



**Town of Gorham  
May 16, 2011  
PLANNING BOARD MINUTES**

LOCATION: Burleigh H. Loveitt Council Chambers, 75 South Street, Gorham, Maine

**Members Present:**

**EDWARD ZELMANOW, Chairman  
CHRISTOPHER HICKEY, Vice Chairman  
THOMAS FICKETT  
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 6:00 p.m. The Clerk called the roll, noting that all members were present.

**APPROVAL OF THE MAY 2, 2011 MINUTES**

**Christopher Hickey MOVED and Thomas Fickett SECONDED a motion to approve the minutes of May 2, 2011 as written and distributed.**

Discussion: Mr. Hickey pointed out a typo on page 4 wherein the word “deduced” in the 4th paragraph should be corrected to “deducted.”

**Motion to approve minutes as corrected CARRIED, 5 ayes (George Fox abstaining as not having been present at the May 2 meeting). [6:02 pm.]**

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**ITEM 1 CONSENT AGENDA –Subdivision Amendment - Request of Peter Bass for an amendment to the Payeur Subdivision to amend the lot lines between Lots 2 and 3, located on Map 42, Lot 7-1, in the Rural district.**

Mr. Zelmanow explained the procedures for consideration of Consent Agenda items. There being no one on the Board or from the public who wished to remove the item from the Consent Agenda, and the applicant being in agreement with the Conditions of Approval,

**Thomas Fickett MOVED and Andrew McCullough SECONDED a motion to grant approval of the item on the Consent Agenda with conditions of approval posted prior to the meeting and discussed with the applicant. Motion CARRIED, 6 ayes. [6:05 p.m.]**

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**ITEM 2 PUBLIC HEARING (CONTINUED FROM MAY 2, 2011 MEETING) – Site Plan Review–**  
– East Coast Communications’ request for approval to construct a 6,000 sq. ft. commercial building to contain office and shop space together with 16,000 sq. ft. of associated pavement for parking and access driveways and 3,000 sq. ft. of gravel storage areas; on 2.9 acres in the New Portland Parkway Subdivision, Map 29, Lot 2.008, located in the Industrial district.

Mr. Poirier explained that the applicant has submitted revised plans since last appearing before the Board on May 2 which have been circulated for review. The only new comments received were from the Code Enforcement Office identifying the proper spacing between the underground electric, phone and gas lines. Mr. Poirier said that Findings of Fact have been prepared for the Board’s review this evening.

Dan Riley, Sebago Technics, said that the applicant is comfortable with the Conditions of Approval and both he and Doug Howe, the applicant, are available for questions if need be.

Mr. Fox said that while he was absent from the meeting on May 2, 2011, he has reviewed the minutes of that meeting dealing with the application, is familiar with the discussion, and feels he is qualified to participate in this evening's review.

Mr. Zelmanow asked that a note be added to the plan as #15 indicating that the application should be referred to for details of the applicant's proposed sign. Mr. Zelmanow noted that the building will not be sprinkled. In reply to Mr. Zelmanow, Mr. Howe confirmed that there will be no welding on site.

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

Mr. McCullough confirmed with Mr. Riley that the fixtures will be full cut-off, with the exception of the floodlight for the gravel storage area.

The Board then reviewed Findings of Fact as follows:

#### **CHAPTER IV, SITE PLAN REVIEW, SECTION IX, Approval Criteria and Standards**

- A. Utilization of the Site** – The plan for the development will reflect the natural capabilities of the site to support development.  
*The applicant has provided the necessary plans and accessory documentation to show the natural capabilities of the site can support the proposed building, parking areas, access driveway, and the gravel storage area.*
- 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.  
*Lot 8 is located across the intersection of Cyr and Jenna Drives in the New Portland Parkway Subdivision, which can be accessed from New Portland Road and Libby Avenue. All roads 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.  
*A 30' wide paved driveway is proposed to allow access into the site. The driveway will have adequate sight distance and will provide for 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.  
*The applicant has provided WB-40 turning templates showing the proposed paved area will provide for 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.  
*A walkway is located adjacent to the southwestern corner of the proposed building. The development provides a system of pedestrian circulation within the development.  
No provision for pedestrian circulation outside the development is warranted.*

