



Town of Gorham
April 11, 2011
PLANNING BOARD MINUTES

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

Members Present:

EDWARD ZELMANOW, Chairman
THOMAS FICKETT
CHRISTOPHER HICKEY
GEORGE FOX
ANDREW MCCULLOUGH
COREY THERIAULT

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. Mr. Zelmanow welcomed new Board member Corey Theriault.

APPROVAL OF THE MARCH 21, 2011 MINUTES

Thomas Fickett MOVED and Christopher Hickey SECONDED a motion to approve the minutes of March 21, 2011 as written and distributed.

Discussion: Mr. Fickett noted a correction to be made to the listing of members present and absent at the March 21 meeting.

Motion CARRIED to approve the minutes as corrected, 3 ayes (George Fox, Andrew McCullough and Corey Theriault abstaining as not having been present at the March 21, 2011 meeting). [7:02 p.m.]

REORGANIZATION OF THE BOARD

A. Election of Officers

The Clerk called for nominations for the position of Chairman.

Thomas Fickett nominated Edward Zelmanow for the position of Chairman. There were no further nominations. The nomination approving Edward Zelmanow as Chairman CARRIED, 6 ayes.

The Chairman called for nominations for the position of Vice Chairman.

Mr. Zelmanow nominated Christopher Hickey for the position of Vice Chairman. There were no further nominations. The nomination approving Christopher Hickey as Vice Chairman CARRIED, 6 ayes.

B. Committee Appointments

1. Ordinance Review Committee: Edward Zelmanow, Andrew McCullough, Corey Theriault
2. Streets and Ways Sub-Committee: George Fox, Thomas Fickett, Christopher Hickey

Mr. Zelmanow asked that at the first meeting of each committee, a chairperson be elected with that information being provided back to the Board.

CHAIRMAN'S REPORT

Mr. Zelmanow said there was no Chairman's Report, but did note there is still one vacancy on the Planning Board, and it is anticipated that the Town Council will fill that position shortly.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that there are three projects going through Administrative Review. Champagne Energy is coming forward with a site plan amendment to locate a small storage outbuilding behind the current propane tanks at the site on Main Street. The review is complete for Flaggship Holdings, LLC, with the applicant to finalize the plans for the Site Plan Review Committee to sign. The review on PineCrest Bed and Breakfast will be finalized shortly for two additional rooms; an abutter has expressed some concerns, so the Site Plan Review Committee will hold a meeting to review the application on April 20 at 11:00 in Conference Room A, next door to the Manager's office.

Mr. Zelmanow said that he had been contacted by someone who asked if Champagne Energy's two separate site plan reviews was a way to avoid site plan review,; had both been done at the same time, would that have triggered a full review before the Planning Board. Mr. Poirier replied that both projects, whether separate or together, would not be large enough projects to trip site plan review.

Mr. Zelmanow asked Mr. Poirier if there is an update on Sawyer estates; Mr. Poirier replied that the applicant has submitted revised plans, and it is anticipated that the application will be on the next Board meeting for a discussion of sewerage the residential units.

ITEM 1 Preliminary & Final Subdivision Plan: Normand Berube Builders, Owner, proposes a seven lot clustered subdivision to be served by a 1,232 foot road built to the Town's rural access standards on 17.186 acres at 30 Brackett Road, located on Map 28 Lot 7 situated in the Rural - Manufactured Housing (R-MH) & Black Brook and Brackett Road Special Protection zoning districts.

Mr. Poirier explained that when the applicant was last before the Board on March 7, 2011, where discussions focused on two topics: one was the extension of public water down Brackett Road to serve the subdivision, with the applicant going forward with a request to be exempted from the public water supply provision, and the second topic of discussion was a hammerhead to the right to meet the requirement of the Public Works Director. Since that meeting, the applicant has provided an analysis for the provision of public water supply, and staff has provided the Board with the appropriate review criteria in the staff notes. The exemption from the requirement to provide public water will require a formal vote by the Board. Mr. Poirier explained that the cost for providing public water service for a residential use or subdivision shall be deemed to be unreasonable if the estimated cost per unit exceeds the maximum private water cost per unit based on the methodology set forth in the analysis sheet provided by the applicant. Once the Board has determined the water cost provisions, staff has completed review criteria findings for the subdivision for both preliminary and final approval. Both approvals in a single meeting can be granted by motion of the Board.

