



**Town of Gorham  
July 16, 2012  
PLANNING BOARD MINUTES**

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

**Members Present:**

**EDWARD ZELMANOW, Chairman  
CHRISTOPHER HICKEY, Vice Chairman  
GEORGE FOX  
THOMAS HUGHES  
MELINDA SHAIN**

**Staff Present:**

**THOMAS M. POIRIER,  
BARBARA C. SKINNER, Clerk of the Board**

**Members Absent:**

**COREY THERIAULT**

Edward Zelmanow, Chairman, called the meeting to order at 7:11 p.m. The Clerk called the roll, noting that Corey Theriault was absent.

**APPROVAL OF THE JUNE 18, 2012 MINUTES**

**Christopher Hughes MOVED and George Fox SECONDED a motion to approve the minutes of June 18, 2012 as written and distributed. Motion CARRIED, 4 ayes (Corey Theriault absent, Thomas Hughes abstaining as not having been present at the meeting). [7:14 p.m.]**

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**COMMITTEE REPORTS**

Neither the Ordinance Review Committee nor the Streets and Ways Sub-Committee has met since the last Board meeting.

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**CHAIRMAN'S REPORT** – Mr. Zelmanow noted that there is still a vacancy for the 7<sup>th</sup> member of the Planning Board.

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**ADMINISTRATIVE REVIEW REPORTS** – Mr. Poirier said there is nothing new to report for Administrative Review projects.

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Mr. Hughes recused himself from participation in this item.

**ITEM 1 - Site Plan Review – Consent Agenda - Gorham House Partnership**, request for approval of a proposed 3,232 square foot one-story building addition and a 22-space parking expansion, located at 50 New Portland Road, Map 100 Lots 65.1, 72.1, 73.1 and 78, Urban Residential zoning district.

Mr. Zelmanow explained the procedure for review of consent agenda items, and Mr. Poirier advised that the Conditions of Approval have been shared with the applicant. There being no one from the Board or from the public wishing to take the item off the agenda,

**George Fox MOVED and Christopher Hickey SECONDED a motion to approve the item on the consent agenda based on the Findings of Fact as written by the Town Planner and with the**

**condition(s) of approval as written and distributed. Motion CARRIED, 4 ayes (Corey Theriault absent, and Thomas Hughes recused).**

**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 proposed building addition is 3,232 sq. ft. and the expanded parking area will provide a net increase of 22 parking spaces. The plan sets and accessory information provided for the development review reflect the natural capabilities of the site to support the proposed commercial development.*
- 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.  
*Access to the site is from New Portland Road and Johnson Road. 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.  
*Access into the site is currently through three driveways located on New Portland Road and one driveway located on Johnson Road. As part of the redesign of the site, the middle driveway located on New Portland Road will be removed. The remaining driveways have site distances meeting the requirement of the Land Use and Development Code and points of access will avoid hazardous conflicts with existing turning movements and traffic flows.*
- 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 front parking lot has been redesigned to allow two-way traffic to flow between the driveway located to the southeast portion of the site and the driveway located to the north and western portion of the site. The parking lot's aisle widths have been designed to allow passenger vehicles to safely back out of parking spaces. Stop signs and painted stop bars will be added throughout the site to ensure safe traffic flows. The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.*
- E. **Pedestrian Circulation** - The development plan will provide for a system of pedestrian circulation within and to the development.  
*The plans show an extensive redesign of the pedestrian walkway system between the proposed building addition and the revised front parking lot. The walkways will be bituminous concrete and vary in size from 3.5' to 6'. The interior sidewalk system will connect to the existing public sidewalk system along New Portland Road via a 5' wide bituminous concrete sidewalk located in the southeast corner of the revised front parking lot. The proposed development plan will provide for a system of pedestrian circulation within and to the development.*
- F. **Storm water Management** - Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties:  
*The existing stormwater system for the site is an infiltration pond located on the east side of the site. As part of the upgrades to the stormwater system, the existing infiltration pond's outlet control structure will be replaced. The new stormwater infrastructure will also consist of two infiltration trenches and an underground StormTech infiltration system.*

*The applicant has received Maine Department of Environmental Protection's approval for a Site Location of Development Permit, DEP #L-25581-26-A-N.*

*Based on the system's design along with DEP and the Town's Review Engineer's reviews, the applicant has provided that adequate provisions will be made for the disposal of stormwater collected on the site and the stormwater will not have an adverse impact on abutting or downstream properties.*

- G. **Erosion Control** - For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

*The site plan set includes an Erosion and Sedimentation Control Plan: Sheet 6 of 12 and an Erosion & Sedimentation Control Notes and Details: Sheet 7 of 12 detailing adequate erosion control provisions for the site. The proposed layout of the parking lot and proposed building addition 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 system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

*The new addition will be served by public water. In a letter dated January 6, 2012, Rico Spugnardi, P.E., with the Portland Water District has confirmed that the District has the ability to serve the proposed project. The development will provide a water supply adequate for the proposed use and meet the drinking water standards for the State of Maine.*

- I. **Sewage Disposal** - A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

*The new addition will be served by a proposed 8" sewer line that will be connected into an existing sewer manhole located along the northern portion of 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 served by natural gas, underground electric, telephone, and cable lines. Underground utility lines located along the western side of the existing Gorham House building will be relocated as part of the construction process. The existing utility service is adequate to meet the anticipated use of the proposed building expansion.*

- 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.

