



**Town of Gorham**  
**April 1, 2013**  
**PLANNING BOARD MINUTES**

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

**Members Present:**

**EDWARD ZELMANOW, Chairman**  
**CHRISTOPHER HICKEY, Vice Chairman**  
**JAMES ANDERSON**  
**GEORGE FOX**  
**THOMAS HUGHES**  
**MELINDA SHAIN**  
**COREY THERIAULT**

**Staff Present:**

**THOMAS M. POIRIER, Town Planner**  
**BARBARA C. 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 MARCH 4, 2013 MINUTES**

**George Fox MOVED and Melinda Shain SECONDED a motion to approve the minutes of March 4, 2013 as written and distributed. Motion CARRIED, 5 ayes (Christopher Hickey and Corey Theriault abstaining as not having been present at the meeting). [7:04 p.m.]**

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**COMMITTEE REPORTS** – Mr. Theriault reported that the Ordinance Review Committee has not met since the Board’s last meeting. Ms. Shain reported that the Streets and Ways Subcommittee has not met.

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**CHAIRMAN’S REPORT** – Mr. Zelmanow said that there is no Chairman’s report.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that there has been one new application, that of Steven and Amy Bibula, for a farm stand at Plowshares Community Farm at 236 Sebago Lake Road. Mr. Poirier also said that Dana Lampron, propane storage tank project, has signed his conditions of approval and those final plans are available for signature by staff. Staff is still awaiting final plans from PineCrest Bed and Breakfast.

Mr. Poirier advised Ms. Shain that the applicant has received permission from the ZBA to demolish his small building adjacent to Crockett Interiors.

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**ITEM 1            SUBDIVISION AMENDMENT- Gordon Farms Phase II**  
Diversified Properties, Inc.

Request for approval of a subdivision amendment to locate a fifty foot right-of-way for access to the abutting undeveloped lot and to locate a gravel private way. The property is located at 79 Gordon Farms Road, Map 45 Lot 23.422, Rural zoning district.

Mr. Poirier reminded the Board that this item was before the Board in August of last year for a subdivision amendment to add a 50 foot right-of-way. At that time staff noticed that it took the away the lot’s legal street frontage, so the applicant tabled the review in order to return with an application for both the right-of-way review and a private way review to get lot 22 its legal street frontage.

Al Palmer, Gorrill-Palmer, introduced Jim Wolfe, from Diversified Properties. Mr. Palmer showed the Board lot 22 and the proposed 50 foot right-of-way, noting that the applicant prefers to establish that the private way could be extended in the future to the abutting property rather than building a house on the lot first. The private way could serve one lot if Mr. Wolfe is not able to acquire the abutting land. However, if he does acquire the property, then the private way could be extended in the future to service the abutting land. Obviously the applicant would have to come back before the Board for further review of the abutting land. Mr. Palmer said that the private way is for a higher classification than would be required just to serve the one lot, but knowing that the intent is to try to secure the rights in the abutting property, it makes no sense to build the private way to a one-lot standard. Mr. Palmer said he believes that they can work with staff on the issues listed in staff's notes.

Mr. Hickey asked staff why access to this lot addressed in the original subdivision plan. Mr. Poirier said he would have to review the minutes from past meetings. Mr. Palmer opined that access to adjoining land perhaps was not a requirement when the project was first reviewed. Mr. Wolfe said that the land was originally owned by the University of Maine and since has been sold to a company called Market Trading, which is working with Mr. Wolfe.

Ms. Shain asked if these lots are subject to any private covenant not to subdivide lots. Mr. Palmer said that based on their review of documents available at the Registry of Deeds, they have not seen any.

Mr. Zelmanow asked why the southern access road is not being considered to gain access. Mr. Palmer replied that the configuration of the lot does not extend down to the southerly right-of-way. Mr. Hickey asked if Queen Street has been officially discontinued by the Town Council. Mr. Palmer said no changes are proposed to the right-of-way to the south, they are just creating a new right-of-way to the east. Mr. Hughes asked who would be responsible for the maintenance of the private way; Mr. Palmer replied that only those lots that benefit from the right-of-way, which at this time would only be lot 22. If, however, Mr. Wolfe can secure the rights to the abutting property, then the people in a future subdivision would also contribute to the maintenance and repair of the private way. Mr. Palmer said that none of the other lots in Gordon Farms would be affected. In response to Mr. Hughes, Mr. Palmer said that the right-of-way would be established all the way to the easterly property line, and the private way as shown on the plan would only be constructed for about 150 feet going in.