William Thompson, BH2M Engineers, appeared on behalf of the applicant and advised the Board that the option of private wells with sprinklers is what the applicant is asking the Board to approve. The nitrate study has been completed, reviewed and deemed satisfactory, and certain plan notes, 22, 23 and 28, have been revised based on requests by the Town Planner. The issue of the right t-turnaround as required by the Public Works Director has been resolved by negotiation with the abutter, Charlotte Caron, for a purchase and sale agreement for a 50'x50' area to permit the installation of the required t-turnaround. Mr. Thompson said there are no issues with the Conditions of Approval, which will be added to the final mylar.

Mr. Fickett and Mr. Thompson discussed the applicant's cost estimator for the provision of private water. Mr. Poirier explained that the applicant had identified ledge as a cost factor, as well as jacking under the road, but did not provide any backup information. Therefore, staff prepared a more conservative cost estimate which does show that the cost of providing public water exceeds the maximum private water cost. Mr. Poirier said that if the applicant were to encounter ledge, that cost and the cost of jacking under the road would more than exceed his estimate.

Mr. Zelmanow confirmed with Mr. Poirier that sheet 1 of the mylar to be signed by the Board will show the right t-turnaround.

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

Christopher Hickey MOVED and Andrew McCullough SECONDED a motion to waive the procedures leading up to final approval required under Chapter III, Sections III and IV of the Gorham Land Use and Development Code. Motion CARRIED, 5 ayes (Corey Theriault abstaining). [7:27]

The Board then continued its review of the project as follows:

CHAPTER II, SECTION X, The Provision of Public Water Supply

- A. Required Provision of Public Water Supply
Peterson Fields is located in the Black Brook and Brackett Road Special Protection District.
- B. Conditional Provision of Public Water Supply
Peterson Fields is proposed to be seven single dwelling units and is located approximately 650 feet from the existing water main located in Brackett Road.
- C. Provision for the Orderly Extension of the Public Water Supply System
Peterson Fields Subdivision meets the criteria of both A and B above.
- D. Exemption from Public Water Supply Requirements
Peterson Fields Subdivision can locate all the individual private water supply outside of the Black Brook and Brackett Road Special Protection District.
- E. Determination of Unreasonable Cost
*Peterson Fields Subdivision does account for the entire lot to be developed and there is no potential for future development on the parcel (Map 27/Lot 7).
The applicant has provided an Analysis of Water Supply Costs – Worksheet for Residential/Development.
The cost for providing Public Water Cost Per Unit exceeds the Maximum Private Water Cost Per Unit.*
- F. Responsibility and Standards for Extension of the System
The subdivision meets the exemption requirement under Section E. Determination of Unreasonable Cost.

Andrew McCullough MOVED and George Fox SECONDED a motion to grant the applicant an exemption from the requirement to extend the public water supply based on the costs of providing the public water system. Motion CARRIED, 4 ayes, 1 nay (Thomas Fickett) and 1 abstention (Corey Theriault). [7:26]

CHAPTER III, SECTION III - Preliminary Plan Review C.2)

The proposed development plan:

- a) shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.
*The project has received a Stormwater Management Law Permit # L-25133-NJ-A-N from the Maine Department of Environmental Protection Agency.
The project has provided ROW continuation to the abutting parcel now or formerly owned by Charlotte Caron. The ROW continuation meets the requirements of ROW continuation to abutting undeveloped land.*
- b) will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.
The subdivision lots will be served by Snowberry Drive which is designed to meet the Town's Rural Access Road standard. Access to the site is via Brackett Road. The proposed subdivision does not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.
- c) will not place an unreasonable burden, by either direct cause or subsequent effect, on the ability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.
The subdivision will have a clustered mailbox located on Snowberry Drive in front of lot 2. The applicant has an agreement with Charlotte R. Caron to transfer a 50' by 50' area to the applicant. This will allow the applicant to meet the Public Works Director's requirement of a hammerhead to the right. Peterson Fields will not place an unreasonable burden on the ability of the Town to provide municipal services.
- d) has sufficient water supply available for present and future needs as reasonably foreseeable.
*Peterson Fields lots will be supplied with individual drilled wells.
The applicant has provided an Evaluation of Potential Septic System Impacts on Groundwater for Peterson Fields by Eric M Clapp, Ph.D., Project Hydro-geologist, and John E. Sevee, P.E., C.G., with Sevee & Maher Engineers, Inc. The report identifies that the site will have sufficient water supply available and shows the locations for acceptable well zones.
The Planning Board has tonight granted the applicant an exemption from the requirement to extend the public water supply based on the costs of providing the public water supply.*
- e) adequately provides solid waste disposal and sewage waste disposal for present and future needs as reasonably foreseeable.
*Each of the proposed lots had a passing soil pit and the subdivision plans show proposed locations for sewage waste disposal on all the proposed lots within the subdivision.
The subdivision provides solid waste disposal and sewage waste disposal for present and future needs as reasonably foreseeable.*
- f) will not result in undue pollution of air, or surficial or ground waters, either on or off the site.
The subdivision has received approval from the Maine Department of Environmental Protection as well as the Town's Engineer for requirements for stormwater on and off the site. The subdivision improvements will not result in undue pollution of air or ground water, either on or off the site.

