



**Town of Gorham  
PLANNING BOARD MINUTES  
August 3, 2015**

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

**Members Present**

**EDWARD ZELMANOW, CHAIRMAN  
MELINDA SHAIN, VICE CHAIRMAN  
JAMES ANDERSON  
GEORGE FOX  
RACHEL SUNNELL**

**Staff Present**

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

**Members Absent**

**SCOTT HERRICK**

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Scott Herrick was absent.

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**APPROVAL OF THE JULY 13, 2015 MINUTES**

**George Fox MOVED and Rachel Sunnell SECONDED a motion to approve the minutes of July 13, 2015. Motion CARRIED, 3 ayes (Scott Herrick absent; Melinda Shain and James Anderson abstaining as not having been present at the meeting). [7:05 p.m.]**

**APPROVAL OF THE JULY 20, 2015 MINUTES**

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of July 20, 2015. Motion CARRIED, 5 ayes (Scott Herrick absent). [7:06 p.m.]**

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**COMMITTEE REPORTS**

**A. Ordinance Review Committee** – Mr. Zelmanow reported that the proposed McLellan/Sampson House conditional zone was discussed at the Committee’s July 20, 2015 meeting and is on the Board’s agenda this evening for discussion.

**B. Streets and Ways Subcommittee** – Ms. Shain reported that this subcommittee has not met since the last Board meeting.

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**CHAIRMAN’S REPORT**

Mr. Zelmanow noted that there is still a vacancy on the Planning Board and asked anyone who might be interested in joining the Board to contact the Clerk’s office for an application.

## ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that one new Administrative Review application has been received, that of North Edge K9, LLC, on 50 Dunton Lane, which specializes in importing, training and selling of police dogs, as well as offering training for police dogs, sporting dogs and personal protection. This application is currently undergoing staff review.

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**ITEM 1      Pre-Application Discussion – Site Plan Amendment –** USM request for approval to renovate the existing softball fields in the northeasterly corner of the USM campus, located at 37 College Avenue, Map 40, Lots 17-18, Urban Residential zoning district.

Mr. Poirier noted that this application is considered an amendment to a previously approved project and is being reviewed tonight as a pre-application. He said that there is an approved DEP Site Location of Development permit, and while typically any increase in impervious area would require an amendment to that permit, the applicant has identified an exemption for educational institutions under DEP rules (Maine Statute 488), which exempts certain projects as identified in the Statute. This is the first time staff has heard of this exemption, and therefore recommends that the applicant provide a letter from DEP stating that an amendment to the Site Location of Development permit is not required per this exemption.

Mark Lee, of Harriman, introduced Frank Crabtree of Harriman, and from USM, Adam Thibodeau, Interim Director of Facilities, and Al Bean, Athletic Director. Mr. Lee gave a brief overview of the project, saying that the project began with a study of Title IX compliance, equity fairness between gender facilities for both the University's baseball and softball teams. Improved baseball athletic grandstand, press box and toilet facilities were constructed in 2004 and now in the interest of Title IX, the effort is to improve the softball facilities to the level of the baseball program. Mr. Lee pointed out the proposed new field, seating risers, press box and toilet facilities. In concert with improvements to the softball grandstand of some 300 seats, some improvements are also proposed to the field itself.

Frank Crabtree, of Harriman, said that this project is more of an upgrade, rather than an increase. Neither the use of the facility, the anticipated traffic flow or parking are proposed to change. The walkways in the immediate vicinity of the new stadium will be improved. Mr. Crabtree pointed out practice areas and an additional batting cage and a skinned infield to serve as a practice field. The stormwater system will meet DEP standards, meeting the exemption that an educational facility already under a site law permit can take up to 30,000 square feet of impervious addition per year. The building and pavement areas in this proposal will add approximately 12,100 square feet of impervious surface.

Mr. Crabtree said that lighting will be added to both the baseball and softball fields, consisting of six light poles around each of the fields. Those around the softball field are 70 feet tall, and those around the baseball field are from 80 feet to 100 feet tall.

Ms. Sunnell confirmed with Mr. Crabtree that there is no lighting around the existing baseball field. She said the Board will want to see a photometric plan and how it affects the neighbors on the north end. In reply to Ms. Sunnell, Mr. Bean, USM, Director of Athletics, said the lights will be used

only when there is activity on the fields and can be put on a timer, but as there is no time limit on baseball, the lights can be turned on and off as needed. In reply to Mr. Zelmanow, Mr. Bean said there can be night games should there be tournaments and perhaps some play in the summer, but he would not expect the use of those lights to go very late. Mr. Zelmanow asked if some other third party could use the fields during the evening; Mr. Bean replied that the facilities are available to the community when asked and in most cases a game would not go beyond 9:30 or 10:00 at night, both during the week and weekends. Mr. Fox confirmed that the lighting of the baseball field is included within this project and confirmed that there are private residences that could be impacted. Mr. Crabtree said that the lighting will be pointed inward toward the field and there is quite a wooded buffer in between the field and the abutters.

