



**Town of Gorham
September 12, 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
MELINDA SHAIN**

Staff Present:

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

Members Absent:

COREY THERIAULT

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Mr. Theriault was absent. Mr. Zelmanow welcomed new Board member Melinda Shain, saying that her knowledge and experience in the areas of land use and planning will be a great addition to the Board.

Mr. Zelmanow referred the Board's attention to Items 3 and 4 on the Agenda, stating that Item 3, Contract Zone request of Dennis Chadbourne, and Item 4, Contract Zone request of Albert Frick, have not been officially referred to the Planning Board for consideration by the Town Council, and as such these items should be removed from the Agenda this evening.

Christopher Hickey MOVED and George Fox SECONDED a motion to remove Items 3 and 4 from this evening's agenda. Motion CARRIED, 6ayes (Corey Theriault absent). 7:06 p.m.

APPROVAL OF THE AUGUST 22, 2011 MINUTES

Thomas Fickett MOVED and George Fox SECONDED a motion to approve the minutes of August 22, 2011. Motion CARRIED, 5 ayes (Melinda Shain abstaining and Corey Theriault absent). [7:10 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. McCullough reported that this committee has not met.
 - B. Streets and Ways Sub-Committee** – Mr. Zelmanow noted that earlier this evening, at the Board's workshop, a matter was referred to this committee.
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CHAIRMAN'S REPORT

Mr. Zelmanow said that with Ms. Shain's appointment, the Board is now at full membership.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier said there is nothing new to report. Mr. Hickey asked Mr. Poirier to update the Board on the Iowa Way application. Mr. Poirier reported that the private plan submitted for Iowa Way tripped subdivision

review; the applicant was notified but has not submitted a subdivision plan. Mr. Poirier said that staff will in the next month send the applicant a notification that the plan has been administratively withdrawn. Also in response to Mr. Hickey, Mr. Poirier said that the Chase proposal for the Sawyer Estates Subdivision is being referred to two separate committees of the Town Council: the Ordinance Committee and the Capital Improvements Committee, but as yet there have been no meetings scheduled with those Council Committees.

ITEM 1 PUBLIC HEARING – Site Plan Amendment - Goodwill Industries, Northern New England, proposal to convert 5,000 sq.ft. of warehouse space to wholesale space with construction of a drive up aisle and canopy on 14.78 acre, located at 34 Hutcherson Drive in the Gorham Industrial Subdivision on Map 12 Lot 17.005 in the Industrial district.

Ms. Shain recused herself from participation in the discussion on this item.

Mr. Poirier told the Board that the applicant has submitted revised plans addressing staff and Board's comments. Staff has completed a review, included in the Board's staff notes. There are three waiver requests requiring Board action: one relates to two additional fewer parking spaces, and the others relate to the requirement to provide ability-to-serve letters for water and sewer from the Portland Water District. Staff has completed draft Findings of Fact for the Board's review.

Curtis Neufield, Sitelines, introduced Mike Sweeney, and gave an overview of the project. He noted that there will 2 additional fewer parking spaces, and also referred to the waiver requests for the Portland Water District ability-to-serve letters.

Mr. Hickey and Mr. Neufield discussed the Town Engineer's note that the contractor should anticipate encountering ground water, with Mr. Neufield suggesting that General Plan Note 14 be modified to read that "Groundwater is not anticipated but the contractor shall deal with it appropriately should it come up."

Mr. Zelmanow referred to the applicant's waiver requests, noting that there are certain criteria that must be met that the granting of the waivers shall not have a significantly adverse impact on the environment, public health and safety, or the cost of providing municipal services. He said that two of the waivers, under Chapter IV, Section IX, Subsections H and I, water supply and sewage disposal, are from the requirements to obtain a letter from the Portland Water District, since the building is already serviced by the District and no additional demand on the service is anticipated. The third waiver is from the requirements of Chapter II, Section II, Subsection A.2, off street parking, for two additional spaces to be waived. Currently there is a waiver in effect of 33 parking spaces granted by the Zoning Board of Appeals; however, since that waiver was granted, the waiver authority has been moved to the Planning Board. The applicant is now requesting a waiver of two more spaces, which would make the total being waived of 35 spaces.