- g) will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
Sheets 3 and 4 provide locations for erosion control devices to be installed for construction. Sheets 6 and 7 provide details for the installation of erosion control devices. The proposed subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- h) will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features, and change of ground water table so that a dangerous or unhealthy condition may result.
The proposed subdivision will not affect the shoreline of any body of water or change the ground water table so an unhealthy or dangerous condition develops.
- i) will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.
The proposed residential subdivision will provide housing, landscaping and amenities. No scenic vistas, historic sites or irreplaceable natural or manmade assets will be affected.
- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter VIII.
The applicant is proposing to provide 10.93 acres of open space as part of the development. The payment of the Recreational Facilities and Open Space Impact Fee is also required to be made with each subdivision lot's building permit fees.
- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
- a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
- b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.
Peterson's Field Subdivision is a clustered subdivision with 10.93 acres of open space. The open field portion of the open space will be cut annually for hay production for agricultural uses. A system of trails is also proposed through the open space for walking, snow shoeing, and cross-country skiing. The applicant has provided the required Homeowners' Association documents which provide for the perpetual care of the commonly owned recreation land, stormwater infrastructure, and roads.

CHAPTER II, SECTION IV. RESIDENTIAL, A. Clustered Residential Development

- 1) The purpose and intent of the Land Use Code shall be upheld.
The proposed subdivision meets the purpose and the intent of the Land Use Code.
- 2) There shall be compliance with all State and local codes and ordinances.
The applicant will be required to meet all local and State statutes and ordinances.
- 3) Each building shall be an element of an overall plan for site development.
The applicant has provided potential locations for proposed buildings on the subdivision plan.

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- 4) The development cannot exceed the allowable net residential densities permitted.
The applicant has provided a net residential density calculation showing a net residential density for 7.093 lots/dwelling units. The applicant is proposing to locate single family dwellings on 7 lots. The Board changed the density to 7.132 lots/dwelling units to reflect the additional acreage for the turnaround.
- 5) Residual open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. The use of any open space may be further limited or controlled by the Planning Board to protect adjacent properties or uses.
The common open space shall be accessible to the residents of the project and at a minimum, this may include such activities as walking, picnicking, fishing, swimming, cross country skiing, and other residential uses unless otherwise provided for in the Planning Board approval.
The proposal is to lay out a series of walking, cross country skiing, and snow shoeing trails. The trails will be marked by numerous signs standing 5' tall identifying "Peterson Fields Open Space Trails."
6. The developer shall take into consideration the following points and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal:
 - a) Orientation: of buildings and other improvements.
 - b) Streets: Streets shall be laid out and constructed consistent with local requirements.
 - c) Drainage: Designed with adequate provisions for storm water.
 - d) Sewage Disposal: Designed with adequate sewage disposal.
 - e) Water Supply: Designed with adequate water supply.
 - f) Utilities: Shall be installed with underground wherever possible.
 - g) Recreation: Facilities shall be consistent with the development.
 - h) Buffering: Planting, landscaping, disposition and form of buildings and other improvements, or other screening shall be utilized to integrate the proposed development with the character of any surrounding development.
 - i) Disposition of Buildings: Shall be recognized the need for natural light and ventilation.
The proposed plan takes into consideration the orientation of buildings, streets, drainage, sewage disposal, water supply, utilities, recreation, buffering, and disposition of buildings.
- 7) The tract or parcel is in single ownership or an application filed jointly.
The parcel is in single ownership and the applicant has a purchase and sale agreement for the property.
- 8) Prior to recording the final subdivision plans, the Planning Board shall require and accept in accordance with the ordinance, an improvement guarantee in accordance with Chap. III, Section IV, C. Improvement guarantee.
*The applicant has submitted a schedule of values for subdivision improvements. The Town's Engineer has reviewed the schedule of values and finds it acceptable.
The applicant will be required to establish an improvement guarantee based on the approved schedule of values in the form of a bond, letter of credit, irrevocable letter of credit, or such equivalent meeting the approvals of Town Staff and the Town Attorney prior to the pre-construction meeting.*
- 9) Common open space shall be dedicated after the approval and there shall be no further subdivision of this land, nor buildings constructed upon it without planning review.

