



Town of Gorham
May 4, 2009
PLANNING BOARD MINUTES

LOCATION: Municipal Center Council Chambers, 75 South Street, Gorham, Maine

Members Present:

SUSAN ROBIE, Chairwoman
DOUGLAS BOYCE, Vice Chairman
THOMAS FICKETT
THOMAS HUGHES
MICHAEL PARKER
MARK STELMACK
EDWARD ZELMANOW

Staff Present:

DEBORAH FOSSUM, Dir. of Planning & Zoning
THOMAS POIRIER, Assistant Planner
BARBARA SKINNER, Clerk of the Board

The Chairwoman called the meeting to order at 7:09 p.m. and read the Agenda. The Clerk called the roll, noting that everyone was present.

1. APPROVAL OF THE APRIL 6, 2009 MINUTES

Michael Parker **MOVED** and Thomas Hughes **SECONDED** a motion to approve the minutes of April 6, 2009 as written and distributed. Motion **CARRIED**, 7 ayes. [7:11 p.m.]

2 REORGANIZATION OF THE BOARD

A. Introduction of Reappointed Members

Thomas Fickett and Edward Zelmanow have each been reappointed for a new three-year term of office.

B. Election of Officers

The Clerk called for nominations for the position of Chairman.

Thomas Hughes **MOVED** and Edward Zelmanow **SECONDED** the nomination of Susan Robie for the position of Chairwoman. Michael Parker **MOVED** and Douglas Boyce **SECONDED** a motion to close the nominations. Motion to close the nominations **CARRIED**, 7 ayes. The motion nominating Ms. Robie as Chairwoman **CARRIED**, 6 ayes , 1 abstention (Susan Robie).

The Chairwoman called for nominations for the position of Vice Chairman.

Mark Stelmack **MOVED** and Thomas Hughes **SECONDED** the nomination of Douglas Boyce for Vice Chairman. Mark Stelmack **MOVED** and Edward Zelmanow **SECONDED** a motion to close the nominations. Motion to close the nominations **CARRIED**, 7 ayes. The motion nominating Mr. Boyce as Vice Chairman **CARRIED** 7 ayes .

C. Committee Appointments

1. Ordinance Subcommittee: Susan Robie, Thomas Hughes, Michael Parker, Mark Stelmack, Edward Zelmanow
2. Sign Ordinance Subcommittee: Susan Robie, Douglas Boyce, Edward Zelmanow
3. Streets and Ways Subcommittee: Thomas Hughes, Thomas Fickett, Michael Parker

Edward Zelmanow **MOVED** and Mark Stelmack **SECONDED** a motion to suspend the rules to add items to the agenda.

Discussion: Ms. Fossom explained that Shaw Brothers has asked to be placed on a second meeting of the Board this month to discuss an amendment to its approved Brickyard Quarry plan and the

hydrogeological report it has submitted. She said that because it is an amendment to a gravel pit, it will require a public hearing and 14 day notice to abutters and property owners within 500 feet of the property. In addition, Susan Duchaine of Design Dwellings on behalf of her Fair View Acres project (Mosher Road and Route 25) and on behalf of her son, Chris Duchaine, for his Fairfield Woods project (Copperhead Drive), has asked that these items be added to this evening's agenda so that they can be postponed to a second meeting in May.

Ms. Robie explained that there are three possible dates in May for a second Planning Board meeting in Council Chambers: May 11, May 18 and May 27. Because the Shaw Brothers application requires a 14 day notice; the earliest possible date to hear that item would be May 27. After discussion, the Board concurred unanimously that the hydrogeological study must be reviewed by a peer reviewer on behalf of the Town so that the review is available to the Board when the item is on an agenda. Ms. Robie said the item can be notified for public hearing on June 1, the next regularly scheduled Planning Board meeting; if the item is ready, it will be heard, and if it is not, the public hearing can be postponed to a second meeting in June.

