



Town of Gorham
July 15, 2013
PLANNING BOARD MINUTES

LOCATION: Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine 04038

Members Present:

EDWARD ZELMANOW, CHAIRMAN
CHRISTOPHER HICKEY, VICE-CHAIR
JAMES ANDERSON
GEORGE FOX
THOMAS HUGHES

Members Absent:

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 Melinda Shain and Corey Theriault were absent.

APPROVAL OF THE MAY 13, 2013 AND JUNE 3, 2013 MINUTES

Christopher Hickey MOVED and Thomas Hughes SECONDED a motion to approve the minutes of May 13, 2013, and June 3, 2013. Motion CARRIED, 5 ayes (Melinda Shain and Corey Theriault absent). [7:06 p.m.]

COMMITTEE REPORTS – Mr. Zelmanow reported that the Ordinance Subcommittee had met earlier in the evening to discuss definitions of corner lots and to review net density calculations in the Development Transfer Overlay District. He also noted that the Streets and Ways Subcommittee has not met since the last Planning Board meeting.

CHAIRMAN’S REPORT – Mr. Zelmanow said there is no Chairman’s report this evening.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there have been no new site plan administrative review requests received and that the site plan application for Plowshares Community Farm has been approved.

Mr. Hickey asked about the length of time some application shown on the tracking sheet have been pending, specifically the multi-family lot for the Allen Acres project. Tom Greer, Pinkham & Greer, came to the podium and said that item is on his desk at the present time and is being modified to change to single family homes, the duplexes to split, and they do plan on coming back with that as a site plan.

ITEM 1 CONSENT AGENDA – Diversified Properties, Inc., request for subdivision amendment approval to locate a fifty foot right-of-way for access to an abutting undeveloped lot and to locate a gravel private way, located at 79 Gordon Farms Road, M45/L23.422, Rural zoning district.

At the request of a member of the public, Andrew Christakis,

Christopher Hickey MOVED and James Anderson SECONDED a motion to take the item off the Consent Agenda for discussion. Motion CARRIED, 5 ayes (Melinda Shain and Corey Theriault absent). [7:21 p.m.]

PUBLIC COMMENT PERIOD OPENED: Andrew Christakis, 110 Gordon Farms Road, expressed concern about traffic moving in front of his lot from a new development and wondered if a traffic study has been done to show what that traffic would be for the full build-out of the development. Mr. Zelmanow pointed out the Board is not considering any development, it is considering only the amendment to locate the private way. Mr. Christakis asked about wetland impact; Mr. Hickey replied that there is a shared driveway easement for the two lots in order to mitigate wetland impact and he believes that there is no additional wetland impact. Mr. Poirier said that the applicant's proposal is for a private way to serve as road frontage for lot 22 and access for lot 21 and for a right-of-way to continue to the abutting property in the event he moves forward with a development in the future. Mr. Poirier told Mr. Christakis that the Town has an easement over the discontinued portion of Queen Street and there is a right-of-way there would remain, connecting from Gordon Farms Road to Queen Street. Mr. Fox noted that the applicant owns the property on which the private way will be located, but he does not own the other right-of-way. Mr. Hickey commented that any property owner can propose a private way on his own lot, but in the event the applicant wishes to develop the abutting property he will need to come before the Planning Board. In response to Mr. Christakis, Mr. Zelmanow said that the Board has no jurisdiction over whether the proposed private way comports with any neighborhood covenants.
PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier confirmed that the applicant has been apprised of the Conditions of Approval and finds them satisfactory.

Thomas Hughes MOVED and George Fox SECONDED a motion to grant Diversified Properties, Inc.'s request for subdivision amendment approval to the Gordon Farms, Phase II, Subdivision and private way approval for Madison Way, located on Map 45, Lot 23.422, in the Rural (R) zoning district based on Findings of Fact and conditions of approval as written by the Town Planner. Motion CARRIED, 5 ayes (Melinda Shain and Corey Theriault absent). [7:20 p.m.]

ITEM 2 PUBLIC HEARING – Cumberland Farms (GC CF New England, LLC), request for approval of a contract zone amendment for construction of a 4,513 square foot convenience store and service station that will permit parking in the front and side yards of the proposed building and reduce the required minimum setback from Routes 22/114, located at 74 County Road, Unit 4 on M3/L22.404, in the Hans Hansen Contract Zone.