Christopher Hickey MOVED and Thomas Fickett SECONDED a motion to grant the waiver requests for the requirement to obtain ability-to-serve letters from the Portland Water District for water supply and sewage disposal under Chapter IV, Section IX, Subsections H and I, and the waiver request for two fewer parking spaces under the requirements of Chapter II, Section II, Subsection A.2, off street parking. Motion CARRIED, 5 ayes (Melinda Shain abstaining and Corey Theriault absent). [7:19 p.m.]

The Board then addressed the following Findings of Fact.

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 new internal access driveway and building and parking lot expansions.
- 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 from Hutcherson Drive and Sanford Drive. Both 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.
Vehicular access into the site is from a driveway onto Hutcherson Drive and from two driveways onto Sanford Drive. The driveways vary in width from 24' to 30' wide, constructed of bituminous concrete, and connected to allow access throughout 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.
The sidewalk currently located to the front of the 12 parking spaces will be extended to serve the 24 proposed parking spaces. Pre-cast concrete stairs are also proposed to be constructed to allow pedestrian access from the concrete sidewalk to the wholesale office space.
- 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.
Adequate provisions have been made for the disposal of all storm water collected on parking areas and roofs. 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 expansion, paved access driveway, 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 existing warehouse building is served by public water from a 2" and an 8" waterline service. The waterline services connect to a 12" watermain located in the Sanford Drive right-of-way. No changes to the existing water supply service are proposed. The existing water supply will provide adequate service to the site.
- 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 existing warehouse building is served by public sewer service from a 6” gravity sewer service. The gravity service connects to an 8” gravity sewer main located in the Sanford Drive right-of-way. The existing sewer system will be adequate to serve the site.

- J. Utilities** – The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The site is currently served by underground and overhead electrical and telephone utilities and natural gas. No changes are proposed to the existing utility service. The existing utilities are 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 proposed improvements to the site are located within previously disturbed areas and minimize the disturbance to soil and 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 construction and use of the site will not adversely impact either the quality or quantity of the 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 developer is proposing the following revisions to the site’s exterior lighting:

- *2 full cut-off wall packs located on the eastern side of the existing warehouse building.*
- *2 pole mounted full cut-off lights located adjacent to the 24 proposed parking spaces and the new access drop-off driveway.*

The applicant has provided a photometric plan Sheet L1: Lighting Plan showing the proposed lighting will not have an adverse impact on abutting properties.

- O. Waste Disposal** – The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

The applicant is not proposing any storage of external solid waste containers. The applicant will be contracting with a licensed waste hauler. The proposed waste disposal is adequate for the proposed development.

- 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 existing site provides for adequate landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from the development.

- Q. Shoreland Relationship** – The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The 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 provided a letter from TD Bank North dated July 28, 2011 demonstrating that it has the financial capacity to carry out the project. The applicant has completed similarly sized projects in the past and has the technical capacity to complete the project.

- S. Buffering** – The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The existing site's landscaping and natural features provide the necessary buffering from adjacent uses.

- 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 will comply with the noise level limits of the Industrial/Commercial District of 70 dBA daytime (7:00 a.m. to 7:00 p.m.) and 60 dBA nighttime (7:00 p.m. to 7:00 a.m.).

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Neufield confirmed that he has reviewed the Conditions of Approval and is satisfied with them.

George Fox MOVED and Thomas Fickett SECONDED a motion to grant Goodwill Industries Northern New England's request for approval to convert 5,000 square feet of warehouse space to wholesale space together with construction of a drive-up aisle and 12 new parking spaces on 14.78 acres at 34 Hutcherson Drive in the Gorham Industrial Park, Map 12, Lot 17.005, zoned Industrial, based upon the Findings of Fact considered this evening and Conditions of Approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Melinda Shain abstaining and Corey Theriault absent). [7:30 p.m.]

Ms. Shain recused herself from participation in the discussion of this item.

ITEM 2 PUBLIC HEARING - 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 zoning districts.

Mr. Poirier said that the Board reviewed the proposed Contract Zone language at its August 22, 2011 workshop meeting and identified possible revisions it wished to make to the language. The Board's packet contains Version A of the language, which is that forwarded by the Town Council, and Version B, which contains the Board's suggested changes to the language. Mr. Poirier noted that there is an error in both versions in the second "whereas" paragraph wherein the tax map is incorrectly stated as 22 and should be corrected to map 3.