- 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 lot is located in the New Portland Parkway Subdivision which received a Site Location of Development Act permit from the Maine DEP.  
Adequate provisions have been made for the disposal of all storm water collected on parking areas, roofs, and the gravel storage area. The stormwater leaving the site will not have adverse impacts on abutting or downstream properties.*
- G. Erosion Control** – For all projects, building and site design and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.  
*The layout of the building, gravel storage, and bituminous parking areas will fit and utilize the existing topography and desirable natural surroundings to the fullest extent possible.*
- H. Water Supply** – The development will be provided with a water supply system that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.  
*The applicant has provided an Ability to Serve letter dated April 20, 2011 from Rico Spugnardi, P.E., Business Development Engineer, with the Portland Water District. The letter confirms that the Portland Water District has the ability to serve the project.*
- I. Sewage Disposal** – A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer use ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.  
*The applicant has provided an HHE-220 Septic System Design completed by Gary M. Fullerton, Licensed Site Evaluator #355. The proposed sewage disposal system is adequate to meet the anticipated use of the project.*
- J. Utilities** – The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.  
*The building will be served by underground electrical, telephone, and cable utilities from Cyr Drive. The electrical and telephone 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 eastern half of the site will be preserved in its natural state with the only disturbance being for the location of a 4" sewer pipe and subsurface disposal field. The natural features of the site will be preserved 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 use and construction of the site will conform to the New Portland Parkway Subdivision's amended Site Location of Development Permit and will not adversely impact either the quality or quantity of groundwater.*
- M. Exterior Lighting** – The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.  
*To provide for safe use during nighttime hours the development is proposed to be illuminated as followed:*
- 5 full-cut-off wall packs located on the building.
  - 2 recessed ceiling mounted lights over the covered walkway leading to the main building entrance.

- *1 floodlight located on the east side of the building to illuminate the gravel storage area. The free standing sign located within the front yard setback is not proposed to be illuminated.*
- O. Waste Disposal** – The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.  
*The applicant is proposing to install an 11' by 11' concrete dumpster pad surrounded by a 6' high wooden fence for screening the dumpster. The dumpster will be located to the eastern side of the gravel storage area. The proposed waste disposal location is adequate for the disposal of solid waste. No hazardous wastes are proposed to be stored on the site.*
- 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.  
*Three red maples, three serviceberry bushes, and three balsam fir trees will be planted between the parking spaces and the street to break up parking areas.  
To soften the appearance of the development, numerous species of plants are proposed to be installed all along the western edge of the building and a row of balsam fir will also be installed along the northern property line.*
- 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 submitted a letter from Norway Savings Bank dated March 23, 2011 stating it has the financial 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.  
*Seven balsam fir trees will be planted along the northern property line to screen the gravel storage area from the abutting property.*
- 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 proposed use of the site for offices and shop space housing a wireless telecommunication construction company will comply with the following Industrial/Commercial sound level limits.*  
*Daytime (7:00 a.m. to 7:00 p.m.) – 70 dBA*  
*Nighttime (7:00 p.m. to 7:00 a.m.) – 60 dBA*

Changes were made to Finding S, Buffering, to change the number of balsam firs from 4 to 7 as shown on the plans, and to Finding T, Noise, to correct a typo in the nighttime hours. Mr. Hickey, Mr. Zelmanow and Mr. Riley discussed Condition of Approval #10, with the consensus being that the erosion and sediment control for the project has been designed in accordance with the erosion and sediment control standards, and the applicant is not required to provide on-site stormwater quality treatment because the lot is located in the New Portland Parkway Subdivision which has already received a DEP Site Location of Development Act permit, so therefore the BMP requirements for stormwater quality measures do not apply. No change to Condition of Approval #10 was made.

**Andrew McCullough MOVED and Christopher Hickey SECONDED a motion that the Board adopts each of the foregoing Findings of Fact as amended and read into the record. Motion CARRIED, 6 ayes. [6:32 p.m.]**

**Corey Theriault MOVED and Andrew McCullough SECONDED a motion to grant East Coast Communications, Inc.'s request for approval to construct a 6,000 square foot building to contain office and shop space together with 16,000 square feet of associated pavement for parking and access driveways and 3,000 square feet of gravel storage areas on 2.9 acres at 29 Cyr Drive in the New Portland Park Subdivision, M29/L2.008, zoned Industrial, with conditions of approval as posted prior to the meeting and discussed with the applicant.**

Discussion: Mr. Hickey questioned the size of the building as stated in the motion, based on the building's description in the plans; Mr. Riley said that the 6,000 square foot figure represents the exterior footprint of the 60 x 100' building. Therefore, the footprint square footage of the building as expressed in the motion is correct as it stands and the motion was not amended to change that description.

**Motion CARRIED, 6 ayes. [6:33 p.m.]**

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**OTHER BUSINESS** – The next meeting of the Board is June 6, 2011, with a workshop to precede it.

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#### **ADJOURNMENT**

**Thomas Fickett MOVED and Andrew McCullough SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [6:35 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2011

**ITEM 1        CONSENT AGENDA –Subdivision Amendment request of Peter Bass to the Payeur Subdivision**

**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 all applicable conditions of approval for Forest Estates Subdivision shall remain in effect; and
  3. 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        EAST COAST COMMUNICATIONS, INC.**

**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 construction plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting. A copy of the State permit shall be submitted to the Gorham Fire Department;
6. That the gas meters shall be protected by bollards;

7. That a lock box shall be provided at the gate to the property;
8. That a complete list of all hazardous materials and their MSDS sheets and the quantity to be stored shall be supplied to the Gorham Fire Department before a certificate of Occupancy is issued;
9. 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;
10. 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;
11. That prior to the commencement of any site improvements, 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;
12. 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;
13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
14. 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.