Mr. Poirier said this application is a contract zone amendment to the Hans Hansen Contract zone, but with the addition of an appendix to the contract zone which is actually the site plan. The Board therefore is reviewing the site plan review criteria, making sure that a significant amount of its concerns regarding the site plan is addressed in the contract zone when it is forwarded to the Town

Council for its review. In the Board's packet there are comments from the peer reviewer, Woodard & Curran, regarding stormwater; landscaping comments from Mitchell & Associates; and traffic from TY Lin. In addition, staff has included proposed contract zone amendment language drafted by the Town Attorney. There is one correction to be made in the draft contract zone amendment language, appearing on page 4, where the phrase "... free act and deed of **GC CF New England, LLC**" should be changed to "free act and deed of **Hans Hansen, Inc.**"

Tom Greer, Pinkham & Greer, appeared on behalf of the applicant and introduced Diana Morabito from Maine Traffic Resources to answer any traffic questions that may arise, and Jisel Lopez, the attorney representing Cumberland Farms on the project. Mr. Greer showed visuals of the site, noting a 75 foot buffer between the property and edge of pavement, with the buffer having been moved back 5 feet from their last presentation in order to comply with one of the small provisions in the contract zone. A third underdrained soil filter has been added in order to treat stormwater; the DEP application will be submitted this week and a permit is expected within 30 to 60 days. Mr. Greer showed a depiction of a similar Cumberland Farms store in Massachusetts, which uses the same architectural standards proposed for this site, except with the addition of a mansard roof to give the Gorham site more of an architectural flavor. Mr. Greer showed the proposed overall sign, which is similar to the sign on the Cumberland Farms facility in Gorham center, and which will have a stone base to mimic the architectural feature on the building. Mr. Greer also showed a number of photographs depicting the site as it is now and how it will look when the station/convenience store is built.

Mr. Greer then discussed the review comments about landscaping from Mitchell & Associates' Bob Metcalf, which he believes is the most important one to the Board for its recommendation to the Council as it impacts the visuals of the site. They will comply with Mr. Metcalf's first comment asking that the 6 trees added in the front be moved anywhere from 5 to 6 or 8 feet closer to the road, which they will do, spacing them out a little differently. They will also comply with the request to add multiple species in the buffer across the front and will also change the size of the species, making them somewhat bigger, from a 1 gallon container to a 3 gallon container size, when they are planted. As Mr. Metcalf requested, they will add more shrubs in the islands in the front. They will add a note to the plan regarding keeping the shrubs in more of a natural state versus being pruned. The last item in Mr. Metcalf's report refers to provisions in the contract zone for buffering and for a performance guarantee; Mr. Greer believes that the performance guarantee is already built into the Town's site review standards. If the Board wants something more added to the Contract Zone it is of course its option to do so.

Mr. Greer said that insofar as the Woodard & Curran review is concerned, he suggests that a meeting be held with Woodard & Curran to resolve some of the outstanding items before the end of site plan review. He said that most of the issues will get resolved during the DEP process and its review of the stormwater management plan.

Referring to the TY Lin review, they will do more striping around the air pump to give the pump more access. Many of Mr. Errico's comments deal with the Route 114-Route 22 overlap. They have today received their DOT permit, with the next step being to file a construction contract with Dot for review of the construction details. Mr. Greer said that offsite improvements fall within DOT's jurisdictions so they need to comply with DOT's rules and regulations regardless of what Mr. Errico recommends. Mr. Greer said he believes that all of Mr. Errico's approval standards have been met with the current plan.

Referring to staff comments, Mr. Greer said they addressed the Fire Chief's comments with their last submittal. The Site Location of Development Permit is to be submitted within the next few days and they have received their Traffic Movement Permit from DOT. Mr. Greer said that the current plans also show a new dumpster location from that originally proposed; it is vinyl slats with a trim strip on the top and solid vinyl fencing in a tan color to match the tan color trim on the building itself.

In response to Mr. Hickey, Mr. Poirier outlined the sequence of events of the process for this application to get to final approval. Mr. Poirier said that the Board is reviewing the Contract Zone amendment and will make a recommendation regarding the amendment to the Town Council. The Council will hear the amendment and either act on it at that meeting or forward it to one of their committees; ultimately it rests with the Council to either approve or deny the Contract Zone amendment. If the Council approves the Contract Zone amendment, the applicant will then submit for site plan review by the Planning Board, providing the DEP and DOT permits as part of that review. The site plan will then be reviewed by the Board; if for some reason substantial changes have been made between the Contract Zone amendment approval and site plan review, it would require the applicant to return to the Council to request an amendment to the Contract Zone amendment. Mr. Hickey asked for examples of elements would could and could not change between the two reviews. Mr. Poirier replied that substantial changes to the visual impacts such as changes to the landscaping buffer would require a return to the Council; adding additional parking and pumps and changes to the building or any of the outside façade details would require a return to the Council. Some of the "unseen" or underground details changing would not require a return to the Council.

