



Town of Gorham
March 21, 2011
PLANNING BOARD MINUTES

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

Members Present:

EDWARD ZELMANOW, Chairman
THOMAS HUGHES, Vice Chairman
THOMAS FICKETT
CHRISTOPHER HICKEY

Members Absent:

GEORGE FOX
ANDREW MCCULLOUGH

Staff Present:

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

Edward Zelmanow, Chairman, called the meeting to order at 630 p.m.. Mr. Zelmanow announced that Board member Lauren Carrier has tendered her resignation from the Planning Board due to personal time constraints. Mr. Zelmanow thanked Ms. Carrier for the time she gave to the Board and wished her well in the future.

The Clerk called the roll, noting that George Fox and Andrew McCullough were absent. The Chairman noted that with 4 members present, there is a quorum and the Board is therefore able to proceed with the meeting.

APPROVAL OF THE MARCH 7, 2011 MINUTES

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to approve the minutes of March 7, 2011 as written and distributed. Motion CARRIED, 4 ayes (George Fox and Andrew McCullough absent, Lauren Carrier having resigned from the Board). [6:35 p.m.]

ITEM 1 – CONSENT AGENDA

Private Way – Gregg and Erin Morton – “Henry Lane,” a 164-foot private way of Gray Road, built to the one-lot private way standards on 3.5 acres, Map 46, Lot 3, located in the Suburban Residential District.

Private Way – Harry and Bonita West – “My Way,” a 145-foot private way off Deering Road, built to the one-lot private way standards on 4.03 acres, Map 17, Lot 9, located in the Rural District.

Mr. Zelmanow explained that Consent Agenda items are administrative in nature and are recommended for approval by staff. They will not be discussed unless a request is made by either a member of the Planning Board or of the public to remove a specific item from the Consent Agenda. If there is such a request the item in question will be removed from the Consent Agenda and taken up immediately following the approval of the Consent Agenda itself. If there is no request made, all of the items on the Agenda will be acted on as a single item.

Christopher Hickey MOVED and Thomas Fickett SECONDED a motion to remove the private way application of Harry and Bonita West from the Consent Agenda. Motion CARRIED, 4 ayes (George Fox and Andrew McCullough absent, and Lauren Carrier having resigned from the Board). 6:38 p.m.

There being no one wishing to remove the application of Gregg and Erin Morton from the Consent Agenda, and Mr. Poirier confirming that the Conditions of Approval have been reviewed by the applicants,

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to grant approval of the remaining item on the Consent Agenda with conditions of approval posted prior to the meeting and discussed with the applicant. Motion CARRIED, 4 ayes (George Fox and Andrew McCullough absent, and Lauren Carrier having resigned from the Board). 6:39p.m.

The Board then returned to a review of the Harry and Bonita West private way application.

Christopher Hickey MOVED and Thomas Fickett SECONDED a motion to table to the application. (George Fox and Andrew McCullough absent, and Lauren Carrier having resigned from the Board). 6:38 p.m.

Mr. Poirier explained that staff received an email from Bob Libby, the applicants' representative, stating: "On behalf of the applicants Harry and Bonita West we are requesting that the private way application be removed from the Consent Agenda. There is no need for the private way for frontage of the new lot because of the Code Officer's ruling."

Mr. Poirier said he expects that the applicants will be submitting a letter withdrawing their application within the next week.

ITEM 2 – SITE PLAN AMENDMENT REVIEW – Marca Manufacturing, LLC – a request for approval to construct a building expansion of 24,584 square feet, with a future buildout of the building to a total of 57, 484 square feet, along with paved access drives, loading and parking areas for 121 vehicles at 5 Sanford Drive, Map 12/L33.018, located in the Industrial District.

Mr. Poirier explained that the applicant was last before the Board on March 7, 2011, when the need for a site walk was discussed, as well as the additional submission of materials. A site walk was held on March 16, 2011, and the applicant has made the changes to the plans requested by staff and the staff notes have been amended to incorporate those changes. The applicant was requesting a waiver to the traffic analysis, but since the last meeting, the applicant has submitted the required analysis.

Dustin Roma, Sebago Technics, introduced Larry Zuckerman and Frederick Veitch from Marca Manufacturing, LLC, and Ray Dulac and Frank Grondin of Mainland Structures Corporation, the general contractor for the project. Mr. Roma gave an overview of the proposal to construct two additions to an existing building at 5 Sanford Drive, and discussed the proposed reconstruction of the current 68 on-site parking lot to allow for a total of 121 parking spaces, and as mentioned during the site walk, cleaning out the culverts underneath the rear access drive, providing a service entry only sign on the rear entry to the site, and the placement of bollards on the transformer pad. Mr. Roma also described the additional landscaping to be added. An additional sidewalk has also been added for the convenience of those parking in the middle parking area.

Mr. Roma said that the ability-to-serve letters required from the Portland Water District have not yet been received, and suggested that a condition of approval be added that those letters be secured prior to scheduling the pre-construction meeting.

