



**PLANNING BOARD MINUTES  
September 14, 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  
SCOTT HERRICK  
RACHEL SUNNELL**

**Staff Present**

**THOMAS POIRIER, Town Planner  
MARK BOWER, Esquire - Jensen Baird  
BARBARA SKINNER, Clerk of the Board**

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. Mr. Zelmanow advised that according to Planning Board rules, no new agenda items will be taken up after 10:00 p.m. unless a majority of the Board agrees to waive that rule. The Clerk called the roll, noting that all members were present.

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**APPROVAL OF THE AUGUST 3, 2015 MINUTES**

**Melinda Shain MOVED and George Fox SECONDED a motion to approve the minutes of August 3, 2015. Motion CARRIED, 5 ayes (Scott Herrick abstaining as not having been present at the meeting). [7:03 p.m.]**

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**COMMITTEE REPORTS**

**A. Ordinance Review Committee** – Mr. Herrick said that there is no report from this Committee.

**B. Streets and Ways Subcommittee** – Ms. Shain reported that this Subcommittee has not met.

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**CHAIRMAN’S REPORT**

Mr. Zelmanow commented that there is still a vacancy on the Planning Board and encouraged anyone interested to contact the Clerk’s office.

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**ADMINISTRATIVE REVIEW REPORT**

Mr. Poirier reported that there is one new item for Administrative Review, that of “Big Nut” Storage, located off Westcott Road. He said that the applicant is proposing to build a couple of barns for large item storage. The public review process has been started for this application.

## CONSENT AGENDA

**Private Way Amendment – Sam Strumph, Sr.**, request for approval to shorten Betty Lou Drive private way right-of-way by 5 feet. The private way is located off North Street, Map 63, Lot 20.0021, Rural zoning district.

**Subdivision Amendment – Jonathan and Beth Edwards**, request for approval for a lot line change between South Woods and Village Woods Subdivisions, of properties located at 9 Sunrise Lane, Map 106, Lot 29.004, and 3 Oak Wood Drive, Map 25, Lot 1.009, Urban Residential zoning district.

Mr. Zelmanow noted that these items are administrative in nature and have been recommended for approval by staff. They will not be discussed unless a specific request is made to so do. There being no one on the Board or from the public wishing to remove either item from the Consent Agenda,

**Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to approve the items on the Consent Agenda. Motion CARRIED, 6 ayes. [7:10 p.m.]**

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**ITEM 1 Public Hearing – Site Plan Amendment – DDI/Susan Duchaine** – Request for approval for expanded office space and a 48' x 60' garage for Design Dwelling's corporate office, located at 166 Narragansett Street, Map 39, Lot 44, Narragansett Development District.

Mr. Poirier explained that this item is a continuation of the public hearing of July 13, 2015. There were a few items remaining for discussion this evening. One item was that the Code Enforcement Officer is to provide the Board with a determination of what is meant by "reserved open space;" this determination has been provided and is in the Board's packets. The Board discussed the applicant's desire for an alternate screening plan, which has to be reviewed by the Board this evening. In addition, the Public Works Director determined that the applicant needs to provide stormwater calculations; those calculations have been provided and the Public Works Director's comments will be provided to the Board this evening. The last item involves the DOT easement; the applicant has addressed by providing an email from Kyle Hall with the DOT, stating that the matter has been forwarded to the Property Office with a recommendation that the DOT remove the easement. However, since the easement is recorded in the Cumberland County Registry of Deeds, a release/removal of that easement will also have to be recorded. Staff has written two Findings of Fact under F. Stormwater Management to deal with the easement issue: one is for approval conditioned on the applicant providing proof that the DOT easement has been recorded, and the other is getting DOT approval prior to Board approval.

Mr. Poirier noted that that the applicant no longer needs to get a Maine Construction General Permit under Finding F. Mr. Poirier also noted changes that have been made to the Conditions of Approval, as follows:

"Condition No. 5: That there shall be no outside storage of large commercial vehicles (such as, but not limited, to, dump trucks and box trucks), equipment, material, or supplies on the site

unless the Land use and Development Code is amended to allow such use and the applicant meets all applicable requirements set forth in the amended ordinance;

Condition No. 9: That the accessory use of the site for minor repair shall be limited to equipment owned or leased by Design Dwelling and shall only be allowed to occur inside of the garage building unless the Land Use and Development Code is amended to allow such use and the applicant meets all applicable requirements set forth in the amended ordinance;”

Conditions 10 and 11 are deleted.