Ms. Shain asked about the number of current spectator seats for the softball field; Mr. Crabtree replied that there is no seating now and people sit on the grass and bring blankets or lawn chairs. Mr. Zelmanow said that because the submittal makes no mention of any lighting improvements for the baseball field, he wanted clarification as to whether there would be a PA system for both fields or just the softball field. Mr. Crabtree said there would be a new PA system at the softball field, and it is contemplated putting the speakers in the outfield and pointing the sound back toward the University and away from the neighbors. Mr. Zelmanow said that the operation of the PA system was an issue with abutters not only during baseball games but during practice times as well because there was also music.

Mr. Zelmanow asked about the distance of the practice field from Tannery Brook and if it will meet the shoreland setback. Mr. Crabtree replied that it will be at least 75 feet from the Brook and will not encroach on the top of the bank. Mr. Crabtree advised Mr. Zelmanow that there are no vernal pools that they are aware of.

Mr. Anderson asked if a re-design of the stormwater management will be required. Mr. Crabtree replied that a total new stormwater system is being designed because this has not been included in the previous stormwater system. It is proposed that runoff will be handled by underdrained infiltration and sand beds of two or three different types.

Mr. Zelmanow confirmed that no new parking is being proposed. Mr. Crabtree said spectators for the softball field will use the two parking lots flanking the sports facility.

The Board concurred that no site walk will be required. Mr. Fox expressed concerns about lighting and its impact on the abutters and Mr. Anderson recommended that the applicant taken into account possible abutters' concerns with the PA system. Mr. Zelmanow concurred that one of the big issues will be sound.

Mr. Poirier confirmed that the Board is requesting a photometrics plan. Insofar as sound is concerned, Mr. Poirier asked if the Board would first like to see what the applicant is proposing. Ms. Shain said she believes that the Board would like more information about sound and suggested that the applicant reach out to abutters who might be impacted by noise issues. Mr. Bean said the applicant would consider a "drop dead" time line for shutting down the PA system should the Town ask for it.

Ms. Shain confirmed that the proposed stormwater management will be reviewed by the Town's engineer even with the DEP exemption.

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

Mr. Crabtree confirmed the submission deadline for the September meeting.

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**ITEM 2       Discussion – Land Use and Development Code Amendment** – Amendment to establish a conditional multi-use zone for the McLellan/Sampson House, located at 77 South Street, Map 106, Lot 47, Urban Residential zoning district.

Mr. Poirier advised the Board that at the July 20, 2015 Ordinance Committee meeting, staff was asked to make revisions to the space standards for the proposed conditional zone so that they are as close as possible to the proposed lot size and the foot print of the existing building in order to prevent the lot from being split or a new building being constructed on the site that would not be in character with the existing building. Mr. Poirier noted that the dimensions presented this evening are not survey accurate, so staff has created required standards in the conditional zone to allow some flexibility should actual measurements prove to be different from those stated. A boundary survey will provide more precise numbers.

Mr. Zelmanow confirmed that the Committee wanted to protect the historic nature of the house and to insure that anything that needs to be done to it is consistent with that historic nature. So if the entire building is destroyed, it would be replaced in a similar fashion and any new building would be put in the same general location and generally look the same.

Mr. Anderson confirmed that the conditional zone creates a separate lot for the building. Mr. Poirier said that the Town currently owns the entire lot, and this smaller portion is proposed to be split off so that it can be sold. Mr. Poirier said the Town wants to limit the size of the lot that it sells. Ms. Shain confirmed that the Town does intend to sell the house and this conditional zone will establish the parameters under which the house can be protected. Ms. Sunnell confirmed with Mr. Zelmanow that the proposed minimum setbacks reflect the house as it currently sits on the proposed lot. Mr. Poirier explained the configuration of the proposed lot to allow for two parking spaces and a hammerhead for vehicles to back out.

It was established that the item is not on for public hearing this evening, it is just on for discussion and will be on for public hearing at the next Board meeting.

**Melinda Shain MOVED and George Fox SECONDED a motion to table the item to the next meeting of the Planning Board. Motion CARRIED, 5 ayes (Scott Herrick absent).**  
[7:40 p.m.]

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**ITEM 3       Subdivision Amendment – Stephen Joffe and Julia Colpitts** request for approval of an amendment to Blueberry Ridge, a 29-lot residential subdivision with lots in both Gorham and Buxton, approved on February 22, 2010, to exclude Lot 5 from the requirement of establishing a performance guarantee prior to the sale of the Lot, located off Finn Parker Road on the Buxton Town Line on Map 54 Lot 4 in the Rural zoning district.

Mr. Poirier said that the subdivision, which is located in both Gorham and Buxton, was approved by both Planning Boards in in 2010. The amendment proposed this evening by the applicants has no effect of the Gorham side of the subdivision, but since both Boards approved the subdivision initially, both Boards must also approve the amendment. The Buxton Board will hear the application in the near future.