Mr. Hickey asked if an additional setback would be created on Lot 21; Mr. Palmer replied that the structure meets that setback. Mr. Hickey said he is not comfortable with creating a setback that might impact a homeowner's actions. Mr. Theriault said he is not comfortable, either, with the relationship of a new road to the neighbor's driveway. Mr. Palmer said he thinks the lots 21 and 22 were approved with a common driveway but it was not constructed that way. Mr. Poirier said he would verify this with Code, but his understanding is that this private way would be on lot 22 and it would not encumber lot 21 with a front setback because they are on different lots. Ms. Shain asked what would happen if it were to become a public road. In response Mr. Hickey's question why there is no easement on the plan for the shared driveway, Mr. Palmer said that on the DEP application it was noted as being a shared driveway. Mr. Poirier said the plan would identify a shared driveway.

Mr. Hickey asked Mr. Palmer about DEP impacts. Mr. Palmer said that the applicant has written to the DEP regarding the area that will be impacted by this application. He said that the project was approved with 19,000 square feet of impact and with this application it will still be under the 19,000 square feet if it is included with the original subdivision. If this is a separate project, under Maine State law 4300 square feet of impact is exempt. Ms. Shain asked if originally the DEP approval was allowed to come after approval as the shared driveway does not show on the plan; she suggested that staff check to see if approval did come after DEP approval.

Mr. Zelmanow asked about the impact of the proposed right-of-way on drainage. Mr. Palmer said drainage currently crosses the roadway where the wetland impact was permitted for the roadway; it is proposed to put a culvert under the private way to continue the drainage pattern, which is northwest to southeast. Mr. Palmer told Mr. Hickey he believes that there is a culvert under Gordon Farms Road; Mr. Palmer said he would show that on the final plan. Mr. Hickey suggested specifying where the silt fence location will be, and said he does not believe there is enough room for the outlet protection for the new 15” culvert. Mr. Palmer said they would meet with Public Works to work out that detail, and they would look to see if whether there should be a culvert under lot 21’s driveway as well.

The Board agreed that a site walk is warranted for this site and asked that the road be staked out.

**PUBLIC COMMENT PERIOD OPENED:** Ms. Jenny Skolfield, 73 Gordon Farms Road, Lot 21, said she was speaking on behalf of the residents of Gordon Farms, and read the following into the record:

“On behalf of the residents of Gordon Farms Neighborhood, I want to present concerns we have with Diversified’s proposal for a right of way across lot 23 for the purpose of being used as a future right of way and connector to future development East of the neighborhood.

1. **Safety** – 3 driveways (#’s 72, 73 and 84) meet this proposed road at it’s intersection of Gordon Farms road. Kids consistently play in this spot specifically b/c it is at the end of the driveways and a flat open area providing a safe venue for bikes and other street activities. If this road were developed and approved as a connector the increase in traffic to a new development would significantly decrease the safety of this area.
2. **Traffic pattern** – Some residents bought/built their houses based on where the traffic would flow using the currently approved right of way in the Southeastern corner of the neighborhood between Lot 20 and Lot 21 (#73). If this road were approved, the traffic flow would be to both sides of the neighborhood and increasing traffic to those residents on the Northern side of the neighborhood.
3. **Residents** – The Ottoson’s (72) and Kelting’s (84) purchased their homes with consideration to the view they have from their front yards. One existing home (73), with one expected to be built (lot 22) and a quiet venue. If approved, this changes with a traffic flow immediately in front of their homes, reducing the view, peacefulness, increasing noise levels and potentially impacting the value of their homes.
4. **Existing right of way** – There currently exists an approved right of way, between lots 20 and 21. Using this as the connector would not have the impact the above proposal would have. This connects with Gordon Farms in a spot that does not immediately impact any “views” or safety of residents and keeps traffic flow to the Southern Gordon Farms road as currently approved.
5. **Environmental impact** – noise from heavy equipment in the future development east of the Neighborhood, loss of trees, water table, water vegetation, disruption to wildlife and natural habitat. Impact on the environment and the health and well-being of residents are also concerns expressed by residents of the Gordon Farms Neighborhood.
6. **Road to nowhere** – Diversified is proposing a road but no formal plans for a development. So essentially the proposal is for a road to nowhere. It is not clear why a driveway cannot simply connect the future home at 79 Gordon Farms Rd. Last we saw Mr. Wolfe, he indicated the house would be on the western parcel of the lot so it isn’t situated directly across from ours on 73 Gordon Farms. If this was the case, there doesn’t seem to be a need for extending the right of way to the easterly edge of the property line.”