In response to Mr. Zelmanow, Mr. Poirier said that “minor repairs” was a determination made by the Code Enforcement Officer and include such activities as oil changes. The Code Enforcement Officer and the applicant have discussed this item.

Andrew Morrell, BH2M, appeared on behalf of the applicant. He said that in response to the Board’s request that the applicant work with the Code Enforcement Officer about the dedicated open space, they have met with Mr. Abbott and the open space has been “hatched” on sheet 5 of the plans. The stormwater issues have been worked out with the Public Works Director. He said the DOT has signed off on the stormwater design and the site plans as they are currently configured; they have agreed to eliminate the easement on the property. Mr. Morrell asked the Board to condition the approval on not signing the mylars until that document is received.

Regarding the landscape buffer, Mr. Morrell noted that the Board had requested that pictures be added to the plan that showed a view in each direction; those are shown on sheet 5 of the plans. Mr. Morrell referred the Board to the condition of approval referring to the buffer area, which provides for allowing the buffer to grow into a woodlands area, creating a buffer around the outside of the parcel.

Mr. Morrell said that the fence along the common boundary with the Kalikow property has been changed to a 4-foot high vinyl fence and has been extended to the tree line to the south. The fuel storage facility has been relocated as requested by the abutter.

Mr. Morrell referred to a meeting held earlier in the day with Town staff and the applicant to discuss the Conditions of Approval as reflected in Mr. Poirier’s comments. He said that the applicant is amenable to those changes.

Mr. Zelmanow confirmed with Mr. Morrell that the building will be completely enclosed in order to store materials, as determined by the Code Enforcement Officer. Mr. Anderson confirmed that no equipment can be stored outside, as determined by the Code Enforcement Officer. Mr. Anderson asked whether vehicles will be parked overnight on the concrete aprons on either end of the buildings. Mr. Morrell said that those aprons are to transition from the gravel parking area into the storage building.

Ms. Shain asked about the status of the trail. Mr. Morrell replied that there is an existing trail running down the old railroad bed; however, the trail will no longer go through the site. Ms. Sunnell asked if there had been a legal easement for the trail and what is the history of the trail. Ms. Duchaine said she did not believe there ever was a legal easement that went from Route 202 to the

railroad bed; however, she granted easements along the railroad bed. She said that when the project had to meet the dedicated open space provision, that changed the calculations for the trail. Mr. Morrell said that the trail was bisected by the bypass and the applicant purchased from the DOT the piece of land where the trail was located.

Ms. Sunnell confirmed that the buffer area was cleared when Design Dwellings purchased the site and the current conditions are gravel. Mr. Morrell said that it is gravel and grass. Ms. Sunnell said that the area is not a buffer, it is a setback. Ms. Duchaine said the land was cleared originally and that is when the issue of storage outside arose and the need for a garage. Mr. Zelmanow confirmed with staff that the clearing was properly done, but now that the area is cleared it is considered part of the open space and nothing can be put there, even new plantings. Ms. Duchaine commented that no one such as Moody's has been asked to do this before in this district. Mr. Poirier said that the Board asked the Code Enforcement Officer to determine what is considered "reserved open space." According to his determination, the applicant can consider areas that are not landscaped and that remain untouched or wild; so if an area is left to return to woodlands, it can be counted as "reserved open space" to meet the definition of the Code. That does not mean you can't count buffer as being undeveloped or reforested, for the purpose of the calculation per the Code, you can't cut in buffers as reserved open space. Mr. Poirier said that in the case of the Moody application, the entire back portion of the parcel counted as reserved open space.

Mr. Morrell said there are two requirements the applicant is trying to meet: the 30% open space requirement and the landscape buffering. The open space requirement in the Narragansett Development District is that they prove that 30% of the site is dedicated open space, as shown on sheet 5 as the hatched area, approved by the Code Enforcement Officer. Plantings were done in some of those areas. The other requirement is the buffer yard requirement for landscaped buffering, either by meeting the requirements or providing an alternative that is acceptable. The applicant would like to provide an alternative by keeping existing landscaping and the growth that will occur in the open space requirement.

