



Town of Gorham
August 1, 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
COREY THERIAULT

Staff Present:

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

Members Absent:

ANDREW MCCULLOUGH

Edward Zelmanow, Chairman, called the meeting to order at 7:02 p.m. The Clerk called the roll, noting that Andrew McCullough was absent.

APPROVAL OF THE JULY 11, 2011 MINUTES

Christopher Hickey MOVED and George Fox SECONDED a motion to approve the minutes of July 11, 2011 as written and distributed. Motion CARRIED, 5 ayes (Andrew McCullough absent). [7:03 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee - No report.**
- B. Streets and Ways Sub-Committee – No report.**

CHAIRMAN'S REPORT – Mr. Zelmanow noted that the appointment of the seventh Planning Board member is on the Town Council's agenda for its meeting on August 2, 2011.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that Sappi has submitted revised plans for its Dundee recreational project; these plans have been distributed by staff for review and it is hoped that the application will be finalized for approval this week.

ITEM 1 PRELIMINARY SUBDIVISION REVIEW - Design Dwellings, Inc., proposal for a 25-lot subdivision with 24 single family lots, one lot for 8 duplex units and 2 new roads built to the Town's Urban Access standard, located on 13.0 acres at 308/312 Main Street on Map 26, lots 7 and 7.001 in the Urban Residential (UR) zoning district.

Mr. Poirier advised the Board that this application was last before it at the June 6, 2011 meeting, and since that time, the applicant has submitted revised plans which were provided to review staff. Review staff's comments have been incorporated in the staff notes distributed to the Board for tonight's meeting.

Thomas Greer, Pinkham & Greer, appeared on behalf of the applicant and introduced Susan Duchaine of Design Dwellings and her son, Chris. Mr. Greer gave the Board an update of the current status of the application, saying that there is a DEP stormwater permit for the project and asked if the Board would vote

on their 4 waiver requests, 3 of them dealing with the design of the storm drains and the 4th a waiver for the road alignment at Main Street, all of which are supported by the Public Works Director. Mr. Greer said that they would like to discuss the width of the esplanade, that from a construction and maintenance point of view it is easier not to have an 8-foot wide esplanade, and that they would like to reduce the esplanade to zero and build the sidewalk right behind the curb. If the Board does not approve of that option, they would like to reduce the esplanade by at least one foot to accommodate the Portland Water District curb stops to put them behind the sidewalk. Mr. Greer said a final set of plans will be submitted this week and they would like to discuss with the Board having a second meeting in August for final review.

In response to Mr. Zelmanow, Mr. Greer explained the purpose of the location of the driveways for Lots 10 and 11 coming off the hammerhead is so that the hammerhead is available for snow removal. Mr. Greer said that a note has been added to the plan for the soils testing after the greenhouses have been removed. Mr. Greer said that the pool on site has been judged as not being a significant vernal pool under Maine standards and it is a non-jurisdictional pond under the standards of the Army Corps of Engineers.

Mr. Zelmanow said that with regard to the applicant's 4 waiver requests, the applicant has to show that not having the waiver would cause the applicant undue hardship or would not be in the best interest of the Town. Mr. Greer replied that the 3 storm drain waivers are how the Public Works Director wants to see the storm drains design. Mr. Zelmanow said that the safety of the design dictates the 4th waiver regarding the road alignment, but said that the applicant should provide written justification for the 3 other waivers in its next submission.

The Board concurred that there should be no parking signage on one side of the streets. Mr. Greer said they will follow whatever guidelines are provided by the Town. Mr. Poirier said that such a no parking designation would be a discussion for the applicant to have with the Fire and Police Chiefs and the Public Works Director. Mr. Poirier noted that the Public Works Department has concerns with on-street parking during snow events. Other than that, on-street parking becomes a cause for concern for the Fire Chief with regard to access to structures in emergencies. Mr. Poirier said that in order for no parking signs to be enforceable by the Police Department, the Town Council needs to add such streets to the Town's Streets and Sidewalk Ordinance.

Mr. Greer said that the street lights will be the CMP street light as requested by the Public Works Director; details will be provided in the final submittal.