Ms. Skolfield also presented a petition signed by certain residents of Gordon Farms, which is attached hereto and made a part hereof.

Phil Gagnon, 91 Gordon Farms Road, spoke about drainage flow across his property and expressed concerns about the 50-foot right-of-way having an inadequate culvert that could cause significant pooling. Mr. Gagnon said he believes the 30 foot culvert should be 50 feet, with an additional culvert as well.

PUBLIC COMMENT PERIOD ENDED.

Mr. Hickey thanked Mr. Wolfe for trying to do things in the right order, and said that given the current proposed use, the setback would be 50 feet; however, if the land to the east were developed, it would seem to qualify more like a collector with a 70 foot setback. Mr. Hickey asked which setback would be appropriate, the actual proposed use or the theoretical future use. Mr. Poirier said he would talk with staff and the Town Attorney. Ms. Shain commented that the setbacks are set by law. Ms. Shain asked how many lots would there would be in the adjacent lot; Mr. Wolfe replied that it could be a maximum of 14 lots as a cluster subdivision.

**George Fox MOVED and Thomas Hughes SECONDED a motion to table further review of Diversified Properties, Inc.'s request for subdivision amendment and private way approval pending responses to remaining issue, finalizing revisions to the plans, and the Board's site walk. Motion CARRIED, 7 ayes. [7:26 p.m.]**

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**ITEM 2            SUBDIVISION APPLICATION - Mosher Road Subdivision**  
Samuel Strumph, Sr.

Request for approval of a 3-lot Mosher Road Subdivision located at 393 Mosher Road on Map 31 Lot 6, Suburban Residential zoning district.

Mr. Poirier explained that the applicant applied for a three-lot subdivision, but the net density calculations were not complete, so that based on the revised calculations, only two lots are allowed, which would still require subdivision review because this lot is part of a three-lot split that was done under homestead exemption. Under State law, any lot split occurring within 5 years of the homestead split must be reviewed under the Town's subdivision regulations; these lots are within the 5 year requirement. Mr. Poirier noted that there are some Findings of Fact that are incomplete because more information is necessary.

Sam Strumph, applicant, told the Board he has constructed many homes in Gorham and was not aware of the 15% deduction requirement in the net density calculations. Mr. Zelmanow pointed out that the sketch needs to be updated to show two lots and asked Mr. Strumph about the two waivers being requested. John Toothaker, certified soils scientist, came to the podium and told the Board that Richard Wasina is also working on the project but is currently out on medical leave. Mr. Toothaker said that one of the waivers being requested is to waive the submission requirement regarding nitrate plume analysis. Mr. Zelmanow said that the waiver application forms need to be submitted for the Board's review so the Board cannot act on the waivers this evening.

Mr. Hickey confirmed with Mr. Strumph that the intention is to provide public water and discussed with Mr. Strumph how he would reconfigure the lots with a reduction to two. Mr. Hickey suggested showing updated test pits in the proposed locations. Mr. Theriault asked if the site has public sewer; Mr. Toothaker replied that there is natural gas and public water. Mr. Poirier said that there is a force main that runs down Route 237 and that he does not believe the Water District would permit connecting to the force main, it would have to gravity feed to a pump station and then pump into a force main. Mr. Poirier told Mr. Theriault that if the site is within 30 feet of a gravity main that can be connected to, it must be connected, but he does not believe there is a requirement to connect to a force main. It is at least 1000 feet for this 2-lot subdivision. Mr. Poirier said he

will check the sewer ordinance. Mr. Strumph told Ms. Shain that he has his driveway permits from the State. Mr. Poirier told Mr. Hickey that the Town does not have a standard for vertical datum.

Mr. Zelmanow said that the Board needs to see the Waiver Applications. Mr. Toothaker, Mr. Strumph and the Board discussed certain of the review standards, with Mr. Zelmanow noting that some of the standards might not be applicable when the completed application is reviewed by the Board.

The Board concurred that there is no need for a site walk.

Mr. Poirier said staff would work with the applicant to see if this application can be heard at the May meeting.