Mr. Herrick expressed concern about the maintenance of open space which might interfere with access to the building as no mowing or trimming would be permitted. Mr. Morrell replied that the open space will be adjusted to permit access.

Ms. Sunnell asked that the plans reflect planting details and took issue with certain of the sizes and species mentioned. Mr. Morrell told Ms. Sunnell that the Code Enforcement Officer determined the quantity of plantings to be installed. Ms. Duchaine said that loam will be placed where planting will occur.

**PUBLIC COMMENT PERIOD OPENED:** David A. Lourie, Esquire, representing Eileen Kalikow, abutter at 162 Narragansett Street. Mr. Lourie said that the Board has deprived his client of her right to be heard this evening because her request to postpone the meeting due to her observing the Jewish New Year was not granted. Mentioning the Religious Land Use and Institutionalized Persons Act, Mr. Lourie said it was both a matter of law and of courtesy to accommodate her religion by postponing this evening's hearing and that he had hoped that the Board would have done so by now, particularly as she is the only abutter to the project. Mr. Lourie said he spoke with the Town's attorney about it.

Mr. Zelmanow asked if there was a legal requirement to abide by Ms. Kalikow's request to postpone based on her religious observations. Mark Bower, Town attorney, replied that Mr. Lourie's email noted that he may be pursuing a cause of action against the Town for an alleged violation of the abutter's constitutional rights, but he is not aware of any legal precedent on that issue of an abutter missing a meeting because of a religious holiday. Mr. Bower noted that anyone can be sued for anything at any time, and there is a risk for the Board if the hearing is not postponed. Mr. Bower noted that the land enforcement action that is currently pending does not allege anything related to clearing of vegetation, it is related to other actions on the property. However, Mr. Bower said there are three options for the Board to consider: postpone the public hearing to a meeting in the future – Mr. Lourie injected that one week would not be satisfactory as that is another Jewish high holiday day. Mr. Zelmanow said his concern with postponing it is because there are so many religious holidays for all different religions that it is difficult to keep track of them all. The Board will not hold a meeting on either a Federal or a state holiday when the Town offices are closed.

Mr. Lourie asked the Board to vote on postponing the item now to honor Ms. Kalikow's request.

Mr. Zelmanow asked for the Board's input concerning Mr. Lourie's request to table discussion on the item. Ms. Shain said that she appreciates that Ms. Kalikow is unable to be here and she wishes that she were; however, the Board has had the benefit of her input in the prior public hearing and she has hired able counsel to provide us with her insight, thoughts and concerns. Ms. Shain said it is very difficult for the Board to accommodate every request, and that our counsel has advised the Board that it is not in violation of Ms. Kalikow's rights in continuing to have the public hearing tonight. The prior parts of the application that were not public were for the benefit of the Board in understanding the application, and while she can appreciate that Mr. Lourie would have preferred that the Board did not take advantage of the opportunity to talk with the applicant and her agent, she believes the Board has an obligation to all applicants who come before the Board. Ms. Shain said she does not believe it would be a good precedent to reschedule on that basis alone, and although it is possible that the Board will require the applicant to appear again that will be done to satisfy the Board's need to make sure that the application meets the requirements of the Code.

Mr. Bower said he is not aware of any precedent of an abutter to an application that has successfully sued for a First Amendment violation. The statute referred to by Mr. Lourie is not applicable to this situation, it is more applicable to religious institutions that are adversely affected by land use laws, not to individuals. Regardless of the merits of a law suit, it is a law suit that the Town would have to defend and therefore it is a risk. He said there were three options for the Board's consideration: one is to postpone the public hearing portion in its entirety; the second option is to hold the public hearing but to keep it open for a couple of weeks to allow people unable to be here tonight to participate in the public hearing; and the third option is to continue without postponement.

Mr. Fox commented that he believes that the applicant has a right to have the application moved along as speedily as reasonably possible so he is not in favor of postponing. Ms. Sunnell said there have been plenty of opportunities in the past for Ms. Kalikow to voice her concerns, the Board has heard those concerns, and at this point she supports both Ms. Shain and Mr. Fox in opposing a postponement. Mr. Zelmanow said he would see this as an issue if Ms. Kalikow had not had the opportunity to be heard at all. He said she had the ability to put her concerns in writing, as other abutters have done in the past who have not been able to be present at Board meetings.