Mr. Zelmanow suggested that the sign permit application information be incorporated into the application by reference to become part of the application process, so that when the application is approved, the sign permit application will also be approved. Mr. Poirier said that the sign sizes had been reviewed by himself and the Code Enforcement Officer and were found to be compliant with the sign regulations in the Code.

Mr. Zelmanow said that restrictive covenants of the Industrial Park are not within the purview of this Board or the Town for enforcement, that the covenants deal with relationships among the tenants of the Park to enforce, and the condition of approval on this matter should be removed from the plans.

Mr. Poirier read the proposed condition of approval #19 dealing with the ability to serve letter as follows: "That an ability-to-serve letter from the Portland Water District shall be provided to the Planning Office indicating that the District has the capacity to serve the proposed building expansion with water and sewer service prior to the pre-construction meeting."

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

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

CHAPTER IV - 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.
The applicant has provided the necessary plans and accessory documentation to show the natural capabilities of the site can support the proposed building expansion and accessory parking areas and access driveways.
- 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 applicant has submitted a Traffic Impact Assessment dated March 9, 2011 by Stephen S. Sawyer, P.E., Transportation Engineer, which reviewed proposed entrances, high crash locations, existing volumes on adjacent roadways and expected site trip generation. The assessment identifies that the vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.
- C. **Access into the Site** - Vehicular access into the development will provide for safe and convenient access.
Based on the Traffic Impact Assessment along with plan sheets detailing access drives and parking areas, the development has provided for safe and convenient access.
- D. **Internal Vehicular Circulation** - The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.
The layout of the parking, loading docks and access driveways will provide for the safe movement of passenger, service and emergency vehicles through the site.
- E. **Pedestrian Circulation** - The development plan will provide for a system of pedestrian circulation within and to the development.
The applicant is proposing to install two 6' wide pedestrian walkways along the southern edge of the proposed building addition and along the northeast side of the existing building. The proposal provides a system of pedestrian circulation within the development.
- 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:
The applicant has provided information on the site plan and in the Stormwater Management Plan meeting the requirements of the Post-Construction Stormwater Management Ordinance.
The detention pond will be constructed along the southern end of the site. The detention pond will be constructed to accommodate the existing and proposed building and impervious areas. The detention pond will control the post-development run-offs so that they do not exceed the pre-development rates for the 2, 10, and 25 year storm frequency events. The proposed plan will not have an adverse impact on abutting or downstream properties.

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.
The project, building and site designs and driveway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

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 system of water supply is adequate to support the proposed expanded use of the site.

The Board added the following finding:

The applicant has agreed to a Condition of Approval to provide an ability-to-serve letter from the Portland Water District prior to the pre-construction meeting.

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 system of sewage disposal is adequate to support the proposed expanded use of the site.

The Board added the following finding:

The applicant has agreed to a Condition of Approval to provide an ability-to-serve letter from the Portland Water District prior to the pre-construction meeting.

J. **Utilities** - The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.
The site is served by overhead electrical and telephone lines. Natural gas is also located along Hutcherson and Sanford Drive and currently serving the existing building. Utilities are adequate to meet the anticipated expanded use.

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.
The applicant is proposing to retain the existing vegetation along the northern property line, preserve existing vegetation and minimize disturbance to the greatest extent practical.

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.
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.

M. **Exterior Lighting** - The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.
Exterior lighting is proposed to be installed throughout the site. Seven full cut-off wall packs are proposed to be installed with the first phase of construction with an additional four full cut-off wall packs being installed in future building phases. Eight pole mounted full cut-off lights are proposed to be installed in and adjacent to the parking lot. The exterior lighting is adequate to provide for the safe use of the development in nighttime hours.

O. **Waste Disposal** - The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
Solid wastes from the site will be stored in two dumpsters located on a concrete pad adjacent to the eastern edge of the proposed 24,585 sq. ft. addition. A licensed solid waste hauler will remove and dispose of the waste stored in the dumpsters.

- 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 applicant has provided a landscaping plan that provides for landscaping along the building and parking lot. The landscaping plan adequately breaks up parking areas, softens the appearance of development and protects abutting properties from adverse impacts of the development.

- 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 parcel is not located within any Shoreland Overlay Districts.

- 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 letter of financial capacity dated February 17, 2011 from Central Bancorp identifying that the applicant has the assets to complete the project.

The applicant has provided that it and its consultants have the 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.

The development will provide buffering to screen service and storage areas required by the district regulations.

- 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.

The applicant has demonstrated that the development will comply with the noise regulations listed for the Industrial District.

- *Daytime (7 am- 7 pm) 70 dba*
- *Nighttime (7 pm- 7 am) 60 dba*

The Board added the abbreviation “dba” for “decibel” to each of the above standards.

Mr. Zelmanow noted that there is no Standard “N,” inasmuch as no such standard exists in the Code.

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to accept the Findings of Fact as written, read and amended this evening. Motion CARRIED, 4 ayes (George Fox and Andrew McCullough absent, Lauren Carrier having resigned from the Board). [7:04 p.m.]