With regard to soils testing once the greenhouses have been removed, Mr. Greer read the note that has been added to the drawings as follows: "The existing greenhouses are to be removed. Once the structures are removed, the developer will test the soils for pesticide contamination. If levels exceed the DEP standards, the soils will be removed in accordance with the DEP standards." Mr. Greer said the testing is limited to pesticides; Mr. Fox suggested that testing should be broader than just pesticides. Ms. Duchaine came to the podium and said that some spot testing has been done in the field by Mark Hampton and there are no issues. She said she does not believe there will be any issues under the greenhouses' concrete slabs. Mr. Zelmanow asked if the applicant would be willing to do more testing should the initial tests for pesticides reveal more is required. Mr. Fickett asked Ms. Duchaine why the test results have not been provided to the Planning Board. Ms. Duchaine said she had Mr. Hampton do the tests on her own when he was doing the wetlands evaluations. Mr. Hickey suggested that the Board get an opinion from a soils scientist about possible contaminants from the previous use of the site that should be tested for. Ms. Duchaine said she would be happy to provide a letter from Mr. Hampton about what testing has been done. Mr. Zelmanow summarized the testing parameters, saying that soil testing for pesticides will be done once the greenhouses are removed; if there are any negative results, DEP will become involved anyway. Mr. Zelmanow said he would like to see something in writing from the soils scientist in the next submission. Mr. Fox confirmed that this will be a professional opinion based on the prior use of the soils and will state what testing is recommended.

With regard to the width of the esplanade, Mr. Greer said they are asking for the Board's opinion this evening and then will make an official waiver request in their next submission. Mr. Hickey said he prefers the look of the esplanade but has no issue with reducing its width, which he believes could be as small as 4 feet. Mr. Theriault said he would agree to no less than 4 feet, enough to keep the sidewalk away from the street. Mr. Zelmanow concurred as well. Mr. Fox said he would like to see the esplanade kept as a design feature. Mr. Poirier said that the Public Works Director prefers to see street trees outside the esplanade, either on the back side of the sidewalk on the property line or on the actual lots themselves.

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

The Board then considered the waiver requests requested by the applicant, agreeing that the road alignment waiver, based on comments from the Public Works Director on July 28, 2011, if granted would be in the best interest of the Town.

Christopher Hickey MOVED and Corey Theriault SECONDED a motion to grant the applicant's waiver request of Chapter II, Section V.F.1, for road alignment standards at the Main Street/Carnation Drive intersection, as being in the best interest of the Town for reasons previously stated. Motion CARRIED, 5 ayes (Andrew McCullough absent). [7:40 p.m.]

Mr. Zelmanow then addressed the issue of the remaining 3 other waivers. One is a waiver for double walled polyethylene drainage piping instead of single walled as specified in Chapter II, Section V.G.5, and the other two waivers are for requirements both specified in Section V.G.6. f: one is a waiver for connecting the storm drain catch basin to catch basin versus catch basin to manhole and the other is a waiver for CB#9 lead from CB#10 entering the basin greater than 12" above the main line drain pipe. Mr. Zelmanow noted that the applicant will provide justification that granting these waivers would be in the best interest of the Town inasmuch as they are the Public Works Director's wishes. Mr. Theriault said he would like to see justification in writing. Mr. Fox concurred, so long as requiring the justification would not cause adverse impact to the applicant. Mr. Fickett agreed as well. Mr. Poirier said that conditional preliminary approval can be granted based on the fact that justification for the waivers will be submitted at final.

Christopher Hickey MOVED and Thomas Fickett SECONDED a motion to grant Design Dwellings, Inc.'s request for preliminary approval of a subdivision plan consisting of 24 single family lots, one lot for 8 duplex units and 2 roads built to the Town's Urban Access standard, located on 13.0 acres at 308/312 Main Street, Map 26, Lot 7 and 7.001, zoned Urban Residential, provided that the applicant satisfies all of the review comments and requirements contained in the staff notes, and conditioned on granting waivers of Chapter II, General Standards of Performance, Section V, Minimum Standards for the Design and Construction of Streets and Ways, Section G.5, and 2 waivers of specifications in Section G.6.f, and providing the soils scientist's documentation on soils testing. Motion CARRIED, 5 ayes (Andrew McCullough absent). [8:00 p.m.]

The Board discussed the applicant's request for a second meeting in August. Due to the amount of time (6 weeks) to the next regularly scheduled meeting date of September 12, 2011, the Board agreed to hold a second meeting on August 22, 2011, provided that the Council Chambers are available on that date. Mr. Zelmanow confirmed with Mr. Theriault that generally the second meeting of a month is designed to handle overflow from the first meeting of that month; however, in light of the 6-week lag time between this meeting and the next regularly scheduled meeting, an exception is being made. Mr. Zelmanow said that the Board's standard policy, however, will not change.