Mr. Bower said that if the Board needs more information, it is alright with leaving the public hearing open for her to comment at a later time. The only need for the Board to vote now is to postpone the public hearing. Mr. Lourie said there is no need to make a formal motion at this time, as he sees no support for it.

Mr. Lourie continued his comments, questioning the intent of the applicant, the use of the proposed concrete pads, whether any of the Code Officer's stop work orders have been obeyed and asking how the Board can go through the exercise of approving something that it knows will be misused. He spoke on the lack of definition of "minor repairs," enforcement of infringement of the "minor repairs" standard, the lack of detail for the revised buffering, the inadequacy of the buffering, and the lack of a determination by the Code Enforcement Officer on the use of the property. He asserted that the applicant will use the gravel areas for outdoor storage and the fuel storage tank, which, besides being too close to Ms. Kalikow's property, is itself "outside storage." Mr. Lourie recommended that the Board vote against the proposal.

Anne Dunbar, 148 Narragansett, said she is witness to the continuing overuse and abuse of the property, stockpiling of construction materials, parking equipment on site, and agrees with Mr. Lourie's comments.

Ms. Duchaine said that Ms. Kalikow has been represented by this counsel and others, and they have been provided with all the information but she has never heard back from them.

**PUBLIC COMMENT PERIOD ENDED.**

The Board discussed with Mr. Morrell and Joe Duchaine the purpose and size of the concrete pads, with Mr. Morrell indicating that the pads serve as a transition between the gravel access road and the building, and there will be no parking of construction vehicles on the pads. He said that vehicles will drive through the doors to traverse through the building. The Board commented that the building schematics on the plans did not match what the applicant was describing, and said that revised schematics need to be submitted. Mr. Anderson said that the 20 feet depth makes sense if there are going to be two doors.

Mr. Herrick questioned the location of the fuel storage tank and the dumpster pads, ostensibly in the dedicated open space area. Mr. Morrell replied that that area had been marked off as open space by mistake.

Ms. Shain confirmed with the Town Attorney that if a plan is submitted that is compliant with the ordinance, the Board cannot refuse to approve that plan assuming that it will later be violated. Mr. Bower said that if the Board were to deny an application based on its "hunch" that an applicant will violate a condition of approval, that would be reversed on appeal were it to be challenged in court. Mr. Bower said the Board members are not mind readers and if an application meets the ordinance, the Board's duty is to approve the application. Mr. Bower said that it is the role of the Code Enforcement Officer to see that the conditions and findings are complied with.

Ms. Sunnell spoke to the proposed screening of the abutter's property, noting that the ordinance requires that the view be shielded and saying that a 4-foot fence does not shield the view. She recommended "beefing" up that area and said that a better plan is needed on how to keep the proposed plantings alive. In reply to Mr. Anderson, Mr. Morrell said that all that is being proposed

along that property line is the fence. Mr. Morrell noted that the applicant would like to install a perimeter fence should security issues dictate that in the future. Mr. Herrick said there is a portion of fence that appears to run through the open space which should be removed; Mr. Morrell replied that could easily be fixed.

Ms. Sunnell asked about re-establishment of the trail. Mr. Herrick replied that the trail would run directly through open space and would require maintenance. Mr. Zelmanow noted that the trail cannot go much further because of the creation of the bypass. Ms. Duchaine said the users of the trail go through her parking lot now.

A lengthy discussion by the Board on the landscaping resulted in a request to the applicant to submit a more detailed plan on plantings outlining what is to be planted, sizes, quantities, maintenance, care, replacement plan, etc. As she had done at July 13 meeting, Ms. Sunnell recommended that the applicant secure the services of a landscape architect. Mr. Poirier noted that the reserved open space has been identified by the Code Enforcement Officer and the Land Use Code has specific criteria in what should be planted in the buffer area in the Narragansett Development District. In this case, Mr. Poirier said that the applicant is requesting approval of an alternate plan, and if the Board does not feel that the alternative plan submitted meets that criteria, then the applicant should follow the requirements of the Code for the Narragansett Development District. Mr. Poirier said that if the Board wants to consider the reserved open space as both buffer and reserved open space, it can require the size of the trees to be upgraded.