Mr. Hughes asked Mr. Greer for an explanation of an "auto turn analysis." Mr. Greer said that what has been provided to the Board shows a WB-40 driving into the site, backing into the loading area, and then driving out of the site. In reply to Mr. Hughes, Mr. Greer said he does not believe an auto turn analysis is necessary for the parking lot at the end of the site. Mr. Hickey referred to a comment from Mr. Errico that "Clear routes of access will be provided and maintained for emergency vehicles around all buildings and will be posted with appropriate signage (fire lane-no parking)" but noted that the applicant's response to Woodard & Curran is that "we do not believe a fire lane is warranted." Mr. Greer said that the aisle behind the parking in the front of the building would serve as a fire lane and there would be no parking between the building and the pumps, but there is no fire lane as such designated. He said access is provided on three sides of the building for emergency vehicle access, and the Fire Chief has not commented on the issue.

PUBLIC COMMENT PERIOD OPENED: Richard Shiers, 133 County Road, objected to the Town allowing a gas station in an area that is not served by public water and sewer, noting that oil spills can happen. He asked what is being amended in the original Contract Zone; Mr. Poirier replied that the proposed amendment is to locate the parking and the pumps between the building and Routes 22/114. Mr. Poirier said that the amendment request went to the Town Council, who forwarded the proposed amendment request to the Planning Board, asking that screening be added to address the proposed parking and pump location. Mr. Zelmanow said that the proposed use is not being considered, just where it is located on the site. Mr. Poirier added that the entire Hansen Contract Zone is not being amended, only just this lot by adding the plans; any other lot coming forward will need to have the building in the front with the parking in the side or the rear of the

building. Mr. Shiers said that the Town will be setting a precedent and may be headed down a slippery slope and asked the Planning Board to turn the application down.

Martha Buisman, 23 Burnham Road, speaking for herself and her neighbor, Ellen Sanborn (19 Burnham Road), asked what recourse would be available for abutters from Cumberland Farms should wells in the area become contaminated. She noted that there are Cumberland Farms that are not open 24 hours a day and recited statistics dealing with armed robberies at various Cumberland Farms facilities, saying she is worried about an armed gunman using the woods near her home. She also criticized certain tree selections for the proposed screening. She said that Gorham voters in 2004 rejected a referendum to rezone the area for commercial use, and while a gasoline station may be allowed in the Contract Zone, it is not an appropriate use for the site, particularly in comparison with Mercy Hospital.

Bernadette Woodcock, 11 Tapley Drive, also referred to the 2004 referendum and asked if Cumberland Farms can be held liable if pollution to wells in the area occurs. She said she will personally urge everyone on wells to have their wells tested before ground is even broken for this project. She asked about the timing of the project and also asked if a traffic study has been done; Mr. Zelmanow commented that a traffic study was done, and Mr. Hickey said that the applicant's traffic engineer is present this evening.

Al Frick, 95 County Road, said he is generally in support of the commercial project, it is a commercial area and not residential, a lot of work was done to make the Contract Zones business friendly, and this is the first project being considered under the context of contract zoning. He commented that that while parking was to be in the rear of buildings in the Contract Zones to enhance the "village flavor," every corporate chain has a template similar to the one displayed this evening for Cumberland Farms for a visual focus. Mr. Frick said perhaps a thorough landscaping plan may be considered in lieu of the formal method of having the buildings close to the front and the parking in the back. He said he believes that landscaping will set the theme of what will be done in South Gorham.

Johann Buisman, 23 Burnham Road, said that the Mercy Hospital complex is attractive and good for the area, but a gas station does not fit into what is to be a professional development. He said that he does not believe that developers want a lot of landscaping as they want their buildings and signs very visible. He mentioned well issues he has had in the past and noted that there could be other well impact issues in the future. He also spoke about light pollution from the development and asked if contract zones are really what South Gorham wants.

Royce O'Donal, Burnham Road, spoke about possible impact on wells in the neighborhood, saying this is the wrong development in the wrong place, and that this would be a "traffic gathering" business.

Barry King, 44 County Road, noted that his well is only 16 feet in the ground.
PUBLIC COMMENT PERIOD ENDED.