*Stormwater from the site will be retained on site and allowed to infiltrate into the ground. The applicant has applied for an underground injection control license with the Maine Department of Environmental Protection for the stormwater facilities proposed for this project and is required to submit registrations for the infiltration basins to the Maine DEP BLWQ prior to the start of construction of the infiltration basins.*

*The proposed stormwater system for the development of the site will not adversely impact either the quality or quantity of groundwater available to abutting property owners or public water supply systems.*

- M. **Exterior Lighting** - The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.  
*Eight new light poles will be installed in the revised parking lot and proposed addition. The light pole luminaires are proposed to be full cut-off. Sheet L103: Lighting Plan identifies the locations of light poles as well as proposed foot candles for lighting on the site. Lighting has been designed to minimize light trespass and provides for adequate exterior lighting for the safe use of the development in nighttime hours.*
- O. **Waste Disposal** - The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.  
*No change to the site's existing waste disposal system is proposed. The existing waste disposal system is adequate to handle the site's waste disposal needs.*
- 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 applicant has provided a landscape plan which details extensive landscape plantings within the front yard setback adjacent to the new parking lot. The landscaping plan also shows the location of trees, shrubs, and annual plants along the proposed building addition and gazebo garden area. The proposed landscaping softens the appearance of the development and protects abutting properties from adverse impacts of 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 project is not located in the 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.  
*Northeast Civil Solutions Civil Engineers and Gawron-Turgeon Architects have been hired by the applicant to provide necessary technical capacity to complete the project. Northeast Civil Solutions and Gawron-Turgeon have successfully completed many projects together and have the technical capacity to complete the project.*  
  
*Machias Savings Bank has provided a letter dated May 9, 2012 to Gorham House identifying that it has the financial capacity to complete the project as approved.*
- S. **Buffering** - The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.  
*The proposed landscaping provides for buffering of adjacent uses where there is a transition from one type of use to another use and to screen storage and service areas.*
- 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 expansion of the Gorham House will comply with the noise regulations listed in Table 1- Sound Level Limits.*

**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 any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
  5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
  6. That the addition shall be completely sprinkled meeting all applicable sections of the Town's Sprinkler Ordinance;
  7. That the sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting at least two weeks prior to the start of the installation of the system;
  8. That the sprinkler test papers must be provided to the Fire Department before a certificate of occupancy is issued;
  9. That a complete set of building construction plans shall be provided to the Fire Department for review;
  10. That the Fire Alarm Company shall meet with the Fire Department to go over the design and installation of the Fire Alarm system;
  11. That during construction Chapter 16 of the NFPA Fire Prevention Code (safeguards during building construction, alterations and demolition operations) shall be followed and access to the building shall remain available throughout the construction;
  12. 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;
  13. 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;
  14. 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;
  15. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  16. 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.

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**ITEM 2 – Public Hearing** – Amendments to the Gorham Land Use and Development Code relating to Chapter II – General Standards of Performance, Section V – Minimum Standards for the Design and Construction of Streets and Ways, E. Acceptance of Streets and Ways.

Mr. Poirier told the Board that the Board’s Ordinance Subcommittee discussed this item at its May 21, 2012 workshop meeting, and the full Board held workshops on April 2 and June 4, 2012. The Board has been provided with two versions of the proposed language: Version A is the language as forwarded by the Town Council, and Version B is the Board’s amended language.

Mr. Poirier advised Ms. Shain that the phrase “sole discretion” would refer to the discretion of the Town Manager as the ordinance requires that performance guarantees are reviewed and approved by the Town Manager.

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

Mr. Zelmanow and Mr. Hickey discussed the process whereby the Board can recommend changes to ordinance amendment language suggested by the Town Council; the Council can either accept or reject these changes.

**George Fox MOVED and Thomas Hughes SECONDED a motion to recommend adoption of the proposed Ordinance Amendment to Chapter II, General Standards of Performance, Section V – Minimum Standards for the Design and Construction of Streets and Ways, E. Acceptance of Streets and Ways, as amended by the Planning Board. Motion CARRIED, 5 ayes (Corey Theriault absent). [7:26 p.m.]**

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**ITEM 3 - PUBLIC HEARING** - Amendments to the Gorham Land Use & Development Code relating to Chapter III – Subdivision; Section III – Preliminary Plan; Section IV – Final Plan and Section V – Improvements.

Mr. Poirier told the Board that the item was forwarded by the Town Council on May 1, 2012; the Board’s Ordinance Subcommittee discussed the item at its May 21, 2012 workshop, and the full Board held workshops on April 2 and June 4, 2012. Version A is the language proposed by the Council and Version B is the Board’s amended language.