When asked if she should hire a landscape architect, Ms. Duchaine was told that she could either comply with the Code's requirements in the Narragansett Development District or hire someone to provide the detailed alternative equivalent information requested by the Board.

The Board concurred that there will be another submission, including revised plans which show accurate elevations, detailed planting information, and moving the fence, and switching the fuel tank, back walkway and dumpster pads out of the open space.

**Melinda Shain MOVED and Scott Herrick SECONDED a motion to continue the item to the Board's October 5, 2015 meeting. Motion CARRIED, 6 ayes. [9:00 p.m.]**

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**ITEM 2      Public Hearing – 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 reminded the Board that it discussed this item in August and was continued to this meeting in order to hold a public hearing. As the Board will remember, this is a conditional zone for a proposed future lot to be broken off on South Street, with certain performance standards and conditions, the lot to encompass the McLellan/Sampson House.

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

**Melinda Shain MOVED and George Fox SECONDED a motion to recommend adoption by the Town Council of the Conditional Multi-Use zone for the McLellan/Sampson House, Map 106, Lot 47, as amended by the Planning Board. Motion CARRIED, 6 ayes. [9:02 p.m.]**

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**ITEM 3 Public Hearing – Land Use and Development Code Amendment –** Amendment to Chapter II, Section III (Signs) of the Land Use and Development Code to allow off-premises signs and dimensional variation in limited situation in Gorham Village.

Mr. Poirier said this came about because the project at 109 Main Street shares multiple driveways with the Hannaford parcel, and it makes more sense that the signs for the sites share an entrance sign instead of individual free-standing signs. To achieve this, staff has drafted the Village shared entrance sign language presently before the Board

Mr. Zelmanow confirmed with Mr. Poirier that this amendment is only for the Village environment.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD CLOSED.

The Board concurred that the item should be forwarded to the Board's Ordinance Committee.

**George Fox MOVED and Rachel Sunnell SECONDED a motion to send the item to the Board's Ordinance Committee for their review and recommendations. Motion CARRIED, 6 ayes. [9:02 p.m.]**

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**ITEM 4 Casco Federal Credit Union –** Request for approval for the construction of a new credit union with drive-through lanes and associated parking, located at 393 Ossipee Trail, Map 77, Lot 15, Roadside Commercial zoning district.

Mr. Poirier said this item is a site plan amendment and the re-use of an existing site and is the first time before the Board.

Owens McCullough, Sebago Technics, introduced Jim Stone, CEO of Casco Federal, Katie O'Brien, EDP and CFO of Casco Federal, and Chad Reed and Brian Curley from PDT Architects, designers of the building. The project is for Casco Federal Credit to relocate to the corner of Route 25 and Shaws Mill Road, formerly the site of

V&M Rentals, and before that, Gorham Sand & Gravel. Casco Federal will own the entire 3.5 acre lot; the front portion of the lot will be used by the bank and the remainder of the parcel will continue to be used as a salvage operation. The existing building is about 25 to 30 feet from the front property line on Route 25, whereas the setback in the Roadside Commercial zone is 50 feet. It is proposed, therefore, that the existing building will be demolished and a new building will be pushed back to meet the front yard setback, and all the pavement out front will be removed. Primary access will be from Shaws Mill Road, and the curb cuts at the front of the building will be closed. There will be a left and a right out from the drive-through on the west side of the building.



The new building will be single story, 3,050 square feet, with a dual drive-through ATM and attendant drive-through. Hours of operation will be 8 to 5, Monday through Friday. A small community room will be integrated into the project and that could be used up until 9:00 or 10:00 during the week. Mr. McCullough said that the project will be served by a new on-site well and septic system, and electrical service will be underground from Route 25. The applicant would like the flexibility to move the septic system from the back of the lot to the front at some future date.

Mr. McCullough commented that by eliminating the pavement out front they will reduce the existing 0.92 acres of impervious area to 0.47 acres. Therefore, no formal detention and treatment of storm water runoff is proposed for the project because peak rates are anticipated to be significantly reduced. The ditchline along Shaws Mill Road will be replaced and 12" culvert crossing will be replaced with a 15" culvert at the intersection. No wetlands are anticipated to be impacted. Landscaping will be provided along the front of the building.