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The applicant has added plan note number 20, which identifies that open space shall not be used for future building lots.

- 10) The common open space(s) shall be shown on the development plan with the following notes:
- a) shall not be used for future building lots.
 - b) a part or all of the common open space may, at the option of the Town be dedicated for acceptance by the Town for operation as a municipal recreation facility.

The applicant has added plan note 20, which meets the requirement of this section.

- 11) Common open space to be reserved by the residents requires formation and incorporation by the developer in the home owners association prior to the final plat approval.

The applicant is proposing to reserve the common open space for the residents of the subdivision.

- 12) Covenants and mandatory membership shall be approved by the Planning Board and included in the deed for each lot.

The Peterson Fields Homeowners' Association documents require mandatory membership for each lot in the Subdivision.

- 13) The homeowners' association shall have the responsibility of maintaining the common open space and local recreational facilities.

The Peterson Fields Homeowners' Association documents outline the responsibilities and requirements for maintaining the common open space and trails.

- 14) The association may levy annual charges against all property owners to defray the expenses connected with maintenance of open spaces and recreational facilities.

The Peterson Fields Homeowners' Association documents allow the association to levy annual charges against all property owners for the maintenance of open spaces and recreational facilities.

- 15) The developer shall maintain control of open space and be responsible of the open space and recreational facilities until the development is large enough to support home owners association has taken place. Such determination shall be made by the Planning Board upon request of the Homeowners association or the developer.

The developer will maintain and be responsible for the open space until the development is large enough to support the Peterson Fields Homeowners' Association.

CHAPTER III SECTION IV –Final Plan Review

- 1) The Planning Board shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The Planning Board will review preliminary and final subdivision plan criteria at a single meeting.

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the Issuance of Preliminary Approval.

The Planning Board has yet to give the project preliminary approval. The Planning Board has discussed with the applicant the possibility of granting a waiver to allow the applicant to receive both preliminary and final approvals at one meeting.

Mr. Thompson confirmed that the applicant is satisfied with the Conditions of Approval.

Christopher Hickey MOVED and Andrew McCullough SECONDED a motion to waive the procedures leading up to final approval required under Chapter III, Sections III and IV of the Gorham Land Use and Development Code. Motion CARRIED, 5 ayes (Corey Theriault abstaining). [7:35 p.m.]

George Fox MOVED and Christopher Hickey SECONDED a motion that the Gorham Planning Board adopts each of the foregoing Findings of Fact and grants Normand Berube Builders' request for preliminary and final approval for Peterson Fields Subdivision, a seven lot clustered subdivision, located on Map 28/Lot 7 in the Rural- Manufactured Housing Zoning District, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Corey Theriault abstaining). [7:37 p.m.]

ITEM 2 Public Hearing - Final Site Plan Review – University of Southern Maine proposes to redevelop an existing natural turf field into a multi-purpose athletic field facility. The parcel is situated on Map 40 Lot 16 in the Urban Residential (**UR**) district.

Mr. Poirier said that this application was last before the Board at the February 7, 2011 meeting. The application is being reviewed under both site plan and special exception. The concerns raised by the Town's review engineer regarding stormwater and staff's housekeeping concerns have been addressed by revised plans. The Board should each of the criteria for site plan and special exception, which will then become the findings of fact for the project.

Joe Laverriere, DeLuca-Hoffman Engineers, gave a brief overview of the project to replace a natural turf athletic field with a synthetic turf surface, based on a 345 by 360' rectangle. Mr. Laverriere said he did not believe there are any outstanding issues left to be addressed, and said that the applicant is satisfied with the proposed Conditions of Approval.