**Melinda Shain MOVED and Christopher Hickey SECONDED a motion to table further review of Samuel Strumph, Sr.'s request for preliminary subdivision approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 7 ayes. [7:57 p.m.]**

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**OTHER BUSINESS**                      **None**

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**ANNOUNCEMENTS**                **None**

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**ADJOURNMENT**

**Thomas Hughes MOVED and Melinda Shain SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [8:02 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2013

March 14, 2013

Dear Mr. Poirier,

I am submitting this letter on behalf of the below listed residents of Gordon Farms Subdivision. We are aware that Diversified Properties, Inc. is planning to propose the following subdivision amendment:


*Diversified Properties, Inc. is requesting approval of a 50' right-of-way to the easterly property line of Lot 22 in the Gordon Farms Subdivision Phase II. The property is located at 79 Gordon Farms Road on Map 45 Lot 23.422 in the Rural (R) zoning district.*

This letter is to notify the board that several residents of the Gordon Farms Subdivision have concerns regarding this proposal, including safety and traffic patterns. We understand that it has not yet been formally presented to the Planning Board. To ensure we are kept well informed and have a voice in future changes to our development, we are requesting the following from the town:

1. Email notification of any future Planning Board meetings that include agenda items related to this proposal and future development related to this proposal.
2. Any documents submitted by Diversified Properties, Inc., or others parties, related to the current proposal and any future development related to this proposal.

I am happy to be the point of contact for you and will disseminate any correspondence, to the interested residents.

Respectfully,

  
Jenny & Stan Skolfield  
73 Gordon Farms Rd  
[jlskolfield@gmail.com](mailto:jlskolfield@gmail.com)

3/13/13  
Date

  
Tim & Stacy Burns  
92 Gordon Farms Rd  
[timothySBurns@aol.com](mailto:timothySBurns@aol.com)

*Michelle + Andrew Christakis* 

Andy & Michelle Christakis  
110 Gordon Farms Rd  
[achristakis@maine.rr.com](mailto:achristakis@maine.rr.com)

*Philip + Tatia Gagnon 03/16/13*

Phil & Tatia Gagnon  
91 Gordon Farms Rd  
[Tmunday7@yahoo.com](mailto:Tmunday7@yahoo.com)

*Beverly Gava 3.17.13*

Rob & Beverly Gava  
41 Mercier Way  
[beverlygava@hotmail.com](mailto:beverlygava@hotmail.com)

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Gary & Jill Mansir  
40 Mercier Way  
[thegooneys@earthlink.net](mailto:thegooneys@earthlink.net)

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Josh & Robyn Milligan  
97 Gordon Farms Rd  
[robynrx@gmail.com](mailto:robynrx@gmail.com)

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Kelley & Wayne Norton  
87 Gordon Farms Rd  
[kanorton@maine.rr.com](mailto:kanorton@maine.rr.com)

*Wendy + Tony O'Neil*

Tony & Wendy O'Neil  
49 Gordon Farms Rd  
[gorhamoneils@maine.rr.com](mailto:gorhamoneils@maine.rr.com) *wendyonail1028@gmail.com*

*Paul + Courtney Ottoson 3/20/13*

Paul & Courtney Ottoson  
72 Gordon Farms Rd  
[ottosons@maine.rr.com](mailto:ottosons@maine.rr.com)

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Dana & Denise Peffer  
56 Gordon Farms Rd  
[depeffer@aol.com](mailto:depeffer@aol.com)

*Dana Peffer*  
*Denise Peffer 3/16/13*

John & Sarah Reidy  
102 Gordon Farms Rd  
[jws@maine.rr.com](mailto:jws@maine.rr.com)

*Sarah Reidy*  
*John Reidy*

Jason & Naomi Schucker  
64 Gordon Farms Rd  
[Jason.schucker@gmail.com](mailto:Jason.schucker@gmail.com)

*Naomi Schucker 3/16/13*

*Deann & David Waggoner (not officially in Gordon Farms Subdivision)*

Deann & David Waggoner  
18 Mercier Way  
[elenamars@gmail.com](mailto:elenamars@gmail.com)

*Matt & Janet Zidle*

Matt & Janet Zidle  
46 Mercier Way  
[weatherzid@yahoo.com](mailto:weatherzid@yahoo.com)

*Joseph A. King*

Joe & Tracy King  
53 Gordon Farms Rd  
[joseph\\_king71@yahoo.com](mailto:joseph_king71@yahoo.com)

*Kelly + Tyler Kelting*  
84 Gordon Farms Rd.  
[kthorn15@gmail.com](mailto:kthorn15@gmail.com)