Mr. McCullough noted that the vehicle trip numbers are well below the threshold to trigger an MDOT Traffic Movement Permit and an entrance permit application with MDOT has been filed. He mentioned the Public Works Director's comments about the need for a deceleration lane, stating that this section is not in the Urban Compact and they will comply with any DOT requirements in this regard.

Mr. McCullough spoke about the easement with the Nicely lot which he does not believe would be of any practical benefit to the abutters or to the project. A boundary survey has been done and a detail for the dumpster pad and generator pad will be provided. The word "stop" as part of the stop bar will be shown on the plans. The HHE200 has been completed.

Mr. McCullough provided the Board with a proposed sign plan. Mr. Zelmanow noted that the two separate sections of the sign need to become one, without the 3" space.

Brian Curley, PDT Architects, came to the podium and showed the Board renderings of the proposed building, which is concrete slab on grade, wood frame, single story, similar to other Casco buildings. It is proposed to be sided with an asphalt shingle roof, pvc trim, cream colored LP SmartSide or vinyl siding and white trim, vinyl windows, aluminum store fronts. Great Falls will be the contractor. There will be a teller break room which will be available in the evenings for community groups. No parking will be allowed in front, so the pedestrian entry will be accessed from the rear of the building.

Mr. McCullough said the applicant would like approval tonight due to the timing constraints involved in working on the project before the onset of winter.

Ms. Shain confirmed that there will be landscaping along the foundation. Mr. Fox asked about a response to the Public Works Director's concern about a deceleration lane and observations about vehicle accidents. Mr. McCullough replied that this project will be under the Maine DOT because it is not in the Urban Compact zone and the applicant will defer to them in the review process. An entrance permit application has been filed this week with the DOT. Mr. Fox suggested that Mr. Burns is more familiar with local conditions and that the applicant go above and beyond DOT's minimum requirements with Mr. Burns' concerns in mind. Mr. McCullough said they would like to

have a dialog with DOT first to see what DOT feels is needed. Based on Mr. Burns' memo, Mr. McCullough said they will provide DOT with the ITE manual traffic movement numbers.

Mr. Zelmanow and Mr. McCullough discussed the project sign, with Mr. McCullough stating that the project sign will be 25 or 30 feet from the property line and about 40 feet from the edge of pavement. The sign should not obstruct the line of sight for turning left out of Shaws Mill Road. Mr. McCullough said no sidewalks are proposed.

In reply to a question from Mr. Zelmanow, Jim Stone, President of Casco, came to the podium and told the Board that the current propane tank on site is above ground; it is their intention to remove that tank once the current tenants have left.

Mr. Anderson and Mr. McCullough discussed the ditch line along Shaws Mill Road and replacing the culvert at Shaws Mill. Mr. McCullough said that the amount of impervious surface will be reduced.

Ms. Sunnell asked that planting details be added to the plans. Ms. Sunnell asked that the generator setback requirement from the dumpster be checked.

At Mr. Zelmanow's request, Mr. Poirier explained that there is a requirement for interconnected in the Village performance standards as well as in the Roadside Commercial district to allow interconnectivity for parking to avoid having to enter a high speed zone and to reduce the number of driveways. This requirement is found in Section II, C. and needs to be shown on the plan as a "50 foot strip adjacent to and running the length of the public highway to the use of controlled public access and landscaping." There is no waiver provision for this requirement in the Land Use Code. Mr. Bower confirmed that the requirement is not in the site plan chapter of the ordinance, so it is a zoning requirement that cannot be waived by the Planning Board. Mr. McCullough confirmed that the area has to be designated and shown on the plan, and expressed concerns about possible cut-through and safety issues. Mr. Poirier said that should a connection in the future be warranted safety will be considered by the Board in its discretion as part of any future application.

The Board concurred that no sitewalk will be required.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow summarized that there will be another submission with DOT information, plantings details, information concerning the removal of the propane tank by the current occupant, and the dedicated 50-foot strip on the plans. Mr. McCullough said they will get an update from DOT and make the other changes in order to be heard at the October 5 meeting.