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

The Board then began its site plan review of the application under Chapter IV, Section IX, 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 is proposing to redevelop the existing natural athletic field with an artificial surface, as well as associated pedestrian access and drainage improvements. The plans and supporting information submitted by the applicant reflect the natural capabilities of the site to support the proposed redevelopment of the site.
- 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.
Vehicular access to the site is provided from State Street (State Route 25), School Street (State Route 114), and College Avenue. No additional traffic is proposed to be generated by the development and the three roads providing access to the site have adequate capacity to accommodate existing traffic.
- C. Access into the Site** - Vehicular access into the development will provide for safe and convenient access.

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Vehicular access into the development is provided through three named driveways: Campus Avenue with access from School Street, University Way with access from College Avenue, and Husky Drive with access from State Street. No changes to any of the driveways are proposed and all driveways provide for the safe and convenient access into the site.

- D. **Internal Vehicular Circulation** - The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.
No changes to the site's existing driveways are proposed. The existing layout of the site provides 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.
Two 8' wide bituminous sidewalks will be constructed to provide a system of pedestrian circulation from the closest parking lot to the soccer field and to connect to the existing sidewalk network located on the campus.
- 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 submitted a stormwater management plan that was developed to protect downstream properties and water bodies from any increase in pollutants, channel erosive flows, and thermal impacts associated with urban runoff.
The applicant has also received Maine Department of Environmental Protection approval for a minor amendment to the Site Location of Development Permit. Site Location of Development Act Permit Minor Amendment L-19221-22-Z-B.
- 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 site design of the project will fit and utilize the existing topography to the fullest extent possible. The applicant has provided an Erosion Control Plan – Phase 1: Sheet C-4.1 which details the locations of erosion control devices to be installed as part of earth moving activities. The applicant has also provided an Erosion & Sediment Control Narrative and Details: Sheet C-9.2 which shows how erosion control devices will be constructed on the site.
- 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.
On February 7, 2011, the applicant was granted a Planning Board waiver from submitting a Portland Water District ability to serve letter. A 2" waterline will be run along the northern end of the turf field to serve two yard hydrants. The hydrants will be used to clean/wash down the field as part of regular maintenance. The system of water supply is adequate for the proposed use.
- 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.
On February 7, 2011, the applicant was granted a Planning Board waiver from submitting a Portland Water District sewage disposal ability to serve letter.
No changes to the site's existing sanitary sewer system are required.

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- J. **Utilities** - The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.
The applicant is proposing to install underground electrical and conduit to serve the turf field and future light poles. The electrical service is adequate to meet the anticipated use of the project.
- 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 project is a redevelopment of an existing disturbed area and the applicant is proposing to retain the existing vegetation 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 will not adversely impact either the quality or quantity of the groundwater available to abutting properties.
- M. **Exterior Lighting** - The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.
No changes to the site's existing lighting are proposed for this phase of development. The applicant will need to come back to the Planning Board for review and approval before proceeding with phase 2, stadium lighting.
- O. **Waste Disposal** - The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
No change to the University of Southern Maine's waste disposal is proposed. The existing waste disposal system for the University of Southern Maine is adequate for the disposal of solid and hazardous wastes.
- 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 development is located within the University of Southern Maine's parcel and is not within view of abutting properties. No landscaping is required to define street edges and protect abutting properties.
- 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 development is not located in the Town's 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 demonstrated that it has the financial and technical capacity to carry out the project in accordance with the Code and the approved plan.
- 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 proposed redevelopment is located within the University of Southern Maine's lot and not visible from the abutting properties. No modifications to the existing buffer areas are proposed or required.

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 project is located in the Urban Residential District which places the project in the Residential District for noise. The A-weighted sound level limits in the Residential District are 60 dBA daytime (7 am- 7 pm) and 50 dBA nighttime (7 pm- 7 am).

No changes are proposed to the fields public address system. The applicant has demonstrated that the development will comply with the noise regulations in the Residential District.

Mr. Fox referred to a previous abutter concern about noise. Mr. Zelmanow said that this application does not touch upon any of the aspects of the site that the abutter had issues with, and based upon what has been presented, each Board member must make a determination that the application does meet the noise criterion for this phase of the development. Mr. McCullough noted that the noise objected to by the abutter was actually coming from the baseball field, a different area than this one.

