



**Town of Gorham  
October 3, 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  
COREY THERIAULT**

**Staff Present:**

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

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that all members were present.

**APPROVAL OF THE SEPTEMBER 12, 2011 MINUTES**

Mr. Poirier noted that the Clerk was on the vacation and the minutes are not ready. The approval should be tabled to a future meeting.

**COMMITTEE REPORTS**

- A. Ordinance Review Committee** – Mr. McCullough reported that this committee has not met.
- B. Streets and Ways Sub-Committee** – Mr. Zelmanow suggested that members of this subcommittee and staff set up a meeting to discuss proposed changes to Chapter II, Section V, Minimum Standards for Design and Construction of Streets and Ways.

---

**CHAIRMAN'S REPORT**

Mr. Zelmanow commented that the Board is now at full membership.

---

**ADMINISTRATIVE REVIEW REPORT**

Mr. Poirier said no new applications have been received for Administrative Review. Staff will contact the engineer for Champagne's Energy to see if they still wish to proceed with the addition of a garage storage building at their 630 Main Street site.

---

**ITEM 1**      **CONSENT AGENDA** -Site Plan Amendment – Ryan Weeman, applicant, 29 Cyr Drive, Lot 9 of New Portland Parkway Commercial Subdivision, proposal to modify the existing application approved by the planning board on June 2, 2008 by separating the lot into 3 phases of development. The property is located on Map 29, Lot 2.009, in the Industrial zoning district with Black Brook and Brackett Road Overlay.

Mr. Zelmanow explained that the item is administrative in nature and has been recommended for approval by staff. He explained the Consent Agenda procedure that the item will not be discussed unless there is a request to take it off the Consent Agenda by either a member of the Board or a member of the public.

There being no request to remove the item from the Consent Agenda and Mr. Poirier confirming that the applicant has received the Conditions of Approval,

**Christopher Hickey MOVED and Thomas Hickey SECONDED a motion to approve the item on the Consent Agenda with conditions of approval posted prior to the meeting and discussed with the applicant. Motion CARRIED, 7 ayes. [7:06 p.m.]**

---

**ITEM 2      Pre-Application for Subdivision Review - Bartlett Woods, Paul Gore, applicant, request for approval of a six-lot residential subdivision with one out-sale lot on Alberta Way, off Bartlett Road, located on Map 12 Lots 7 and 10 in the Residential zoning district.**

Mr. Poirier explained that some of the Board members may recall that a private way, Alberta Way, was approved with a lot to be split off for a landscaping company to relocate. That deal did not move forward, so the applicant is now proposing a subdivision for the parcel. This is a pre-application, with discussion between the Board and the applicant, and has not yet been circulated for review. Mr. Poirier said there is one item the Board should take into consideration, which is a water main located in New Portland Road in the distance identified in the requirement for the provision of public water supply in the Code. As such, the Board may require the extension of public water if it is not financially unreasonable, based on the methodology set out in Chapter II, Section X, Provision of Public Water Supply, e. Determination of Unreasonable Cost. The Board can require that the analysis be based upon a full build-out scenario for the parcel that assumes that the entire parcel will be developed based upon the allowed zoning density with public water and clustered development. The applicant is currently proposing 6 lots and one outsale lot; however, Mr. Poirier noted that the Net Residential Density calculations performed identified that the parcel could support 6 lots.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and said that the parcel is 14.62 acres, with the lots as currently proposed to be served by private septic, drilled wells and underground utilities. In response to Mr. Fickett, Mr. Poirier said that going down Bartlett Road to New Portland Road, public water is about 800 feet away, along the 50 foot right-of-way shown on the plans. Mr. Morrell said that while water is available at a hydrant at the end of Hutcherson Drive, New Portland is the closest tie-in. Mr. Poirier said that the Portland Water District would need to sign off on such a proposal, as PUC requirements dictate where water can be run, such as a requirement for adequate road frontage. Mr. Poirier said that a meeting with the Water District would be beneficial for the applicant. Mr. Zelmanow suggested that Mr. Morrell explore the possibility of extending public water to determine possible costs involved. Mr. Morrell answered a question from Mr. Hickey that the applicant has some rights to the easement around the existing water main.

