is basically a discussion between the applicant and the Board and these plans are not submitted to staff for review. He said that the project will be reviewed under Chapter II, General Standards of Performance, and Chapter IV, Site Plan.

Joe Laverriere, De-Luca Hoffman, introduced the proposal, describing it as an improvement to the existing natural turf field of 250 by 400 feet regulation sized soccer field with existing pressbox. The proposal is to redevelop in that area a 245 by 360 foot synthetic turf field with a 10-foot safety perimeter for soccer, lacrosse and hockey. Mr. Laverriere pointed out the fixed spectator seating facility, similar to that built at the USM baseball field, new pressbox and concession areas, and restrooms. Stadium lighting is also proposed for use during night games. The project is proposed to be implemented in phases, with the first phase to construct the field surface itself and the associated improvements around it of retaining wall and pedestrian walkway accommodations, lighting will occur in the second phase, and seating, concession building and pressbox are scheduled for the third phase. USM is required to amend the existing DEP Site Location of Development Permit for the Gorham campus. Early spring construction is desired so long as funding is in place.

The Board discussed with Mr. Laverriere issues relating to stormwater, parking, spectator seating, safety vehicle access, retaining wall, safety curbing, and winter maintenance.

Mr. Poirier said that an abutter has expressed concerns with lighting and noise projection from the field. Mr. Poirier expects that the abutter will submit his comments in writing.

Mr. Zelmanow noted that once an application has been submitted, a site walk can be scheduled.

OTHER BUSINESS – Mr. Poirier asked about scheduling a possible Board ordinance subcommittee meeting.

ANNOUNCEMENTS – NONE

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [8:25 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2010

**ITEM 1: - CONSENT AGENDA - Site Plan Review – 274 New Portland Road by John Pompeo, Owner
Map 12, Lot 17.008, Industrial Zone**

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 Town Planner may approve;
2. That prior to the commencement of construction, 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 prior to each blast taking place on the site, the applicant shall notify the County Communications Center and the Gorham Fire Department;
5. That the developer shall photo and video document the condition of New Portland Road to the approval of the Public Works Director prior to the pre-construction meeting;
6. That any damage to New Portland Road that is attributable to the project shall be repaired by the developer to the satisfaction of the Public Works Director;
7. That the applicant or any person owning, operating, leasing or having control over site's stormwater management facilities is responsible for compliance with the Town of Gorham Post-Construction Stormwater Management Ordinance;
8. That all site construction work shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the Erosion and Sedimentation Control information contained in the application;
9. That prior to the commencement of work, an escrow fund for field inspections will be established with the Town, and a preconstruction meeting with representatives of the developer, general contractor, site contractor, and the site design engineer, Town staff and the Town's engineer to review the proposed commencement date of the project, the overall schedule of improvements, conditions of approval, and site plan requirements;

10. That prior to the start of construction on Phase 3, the applicant will submit a Maine DEP stormwater permit to staff for review and approval;
11. That prior to the commencement of any work on site, a performance guarantee totaling 125% of the costs to complete the construction will be established in a performance guarantee type meeting the approvals of Town Staff and the Town's Attorney;
12. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
13. That these conditions of approval must be added to the site plan and the site plan 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 mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.