Mr. Greer said that the DEP has been provided with a geotechnical report that shows how deep the rock is and what the soils are. In general, the ground water from this site goes across Route 22 and heads down towards the Stroudwater River; the well that is at most risk is the Tapley well across the street, which is roughly 300 feet from the street where the fuel system will be, but care has been

taken to put the fuel system on the west side of the site because that lines up away from that well in terms of containment. The fuel system itself has a double wall tank in the ground, all the piping is double walled, there are automatic alarms that go in the space between the tanks if there are leaks, and there is a sump with an alarm underneath the pumps themselves into which any leakage from the tanks will go. Mr. Greer said that this is a state-of-the-art fueling system and he has received a report stating that no double-walled tank has ever leaked. There will be someone on site at all times trained as an operator for the system.

Mr. Zelmanow asked if there is a procedure in place in the event of a surface level spill; Mr. Greer replied that there will be oil-absorbent rags to wipe up a spill and there is a groove around the fuel island to serve as a containment mechanism. Mr. Greer said that the stormwater management system of underdrained soil filters is effective in removing small amounts of hydrocarbons. In reply to Mr. Hickey's query about the size of the tanks, Mr. Greer replied that they are split compartment, 20,000 gallon tanks, 8 feet in diameter, the cover is about 3-1/2 feet and the tanks are bedded in 3/8 pea stone, roughly one foot below, with hold-down anchors. Mr. Hickey and Mr. Greer discussed some of the boring logs; Mr. Greer said no blasting is proposed and any rock that may have to be removed will be chipped out, as DEP does not want any more fractures under the tanks than what is there now. Mr. Greer said he will clarify the boring logs.

In reply to some of the abutters' comments, Mr. Greer explained that the development company on the application is in charge of finding appropriate sites and getting them signed and permitted. When the permits are actually issued, Cumberland Farms buys the site. There is an operations company that operates all the facilities. They will be responsible for any spills and cleanups. If they were to go bankrupt and there was still a spill, the state of Maine has a program whereby a certain amount of every gasoline purchase amount goes toward a remediation fund, which is set aside to fix and remediate any oil-related spills, whether traceable or not.

Mr. Hughes commented that Mr. Greer had said earlier that having cars parked in front of the convenience store makes it easier for the police to check out the site. Mr. Greer said that this facility will have a checkout stand in the middle of the store with a clear view to the islands in order to make sure that they can see what is going on at those islands. He also said that the sites also do not keep a great of money.

Diane Morabito, Maine Traffic Resources, told the Board that a traffic study was done. A traffic study starts with the number of trips a project will generate; in this case, it is projected to generate 172 one-way trips in the a.m. peak hour, basically 86 in and 86 out, and 221 trips in the p.m. peak hour. She said that the vast majority of these trips are pass-by or diverted, they are not new trips. The project is not adding trips to the system, they are already on Route 114 or Route 22. In terms of new trips, only 34 trips are generated in the morning peak hour, 17 in and 17 out, and in the p.m. peak hour it is only 35 one-way trips. The traffic study has been reviewed by DOT. It is DOT's feeling that people are taking a left turn into the site at the signal, even though it is a banned movement, and with more traffic generated there, people will continue to take that left turn. DOT therefore wants a formal left turn lane to be built to store the traffic going in to the site. As the roadway is fairly wide at that point, it is a minor widening that will need to be done, but when that left turn lane goes in, the intersection will actually operate better even with additional volumes because the left turn lane will get vehicles out of the through-traffic way.

In addition, Ms. Morabito said that through traffic coming north now out of the site drive has to veer around the island so the traffic signal is split phased. Under the proposed improvement with the traffic island to be cut back, south bound traffic would be given priority and still go first, but north bound traffic would be able to move at the same time. With all of these changes, even with additional traffic, operations will actually be better after the project goes in, which is why DOT granted a traffic movement permit today to proceed with the development.

Mr. Hickey and Ms. Morabito discussed the current traffic movements and how those movements will be impacted by the proposed intersection improvements. Ms. Morabito said that during the peak p.m. hour, which is the heaviest hour, there would be 49 lefts coming out, 24 throughs and 40 rights. Mr. Zelmanow asked about the striping for the straight through traffic; Mr. Greer said the right lane will be restriped straight or right. Mr. Greer said that the east bound lanes do not change, the west bound lanes change with a left-hand turn lane at the intersection with a two-foot shoulder. Ms. Morabito said the state traffic movement was needed strictly because the project exceeds 100 trips per hour.