Mr. Poirier advised the Board that the applicant's house is a numbered lot on the Buxton side of the subdivision, subdivision Lot 5. Buxton added "in lieu" performance guarantee language stating that a performance guarantee must be posted before any lots or building permits are issued. The applicant would like to be able to sell his existing house on Lot 5 before posting a performance guarantee for any of the phases in the subdivision; therefore Lot 5 needs to be excluded from the "in lieu" performance guarantee requirement. Plan Note 42 has been added to the plan to exempt Lot 5 from the performance guarantee requirement outlined under Note 35. This is a minor change to the approved plan and no changes are proposed for the Gorham side of the subdivision.

Mr. Poirier replied to a query from Mr. Zelmanow that since this is an amendment, the Board can grant preliminary and final approval in one meeting.

Mr. Poirier pointed out that under State law, projects located in two municipalizes are required to hold joint Planning Board meetings unless waived by both Boards.

**Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to waive the requirement to hold joint Planning Board meetings for the proposed Blueberry Ridge Subdivision amendment. Motion CARRIED, 5 ayes (Scott Herrick absent). [7:45 p.m.]**

Mr. Fox confirmed that nothing has been built in the proposed subdivision. Mr. Poirier told Ms. Shain that at the time the subdivision was approved, there were no sunset provisions in place for subdivisions.

**Melinda Shain MOVED and James Anderson SECONDED a motion to grant Stephen Joffe's and Julia Colpitts' request for subdivision amendment approval to Blueberry Ridge Subdivision located on Map 54, Lot 4, in the Rural zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Scott Herrick absent). [7:50 p.m.]**

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**OTHER BUSINESS            NONE**

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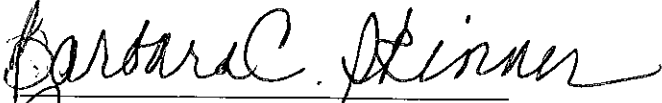
**ANNOUNCEMENTS        The September meeting will be held on September 14, 2015.**

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#### **ADJOURNMENT**

**Melinda Shain MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Scott Herrick absent). [7:57]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
August 3, 2015



No changes are proposed to the proposed layout of utilities.

*Finding: Blueberry Ridge Subdivision 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.

The subdivision lots will be served by individual drilled bedrock wells.

Lot 5 has an existing private water supply well located on the western side of the lot.

No changes to the approved water supply locations are proposed with the amendment.

*Finding: Blueberry Ridge Subdivision provides 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.

The lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Lot 5 has an existing septic system located on the site.

No changes to the approved on-site disposal systems are proposed with the amendment.

*Finding: Blueberry Ridge Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.  
Storm water from the subdivision will be served by stormwater ponds and forested buffers within the subdivision's open space. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

No changes to the approved stormwater treatment or the septic system locations are proposed with the amendment.

*Finding: Blueberry Ridge Subdivision 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.



All the residential house lots and the open space will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to either the stormwater pond or the forested buffers.

*Finding: Blueberry Ridge Subdivision 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 project has received Site Location of Development and Natural Resources Protection Tier 1 Wetland Alteration permits from the Maine Department of Environmental Protection, Permits: # L-24561-L3-A-N & L-24561-TB-B-N, dated 10/5/2009; L-24561-L3-C-T & L-24561-TB-D-T, dated 03/4/2010.

No changes are proposed to the subdivision approved lot layout or stormwater infrastructure.

*Finding: Blueberry Ridge Subdivision 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.*

- 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.

The residential subdivision is proposing to protect 43.074 acres of open space which will remain in their natural state. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

*Finding: Blueberry Ridge Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

- 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.

The existing house and Lot 5 will be removed from the requirement for posting a performance guarantee prior to the sale of the lot. All utilities and roads serving Lot 5 are existing and no improvements are required to serve the existing house.

No other changes to the performance guarantee language or financial capacity are proposed.

*Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.*

- 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.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for lots within the subdivision.

*Finding: Blueberry Ridge Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.*

- 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.

The applicant is proposing to create 43.074 acres of open space with a walking trail. The remaining open space will be utilized as a buffer both visually and for storm water purposes. The Blueberry Ridge Subdivision homeowners' association shall be required to take care of the common open space, hiking trails, and the storm water drainage infrastructure.

*Finding: Blueberry Ridge Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.*

### 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.

The proposal is a subdivision amendment.

*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.

The proposal is a subdivision amendment.

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 prior to the commencement of construction of each phase of construction , the applicant is responsible for obtaining all required local, state and federal permits;
3. That all relevant conditions of approval from the past approval shall remain in effect;
4. That the Gorham Planning Board Chairman is authorized by the Gorham Planning Board to sign these Findings of Fact on behalf of the entire Board; and
5. That these conditions of approval and the Final 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, a dated copy of the recorded Decision Document and a mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to the sale of Lot 5.