**Melinda Shain MOVED and Scott Herrick SECONDED a motion to table the item to the Board's October 5, 2015 meeting pending submission of additional materials. Motion CARRIED, 6 ayes. [9:55 p.m.]**

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**ITEM 5 Public Hearing – Site Plan Amendment – Master Sign Plan – Jon Smith of JCS4, LLC**, request for approval of the Master Sign Plan for 109 Main Street utilizing the Village Shared Entrance Sign format, located on the corner of Main Street and New Portland Road, Map 102, Lot 153, Urban Commercial zoning district  
**NOT HEARD – CONTINUED TO OCTOBER 5, 2015 MEETING**

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**George Fox MOVED and Melinda Shain SECONDED a motion to take Item 6 out of order. Motion CARRIED, 6 ayes. [10:00 p.m.]**

**ITEM 6 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 the applicant was before the Board on August 3, 2015 for a pre-application discussion and is on for public hearing this evening. Mr. Zelmanow noted the waivers being asked for by the applicant and asked Mr. Poirier if a waiver is required for a traffic impact analysis and for a boundary survey. Mr. Poirier said a waiver for traffic impact is not required as no increase in use is proposed, and in the past a boundary survey has been done for the entire USM parcel. Mr. Crabtree said that requests have been submitted for the required ability-to-serve letter for water, sewage disposal requirement, and a waiver request for the boundary survey.

Frank Crabtree, Harriman, introduced Mark Lee, also from Harriman, and University staff as well. Mr. Crabtree gave a brief overview of the project, noting that it is a replacement and upgrade of facilities, bringing the softball field up to the same player and spectator standards as the baseball field next door. Mr. Crabtree pointed out proposed changes on the plans, noting that parking or traffic will not increase as it will basically be the same use that is there now. Stormwater will be handled by two underground chamber treatment systems, one near the dugout and one by the new skinned infield. There will be two roof dripline filters on the back of two of the facilities, the dugout and the press box. Speakers for the sound PA system will be mounted on the scoreboard, sending sound back toward spectators and the University rather than out toward the neighbors. Mr. Crabtree said that Musco will be asked to run their lighting calculations all the way to the property lines.

Mr. Poirier confirmed that the application will need to go out again for peer review. Mr. Zelmanow said that if there are no other major issues this item could be on the Consent Agenda for the October 5, 2015 meeting.

Mr. Anderson asked if the concessions building is included in the scope of work, and if so, are there elevations for it. Mr. Lee described the elevations which have not yet been submitted; they will be included in the packet.

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

Mr. Zelmanow said that all three waivers can be approved with one motion should the Board wish to do so.

**Melinda Shain MOVED and James Anderson SECONDED the applicant's three waivers: 1. Chapter IV, Section IX, Subsection H, Water Supply – Portland Water District ability-to-serve letter; 2. Chapter IV, Section IX, Subsection I. Sewage Disposal; and Chapter IV, Section VIII – Procedures and Major Developments, C. Submission Requirements, a. 6 – Boundary Survey. Motion CARRIED, 6 ayes. [10:16 p.m.]**

Mr. Zelmanow confirmed that the next submission will include a revised lighting plan, sketch of the concessions building and changed drawings.

**Melinda Shain MOVED and Scott Herrick SECONDED a motion to table further review of USM's request for site plan to the Board's October 5, 2015 Consent Agenda pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 6 ayes. [10:17 p.m.]**

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**ITEM 7 Discussion - Contract Zone and Sketch Plan – Sebago Brewing Company -** request for approval of a Contract Zone and site plan amendment to allow a production facility, events center and restaurant, with reduced setbacks and parking in front of property located at Mosher Road (Route 237) and Main Street (Route 25), Map 32 L24.101-105, Commercial Office zoning district.

**NOT HEARD - CONTINUED TO OCTOBER 5, 2015 MEETING**

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**ITEM 8 Pre-application Discussion – Sketch Plan – Bramblewood LLC -** request for approval of Glenwater Village Subdivision, 18-20 single family lots and up to 20 multi-family dwelling units, located off Glenwood Avenue, Map 99, Lot 61 and off Water Street, Map 101, Lot 21, Urban Residential zoning district.

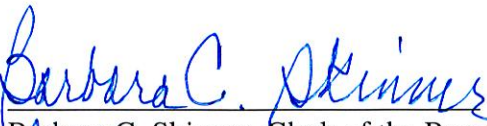
**NOT HEARD – CONTINUED TO OCTOBER 5, 2015 MEETING**

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#### **ADJOURNMENT**

**Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [10:18 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
September 14, 2015