Mr. Hickey asked about the sign ordinance review criteria and Mr. Zelmanow's earlier question about the two Mercy Crossing signs. Mr. Greer said that both of those signs are being relocated to the opposite side of the street. Mr. Zelmanow then commented that would make 3 signs on Route 114, and asked how that would comport with the sign ordinance. Mr. Poirier said that the two Mercy signs were approved with the original Contract Zone and as part of this plan, the Board would be recommending approval of the Cumberland Farms sign. Mr. Fox asked how the Board should deal with those peer review issues with which the applicant disagrees but would later reconcile. Mr. Zelmanow said there are two different issues, those which are visual and those that are below ground or not visible, the Council being more concerned with the visual aspect of the project. Mr. Zelmanow said that Board should be considering the visual aspects and the other unseen issues can be dealt with when the application comes back before the Board for site plan review. Mr. Greer said that the landscape plan, as amended by the peer reviewer comments, is what will go to the Council and the traffic as is seen on the DOT permit will be what is proposed to do in the right-of-way. Everything else, building location, signage, architectural drawings, lighting plan, all will go to the Council as they are.

Mr. Hickey asked to hear from other Board members about the configuration of site, which seems to be a major abutter issue. Mr. Hughes said he likes what has been proposed, the setback has been moved back, the building has been moved back so there is no variation from Route 22, likes the tree buffer. He said he does not believe he has ever seen a service station with parking in the back. Mr. Hughes also said that if by chance a developer does not do what he says he is going to do or has been approved to do, that is a job for the Code Enforcement Officer to enforce based on what the Board has approved. Mr. Fox said he is concerned about the change in the Contract Zone from requiring parking in the rear to parking in the front; however, having said that, he believes that the applicant has made a very good attempt to buffer and minimize the impact of the parking in the front. Mr. Fox said he believes the plan as designed is probably as good as can be done and still fall within the applicant's template. Mr. Fox is also concerned about allowing a gas station in an area where there is no public water or sewer, but he believes that is an issue for the Town Council to address, not the Board. Mr. Greer said that public water is the amenity required for spills. Mr. Anderson said he believes that the landscaping plan is a good job of buffering and mixing up different plants, but he would like to see an elevation of the canopy that the applicant is proposing; Mr. Greer said there are some elevation views at the back of the packets.

Mr. Hickey asked for Mr. Poirier's opinion as one of the framers of the original Contract Zone. Mr. Poirier said that the Village-type idea started at the Council level, that they did have concerns about a lot of pavement in the front of buildings, which is why the Contract Zones were worded as they were, with the buildings in the front and with the pavement buffered by the buildings. When this applicant approached the Council with the proposed Cumberland Farms project with the pumps in the front, there was considerable deliberation about what this would mean to the Contract Zones, and after seeing the significant proposed landscaping, the Council decided it could be open to allowing this application to move forward. Mr. Poirier said this is not to say that the Council would open up the other Contract Zones to allow other business uses to go this way, but after seeing the proposed use and layout, he believes the Council felt it was acceptable to move forward with this amendment to the Contract Zone.

Mr. Zelmanow referred to the two final items in the landscape review letter from Mitchell & Associates' Robert Metcalf, regarding limited pruning and the suggestion of a performance guarantee, suggesting that these items the Town Council may wish to consider. He asked how these two points should be communicated to the Council. Mr. Poirier suggested that they be incorporated in a letter to the Council from the Planning Board. The two items from Mr. Metcalf's letter are as follows:

"Given the importance of the buffer we are also recommending that the plantings be maintained in a natural form (limited pruning) to sustain the massing effect and not be sheared as individuals as often is the case with similar commercial establishments. *No response was provided to address this comment, we continue to promote this as a condition of approval to sustain the long term effectiveness of the buffer.*

In consideration of requested relief of provisions of the Contract Zone and the importance of the buffer, we would suggest a performance guarantee and or condition of approval requiring a sustained buffer be maintained, replacing vegetation as maybe necessary. *No response was provided to address this comment, we continue to promote this as a condition of approval to sustain the long term effectiveness of the buffer intended in the Contract Zone.*"

Mr. Hughes commented that he has never seen an instance where a developer has to bond for his landscaping. Mr. Poirier replied that it does not happen on a typical project, but where there is a Contract Zone it is a bit different. Mr. Fox said that inasmuch as the Board is being asked to accept landscaping in lieu of the original Contract Zone language, while it may be out of the ordinary, such a performance guarantee for the landscaping is appropriate.

George Fox MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the Contract Zone amendment with plans as amended by the Planning Board. Motion CARRIED, 4 ayes, 1 nay (Christopher Hickey), (Melinda Shain and Corey Theriault absent). [8:55 p.m.]

Ten Minute Stretch Break to 9:05 p.m.