Continuing its review, the Board then considered the Special Exception Standards as follows:

CHAPTER I, SECTION IV, E. Special Exception Standards

The Planning Board has the power and duty to approve, deny, or approve with conditions special exceptions only as provided in the applicable zoning districts. The applicant has the burden of proving that the application is in compliance with the following standards.

1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;
The proposed development of the athletic field will not increase the demand for vehicular or pedestrian traffic. The existing infrastructure both off-site and on-site is adequate to serve the proposed redevelopment of the athletic field and will not create or aggravate hazards to vehicular or pedestrian traffic.
2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results;
The stormwater management plan, site plans, and associated documents submitted by the applicant show the proposed athletic field redevelopment will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.
3. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;
The redevelopment of the athletic field from a natural turf field to a synthetic field will not create unhealthy conditions from smoke, dust, or other airborne contaminants.
4. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
The proposed redevelopment of the athletic field will not create a nuisance to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or restrict the access of light and air to neighboring properties.

5. The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use; *The existing waste disposal system for the site is adequate for all solid and liquid wastes generated by the proposed redevelopment of the athletic field.*

6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.
The proposed improvements to the existing stormwater drainage system will protect water bodies from any increase in pollutants, channel erosive flows, and thermal impacts associated with urban runoff. The proposed use of the site will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

Andrew McCullough MOVED and Thomas Fickett SECONDED a motion that the Gorham Planning Board adopts each of the foregoing Findings of Fact and grants approval of the proposed Special Exception Use and Site Plan Amendment request of the University of Southern Maine to replace the existing natural turf athletic field with an artificial multi-purpose athletic field, along with improvements to pedestrian walkways and stormwater management infrastructure, located on Map 40/Lot 16 in the Urban Residential Zoning District, with conditions of approval as posted prior to the meeting and discussed with applicant. Motion CARRIED, 5 ayes (Corey Theriault abstaining). [8:00 p.m.]

Ten Minute Recess to 8:10 p.m.

ITEM 3 Pre-Application Site Plan — East Coast Communication, Owner, proposes to construct a 6,000 sq.ft. building to contain office and shop space together with 16,000 sq.ft. of associated pavement for parking and access driveways and 3,000 square feet of gravel storage areas on 2.9 acres in the New Portland Parkway Industrial Park, zoned I (M29, L2.008).

Mr. Poirier explained that a pre-application is between the Board and the applicant, the plans have not been submitted to staff for review at this time. The Board is to review the proposal, identify anything they wish to see staked on a site walk, and in general advise the applicant of any specific items or changes the Board wishes to have incorporated into the plan. The project is located in the New Portland Parkway Commercial Subdivision.

Dan Riley, Sebago Technics, appeared on behalf of the applicant and introduced Doug Howe, president of East Coast Communications, who will be the owner of the lot and of the building. Mr. Riley said that after submitting their sketch plan they have also submitted a site plan application for the development on March 29, 2011. Mr. Riley asked the Board to consider scheduling a site walk in April in anticipation of reviewing the full application at the Board's May meeting.

Mr. Riley described the project, noting that the lot is about 600 feet north of New Portland Parkway and about 850 feet east of Libby Avenue, a 2.9 acre parcel in the northeast corner of the Commercial Subdivision. The project is in the Industrial zone. The proposed commercial building will have a 60 by 100 footprint and will house office space at the front of the site toward Cyr Drive and a 4,500 shop space on ground floor, and an additional 15,000 square feet of storage on the second floor above the office. East Coast Communications is a construction company that fabricates and installs cell phone towers and associated equipment. The development also includes 16,000 square feet of paved area including parking at the front of the building, and a 3,600 gravel

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area at the rear of the site. The project is in a subdivision approved by the Town, as well as Site Law approval, and will be served by underground gas, electric, water and telecom utilities located in Cyr Drive, with an onsite septic system at the rear of the site, where the septic was located in the approved subdivision plan.

Mr. Riley showed the Board the current proposed elevations of the building, which will be metal sided with brick accents and architectural shingles on the overhang over the entrance.

The proposed plan falls within the parameters of the original stormwater management plan which limits the impervious area on Lot 8 to 26,400 square feet. There will be a swale along the north side of the building and a culvert to maintain the natural drainage patterns across the site toward the wetland.

Mr. Riley discussed the proposed landscaping, building mounted wall pack lighting fixtures and a 3 x 5 free standing sign, not illuminated, at the site's entrance.