Mr. Zelmanow asked for clarification of the configuration of lot 1; Mr. Morrell replied that the building window would probably be in the front portion of the lot, and there is a meadow wetland in the back. Mr. Hickey asked if there are any moratoria in place on any of the roads; Mr. Poirier said he believed New Portland has been paved for over 5 years, and he does not believe there is a moratorium on Bartlett Road, although there is a section that will be shimmed, but he will confirm that.

Mr. Zelmanow and Mr. Morrell discussed the driveway locations for lots 2 and 3. Mr. Morrell said that lots 1 and 2 are at the minimum frontage of 200 feet. He also confirmed that it is the developer's intent to keep Alberta Way as a private way, which has already been approved by the Board. Mr. Poirier noted that the Public Works Director will not care whether the hammerhead goes to the left or the right, as Public Works will not be plowing the private way.

The Board and Mr. Morrell discussed the proposed stormwater management to keep runoff away from Bartlett Road. Mr. Morrell said that the private way has been proposed with a vegetated ditch on either side from basically Bartlett Road and sending all the runoff from the roadway toward the back of the parcel to lot

2 where there is a level spreader that will disperse the runoff. Mr. Morrell acknowledged abutters' concerns about drainage issue, and said they propose a culvert underneath Alberta Way at the entrance of Bartlett Road; all runoff coming from lot 5 will be collected in the ditch along Alberta or directed to the culvert and sent to the back of the road. He said that the outsale lot, which has been built on and developed, remains draining back to Bartlett Road, as it did in its existing conditions. Mr. Zelmanow asked if the outsale lot has increased the amount of stormwater flow compared to what it was before the lot was developed; Mr. Morrell replied that if it did, it was an insignificantly small amount. Mr. Morrell said that in the existing conditions on site are now, there is a pretty good sized wetland running along Bartlett Road, with all of the wetland flowing to the existing culvert under Bartlett Road. Putting in the road will ultimately cut that drainage basin in half, collecting everything upstream of it, and sending it in a different direction, so that when this is developed, Mr. Morrell believes there will be less runoff going into the culvert than there was before they start, and certainly less than there is now. Mr. Morrell explained to Ms. Shain that within the right of way of Alberta Way a 2-1/2 foot deep ditch will be provided on either side of the road to collect the runoff and direct it to the end of the road.

Mr. Hickey asked if the road will be designed as it was approved. Mr. Morrell replied that it is their intent to keep the private way approval in its current state and move forward with the subdivision. Mr. Morrell said that the outsale lot was sold and developed by a separate builder. Mr. Hickey and Mr. Morrell discussed the implications of including and excluding the outsale lot in the density calculations. In response to Mr. Zelmanow, Mr. Morrell said it would be the choice of that lot's owner as to whether or not he wishes to tap into public water should it become available. Mr. Fickett asked Mr. Morrell to find out how many homes on New Portland Road are not connected to public water. Mr. Poirier advised Mr. Zelmanow that the public water line would end at the center line of Alberta Way.

PUBLIC COMMENT PERIOD OPENED: None offered.

Mr. Zelmanow asked that the following communications from abutter Diana Libby be included in the record:

“Date: September 27, 2011  
To: Tom Poirier, Members of Planning Board  
From: Diana Libby

RE: October Meeting – Paul Gore – Bartlett Road

I am writing this letter because I will not be able to attend the Pre-Application discussion of Paul Gore's proposal for a 6 unit subdivision on Alberta Way off Bartlett Rd. I own the land directly across from the Gore Property and am asking that a copy of this letter be given to each member of the Planning Board and read aloud at said meeting.

A few months ago, Paul Gore came before the Planning Board with a proposal to put in a ROW, Alberta Way, for the purpose of accessing a back parcel that he was selling to a landscaping company. At that meeting, I brought up and there was considerable discussion about my concern that drainage from any development on Alberta Way not be directed toward Bartlett Road as all drainage on that side of Bartlett drains onto my land through a culvert which is under the road.

Over the years, there has been damage done to my property and many trees have died as a result of excess water draining onto my land. The town does not have an easement to drain water onto my land and, altho I have allowed the small amount of drainage in the past, at any time that permission can be revoked by me. I have owned the land for over 40 years and, altho the town requested I sign an easement allowing such drainage onto my land, I refused to sign such an easement.