Christopher Hickey MOVED and Thomas Fickett SECONDED a motion to grant approval of Marca Manufacturing, LLC’s request for a site plan amendment to construct a 24,584 square foot building expansion with a future buildout of the building to a total of 57,585 square feet, along with paved access drives, loading and parking areas for 121 vehicles at 5 Sanford Drive, Map 12, Lot 33.018, in the Industrial District with conditions of approval as posted prior to the meeting and discussed with the applicant and modified here this evening. Motion CARRIED, 4 ayes (George Fox and Andrew McCullough absent, Lauren Carrier having resigned from the Board). [7:05 p.m.]

Mr. Zuckerman, Marca Manufacturing, expressed his thanks and appreciation to the Board.

OTHER BUSINESS - NONE

ADJOURNMENT

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (George Fox and Andrew McCullough absent, Lauren Carrier having resigned from the Board). [7:10 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2011

ITEM 1: CONSENT AGENDA

Gregg and Erin Morton, "Henry Lane," a 164-foot private way of Gray Road, built to the one-lot private way standards on 3.5 acres, Map 46, Lot 3, located in the Suburban Residential District.

FINDINGS OF FACT

CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, SECTION V

- 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 proposal is for a one lot private way which can only be utilized for access of a single family dwelling unit on the proposed lot.
- 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.
*Henry Lane and Keith Norman Road names both comply with the road name E911 standards.
The Plan title block reads "Plan of a Private Way"
The approval block also has lines for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.
The Plan shows information sufficient to establish on the ground the exact location, direction, width and length of the private way.
The street plan and profile, and street cross sections are in accordance with Chapter II, Section V., E., 3.
The Plan has a note that reads, "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 "*
- 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.
Not applicable.
- 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 ½" 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. Henry Lane is proposed to have a right-of-way width of 50' which meets the minimum private way right-of-way width.
*Henry Lane is proposed to have a right-of-way width of 50' which meets the minimum private way right-of-way width.
The paved apron meets the Land Use and Development Code's construction standards.*
- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.
The private way has been designed to conform to the Land Use and Development Code's standards and the typical cross section.

- 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 one lot private way can only be utilized to serve a single family dwelling unit on the proposed lot.

- 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 fee interest of the private way is to remain with the proposed Gregg and Erin Morton lot. The land area of the private way is not used to satisfy the minimum lot area requirements for any of the lots located along the private way. Plan Note #20 identifies that the fee interest of the private way right-of-way will remain with the proposed lot shown on the plan.

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 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, four complete sets 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) Town Planner;
5. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code; including an escrow for field inspection of improvements shown on the plan;
6. That prior to commencement of construction, the applicant shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
7. That the private way shall be properly maintained for access of emergency vehicles year round;
8. That the houses shall be properly numbered with the numbers being visible from the private way year around;
9. That prior to the issuance of the occupancy permit for the lot served by the private way, the developer must submit an accurate final set of "as-built" record drawings meeting the requirements under Chapter II, Section V, I., 4) and stamped by a professional engineer;
10. That prior to issuance of the occupancy permit for the lot 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;

11. That all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control: Best Management Practices”, Department of Environmental Protection, latest edition;
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 the private way plan 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 recorded Mylar copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.

ITEM 2 – SITE PLAN AMENDMENT REVIEW – Marca Manufacturing, LLC

**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 of the site plan, 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 the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code One;
5. That the building shall be completely sprinkled with the sprinkler system meeting the Town of Gorham's sprinkler Ordinance. The sprinkler plans shall be submitted to the state Fire Marshal's Office and the Gorham Fire Department for review and permitting. The plans shall be submitted to the Fire Department at least two weeks prior to the start of the installation of the system;
6. That there shall be a separate room for the sprinkler controls with a separate outside door. The door shall be labeled sprinkler control room;
7. That the sprinkler test papers shall be submitted to the Fire Department at the time the certificate of occupancy is issued, including the papers showing the internal inspection of the existing system has been completed;
8. That a complete set of building construction plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting. A copy of the construction permit from the state Fire Marshal shall be provided to the Fire Department, before a building permit is issued;
9. That the gas meters shall be protected by bollards, the bollards are required regardless of the area of the meter;
10. That a lock box shall be provided at the gate to the rear of the property;
11. That the spray booth shall meet all applicable sections of NFPA 33 and NFPA Fire Prevention Code 1 Chapter 17;
12. That the storage and handling of flammable and combustible liquids including waste liquids shall comply with NFPA 30;
13. That a complete list of any Hazardous materials and their MSDS sheets shall be provided to the Fire Department;

14. That the applicant or any person owning, operating, leasing or having control over the site's stormwater management facilities is responsible for compliance with the Town of Gorham Post-Construction Stormwater Management Ordinance;
15. That the drainage ditch located along the northern edge of the existing building shall have the build-up of sediment removed and rip rap replaced;
16. 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;
17. That prior to the commencement of any site improvements in phase one or future building phases, the applicant and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
18. That prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
19. That an ability-to-serve letter from the Portland Water District shall be provided to the Planning Office indicating that the District has the capacity to serve the proposed building expansion with water and sewer service prior to the pre-construction meeting;
20. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
21. 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.