Tom Greer, Pinkham & Greer, representing Hans Hansen, said that either version is satisfactory.

PUBLIC COMMENT PERIOD OPENED: Richard Shiers, 133 County Road, asked for clarification of the number of lots as described on the first page of both versions. Mr. Zelmanow said that the lots are lots 401 through 404 and 502 through 507. Mr. Shiers asked about minimum or maximum building heights; Mr. Poirier said none are proposed as part of the Contract Zone. Mr. Hickey commented that each individual lot that is part of the Contract Zone will come before the Board for individual site plan review so each use will be reviewed on its own merits. Mr. Shiers commented that the residents must look to the Planning Board to make sure that each lot is developed properly, but said that he does not believe that filling stations should be

permitted in an area where there is no public water or sewer. He also commented that the future extension of public sewer as mentioned in section g of "Other Requirements" may never occur. Mr. Zelmanow said that the Town Council is making the Contract Zone agreement with the property owner, and while they are valid, such issues as the sewer payment requirement are best directed toward the Council for their action.

Albert Frick, 95 County Road, referred to the parking requirements detailed in section 6d. He spoke about setback requirements for parking and said that Mercy Hospital would be non-conforming when the Contract Zone is approved. Mr. Poirier said that the Mercy Quick Care facility is grandfathered unless they come before the Board with an amendment to that plan, at which time they would need to come into conformance or amend the Contract Zone. Mr. Frick suggested that the Planning Board look at septic requirements, leach beds and their required setbacks for such uses as a gas station with coffee shop use. He recommended that the Board make determinations in advance about lot sizes to avoid confusion in the future. Mr. Zelmanow replied that each use will be reviewed individually, on a lot by lot basis, and it is not possible to "draw the line" in advance under those circumstances.

Demetria Chadbourne, abutter across the street from the proposed Contract Zone, asked for an explanation of the grandfathered status, saying her understanding is that something new cannot be grandfathered. She said she hopes that this Contract Zone will be a template for others in the neighborhood who also would like to create Contract Zones for their properties, such as her request. Mr. Zelmanow said that any time an existing zone is changed there will be existing uses that will be grandfathered, that existing uses approved based on the Code at the time of approval will not be forced to change. Mr. Zelmanow confirmed with Mr. Poirier that Mercy is grandfathered unless it changes its approved plan in the future.

Insofar as a template being created, Mr. Zelmanow said that this Contract Zone could serve going forward as having certain features that the Town Council could put in another Contract Zone for the Board to review. Certainly the Council and the Board would look back at what has been done in the past for criteria. Mr. Zelmanow said, however, that the Town Council can still change the requirements in a Contract Zone, and final approval of the Contract Zone lies with the Council.
PUBLIC COMMENT PERIOD ENDED.

Mr. Greer said in response to Mr. Frick's comments that parking will be behind the buildings and as part of the original subdivision approval there is a 100 foot buffer for stormwater management which is anticipated to stay in place. Mr. Greer referred to the Board's suggested 6j, that buffering along residential properties will meet the approval of the Planning Board. Mr. Greer said that it is anticipated that any project in the Contract Zone will comply with the State plumbing code regarding wastewater disposal and there is adequate flexibility on site to comply with setback requirements.

The Board concurred that Version B as amended by the Board should be forwarded to the Town Council.

Christopher Hickey MOVED and Andrew McCullough SECONDED a motion to recommend adoption of the proposed Contract Zoning agreement between Hans C. Hansen, Inc., and the Town of Gorham, as amended by the Planning Board. Motion CARRIED, 5 ayes (Melinda Shain abstaining and Corey Theriault absent). [8:00 p.m.]

ITEM 3 PUBLIC HEARING - Contract Zone - Dennis Chadbourne request for a Contract Zone in order to allow specific commercial uses on Map 6, Lot 30 in the Rural (R) zoning district. REMOVED FROM AGENDA

ITEM 4 PUBLIC HEARING - Contract Zone - Albert Frick request for a Contract Zone in order to allow specific commercial uses on Map 6 Lot 31 and Map 4 Lot 9 in the Rural zoning district.
REMOVED FROM AGENDA

ITEM 5 Preliminary Subdivision Review - Grondin Aggregates, LLC, request for approval for an 11-lot cluster subdivision off Middle Jam Road on 27 acres formerly the Middle Jam Pit, located on Map 97 Lot 31 and Map 98 Lots 1, 2 and 6 in the Rural district.