Mr. Riley told Mr. Zelmanow that the hours of operation will be from 6:00 a.m. to 6:00 p.m. with typically only 3 to 5 employees at the site, as most of the employees report directly to job site throughout New England and do not visit the office on a daily basis. Mr. Poirier advised Mr. Zelmanow that the proposed parking will be reviewed as part of the site plan approval to make sure that they are in compliance with the ordinance, but also it is just as important to meet the needs of the applicant. Mr. Fickett and Mr. Riley discussed which test pits were used. Mr. Riley replied to a question from Mr. Hickey that the area where the septic system is to be located is identified as a seeded buffer with no impervious area, with a leach field and a reserve leach field in that buffer area on the approved plan. Mr. Riley said that the ordinance requirement is that a WB40 vehicle can turn on the site and their paved area will allow a WB50 to turn on the site without having to back out. Mr. Riley advised Mr. Theriault that the grading on the easterly side of the pavement is a 2:1 slope, and that at present it is not contemplated that a guard rail will be installed. Mr. Riley said he will confirm that slope. Mr. Riley told Mr. Theriault that snow removal will be to the rear of the site. Mr. Theriault noted that the erosion control blanket should be called out on the plans.

Mr. Zelmanow asked if there will be any provision made to catch oil that might leak from trucks entering the site; Mr. Riley replied that nothing has been prepared for that and typically their vehicles will be stored inside the building, and there will be no maintenance done on site. Doug Howe, president of East Coast Communications, told the Board that the components are all basically shipped to the job, and there will be no tower components on this site. Mr. Howe said that the antennas might be fabricated and stored inside the building, with some small steel supplies stored outside in the gravel area where the dumpster is going to be. Mr. Zelmanow asked that the outside storage areas be shown on future plans. Mr. Poirier said that gravel is already considered impervious by DEP standards for storage yards; Mr. Riley said that the gravel area is included in the calculations. Mr. Zelmanow said it should be called on the plan that the gravel area may be paved in the future.

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

The Board concurred that the sitewalk can be held early. Mr. Riley said that the corners of the building staked; Mr. Fickett suggested that the dumpster location be marked, and the corners of the pavement as well.

ITEM 4 Pre-Application Site Plan —Goodwill Industries Northern New England – a proposal to construct a drive-up aisle and canopy on the existing 105,336 square foot warehouse, construct 11 parking spaces and associated paved sidewalk, and convert 5,000 square feet of warehouse for use as an accessory wholesale sales office on 14.78 acres in the Gorham Industrial Park, zoned I, Map 12, Lot 17.005.

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Mr. Poirier noted that this application is also a pre-application and has not been distributed to staff for review. This application, however, has an approved site plan for the site and the applicant is proposing to amend that approved site plan to add a drive-up aisle and canopy. The applicant also proposes to add a small wholesale sales office to part of the warehouse, which is permitted in the Industrial District, so long as the retail sales are accessory to the approved industrial use in the building.

Curt Neufield of Sitelines came to the podium and described the project, saying that Goodwill Industries has an option to buy the building which is currently owned by the Foreside Management Company. He said that the site has a 105,336 warehouse in the back connected via an enclosed walkway to office spaces in the front. Goodwill intends to use the building for the same uses as they are looking for warehouse space to consolidate some of their operations in the Portland area. As part of their operations, the wholesale sales office would be used to sell items by the pound, not intended for purchase by the general public. In order to accommodate that, Goodwill would like to add a drive-up aisle and canopy for one-way traffic flow. Parking spaces are proposed to be added for employees who would work in the warehouse, as the site has fewer spaces than required. Hours of operation for the wholesale store would be 9:00 a.m. to 5:00 p.m., no evenings or weekends. Goodwill would have some 12 to 16 trucks visiting the site on a regular basis and occasional visits from non-Goodwill trucks, with 40 to 45 employees in the warehouse area. The front of the office spaces has some current tenants, and negotiations would be to maintain some of those tenants, but also allow some office space for Goodwill. There will be no additional lighting on site, and stormwater will be handled through the existing facilities, that to be confirmed as the application goes through the permitting process.