ITEM 2 PRELIMINARY SUBDIVISION REVIEW - Gregory McCormack's proposal for a 7-lot single-family subdivision under the Development Transfer Overlay District standard and the reconstruction of Bramblewood Lane to the Urban Access Road standard, located on 2.6 acres at 162 South Street on Map 25, Lot 7 in the Urban Residential & Development Transfer Overlay (UR & DTO) zoning districts.

Mr. Poirier advised the Board that the application, a Development Transfer Overlay subdivision, was last before it on June 6, 2011. Mr. Poirier said a letter has been received from the Portland Water District about their ability to serve. Mr. Poirier said that staff has reviewed the plans, with review comments included in the staff notes.

Dustin Roma, Sebago Technics, introduced the applicant Greg McCormack. Mr. Roma said that at the request of the Public Works Director the hammerhead at the end of the road has been shifted to the other side. He said that as the road has been designed to the Urban Access standard the original esplanade waiver request is now withdrawn, and they will work with the Board and the Public Works Director on the location of the street trees. Mr. Roma said that meetings have been held with the Portland Water District and the Public Works Director regarding the extension of utilities to the site, with a consensus that it is in everyone's best interest to move forward with a low pressure sewer system for a portion of the property which cannot be served by a gravity system. They will work with the Water District on a design of systems that can be incorporated on the lots and reviewed as part of the Water District's overall approval of the project. That way each individual lot owner will not be burdened with the requirement to come up with a design for a pump station. The water main will be located in the right-of-way, which has been increased to accommodate some of the utilities. Mr. Roma said that the District is looking at the separation between water and sewer and their physical locations.

Mr. Roma said that the typical road cross section has been changed so that it now consists of a curb, catch basin, and drainage infrastructure, as opposed to the original proposal of a curb on one side of the road and open ditches on the other side. They will tie in the Town's drainage pipe already on the property into the storm drain system, and catch basins will be extended out through the end of the road. In this way, if the abutting easterly property owners wish to develop their property in the future, they can simply extend the storm drain infrastructure that is in the road, extend the roadway and continue on with the project.

Mr. Roma noted that during the site walk and at the last Board meeting, the majority of concerns dealt with the drainage on this site. The wetlands have been updated, showing significantly more wetlands than originally proposed, so they are currently going through a NRPA Tier 1 process with the DEP, which should be concluded shortly. However, the drainage currently being conveyed out through the wetland areas needs to be accommodated on this site, and what is proposed is to construct a swale pond in the southeast corner of the property, designed to collect the runoff which comes off the back side of the lawns of the proposed lots and intercept a lot of the runoff coming from the back sides of the properties on the south. Hopefully this design will alleviate some of the problems that neighbors to the south are having now. Mr. Roma explained that this proposed pond will fill up with water which will be piped back into the infrastructure in the roadway. The pond will be maintained by the homeowners. A drainage easement will be secured on the end of the property.

At Mr. Fox's request, Mr. Roma further explained that the proposed pond in the southeast corner of the property will be graded in between some of the wetland fingers that are there now to avoid undue wetland disturbance in that area, with an outlet pipe installed slightly elevated from the bottom of the pond, which will allow for some water retention to encourage the growth of wetland vegetation to mitigate some of the wetlands disturbance. Mr. Roma said that by excavating the pond lower than the existing grade, the pipe that will carry the water from the pond back into the roadway essentially will drop the water table in that area and provide some relief for the runoff that comes to the back sides of those buildings to the south. Mr. Roma said that building the lots in this development at grade and filling around them will provide positive drain

outlets for the proposed lots, and the pond will grab a lot of the surface runoff coming off the back sides of the lots and hopefully alleviate some of the problems ongoing for the lots on Maplewood Drive. Mr. Roma said that the riprap spillway shown on the plans is designed for emergency overflow from large storm events.