Mr. Poirier confirmed to Mr. Hughes that the proposed changes have been available for public review and comment. Mr. Zelmanow suggested the addition of a semicolon and the word “or” after the word “uses” in 24) c) 2.

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

**Thomas Hughes MOVED and George Fox SECONDED a motion to recommend adoption of the proposed Ordinance Amendment to Chapter III, Subdivisions, Sections III, IV and V, as amended by the Planning Board. Motion CARRIED, 5 ayes (Corey Theriault absent). [7:26 p.m.]**

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**ITEM 4 - PUBLIC HEARING** - Town of Gorham proposes a separation of the parent-teacher parking area from the bus loop at the Narragansett School, located at Map 26 Lots 4 & 4.1 and Map 30 Lot 17, Urban Residential-Office Residential zoning districts.

Mr. Poirier explained that this is a site plan amendment to the plan approved by the Planning Board. The applicant has received its Maine DEP Site Location of Development Permit for the project. He noted that the staff notes are somewhat different because staff had input during the design of the plan and therefore staff has no additional comments.

Mr. Hickey revealed that he and Rob Woodman of DeLuca-Hoffman, representing the Town, have a business relationship; however, Mr. Hickey said that has nothing to do with this application and he feels it is appropriate for him to participate in the review of the item. No one on the Board or the applicant had any issues with Mr. Hickey participating in the discussion on the item.

Robert Burns, P.E., Town of Gorham, Public Works Director, described the project to the Board, noting that in the master plan this is a smaller scale version of the separation of the bus loop and the parent-teacher parking area.

Rob Woodman, DeLuca-Hoffman, came to the podium and showed the Board the master plan for the Chick Property which was approved a few years ago. Since that approval, in 2010 Phase I of the master plan was built, which included the construction of the large wet pond in front of the Narragansett School, a connector road from Route 25 to Route 202 (“Chick Drive”), and two small parking lots. The goal of the master plan was to separate the bus loop from the parent drop-off loop because of safety concerns. Mr. Woodman discussed the interim parking plan and sidewalk area, with the existing sidewalk proposed to be expanded from 12 feet wide to 22 foot travel way with a 5-foot wide sidewalk, which continues around and connects to the existing sidewalk network at the west of the School. A parking area of 58 parking spaces will be created with a drop-off loop to be created with 8 spaces, for a total of 66 spaces. Currently access to the parking lot is from Chick Drive; under the current plan, another driveway will be created to the drop-off. A portion of the existing pavement will be maintained with a gate restricting access.

Ms. Shain asked about the recycling bins and if the existing pavement is to be regraded. Mr. Woodman said the bins will stay, the pavement will stay as it is and it is primarily a restriping exercise to create the parent drop-off and formalize its separation from the bus drop-off loop. Existing landscaping will not be impacted. Mr. Zelmanow and Mr. Woodman discussed proposed signage about no parking during morning drop-off hours; Mr. Woodman said they will work with Mr. Burns about the best way to sign that area. No new lighting is proposed.

Mr. Hughes asked what has brought about this proposal and is it possible to accomplish the work before school starts. Mr. Burns reassured the Board that he believes the work can be done before school starts, and the impetus for the project is that several Town counselors have observed safety issues between cars and buses and school children. Mr. Burns confirmed to Mr. Hughes that the only entry to the parent drop-off will be from Chick Drive and there do not appear to be any conflicts with the Police and Fire Departments in that use of Chick Drive. Mr. Zelmanow expressed concerns about the proximity of the two entrances on Chick Drive. Mr. Burns confirmed that he is comfortable with the spacing between the new proposed entrance on Chick Road and the entrance currently there. Mr. Fox asked if the drop-off lane will accommodate a by-pass lane; Mr. Burns replied that the intent would be for drop-off cars to use the parallel parking spaces, thus giving room for cars to pass them on the left. Mr. Burns answered Mr. Hughes that he did not believe a traffic study is warranted for the second entrance on Chick Drive. Mr. Zelmanow confirmed to Ms. Shain that the Board approved Phase I of the Chick master plan and that this is an interim step in the process.

After a lengthy discussion with Mr. Burns about various signage possibilities, the Findings of Fact were modified at D to reflect the Board’s desire that modification to the site signage would be permitted with the approval of the Public Works Director, and Condition of Approval #3 was added “That additional site

signage shall be installed meeting the approval of the Public Works Director or his designee.” At F, the 12’ culvert was changed to 12”. An additional Condition of Approval, #4, will be added “That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact and the final site plan on behalf of the entire Board.”

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

**Christopher Hickey MOVED and Thomas Hughes SECONDED a motion to grant the Town of Gorham’s request for site plan amendment approval of a separation of the parent-teacher parking area from the bus loop at the Narragansett School/Chick Property, located on Map 26, Lots 4 and 4.1, and Map 30, Lot 17, in the Urban Residential-Office Residential zoning districts, with Findings of Fact as written by the Town Planner and with the conditions identified by the Planning Board and modified here this evening. Motion CARRIED, 5 ayes (Corey Theriault absent). [8:10 p.m.]**

**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 grading, drainage, and access road plans for Phase 2. The plans identify site development details and accurately reflect the site’s ability to support the proposed development.*

**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.

*Access to the Narragansett School building is via Chick Drive and Main Street (State Route 25). Chick Drive was designed and built to the Town’s urban sub-collector standards and Main Street was designed to Maine Department of Transportation arterial road standards. 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 development will provide for safe and convenient access.