Ms. Shain recused herself from participation in discussion on this item.

Mr. Poirier explained that this project is before the Board for preliminary review and approval. The applicant was last before the Board on May 2, 2011, at which time the Board's discussion centered on proposed open space and the deduction of slopes under the Net Residential Density calculation. The applicant has submitted plans showing revised open space for the Board's consideration. Staff has reviewed those plans and completed staff notes for the Board's review.

Shawn Frank, Sebago Technics, introduced Larry Grondin of Grondin Aggregates, the applicant. Mr. Frank highlighted some of the revisions made to the plans based on the Board's comments at the May meeting. Lot 1 has been relocated in order to create one large contiguous open space, with a specific walking trail, some picnic tables, with the remainder of the area being grassed with some slopes. Certain areas of woods will be retained as a buffer to the abutting Standish property. Specific landscaping is proposed between Lot 1 and the common open space. Buffering will be coordinated with the abutter along the road when the road is in place.

In discussing the staff comments, Mr. Frank referred to the correspondence from the Public Works Director about negotiations with the applicant regarding improvements to Middle Jam Road. He said the comments of the Town Engineer will be addressed, as well as those from the Fire Department and the Assessor. Regarding the Standish Planning Board Administrator's comments about the difference in elevation between the abutting Gorham and Standish lines, Mr. Frank said that should it ever become necessary in the future to extend the road, something could be worked out.

Mr. Zelmanow and Mr. Frank discussed the abutter driveway coming off the proposed street. Mr. Frank said a plan note will be added, and the association documents will reflect that if the roadway remains private, the abutter whose driveway connects to the roadway will share in the road maintenance.

Mr. Zelmanow and Mr. Frank discussed the Town Engineer's recommendation that insulation be included for the proposed roadway culverts. Mr. Frank told Mr. Hickey that the driveway itself is the responsibility of the homeowner. Mr. Poirier confirmed that Public Works only replaces culverts when they are doing maintenance or rebuilding a road. He said that anyone who comes in for a driveway permit has the responsibility of installing the culvert and the driveway to meet the Town's standards.

In response to Mr. Zelmanow, Mr. Poirier said it is the Board's determination if the 20-33 percent slopes meet the requirements of the Net Acreage requirements. Mr. Hickey said he believes that at the last meeting, it was determined that even if those slopes were deducted they would still have 11 lots. Mr. Fox and Mr. Frank discussed the Town's gravel pit reclamation requirements of 3:1 stabilized, vegetated slopes and the fact that such slopes can be loamed, seeded and mowed. Mr. Frank noted that the applicant is proposing to build the roadway, do some general grading of the lots, and to reclaim the gravel pit with 3:1 slopes. He said he anticipates that the individual lot owners will change the grading on their lots as they construct their homes. Mr. Hickey said he believes that the issue of the slopes has been dealt with satisfactorily and

commended the changes made to the plans dealing with the relocation of Lot 1 and the common open space. Mr. Frank said he will make sure that the driveways and septic systems are in two separate locations on future plans.

Mr. Hickey and Mr. Frank discussed the breakdown of stormwater flow. Mr. Hickey said his only concern is that the piping be adequately sized. Mr. Frank said he will provide the 50-year storm event data and will check the culvert size as well.

Mr. Zelmanow confirmed with Mr. Frank that the walking path will be comprised of stone dust. Mr. Fickett asked if that area will be regraded; Mr. Frank said that the stockpile currently in the area will be used in connection with the construction of the roadway. Mr. Frank said that the center portion of the cul-de-sac will be grass and the radius of the cul-de-sac is 100 feet on the right-of-way and the outside radius of the edge of pavement is 80 feet. Mr. Frank said that 60-foot radii have been designed to enter and exit the cul-de-sac per the Fire Chief's concerns.

PUBLIC COMMENT PERIOD: None offered.

PUBLIC COMMENT PERIOD ENDED.