Mr. Hickey asked if the detention basin could be shifted to the east side of the site to give Lot 7 more rear yard space. Mr. Roma said the pond geometry is fairly flexible and some consideration can be given to shifting it. In response to Mr. Hickey, Mr. Roma said the detention basin is sized to the 2, 10, and 25 year storm frequency design. Greg McCormack, developer, came to the podium and acknowledged that Lot 7 will need some additional landscaping to increase its attractiveness. Mr. Theriault commented that it is unusual to see a detention or treatment basin run multiple property lines, and wondered how that will work with respect to upkeep and maintenance. Mr. Poirier said that it will be all right as long as it has the appropriate drainage easements and access points to allow the homeowners' association to access it. Mr. Hickey asked Mr. Roma if a berm has been considered across the back of the first 4 lots; Mr. Roma said that either a swale or a berm could be provided there and shown on the final plans.

Mr. Zelmanow confirmed with Mr. Roma that they are still awaiting their NRPA Tier 1 permit. Mr. Zelmanow also asked about the street frontage for the bonus lot. Mr. Roma replied that a lot split is proposed for the lots fronting Route 114, outside the subdivision. They will take the lot line off so that the plans clearly show 2 lots moving forward.

Mr. Zelmanow commented that missing from the plans are the requirements of the Development Transfer Overlay district to show the locations and layouts of the homes and driveways on the lots. Mr. Poirier said that in the DTO there is a 15 to 25 foot build-to line. Mr. Roma said he thought the intent of the DTO was to provide money so that open space could be purchased in other areas. Mr. Zelmanow said that the DTO acknowledges that there will be increased development and is designed to encourage that development occurs where utilities and infrastructure are available to support it. Mr. Zelmanow noted that this project must also be reviewed under the cluster development standards, particularly in regard to open space in the development which can be used for recreation. Mr. Roma replied that basically everyone gets their own open space in the depth of their back yards. Mr. Zelmanow said that the size of the lot does not satisfy open space standards. Mr. Poirier said that the clustered standards do not identify any size for open space, and the DTO standards apply to open space requirements for subdivisions over a certain size. Mr. Poirier said that this subdivision is under the threshold for providing open under the DTO standards, and as part of the DTO standards, the clustered provision in the ordinance is referenced, tying the two together. Mr. Poirier read the clustered subdivision standard for recreation as follows: "Recreation: facilities shall be provided consistent with the development proposal." Mr. Zelmanow said that under that standard, the Board can determine that it will not mandate a provision of open space based on the site's circumstances; if there is no way to provide open space, there is no requirement to provide it.

In response to Mr. Hickey, Mr. McCormack said he prefers to have street trees located outside the esplanade. Mr. Theriault noted that the Board has with a previous applicant agreed to shrinking the esplanade to a 4-foot minimum and putting trees on the property side, keeping the sidewalk away from the street. Mr. Roma said there is still an open waiver request on an esplanade reduction; if the Board chooses to act on that request, the plans could be revised for final submission to show the reduced esplanade, extend the sidewalk to the end of the paved roadway and move the street trees to the back side of the sidewalk.

Mr. Fox brought up the configuration of Lot 7, saying that it might be a better plan to use that lot for open space because of drainage concerns. Mr. McCormack said that for the development to be profitable, every lot is necessary to be available, and he proposes that landscaping can improve the aspect of Lot 7 considerably. Mr. Fox said he is concerned about the usability of the large back lots, saying that the end result might not be up to the Town's standards, particularly for Lot 7. Mr. Zelmanow said that if it isn't good enough as a buildable lot, it probably wouldn't be very good as open space, either. The Board discussed at length various options to improve Lot 7's physical aspect, including shifting the hammerhead back to the left

as the applicant had originally planned. Mr. Zelmanow said the Board's Finding of Fact would need to address the issue, perhaps finding that Lot 7 does not meet the necessary standard. Mr. Hickey said he is concerned with the shape, size and location of the pond in order to create more usable space for Lot 7. Mr. Roma said they could look at the configuration of the pond, but that would not necessarily change the layout of the lots. Mr. Zelmanow said the Board can make suggestions to the applicant on how to improve a lot, but as long as the lot is a legal one it is the applicant's option as to what happens with it.

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

Thomas Fickett MOVED and Corey Theriault SECONDED a motion to waive the requirement of Chapter II, Section V, F.11, reducing the esplanade to a minimum of 4 feet with street trees being sited on the properties, as being in the best interests of the Town. Motion CARRIED, 5 ayes (Andrew McCullough absent). [9:01 p.m.]