*Current access into the site is via a driveway located off Main Street for both buses and passenger vehicles (parents and school staff parking) trips. The proposal is to add a 22’ wide driveway located off Chick Drive through the existing parking lots located to the west side of the school for use by parents and school staff. Bus traffic will continue to use the driveway located off Main Street. Vehicular access into the development will provide for the safe and convenient access.*

**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 new proposed access driveway will allow two-way access into the parking lots. Once vehicles enter the parking lot located immediately west of the Narragansett School the traffic pattern will be one-way around the parking lot.*

*A gate will be installed on the existing driveway that connects the designated bus loop and the new access driveway. The gate will allow emergency vehicles to access both parking lots from either Main Street or Chick Drive. The gate will also be opened during special events at the school to allow traffic to exit from either Main Street or Chick Drive.*

*Modifications to the site’s signage is permitted with the approval of the Public Works Director.*



*The vehicular access into the development will provide for safe and convenient access into the site.*

- E. Pedestrian Circulation** - The development plan will provide for a system of pedestrian circulation within and to the development.

*The applicant has provided a 5' wide bituminous sidewalk extending along the new access driveway connecting the two parking lots located to the west of the Narragansett School. A painted cross walk is proposed across the access driveway to allow pedestrian parking in the parking lot to cross the driveway. The pedestrian circulation is adequate to provide for a system of pedestrian circulation within the development.*

- F. Storm water Management** - Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

*The applicant has received DEP amendment approval for the stormwater management system and the proposed improvements to the site. Site Location of Development Act permit amendment is # L-24350-22-E-B.*

*The proposal is to install one 12" diameter culvert under the driveway at the entrance off Chick Drive. The existing culvert located under the pedestrian walkway will be extended as needed to span the 22' driveway. One new catch basin is also proposed to be installed along the western edge of the closest parking lot to the Narragansett School; the new catch basin will be connected to an existing catch basin located within the parking lot.*

*Stormwater from the new impervious area will be directed into the existing stormwater management system onsite, which discharges into wetpond #1 for treatment.*

- G. Erosion Control** - For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

*The project will be constructed meeting the requirements of the Maine Erosion and Sediment Control Best Management Practices, Bureau of Land and Water Quality, Maine Department of Environmental Protection. The driveway layout will fit and utilize the existing topography to the greatest extent possible.*

- H. Water Supply** - The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

*No changes to the water supply for the Public Safety or the Narragansett School buildings are proposed during Phase 2.*

- I. Sewage Disposal** - A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

*No changes to the sanitary sewer system for the Public Safety or the Narragansett School buildings are proposed during Phase 2.*

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

*The Narragansett School and the Public Safety Building are served by electrical, telephone, and cable utilities from Main Street (State Route 25). No changes are proposed to the utilities located on the site. 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.

*Construction activities are in areas that have been previously disturbed and no natural features will be disturbed as part of the project.*

**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.

*No well or subsurface waste disposal is proposed.*

*The proposed run-off from the new imperious areas will be directed into the existing storm water management system which does not introduce unfiltered surface runoff into the groundwater table.*

**M. Exterior Lighting** - The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

*Two overhead light poles located in the parking area immediately to the west of the school will need to be relocated as part of the redesign of the parking lot. The proposed redesigned exterior lighting of the parking lot will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.*

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

*The Phase 2 plan will not affect the Public Safety building or the Narragansett School's current waste disposal locations or protocol.*

**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.

*No additional landscaping is proposed for the site. The existing landscaping located along Main Street and the existing trees located along the western property boundary are adequate to break up parking areas and soften the appearance of the development and protect abutting properties from the adverse impacts of 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.

*This standard does not apply because the parcels are not located in the 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 proposes to fund the project through annual appropriations within the municipal budget, impact fees, and/or municipal bonds. The Town of Gorham has numerous experiences in construction, operation, and maintenance of similar projects throughout the Town.*

**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.

*No additional buffering is proposed for the site. The existing vegetation located along the western property line provides sufficient buffering from adjacent residential 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 Phase 2 portion of the Chick Property will not increase the noise level generated on the site.*

**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 additional site signage shall be installed meeting the approval of the Public Works Director or his designee;
  4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact and the final site plan on behalf of the entire Board; and
  5. 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.
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**ITEM 5 - SUBDIVISION AMENDMENT** - Nanette Belanger, owner-applicant, request for a subdivision amendment to revoke the Plummer Road (Sara Childs) Subdivision, a 6-lot subdivision and private way (Elexis Drive) approved on January 7, 2008, returning the property to one single parcel of land. The property is located at 105 Plummer Road, Map 86 Lots 201 through 206, Rural zoning district.