Andrew McCullough MOVED and Christopher Hickey SECONDED a motion to grant Grondin Aggregates' request for preliminary approval of a clustered subdivision plan consisting of 11 single family lots, 5.50 acres of open space, and 1 road built to the Town's Rural Access standard, located on 27 acres at the former Middle Jam Pit, Map 97, Lot 31 and Map 98, Lots 1, 2, and 6, zoned Rural, provided that the applicant satisfies all of the Planning Board's comments and requirements contained in the staff notes. Motion CARRIED, 5 ayes (Melinda Shain abstaining and Corey Theriault absent). [8:30 p.m.]

Fifteen Minute Stretch Break to 8:45 p.m.

ITEM 6 Site Plan Amendment - Gorham House Partnership, request for approval of a proposed 2,400 square foot one-story building addition and 20 space parking expansion, located at 50 New Portland Road on Map 100 Lots 65.1, 72.1, 73.1 and 78 in the Urban Residential district.

Ms. Shain indicated that she had reviewed the pre-application minutes and materials and is ready to participate in the discussion on this item.

Mr. Poirier told the Board that this item was reviewed as a pre-application at the July 11, 2011 meeting, and since that time the applicant has submitted a formal application for site plan amendment. The Board has been provided with staff's comments. The Board has not yet held a site walk on this application and its recommended that the Board indicate to the applicant what items should be marked on site for a site walk.

Lee Allen, Northeast Civil Solutions, appeared on behalf of the applicant and introduced Rachel Sunnell of Gawron-Turgeon Architects. Mr. Allen described the project, which is to add on a 2,520 square foot addition which will have private rooms instead of semi-private rooms. There will be 26 new parking spaces. With the new addition and parking area there will be an increase in stormwater runoff so additional catch basins are proposed with underground detention. The current underground detention area will be reconstructed as it exists.

Regarding the issues noted in the staff comments, Mr. Allen said that the amount of disturbance on the site is less than an acre, and therefore he believes that no stormwater DEP permit is required, so a lot of the Town Engineer's comments are tied to DEP criteria which he does not believe applies. Ms. Shain asked for clarification of the issues involving the existing underground stormwater treatment; Mr. Allen replied that there is only one area, a catch basin, that needs attention.

Mr. Poirier said that the Town's stormwater ordinance kicks in with one acre of disturbance, as does the DEP's. Mr. Allen said the new submission will show they are down in the 30,000 square foot of disturbance range, which is 25% less than that. Mr. Hickey asked there is an existing DEP permit for the site. Mr. Allen said they do not have a record of a permit and it may be grandfathered as is. Mr. Hickey suggested that it may become necessary to get what is already existing permitted in addition to what is planned. Mr. Zelmanow said this question needs clarification.

Mr. Zelmanow asked if waivers will be requested for the Portland Water District's ability-to-serve letters. Mr. Allen replied water will be required for the new addition's sprinkler, but no additional sewer waste water will be generated. Mr. Allen confirmed that the size of the building will be changed but the number of beds will be shifted, not increased, from semi-private to private, and that waste water is calculated by number of beds. He told Mr. Fox that should those rooms be converted back to semi-private, the applicant will have to return before the Board. Mr. Zelmanow said discussion on the issue will await the submission of the waiver.

Mr. Fox asked if a waiver for parking requirements will be submitted. Ms. Sunnell replied that the Code's parking requirements are exceeded with 26 additional spaces. She said that based on the addition's requirement of one space per 500 square feet, only 5 parking spaces would be required. The basis for the calculation of the number of spaces is based on the expansion, as it was clarified at the last meeting that the parking requirements are based on the current proposal and not the entire project. Mr. Zelmanow confirmed that no parking waiver is required.

Mr. Hickey asked if watershed boundaries containing everything being disturbed in the renovation need to be accounted for in the stormwater management treatment or does the entire project need to be accounted for. Mr. Poirier replied that if the existing system is supposed to handle what is now being proposed, the Board will have to look at all the revisions as part of the proposal and make sure that they are sufficient to handle the capacity, either existing or new. Mr. Poirier said that if what is proposed also has to handle other areas on site, calculations need to be made to assure that the proposed stormwater treatment for that usage is adequate.