ITEM 3 PRE-APPLICATION – Gilbert Homes, Inc., sketch plan for Phase IV of Stonefield Subdivision, a 36-lot cluster subdivision connecting to Phase II and III of the Stonefield Subdivision, located off Ichabod Lane, M50/L6, Rural zoning district.

Mr. Poirier said that this is a pre-application sketch plan for a clustered subdivision. While a pre-application conference is to allow the Board to review the plan and identify any concerns with the proposal, staff has requested comments from the Portland Water District because there are two significant water mains that traverse the proposed subdivision site. These comments have been distributed to the Board in a form of a letter dated July 11, 2013 from Rico Spugnardi of the Water District. Mr. Poirier said that the applicant will be meeting with the District in the near future to discuss some of these concerns. In addition, the Board needs to look at both a conventional and a clustered subdivision layout to decide if the clustered is a better form of development for the site for its review.

Bill Thompson, BH2M Engineers, appeared at the podium and described a 36-lot clustered subdivision on 85 acres, with 63 acres of open space. Mr. Thompson gave an overview of the history of the parcel, which is about 172 acres in total and which has been developed in phases. He said that Phase I was done in 2001, 14 lots, with a road brought in off the Huston Road and looping back to out to Harding Bridge Road. In 2002, Phase II, the first section of Ichabod Lane was created with Horseman Drive to support 10 lots. In 2005 Phase III 12 lots were created on a deadend road with a future connection for Ichabod Lane. Mr. Thompson said that they believe a clustered subdivision will mean smaller lots and less roadway, while a conventional layout will mean 2 more roadways for some 2000 feet of additional roadway. In both plans Ichabod Lane would be identical, but in the clustered layout there would be 63 acres of open space. There will be public water and on-site septic systems, and they will work with the Water District so as not to impact the water mains. All lots will have road frontage on a 50-foot right-of-way, it will be a public road built to Town standards, and there will be two stream crossings that will require a NRPA permit from the DEP. The earlier Site Location of Development Permit from DEP for the site will have to be amended as well. He said that the site is wooded with some slope toward the river and no ledge has been shown in test pits done for the conventional layout.

Mr. Zelmanow reminded the Board that both the conventional and clustered layouts should be reviewed to determine if the clustered subdivision layout is the best use of the site. Mr. Hughes commented that it would be desirable to have access to the Little River in the clustered subdivision layout for recreational purposes. Mr. Anderson asked whether lots 46 and 48, which appear to be bisected by the Water District 30 foot easement, would be buildable. Mr. Thompson said that both lots have been increased by some 50 to 60 feet in order to accommodate a building site. Mr. Zelmanow asked about tying in to the Irish parcel from Ichabod Lane extension with a potential right-of-way. Mr. Thompson said he will take a look at perhaps relocating lot 37 to provide the right-of-way. Mr. Thompson told Mr. Hickey that the homeowners' association documents for Phase IV will be independent of those of the other associations, with the stormwater ponds and culverts outside of the right-of-way being the responsibility of the homeowners. Mr. Thompson said that the 1500 foot piece of Ichabod Lane has not yet been accepted by the Town and the roads in this development would be built to the rural subcollector standard, 22 feet wide with 4 foot shoulders and no curbs. Mr. Thompson told Mr. Zelmanow that they would see what the differentials for grades are to determine if guard rails would be necessary for the stream crossings. Mr. Hickey and Mr. Thompson discussed the proposed stormwater drainage.

The Board discussed with Mr. Thompson what amenities, if any, would be proposed for the open space. Mr. Zelmanow suggested looking at possible river portage during the site walk. Mr. Fox asked for clarification on the premise for determining clustered versus conventional. Mr. Zelmanow said the Code leaves the determination up to the Planning Board, quoting that “The Planning Board may approve requests for cluster residential developments if it finds that the proposal conforms to the criteria listed below and is the best development form for the site.” Mr. Fox said that if some thought were given to creative recreational use of the open space, rather than leaving it up to the residents to figure it out once the site is developed, an argument could be made that clustered with open space really is the best use for the parcel. Mr. Zelmanow said the Board will look for innovative approaches to the orientation and layout of the homes, the types of homes to be built and how they fit into the plan. Mr. Thompson said they propose to create “pods” or neighborhoods of homes, with the homes staggered and not lined up in a row, and one of the advantages of the clustered approach is to protect the land with fewer roads and smaller lots and not wetland impacts. Mr. Zelmanow said he would like to see more innovation in trying to tie in to the Little River.