Mr. Poirier noted that this item is a revocation of a subdivision amendment plan and private way plan. This lot was part of an original larger subdivision by Sara Childs; it was later subdivided into six lots with a private way to serve the lots and approved by the Board on January 7, 2008. Since that time, the parcel has been sold to the present applicant, Nanette Belanger, who is requesting approval to revoke the subdivision and private way, returning the parcel to one single parcel of land. Staff has reviewed the plans submitted, and finds that they meet the requirements of the Town and State statutes. There are no Findings of Fact for a revocation.

Troy McDonald, Northeast Civil Solutions, appeared on behalf of the applicant and reiterated that the applicant is looking to revoke the subdivision and private way approved in 2008 back to a single 22.29 acre parcel.

Mr. Hickey asked if there are sunset provisions to other agencies' permits involved in the 2008 subdivision. Mr. Poirier said that there would have been a DEP or a Site Location or stormwater permit by rule, no other permits were required, and that he believes DEP permits have a 2-year expiration. Ms. Shain asked if the revocation impacts the tax position on the parcel. Mr. Hickey said that for future revocations, he would like the Town's tax assessor be consulted to be sure there are no tax implications involved.

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

**Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to grant Nanette Beranger's request for a subdivision amendment to revoke the Plummer Road (Sara Childs) Subdivision, a 6-lot subdivision and private way (Elexis Drive) approved on January 7, 2008,**

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**returning the property to one single parcel of land located at 105 Plummer Road, Map 86 Lots 201 through 206, Rural zoning district. Motion GRANTED, 5 ayes (Corey Theriault absent).**  
[8:19 p.m.]

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**ITEM 6 - SUBDIVISION AND PRIVATE WAY AMENDMENT** - Holman Development Corp. request for an amendment of the Daisy Lane 2-6 lot private way by adding three 15" HDPE culverts to provide wetland connectivity and removing the stormwater drainage infrastructure associated with a proposed stormwater wet pond. The property is located off Wood Road, Map 54 Lot 9, in the Rural zoning district.

Mr. Poirier said that the applicant is proposing no new lots with this subdivision amendment; the amendment has to do with the proposed elimination of a stormwater pond at the end of the proposed private way. The DEP and Army Corps of Engineers permits have expired for the proposed subdivision and private way, and the DEP's standards have changed, now allowing the applicant to remove the approved stormwater management pond. The subdivision amendment has to do with the proposed stormwater amendments, and the private way amendment for Daisy Lane has to do with the addition of some culverts required as part of the applicant's amendment to its Army Corps of Engineers permit. As of tonight the applicant has not received its DEP permit approvals, but staff thought it would be helpful to get the item before the Board this evening to provide some input on any changes or clarifications the Board would like to see for its next meeting. The Board also might want to discuss whether it feels a site walk is required.

Les Berry, BH2M, appeared on behalf of the applicant and told the Board that the Country Field Subdivision and the private way serving it, Daisy Lane, were approved in 2003. Immediately after the approval, lot 1 was sold and developed, with the applicant retaining ownership of lots 2, 3, 4, 5 and the road, but never constructed the development. However, when the applicant expressed interest in proceeding this year with the development, it became obvious that while his Town approvals for the subdivision and road were still good, the DEP and Army Corps of Engineers permits had expired after 2 years. Based on the 2005 stormwater law changes, a stormwater permit by rule is now necessary and the project no longer meets those standards. Mr. Berry showed the Board how the stormwater management design now proposed differs from the original, getting rid of the detention pond, adding the culverts, lowering the level of the road and lessening the impact on the wetlands in the area. While the DEP has approved the proposed plan, the Army Corps has not as yet. Mr. Berry said there are no changes proposed to the subdivision itself, and included in the materials present to the Board is the homeowners' agreement for the private way, updated since 2003.

Mr. Berry told Mr. Hughes that the Army Corps and the DEP entered into an agreement about 10 years ago so two copies of an application need to be submitted, one to the Army Corps and one to the DEP, although both have to issue their own separate permits and the approval criteria is the same.

Mr. Berry explained the proposed stormwater management to Mr. Hickey, saying that the water will be directed into the three wetlands on site through three 15 inch culverts installed under the road. Mr. Berry said no treatment of the stormwater is necessary as the project does not meet those standards.

Ms. Shain noted that the homeowners' maintenance agreement for the private way is confusing with regard to an abutter's rights and obligations to the private way; Mr. Poirier said that the Town Attorney will review it. Mr. Berry confirmed to Mr. Hickey that there are no changes proposed to the well and septic locations. Mr. Hickey asked if this project would be subjected to the new performance standards discussed earlier by the Board; Mr. Poirier said the applicant would be required to put up a performance guarantee prior to the construction of the private way and the application would be subject to the proposed changes in the Code relating to subdivisions. Mr. Berry confirmed to Mr. Fox that the subdivision plan notes require sprinkling.