Mr. Theriault and Mr. Neufield discussed additional lighting for the parking area; Mr. Neufield said there are 3 existing poles which should provide adequate lighting. Mr. Neufield discussed the proposed signage for the project to control entry and exit for the drive-up aisle. Mr. Neufield said that the turning radii coming in from the north and exiting to the south for pick-up trucks with trailers will be verified for submission. In a discussion about the number of parking spaces, Mr. Neufield said he would make sure that when the project comes back before the Board, the information is provided about the original parking space variance waiver .

Mike Sweeney, Winthrop Management Corporation, project manager representing Goodwill, came to the podium to explain that an attended drop-off canopy such as is being proposed in this application was developed to secure better quality donations and, with the elimination of collection boxes, not have customers leaving things after hours. Mr. Sweeney explained that the warehouse will gather not only new product but also donated product, which will go out to the stores. The stores will rotate the product until they deem it not saleable, the product then comes back to the warehouse, and as part of Goodwill's recycling philosophy, the product will be rotated through the wholesale portion of the warehouse, to be sold by the pound. If the product is not purchased at that point, it is either shredded for rags or it is banded and shipped by the pound to third world nations and other relief organizations overseas. Mr. Sweeney replied to a question from Mr. Theriault that Goodwill itself does not ship internationally.

The Board discussed at length the dimensions and placement alongside the building of the single lane drive-up aisle, possible congestion/vehicle queuing/stacking, the possibility of creating two lanes of traffic, reversing traffic direction, or creating another entrance to avoid potential problems with vehicles attempting to negotiate the aisle. The nearest Goodwill with a similar configuration is in South Portland; Mr. Zelmanow suggested that it might be useful to look at that site, or have pictures provided for the Board to review.

It was decided that a site walk would be scheduled in May before the applicant comes back before the Board.

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OTHER BUSINESS Mr. Zelmanow noted that the two subcommittees should meet during the May 2, 2011 workshop to elect their chairmen. Mr. Poirier said the Board will need to hold a public hearing in the near future on the draft zoning map for Gorham.

ANNOUNCEMENTS **NONE**

Thomas Fickett MOVED and Andrew McCullough SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [9:10 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board

ITEM 1: PETERSON FIELDS SUBDIVISION, NORMAND BERUBE BUILDERS

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 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 the planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
5. That the Homeowners' Association is responsible for compliance with the Town of Gorham Post-Construction Stormwater Management Ordinance;
6. That the streets shall be properly named and signed with Town approved street signs. The names of the streets shall be approved by the Police and Fire Chiefs. Street signs shall be installed as soon as the streets are constructed;
7. That all houses shall be sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance. 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 installation of the system;
8. That the sprinkler test papers shall be required to be submitted to the Gorham Fire Department at the time a certificate of occupancy is issued;
9. That all houses shall be properly numbered with the numbers being visible from the street year around;
10. That the Code Enforcement Office shall inspect all primary electrical cable or conduit before burial;
11. That the applicant will provide proof to the Town Planner that the articles of incorporation have been filed with the Secretary of State's Office;
12. The applicant shall be responsible for recording the approved Homeowners' Association documents in the Cumberland County Registry of Deeds within 90 days of the date of approval of the subdivision by the Planning Board;
13. That prior to the commencement of work, a performance guarantee totaling 125% of the costs to complete the construction will be established with the Town, an escrow fund for field inspections will be established with the Town, and a preconstruction meeting with Town Staff and the Town's engineer for construction scheduling shall be held;
14. That the individual drilled wells for the lots will be located within the acceptable well zone unless the applicant can provide the Code Enforcement Office with a report from a certified hydro-geologist stating the new location is suitable for drinking water supply wells;
15. That the sewage waste disposal systems for the lots will be located as shown on the approved plan unless the applicant can provide the Code Enforcement Office with a report from a certified hydro-geologist stating the new location will not impact any drinking water supply wells;

16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 17. That these conditions of approval must be added to the subdivision plan and the 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 mylar copy of the recorded subdivision plan shall be returned to the Town Planner.
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**ITEM 2: SITE PLAN REVIEW – UNIVERSITY OF SOUTHERN MAINE
MULTI-PURPOSE ATHLETIC FIELD**

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 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;
5. That prior to the commencement of any site improvements and/or earth-moving activities, representatives of the developer, general contractor, site contractor, and the site design engineer shall arrange for a pre-construction meeting with the Town Planner and other staff members to review the proposed commencement date of the project, the overall schedule of improvements, conditions of approval, and site plan requirements;
6. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
7. 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.