Mr. Poirier advised Mr. Hickey that there is no specific lot size for a clustered subdivision, except that there is a minimum lot size of 20,000 square feet required by State law for lots served by on-site septic systems. Once grading has been added to the plan, Mr. Poirier said the Board will have a better idea if the lots are buildable under the clustered criteria in the Code. Mr. Thompson replied to Mr. Hickey that the three other phases of the Stonefield development have been conventional layouts. Mr. Poirier read from the Code that in the Rural district “The minimum lot area per dwelling unit shall be used to calculate the net residential density or the maximum number of dwelling units that can be placed on a parcel. Individual lots in a subdivision may vary in size as long as the subdivision conforms to the overall net residential density of the parcel, no lot for a single-family home is smaller than 40,000 square feet in area...” Mr. Hickey said that he is not in favor of small lots surrounded by larger homes and thinks that the conventional layout may be more interesting. A poll of the Board indicated that Mr. Hughes, Mr. Anderson, and Mr. Fox were supportive of the clustered layout; Mr. Zelmanow said if he could see that the clustered layout is tied into the river somehow it would justify the small lot size. Mr. Hickey preferred the conventional layout from a global perspective. Mr. Zelmanow suggested that perhaps Mr. Thompson could make the lots in the clustered layout somewhat bigger to make them more attractive.

Mr. Zelmanow noted that a site walk will be set up once an application has been received.

ITEM 4 PRE-APPLICATION – Martin’s Point Health Care sketch plan for a 12,600 square foot medical office building with associated parking and site improvements, located at the intersection of Routes 25 and 237, M32/L18, Roadside Commercial zoning district.

Mr. Poirier said that this is a site plan review by the Planning Board. The site is located on a state route but it is in the compact so the Town will be doing a traffic review with Tom Errico of TY Lin. While site walks are no longer required for site plans, if the Chairman or a majority of the Board feels one is warranted, one can be requested and scheduled.

Mr. Zelmanow advised that his son is a patient at Martin's Point, but he feels he can fairly, honestly and without bias consider the application. Mr. Hughes said he is a patient at Martin's Point but also feels he can review the application without bias or prejudice.

Christopher Hickey MOVED and James Anderson SECONDED a motion that Mr. Zelmanow and Mr. Hughes be allowed to remain on the Board to review this application. Motion CARRIED, 5 ayes (Melinda Shain and Corey Theriault absent). [10:00 p.m.]

Kylie Mason, Sebago Technics, came to the podium and introduced Dick Daigle of Martin's Point. She described the 12,600 square foot new medical office building and associated parking for the site at the junction of Routes 25 and 237. The entrance will be signalized with the current signal, with a 4th signal added for a dedicated left turn lane. The space is already available, so widening is not necessary and it is simply a restriping.

Mr. Hickey asked how the size of this building compares to the Martin's Point site on Washington Avenue. Mr. Daigle of Martin's Point came to the podium said that the 3 buildings at that site range about 40,000 square feet in size, and the one on Washington Avenue is an administrative office building, not a medical office.

Ms. Mason showed the Board conceptual elevations of the proposed building, a farmhouse paired with a barn look across the rear. The building will be a single story with an elevated internal ceiling and there will be a sign at the entry. Lighting around the building and on the parking areas will be LEED lights. Landscaping plans will be provided in the next submission. In response to Mr. Zelmanow, Mr. Daigle said the facility is designed to serve a certain number of people in the community, so there is no plan for future expansion.

Mr. Hughes asked about Beal's Ice Cream connecting to Martin's Point's drive. Ms. Mason said Martin's Point will convey Beal's parcel to them, as well as providing Beal's with an easement if they want to connect to Martin's Point's drive. Mr. Poirier said if Beal's wants to connect, they would probably need to come before the Board for some sort of site plan amendment.

In reply to Mr. Zelmanow, Mr. Daigle replied that this site is being designed to support 6 physicians and 26 employees and up to 8,000 patients. Hours of operation will probably be 9:00 a.m. to potentially 8:00 p.m., with Saturday hours; however, it will be a family medical office facility and will not be an urgent care/walk-in facility. Mr. Daigle said 5,600 patients are currently served at the Washington Avenue facility. It is proposed to expand the level of service offered at this location with the addition of x-ray facilities. In reply to Mr. Anderson, Ms. Mason said while a traffic study is not required, traffic counts have already been completed that will inform the signalization plan for the intersection. She said parking has been calculated at 6 spaces per thousand square feet, which is right at industry standards for Maine. Mr. Fox asked if there are any unique aspects about a medical office facility such as storage or disposal of medical wastes which are different from any other type of office building. Mr. Daigle replied that there is nothing different from what is currently being collected. Ms. Mason said there will be a stormwater permit through DEP; the site conveys stormwater toward the southeast portion to an underdrained detention pond, with wetland impact between 4,000 and 5,000. Mr. Daigle said that, recognizing that the back of the lot does not have a great deal of development potential, they have had some discussions with the Town Manager

about turning that acreage over to the Town as a type of conservation zone, hopefully providing some kind of community benefit.