Mr. Berry asked about the Town engineer's comments about the 2:1 slopes in the wetlands, which are part of the DEP's requirements and would a waiver be required. Mr. Poirier said he did not believe a formal waiver would be required, and the Board should note if it has any concerns with the 2:1 slopes in that area. If not, Mr. Poirier will let Woodard & Curran know that the Board has no issues. Mr. Berry also asked

about the Town engineer's comment regarding guardrails, which do not appear to be necessary. The Board agreed that no guardrails would be needed.

The Board agreed that no site walk is warranted.

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*15 Minute Break to 8:45 p.m.*

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**ITEM 7 - PREAPPLICATION CONFERENCE** - Random Orbit, Inc., proposal for a 9 single family house project built to the Development Transfer Overlay District standards on 2.17 acres at Lot 1 of the 1996 "Village Crossing" subdivision, located at 12 Cumberland Lane, Map 27 Lot 5.00, Office Residential zoning district.

Mr. Poirier explained that this item has not yet been distributed to staff for any review comments, it is on the agenda as a preapplication between the Board and the applicant to get a first look at the proposal. This lot is located at 12 Cumberland Lane and is part of an older subdivision that was approved in 1996, the Village Crossing Subdivision. Staff had the Town Attorney review the information presented and has provided feedback which Mr. Poirier suggests the Board discuss after the applicant's presentation.

Peter Bass of Random Orbit, Inc., made a presentation to the Board of what he calls a smart growth village infill project, consisting of nine house lots with common open space, each home to be a 1,000 to 1,500 square foot modular cottage with front and rear porches and one car garages, designed to minimize the impact of automobiles on the development. Mr. Bass said it was intended that the fronts of the houses will be oriented toward the common open space at the rear and the garages and driveways on the street side. The common open space will include vegetable growing areas, grassy areas, and screening to buffer the abutting church and Main Street. The houses will be energy efficient and target demographics include retirees, small families and single women.

Mr. Bass said he is requesting approval under both the Development Transfer Overlay District standards and the Residential Subdivision District standards. The proposed lot sizes are 4,500 square feet, with 40 feet frontage, and setbacks of 18' front, and 5' side and rear. He is proposing the DTO standard to increase the number of lots from a standard density of 5 units to 9 units. He combined that standard with the Town's clustered subdivision standards.

Mr. Poirier said that the Development Transfer Overlay District is not allowed to be utilized in a subdivision that was approved outside of that District, so if it was approved as a conventional or clustered subdivision a lot cannot utilize the DTO. The Town Attorney's opinion is that the project cannot utilize the DTO provisions because the lot is located in a subdivision that was approved prior to the effective date of the DTO adoption, and the other lots in the subdivision were developed in accordance with the underlying zoning district. He said that the Town Attorney has not, however, considered this proposal as combining the DTO and clustered subdivision requirements. Mr. Poirier asked if the Board, after seeing Mr. Bass's presentation, wants to discuss the possibility of amending the DTO standards, perhaps supporting such an amendment to the Town Council. It could be discussed in the Board's ordinance subcommittee with the applicant.

Board members expressed their appreciation of the philosophy and unique planning of the proposed development and discussed the requirements of the DTO standards that would need to be modified to accommodate the proposal, such as reducing the minimum lot size, reducing the setbacks, dealing with the prohibition that the DTO does not apply to subdivisions approved prior to the enactment of the DTO standards, and justification for possible waivers to allow the project to proceed under DTO requirements. Ultimately, the Board concurred that the applicant should pursue a contract zone application route with the Town Council; Mr. Bass said he would be happy to pursue that avenue. Mr. Poirier suggested that Mr. Bass meet with staff to set up a meeting with the Town Manager to discuss a path forward.

**OTHER BUSINESS** None

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**ANNOUNCEMENTS** The next meeting of the Planning Board is August 6, 2012, at 7:00 p.m.

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**ADJOURNMENT**

**Christopher Hickey MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Corey Theriault absent). [9:50 p.m.]**

Respectfully submitted,

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Barbara C. Skinner

\_\_\_\_\_, 2012

**ITEM 2 Amendments to the Gorham Land Use and Development Code relating to Chapter II – General Standards of Performance, Section V – Minimum Standards for the Design and Construction of Streets and Ways, E. Acceptance of Streets and Ways.**

Planning Board Version:

4) Streets Offered for Acceptance

- g) Notwithstanding paragraph c) above, a street may be accepted by the Town Council prior to final paving, provided that 150% of the cost of completion, as estimated by the Public Works Director or the Director's designee, is deposited in a road improvement account with the Town. Any funds not used shall be returned to the developer upon completion.
  
- h) Prior to street acceptance, the Town, at its sole discretion, has the right to annually evaluate the condition of the road street and the costs associated with completing the street. project and to recalculate the bonding requirements for the project. This evaluation shall be estimated by the Public Works Director or the Director's designee. The Public Works Director or the Director's designee will estimate said completion costs following the evaluation and recalculate the bonding requirements for the project. The recalculated bonding requirements for the project shall will be 125% for of the total cost of the outstanding construction. improvements The Town shall will stop issuing permits for the project until the new bonding requirement is established and met. All items contained within the performance guarantee, or each phase of the project, must be completed within 36 months of from when the performance guarantee establishment was established. This 36 month deadline may be extended a maximum of 24 months with Town Council review and approval. The Town further has the right to may require the developer to bring submit the road street in for Town Council acceptance within five (5) years of the placement of the street base pavement; for the project or the Town may pull the bonding and complete the project street as approved.