Corey Theriault MOVED and Thomas Fickett SECONDED a motion to grant Gregory McCormack's request for preliminary approval of a subdivision plan consisting of 7 single-family residential lots under the Development Transfer Overlay district standard and to re-construct Bramblewood Lane to the Urban Access Road standard on 2.6 acres at 162 South Street, located on Map 25, Lot 7, in the Urban Residential and Development Transfer Overlay zoning districts. Motion CARRIED, 3 ayes and 2 nays (George Fox and Christopher Hickey; Andrew McCullough absent). [9:08 p.m.]

Mr. Roma asked that the application be on the proposed August 22, 2011 Planning Board meeting for final approval. Mr. Poirier said that once the applications are received for the previous applicant and this one, the review process will begin and staff will be better able to judge at that point whether or not they are ready for final approval in 3 weeks. Mr. Zelmanow noted that this applicant is still waiting for the Tier I permit and he would rather see this project wait for the September meeting for final approval. The Board concurred with Mr. Zelmanow's assessment.

Ten Minute Break to 9:20 p.m.

ITEM 3 FINAL SUBDIVISION REVIEW - The Crossing at Tannery Brook, LLC, proposal to increase the number of lots from the previously approved "The Crossing" Subdivision's 29 lots to 36 lots within the previously approved roads and drainage system layout, located on 21.11 acres off Gray Road (State Route 202), Map 30, Lot 18 in the Urban Residential (UR) zoning district.

Mr. Poirier advised the Board that the applicant received preliminary plan approval at the Board's July 11, 2011 meeting. Since that time the applicant has submitted for final plan approval. Staff has received a letter from the Portland Water District that it has reviewed the plans for conformance with the District's standards for water main and sewer main construction, and if constructed as designed, the systems will meet the District's requirements.

Michael Roy, SGC Engineering, introduced the applicant, Mike Ferrante. Mr. Roy gave the Board a brief overview of the project, noting that the DEP permit is still valid from the original approval of the project. To improve the project economics, the project has been increased from the originally approved 29 lots to 36 lots, the maximum allowed. Since receiving preliminary approval on July 11, all staff comments have been addressed, as well as the comments from the Portland Water District about the pump station, and feel the project is ready for final approval at this time.

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

The Board addressed Findings of Fact as follows:

FINDINGS OF FACT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development as proposed for approval:
 - 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 proposed subdivision is located within the Town of Gorham's urbanized area as defined by the Maine Department of Environmental Protection. The subdivision will need to comply with the Town of Gorham's Stormwater Ordinance, Chapter 2, Post Construction Stormwater Management. The Crossing subdivision conforms with the Comprehensive Plan, and with all pertinent State and local codes and ordinances including requirements for development identified under Chapter II.
 - 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 will be served by two roads, Hidden Brook Drive, which has been designed to meet the Town's Urban Access standard, and Old Dynamite Way, which has been designed to meet the Town's Urban Sub-collector standard. Access to the site is via Gray Road (State Route 202). The proposed subdivision will not cause congestion or unsafe conditions with respect to use of the 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 availability 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 to be located meeting the approval of the Public Works Director. The subdivision will be served by underground electric, public water, and public sewer. The Crossing Subdivision 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.
The applicant has submitted revised plans meeting the requirements of the Portland Water District. The applicant has also received a letter from the Portland Water District approving the design of the proposed water main extensions.
 - e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.
The applicant has submitted revised plans meeting the requirements of the Portland Water District. The applicant has also received a letter from the Portland Water District approving the design of the proposed sewer extension and pump station.
 - 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 meeting the Town's Engineer's requirements for stormwater on and off the site. The subdivision improvements will not result in undue pollution of air or ground water both on and 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.
Sheet 3.0, Grading and Erosion Control Plan, outlines the necessary locations for erosion control devices. Sheet 6.1, Details and Notes (1 of 8), provides adequate details for the installation of erosion control devices.
 - 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.
*A 75-foot stream protection buffer is located along both sides of an unnamed stream on the property. The buffer is required to be pinned with iron rods and no disturbance is allowed within the 75-foot buffer area.
Hidden Brook Drive and Old Dynamite Way both cross an unnamed brook. Both road crossings will limit impacts to the brook to the greatest extent practical.*
 - 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 36-lot residential subdivision takes into account the scenic and natural beauty of the area and does not affect any historic sites and rare or irreplaceable natural or manmade assets.
- 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 subdivision creates 1.37 acres of open space to locate a stormwater wet pond. The subdivision lots will also be required to make payment to the Recreational Facilities and Open Space Impact Fee.
- 4) The requirements of this paragraph shall apply if an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee.
- a) Land Improvement: 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 for the perpetual care of the commonly owned recreation land.
The subdivision creates 1.37 acres of open space within the subdivision. The applicant has provided homeowners' association documents which provide for the perpetual care of the commonly owned land.

CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.
The applicant has made all the Planning Board's requested corrections as identified as conditions of Preliminary Approval.
- 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 proposal received preliminary approval on July 11, 2011 which is within the 12 month requirement period.

The applicant confirmed that it has no issues with the proposed Conditions of Approval.

George Fox MOVED and Thomas Fickett SECONDED a motion that the Gorham Planning Board adopts each of the foregoing Findings of Fact and grants final approval for The Crossing at Tannery Brook, LLC's request to increase the number of lots from the approved The Crossing Subdivision's 29 lots to 36 lots within the previously approved roads and drainage system layout on 21.11 acres at Gray Road (State Route 202), located on Map 30, Lot 18, situated in the Urban Residential zoning district, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Andrew McCullough absent). [9:35 p.m.]

ITEM 4 DISCUSSION - Contract Zone: Hans Hansen request for a Contract Zone in order to develop a business park on his parcel in South Gorham, located at the intersection of Routes 22 & 114 on Map 3 Lots 22.401, .402, .403, .404, .502, .503, .504, .505, .506, and .507 in the Rural/ Suburban Residential (R/SR) zoning districts.

Mr. Poirier gave an overview of the proposal, saying that the applicant submitted a request for a contract zone at the Town Council's April 5, 2011 meeting. The Council forwarded the request to their Ordinance Committee, and it went back to the Council for their meeting on July 5, 2011. At that meeting the request was forwarded to the Planning Board for public hearing. Staff has included in the Board's packet a copy of a memorandum from David Cole to Hans and Elizabeth Hansen outlining some basic elements for developing the proposed business park. The Council amended Mr. Cole's memo at their July 5, 2011 meeting by adding the phrase "Restaurants and" to Section 1.3, Permitted uses with a drive thru."

Staff has provided the Board with a worksheet incorporating the information from Mr. Cole's memorandum. The Council asked that the Board include in its review of the contract zone sign constraints or limitations. Also provided to the Board are copies of the original subdivision and site plan approvals.

Mr. Poirier suggested that the Board review the information provided, begin general discussion on the contract zone, and invite public comment. He said that perhaps the item should be forwarded for a workshop discussion to either the Board's ordinance committee or a workshop with the full Board.

Thomas Greer, Pinkham & Greer, appeared on behalf of Mr. Hansen and said that they believe that the Town Manager and the Town Council have made a "first cut" that is pretty close, and they would like to move it along as quickly as possible. Mr. Greer said there are no contracts for sale as yet, although there have been many inquiries. They believe additional buyers will come forward once they understand what is available in the zoning district.

Mr. Zelmanow asked what was not permitted under the existing zoning classification that Mr. Hansen wants to accomplish with a contract zone. Mr. Greer said that some of the service establishments, convenience store with or without fuel sales, and certain retail sales were prohibited. Mr. Greer confirmed that the original approval for a day care center is still in place and may yet be built.

Mr. Greer said that the Town Manager's memo is intended to give guidance to the Planning Board as they go through site plan review. It is not the traditional contract zone where a project is completely designed and detailed out and the contract zone is signed as is. Mr. Greer said it is a broader zone where site plan review takes the place of doing a detailed review. Mr. Zelmanow commented that such things as hours of operation would be reviewed under site plan and not a review of the contract zone. Mr. Greer said that so long as the Board is comfortable with the guidance being given the application can move forward comfortably.

ITEM 3 FINAL SUBDIVISION REVIEW - The Crossing at Tannery Brook, LLC

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 Stormwater Ordinance, Chapter 2 – Post Construction Stormwater Management;
6. That the Code Enforcement Office shall inspect all primary electrical cable or conduit before burial;
7. That per NFPA Fire Prevention Code 1, water mains and hydrants shall be installed and in service before issuance of any building permits;
8. That all houses will be properly numbered with the numbers being visible from the street year around;
9. That the roads shall be properly named and signed with Town approved street signs to be installed as soon as streets are constructed;
10. 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;
11. 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;
12. That all applicable conditions of approval for past subdivision approvals shall remain in effect;
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 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.