At this meeting Paul Gore and his engineers assured me and the Planning Board that all drainage from Alberta Way development would be directed away from Bartlett Rd. They said that the topography would be adjusted in such a way to prevent any drainage toward Bartlett Rd.

Recently Paul Gore developed and sold a lot on Bartlett Rd. next to Alberta Way. This lot was cleared (causing more stormwater run off) and has a single family residence on it. Drainage from this parcel and the building is designed so it flows next to Bartlett Rd. and into the aforementioned culvert and into a (what I am trying to keep small) wildlife pond which houses families of ducks, frogs and other creatures through much of the year.

I spoke to Paul Gore directly while this project was under construction about excess water from this lot but also a new concern that the building, the cleared lot and the blacktop driveway would now drain into the culvert and directly into the wildlife pond next to my driveway. Paul Gore's response was that he didn't understand why I should care about 'a swamp' and he scoffed at me and my concerns that frogs and ducks harmed by pollutants.

This week, Tom Poirier told me that the corner lot of the proposed 6 unit subdivision would have some frontage on Bartlett Road. altho the access to the lot would be on Alberta Way. Because of Paul Gore's cavalier attitude about wetland damage and increased flooding of my land, I am skeptical about how much I can trust that he will do what he initially said he would do – keep all drainage from Alberta Way development going away from Bartlett Road.

With this letter that I ask to be read at the Planning Board meeting and entered into the record, I am requesting that the Planning Board consider my concerns as they did before and hold Paul Gore and his associates to their promise to keep any and all drainage from Alberta Way development flowing away from Bartlett Road.

Thank you again for listening and addressing my concerns.

Sincerely,  
Diana Libby

Date - October 1, 2011  
From: Diana Libby  
To: Tom Poirier

Carol, thank you for sending me this. Can you or Tom tell me what 'one out sale lot' means and where this lot would be? Again, concern would be in any more lots/development create additional drainage toward Bartlett Road. If this lot is the corner lot with a boundary on Bartlett Rd. I would still like to know that drainage would be directed toward Alberta Way and away from Bartlett. Could you please ask Tom to add this note to my previous letter to the Planning Board.

Thank you.  
Diana Libby"

**PUBLIC COMMENT PERIOD ENDED.**

Ms. Shain asked, in light of the Board's workshop this evening, for information regarding the quality of the wetland on site and if it connects to anything else. Mr. Morrell said that a wetlands report from Albert Frick was included in the information provided to the Board, and that report indicates that there are no wetlands of special significance on site. He said, however, that there is a portion on lot 3 that includes a 75-foot long segment of stream which triggers a 75-foot setback and no work is anticipated in that area. Mr. Zelmanow and Mr. Morrell discussed possible building envelopes for lot 3. Mr. Morrell reiterated that the developer does not propose to build the homes on the lots.

There being no further comments from the Board or the applicant's engineers, the pre-application discussion ended.

---

**OTHER BUSINESS                      NONE**

---

**ANNOUNCEMENTS                      NONE**

---

**ADJOURNMENT**

**Thomas Fickett MOVED and Andrew McCullough SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [7:35 p.m.]**

Respectfully submitted,

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

**CONSENT AGENDA** -Site Plan Amendment – Ryan Weeman, 29 Cyr Drive, Lot 9 of New Portland  
Parkway Commercial 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, or Site Plan Review Committee, 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 building shall meet all applicable sections of the NFPA 101 Life Safety Code;
4. That a complete set of building plans shall be supplied to the Gorham Fire Department before a building permit is issued;
5. That a complete set of building construction plans shall be sent to the State Fire Marshal's Office for review and permitting;
6. That a complete listing of any and all hazardous materials to be stored in the building shall be supplied to the Fire Department with their MSDS sheets;
7. That any future building addition that meets the requirements of the sprinkler ordinance shall require the entire building to be sprinkled meeting the requirements of the sprinkler ordinance;
8. That prior to the commencement of any site improvements in each phase, 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;
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 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 all applicable conditions of approval for past site plan approvals shall remain in effect;
12. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
13. That 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 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.