**ITEM 3 Amendments to the Gorham Land Use & Development Code relating to Chapter III – Subdivision; Section III – Preliminary Plan; Section IV – Final Plan and Section V – Improvements**

Planning Board version:

SECTION III – PRELIMINARY PLAN

B. REQUIREMENTS

- 7) Proposed construction schedule and phasing of improvements. **Plans requiring phasing shall be designed so that each subdivision phase must be recorded in the registry of deeds as a distinct and separate plan. The required Planning Board signature block shall be added to each of the phased subdivision plans.**
  
- 24) Submissions for preliminary subdivision approval shall include evidence that affirmatively demonstrates that the developer has the financial capacity to undertake the proposed development, including the following information:**
  - a) **Accurate and complete cost estimates of the development;**
  - b) **Time schedule for construction;**
  - c) **One of the following three items:**
    - 1. **A letter from a financial institution, governmental agency, or other funding agency indicating a commitment to provide a specified amount of funds and the purposes for which the funds may be utilized; or**
    - 2. **In cases where funding is required but there can be no commitment of money until approvals are received, a letter of “intent to fund” from the appropriate funding institution indicating the amount of funds and their specified uses; or**
    - 3. **Copies of bank statements or other evidence indicating availability of funds when the developer will personally finance the development.**
  - d) **Any other information deemed relevant by the Planning Board for the specific project.**

C. PRELIMINARY PLAN REVIEW

- 2) **j) Financial Capacity to Meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.**

SECTION IV – FINAL PLAN

C. IMPROVEMENT GUARANTEE

- 1) Purpose: Improvement guarantees shall be provided to ensure that the applicant has the financial capability to properly install and maintain the required street, utility, and



~~other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.~~

~~2) Application:~~

~~a) Before the recording of final subdivision plats, or as a condition of final subdivision plan approval, the Planning Board shall require and shall accept in accordance with the standards adopted by ordinance, the following guarantees:~~

~~(1) The furnishing of a performance guarantee in an amount equal to one hundred twenty five percent (125%) of the cost of installation for proposed public or quasi public improvements.~~

~~(2) Provision for a maintenance guarantee for a period not to exceed one (1) year after final acceptance of the improvement, in an amount not to exceed fifteen percent (15%) of the cost of the improvement. In the event improvements are covered by a performance or maintenance guarantee to another governmental agency, which guarantee is at least as stringent as that required hereunder, in which case, no performance or maintenance guarantee, as the case may be, shall be required by the Planning Board for such utilities or improvements.~~

~~(3) The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Planning Board but for no more than two additional years.~~

~~b) Upon substantial completion of all required improvements, the developer may notify the Planning Board of the completion or substantial completion of improvements, and shall send a copy of such notice to the appropriate municipal officials: The Director of Planning and Zoning, the Fire Chief, and/or the Town Engineer. The respective municipal officials shall inspect all improvements of which such notice has been given and shall file a report with the Planning Board indicating either approval, partial approval, or rejection. The cost of the improvements as approved or rejected shall be set forth.~~

~~c) The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.~~

~~d) Where partial approval is granted, the developer shall be released from all liability except for that portion of improvements not yet approved.~~

~~3) Performance and maintenance guarantees shall be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Town Manager and Town Attorney:~~

~~a) Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.~~

~~b) Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.~~

- e) ~~Escrow Account. The applicant may deposit cash, or other instruments readily convertible into cash at face value, into a non interest bearing account with the Town. The applicant shall enter into an escrow agreement with the Town, which shall stipulate that the Town can withdraw the money upon forty eight (48) hour notice to the applicant.~~

**D. C. FINAL PLAN REVIEW**

- 7. Two signed copies of the Final Plan as approved shall be retained by the Planning-~~Department Board~~ (1) and the Town Clerk ~~Assessing Department~~ (1). **One (1) original mylar of the signed plan shall be recorded in the Registry of Deeds. A mylar copy of the recorded mylar shall be returned to the Planning Department.** If any subdivision of land is proposed in the Final Plan, all material required to be recorded by the Cumberland County Registry of Deeds shall be submitted by the developer within thirty days of the date of written notice of Approval by the Planning Board.
- 8. **No subdivision plan shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted. If an approved plan is not recorded in the Registry of Deeds within one (1) year of the original approval, it shall become null and void. If a plan has received phased approval, the first phase shall be recorded within one (1) year of the original approval and subsequent phases shall be recorded within five (5) years of the original approval. If a phased plan is not recorded within those time periods, the phases that have not been recorded shall become null and void.**
- ~~8.~~ **9.** Municipal subdivision approval granted prior to August 1, 1972 of any final plan or other subdivision plat shall be deemed withdrawn unless said plan is recorded in the Cumberland County Registry of Deeds by August 1, 1982.