Mr. Zelmanow said that a site walk will be scheduled for the proposal.

OTHER BUSINESS **NONE**

ANNOUNCEMENTS **NONE**

ADJOURNMENT

Thomas Hughes MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Melinda Shain and Corey Theriault absent). [10:25 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2013

ITEM 1 CONSENT AGENDA – Diversified Properties, Inc.

FINDINGS OF FACT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Amendment Application, makes these findings based on the Subdivision Amendment Review criteria found in Chapter III, Subdivision, Section III – C. Preliminary Plan Review, and Section IV – D. Final Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

-) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

Lot 22 meets the minimum lot size and street frontage requirements in the Rural District. The street frontage for lot 22 will be from a private way designed to the gravel sections and width of a rural access road. The private way will be named Madison Way, which meets E911 road name standards.

The applicant has provided a description of its technical capacity to complete the project. The applicant has also provided a letter from Gorham Savings Bank, dated April 1, 2013, identifying that Diversified Properties has the financial capacity to complete the project.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, and Madison Way private way conform to the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

The right-of-way connection to the undeveloped lot to the east and Madison Way private way are designed to meet the minimum standards for the design and construction of streets and ways. The driveway for lot 22 is required to be accessed from Madison Way. No additional traffic into the subdivision is proposed as part of the subdivision amendment.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, and Madison Way private way will not cause congestion or unsafe conditions with respect to use of public roads existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

Underground cable, phone, power are proposed to be run under the private way to serve lot 22. Household trash from lot 22 will be picked up by the Town's municipal waste hauler contractor.

The private way is required to be maintained year round to allow for emergency vehicle access.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, and Madison Way private way will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

An 8" watermain will be extended from Gordon Farms Road under the private way, Madison Way, to serve lot 22. The watermain will be constructed to meet the design requirements of the Portland Water District. The Portland Water District has given approval of the proposed design of the watermain extension but with conditions as outlined in the May 29, 2013 email from Glissen Havu, Portland Water District, to James Wolf.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, and Madison Way private way provide for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

No changes to the approved subdivision's sewage waste disposal for lot 22 are proposed.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, and Madison Way private way provide for adequate solid and sewage waste disposal for present and future needs.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

The development of lot 22 into a single family home will be required to have a septic system meeting the State of Maine's requirements.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, and Madison Way private way will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The construction of Madison Way, private way, will not impact more wetlands than were approved as part of Gordon Farms Subdivision.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, and Madison Way private way will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

The subdivision is not located in the Town's Shoreland Overlay District.

Finding: Not applicable.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

No changes are proposed to the approved subdivision or the construction of the private way that will impact the scenic or natural beauty of the area.

The lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, and Madison Way private way will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter VIII.

Lot 22 will be required to pay the Recreational Facilities and Open Space Impact Fee in accordance with Chapter VIII.

Finding: The proposed subdivision amendment to Gordon Farms Subdivision, Phase II, will be responsible for providing open space and recreational land through the payment of the Recreational Facilities and Open Space Impact Fee in accordance with Chapter VIII.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
- a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
 - b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

No open space is being proposed as part of the proposed subdivision amendment.

Finding: Not applicable.

CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

Finding: This is an amendment to an approved plan and requires only a subdivision amendment approval.

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

Finding: This is an amendment to an approved plan and requires only a subdivision amendment approval.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That all relevant conditions of approval from the original subdivision and subdivision amendment approvals shall remain in effect;
4. That the applicant shall provide the Planning Office with a recorded copy of the easement deed for the benefit of lot 21;
5. 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;
6. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, 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;
7. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection,

- latest edition and in accordance with the erosion and sedimentation control information contained in the application;
8. That the private way shall be properly named and signed with a Town approved street sign with the street sign being installed as soon as the road is constructed;
 9. That the private way road name shall be approved by the Police and Fire Chiefs;
 10. That the houses shall be properly numbered with the numbers being visible from the street year around;
 11. That the private way shall be maintained year round to allow for emergency vehicle access;
 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 subdivision and private way plans and the subdivision and private way plans shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plans by the Planning Board, and that recorded mylar copies of the subdivision and private way plan shall be returned to the Town Planner.