Ms. Sunnell discussed the proposed landscaping, noting that plant material has been added along New Portland Road, consisting of both evergreen and deciduous trees and shrubs in a pattern to complement what is already existing. Proposed are maples trees, different types of pines, and various shrubs in groupings. Deciduous trees will also line the entrance driveway. The existing memorial garden in front of the addition will be redesigned and the walkway in front of the addition will be restructured. Connective pathways are being added to access a New Portland Road connection, new garden design and parking. Two existing lights in the existing parking lot will be relocated along the main entry to the skilled nursing unit, and additional lights will be added to the pathways to the building. The proposed landscaping will not obstruct the view of vehicles exiting the parking lot.

Ms. Sunnell showed the Board renderings of the proposed building's elevations. She replied to a query from Ms. Shain that there will be no mechanical units of top of the building.

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

Mr. Zelmanow asked that the corners of the proposed addition and changes to the parking lot be marked for a site walk.

ITEM 7 **Site Plan Review** - Grondin Properties, LLC request for approval of a speculative site plan to develop Lot 3 of the Olde Canal Business Park with a 45,180 sq. ft. commercial industrial building, with 8,000 sq. ft. of office space and 37,000 sq. ft. of industrial space, 70 parking spaces and associated landscaping, located at 65 Olde Canal Way on Map 34 Lot 3.003 in the Industrial zoning district.

Mr. Poirier explained that this is the first time this project has been before the Planning Board. It is being reviewed under the site plan provisions of the Land Use Code, Chapter IV. This item requires a site walk, and staff would caution the Board that it is a very dense site. Staff comments have been provided to the Board.

Owens McCullough, Sebago Technics, appeared on behalf of the applicant and introduced Larry Grondin of Grondin Properties, LLC. Mr. McCullough gave the Board an overview of the project, noting that this project is part of a larger project that Grondin permitted back in 2008. That project was subdivided into 9 commercial/industrial lots; since that time, only one lot has actually been developed. With the economic downturn, it has been problematic to generate development growth in the subdivision. Grondin received a TIF agreement with Gorham for the project. In order to generate some interest in the subdivision, this speculative site plan proposal has been developed by Grondin and the N.A. Dunham Group for a 45,000 square foot building for a commercial/industrial use. There is no specific tenant at this time, but site plan approval could help in the marketing for the potential sale of that lot.

Mr. McCullough said that the building itself will be a one-story pre-engineered metal building with loading docks and showed the Board elevation renderings of what is proposed.

Mr. McCullough said the original subdivision received a Maine DEP Site Location permit, a Maine DEP natural resources protection act permit, a permit from the Army Corps of Engineers, and has an MDOT traffic movement permit. The MDOT movement permit predicted up to almost 200 trips in at full development, and at 50, 75 and 100% some follow-up counts will have to be done to determine a need for a left turn lane coming into the subdivision.

Mr. McCullough said that the lot of interest is Lot 3, which at 6-1/2 acres is one of the larger building window lots. The lot is served by public water and sewer, and as part of the original subdivision a pump station was built on the land of Abbott and Kay Mosher. The pump station has been accepted by the Portland Water District and has the capacity to serve not only this project but perhaps a more regional purpose. The proposed building is just over 45,000 square feet, with 8,000 square feet of office, and 37,000 square feet of industrial or warehouse type use. The project would have 69 parking spaces and 3 loading docks. Traffic generated from this type of project if an industrial use would be around 45 trips in in the a.m. peak hour and 46 in the p.m. peak hour. If it is a warehouse, trips in would drop to around 26 in the a.m. and 28 in the p.m. These numbers are well within the parameters of the Maine DOT traffic movement permit.

Mr. McCullough said there are three detention ponds designed for the original subdivision, with each lot set up with a maximum impervious surface and a maximum lot clearing area. This lot, lot 3, drains to the stormwater treatment wet pond on lot 4, so as long as they stay within the maximum impervious surface and lot clearing areas, there is no on-site stormwater infrastructure. A Notice of Intent to Comply will have to be filed for disturbance of over an acre of land area.

Mr. McCullough commented about the peer review engineer's request for copies of the original stormwater management plans which should be in the Town's files. Mr. Poirier said that he would have to discuss that with the review engineer, but assumes that without knowing what was approved previously, it is difficult to judge where stormwater is going to go. Mr. McCullough noted that there is a table on the last page of the original subdivision plan that shows each lot's building envelope, the impervious surface, the lot area and total disturbed area allowed. Mr. Poirier confirmed with Mr. McCullough that the stormwater from lot 3 is all designed to go to lot 4's detention pond and said he would discuss this with the Town's review engineer. Mr. Poirier said staff will provide what the review engineer needs.