**SECTION V. IMPROVEMENTS POST APPROVAL ACTIVITIES**

**A. Performance Guarantee:**

- 1. **Purpose: Improvement guarantees shall be provided to ensure that the applicant has the financial capability to properly install and maintain the required street, utility, and other improvements.**
- 2. **Types of Guarantees. The applicant shall provide one of the following performance guarantees for an amount adequate to cover 125% of the total construction costs of all required improvements. Performance and maintenance guarantees shall be provided by a variety of means including, but not limited to the following, which must be approved as to form and enforceability by the Town Manager and Town Attorney:**
  - a. **Escrow Account: Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as sole owner;**
  - b. **Security Bond: A performance bond payable to the municipality issued by a surety bonding company authorized to do business in the State of Maine;**
  - c. **Letter of Credit: An irrevocable letter of credit, from a bank or other reputable lending or financial institution.**

3. Contents of Guarantee: The performance guarantee shall must contain the following:
  - a. Construction schedule; and
  - b. Cost estimates for each phase of construction taking into account as-built drawings, survey monumentation, required legal documents, provisions for inspections of each phase of construction, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.
4. Escrow Account. A cash contribution for the establishment of an escrow account shall must be made by either a certified check made out to the Town of Gorham, the direct deposit into a savings account, or the purchase of a certificate of deposit.
  - a. For any account opened by the applicant, the Town of Gorham shall must be named as owner or co-owner, and the consent of the Town shall must be required for a any withdrawal.
  - b. The Town shall be authorized to make withdrawals without the signature of the applicant, pursuant to the performance schedule.
5. Performance Bond. A performance bond shall must detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall-must-specifically reference the subdivision for which approval is sought and the approved costs estimates.
  - a. The applicant shall submit a draft copy of the performance bond to the Town Planner for review and approval prior to issuance of the final performance bond.
6. Letter of Credit. An irrevocable letter of credit from a bank or other reputable lending institution with offices in the region shall must indicate that funds have been set aside for the construction of the subdivision.
  - a. The letter of credit shall-must use the template established by the Town of Gorham, unless waived by the Town Manager in consultation with the Town Attorney.
7. Phasing of Development: The Planning Board may approve plans to develop a subdivision in separate and distinct phases. The phases shall must be designed so that they can be recorded at the registry of deeds as separate and distinct plans. No phased plans shall will be released for recording in the registry of deeds until the performance guarantee for that phase has been established as required under this section.
8. Release of Guarantee. While partial draws are permitted, the amount of each shall must be no less than twenty percent (20%) of the original amount. The developer shall submit to the Town Planner a copy of the approved schedule of values identifying items substantially completed and being requested for release. The Town Planner shall send a copy of such notice to the appropriate municipal officials: The Zoning Administrator, Fire Chief, Town's Inspecting Engineer, and/or the Public Works Director or the Director's designee. The respective municipal officials shall inspect all improvements of which such notice has been given and shall file a report with the Town Planner indicating either approval, partial approval, or rejection. Prior to the release of any part of the

**performance guarantee, the Town Manager, or his designee, shall determine to his/her satisfaction, in part upon the report of the Town's consulting engineer or other qualified individual retained by the municipality and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.**

9. **Default: If upon investigation, the Town or the Town's consulting engineer finds that any of the required improvements have not been constructed in general conformance with the plans and specifications filed as part of the application, he or she shall report in writing to the Code Enforcement Officer, the Town Manager, the Town Planner, and the applicant or builder. The Town Manager, or his designee, shall take any steps necessary to preserve the municipality's rights.**
  
10. **Performance guarantees for subdivision containing streets designed to the Town's public way standards and meant to be offered to the Town for ~~accept~~ acceptance are subject to the provisions under Chapter II, Section V: Minimum Standards for the Design and Construction of Streets and Ways, E. Acceptance of Streets and Ways, 4), h).**

**B. Improvements:**

In no event shall building permits be issued for more than 50% of the lots or units within a development until:

1. All required off-site public improvements have been completed, unless otherwise approved by the Planning Board, based upon the Board's determination that extenuating circumstances exist and an adequate performance guarantee is in place to ensure the completion of the uncompleted public improvements. For purposes of this section only, extenuating circumstances may include, but are not limited to, delays in related Town, State or Federal improvement projects that impact the required public improvements of delays caused by weather or unforeseen site conditions. The Planning Board's decision on whether extenuating circumstances exist to excuse completion of required off-site improvements prior to the issuance of more than 50% of the building permits shall be final.
2. All required streets are either constructed or the guarantee required by Chapter II, Section V.E.4.f has been posted with and accepted by the Town.
3. All required stormwater facilities and erosion control measures have been installed, as required by the approved plan, other than those facilities required as part of the development of an individual lot.
4. Where the Planning Board has approved a phased development, this limitation shall apply to each separate phase. Public improvements both on- and off-site shall be assigned to a phase of development as part of the Planning Board's approval of the subdivision.