Ms. Robie noted that a second site walk is scheduled for May 14 for the Fair View Acres project because notification was not complete for the first sitewalk. Therefore, that item cannot be heard until at least May 18 or May 27. Ms. Fossum said that the staff review memo went out on May 1 on the Fairfield Woods item, there has been no turnaround as yet, and there are some items that were not fully addressed in the applicant's submission of several weeks ago. Ms. Robie asked if either item would be complete to be heard on either May 18 or May 27; Ms. Fossum said it would be difficult to turn around a review and prepare an agenda. Mr. Boyce suggested that the items would be better heard at the June 1, 2009 meeting.

Mr. Zelmanow withdrew his motion to amend this evening's agenda to add these items; Mr. Stelmack withdrew his second.

Michael Parker MOVED and Mark Stelmack SECONDED a motion to add Chris Duchaine's private way application (Fairfield Woods, Copperhead Drive) to this evening's agenda so that it may be heard at a second meeting this month.

Discussion: Mr. Stelmack asked if this application is ready for a second meeting in May. Ms. Fossum replied that staff will comment as best possible and provide whatever information is provided.

Motion FAILED, 7 nays.

Michael Parker MOVED to add Design Dwellings Fairview Acres application to tonight's agenda so that it may be heard at a subsequent meeting this month.

Discussion: Ms. Fossum noted that there is a substantial amount of information still to be provided for this application. She said that the applicants in both instances believe that since the applications were submitted by the "submission deadline" date, they should automatically be placed on the agenda; however, it is clearly stated that only those submissions that are complete and have been fully reviewed by staff would be placed on an agenda.

Motion FAILED for lack of a second.

3. COMMITTEE REPORTS

A. Ordinance Review Committee – Ms. Robie reported that this committee met to craft language for modification of the bed and breakfast ordinance. Consistent with direction from the Town Council's ordinance committee, the Ordinance Review Committee drafted language to clarify the issue of connections between developed and undeveloped land. Language was also drafted to add an exception from requiring full lot size for both sewerage pumping stations and for small pieces of specifically dedicated open space in the Development Transfer Overlay District. Finally, the subcommittee reviewed the language for expiration of various approvals and applications and concluded that the only item to bring forward is the sunset provision language for applications.

B. Sign Ordinance Sub-Committee – Ms. Robie reported that this subcommittee is in the process of proposing four modifications to the sign ordinance: 1) replacement of non-conforming signs with less non-conforming signs; 2) off-premises signs; 3) calculating the area of a directional sign that includes a business logo; and 4) consideration of signage for a lot with a multi-business building located on two streets of equal “weight” for signage.

C. Streets and Ways Sub-Committee – No report.

4. ADMINISTRATIVE SITE PLAN REPORT

Ms. Fossum reported that there have been no new submissions that are subject to Administrative Review. There are currently 3 approvals before the committee, and all are in the hands of the applicants.

4. PUBLIC HEARING

SITE PLAN/SPECIAL EXCEPTION - GORHAM ELEMENTARY SCHOOL -- OFF SEBAGO LAKE ROAD – BY GORHAM SCHOOL DEPARTMENT.

Request for Site Plan & Special Exception approval of a 550 student elementary school on the Stevens Farm off Sebago Lake Road with associated site improvements. (Zoned Rural and Suburban Residential; Map 53 / Lot 38 and Map 71 / Lot 1)

Lyndon Keck, senior principal with PDT Architects, introduced Jim Hager and Dennis Libby from the Gorham School Department, Bill Hoffman of DeLuca-Hoffman, Associates, Steve Blake, project engineer with De-Luca Hoffman, and Randy Dunton, traffic engineer with Gorrill-Palmer.

Mr. Keck responded to previous questions from the last appearance before the Board and the site walk held on April 30, as follows: Gorrill-Palmer was asked to do two studies, one at the Village School and one at Narragansett School, of counts to determine how many parents picked up their students at the end of the school day, which was in relation to questions about the sufficiency of spaces to allow for parent pickup at the proposed new school. Mr. Dunton’s office made those counts as follows: there were 35 cars at the peak pickup time at the Village School, and 46 at the Narragansett School. In addition, Mr. Keck said that the traffic engineers made truck traffic counts, but as truck trips in and out of the pit are erratic, the numbers given represent simply a slice of time and do not represent constant conditions. The p.m. condition was done on Patriot’s Day, which according to Shaw Brothers was a normal work day, and the count was 1 truck per hour. The a.m. condition was done on Friday, May 1, which was also a normal work day according to Shaw Brothers for the pit, and the count was 2 trucks per hour.