Mr. Hickey and Mr. McCullough discussed where additional parking could be located should the end user need more spaces than the 69 spaces currently proposed. Mr. McCullough said he would discuss with the applicant Mr. Hickey's suggestion of phased parking. Ms. Shain confirmed that the applicant will not actually construct the building.

A site walk will be scheduled with the building's corners marked, with some reference markers for the parking and loading area, the two entrances and the front setback as well.

ITEM 8 Site Plan Review - Design Dwellings, Inc. request for approval to construct four duplex units on Lot 25 of Allen Acres subdivision, located at 308/312 Main Street on Map 26 Lot 7 in the Urban Residential zoning district.

Mr. Poirier said that the Board completed its review and approval of the Allen Acres 25 lot subdivision on August 22, 2011. As part of that approval, Lot 25 was not proposed as single family houses but rather as four duplex units, which requires site plan review under Chapter IV of the Land Use Code. Staff has reviewed the proposal and has provided staff comments for the Board.

Thomas Greer, Pinkham & Greer, appeared on behalf of the applicant and expressed frustration with the review process. Mr. Greer then addressed the staff comments as follows: the road name will be Connor Drive; snow storage areas will be relabeled as "snow storage for the Town of Gorham;" the title block change to the plan will be made; a location map has been added; a residential post light will be used for each one of the units and there will be standard porch lights next to the doors; there are no photometrics for the types of lights that will be provided; a construction schedule will be provided and it is anticipated that the project will be started next spring with completion by next summer; vinyl siding of an off-white color will be used for the buildings; as there were no comments from the Fire Chief it is assumed that he has no issues so there is no need to document whether a fire truck can turn around or not; they would prefer not to build the additional sidewalks as requested by Town staff as no additional impervious surface is necessary beyond the sidewalks already being proposed; there will be a community laundry behind unit 4; the Portland Water District letter was received today; a landscaping plan has been provided; there is a drainage easement behind unit 1; and a letter of financial capacity has been provided to staff.

Ms. Shain confirmed that this is the first time the Board has seen the plans. Mr. Hickey suggested that the ADA-accessible walkway to the common laundry might be better positioned not coming off the end of a parking space but next to it instead. Mr. Greer said that can be changed. Mr. Zelmanow and Mr. Greer discussed the possibility of on-street parking. The Board saw no need to extend the sidewalks beyond unit 1. Mr. Hickey brought up the issue of how the units will be numbered.

Mr. Greer said he believes there is no need for a dumpster, that the Town will pick up trash. Mr. Poirier said that the Code dictates that the cost and burden for waste disposal is on the owner of more than 3 rental units; therefore a dumpster is required.

Mr. Poirier said that he had heard from the Fire Chief, who does want to see documentation that fire apparatus will be able to exit the site per the Town's review engineer's comments of August 23, 2011.

A discussion occurred regarding the requirement for a site walk, with Mr. Poirier reading from the Land Use Code that the Planning Board "... shall hold an onsite inspection for each application of the proposed site for each application for a site plan review of a major development." The Board cannot waive that requirement. It was suggested that the centerline of the road be marked in front of each unit.

Mr. Poirier described the review process currently in place and said that staff is always working to set up ways to expedite the review process.

OTHER BUSINESS None

ANNOUNCEMENTS None

ADJOURNMENT

Thomas Fickett MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Corey Theriault absent). [10:09 p.m.]

Respectfully submitted,

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

ITEM 1 PUBLIC HEARING – Site Plan Amendment - Goodwill Industries, Northern New England

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 or Site Plan Review Committee, 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 a sprinkler engineer will certify that the existing sprinkler system meets the requirements for what is stored in the facility and the occupancy;
5. That the entire sprinkler system needs to have the five year internal exam of the piping done before the certificate of occupancy;
6. That the building will be given a single address for the building and business, meeting the requirements of the Fire and Police Chiefs;
7. That a building inspection shall be done by the Code Office and the Fire Department before a certificate of occupancy is issued;
8. That all site construction work shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the Erosion and Sedimentation Control information contained in the application;
9. That prior to the commencement of 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;
10. 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;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. 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.