Mr. Keck said that Gorrill-Palmer has spoken to MDOT, who confirmed that MDOT would not allow Route 237 to be posted as a school zone because the school does not satisfy the legal requirement of being on Route 237. However, the MDOT representative, Steve Landry, said they would be willing to entertain the idea of an actuated sign detail in both directions on Route 237, with the language on the signs as yet to be determined. Mr. Keck explained that an actuated sign has a motion detector mounted on top of a post, and as traffic approaches the sign, lights on it flash and whatever the message is on the sign is brought to the driver’s attention. He recommended that staff work with PDT Architects and MDOT to determine what language would be suitable to meet the needs of the Board.

Mr. Keck then referred to the issues discussed at the last Board meeting, noting that as he is the firm partner who has been working with the Department of Education to negotiate the terms of the project, he is therefore the most knowledgeable as to what approvals that Department has been able to give. With respect to the request for a second entry point into the building, Mr. Keck said Maine Department of Education has a very strict rule that is in response to school violence over the past few years, which requires that there can only be

one entrance into a school, that a school has to be able to be locked down electronically, and that all visitors after a certain hour must go to the main entrance to be buzzed into the building. He said there can be exceptions which have to be negotiated with the Department of Education, such as the request to use the second door on the building, but there would have to be a guarantee that that door would be supervised by adults at all times. Mr. Keck said that there are also Homeland Security obligations to provide special security at major entrances to schools.

Ms. Robie noted that at the Narragansett School, the second door is always supervised by an adult and is otherwise kept locked. If there is a second door on the front of the building, there is the possibility of dropping off a child and being able to watch that child enter the building under the supervision of an adult. Mr. Zelmanow echoed Ms. Robie's comments, saying that if there is not going to be a second door in the front of the building by the parent dropoff loop, then that loop should be taken out of the plans completely. Mr. Keck confirmed that the Board is asking that the door on the side of the building be shifted around to the front of the building. He said he believes that can be accommodated, but that the School Department will have to negotiate it with the Department of Education.

Mr. Zelmanow asked that dropoff counts also be done at the Village and Narragansett Schools, as he believes that it is in the morning that the greater number of parents come through. Mr. Keck said his experience is that there is more congestion in the afternoon than there is in the morning. Mr. Zelmanow said that dropoff figures could justify having the second door so that young children would not be dropped off and have to walk down to the main entrance where the buses discharge the children. Ms. Robie, Mr. Zelmanow and Mr. Keck agreed that additional dropoff counts should be done at Narragansett School and that they do not need to be done at the Village School.

Mr. Poirier gave the staff comments, noting that as the school would be located in the Suburban Residential District, it is permitted as a special exception use. The applicant's April 27th submission includes a copy of the special exception application, which the Board may want to review to determine if additional material is warranted to ensure that the applicant is meeting the special exception criteria. Staff completed a review memo on April 17, 2009, which included the issue of adding street trees and, in accordance with current Town policy, a reduction of street lighting along the proposed urban subcollector road. Mr. Poirier said that the applicant resubmitted plans at the sitewalk on April 30, addressing staff concerns, which in turn have been submitted for Town staff review. As yet the review of those plans has not been completed; however, a staff review memo with staff comments should be completed and forwarded to the applicant within the next couple of weeks.

Bill Hoffman said that the street trees are shown on the drawings; three types of trees are being proposed, a total of 14, consisting of a mix of oak, ash and maple. He said that Mr. Stevens does not object to the street trees along the urban subcollector. Mr. Hoffman said that the School Department is willing to reduce the number of lights to correspond with the Board's and staff's direction, to which Mr. Stevens also agrees.

Mr. Stelmack asked about the applicant's response to the special exception standards about whether the proposed new use will generate undue noise. He asked if the use of the playing fields will be limited to the school or whether there is proposed to be any sharing of the fields. Mr. Keck said that the State of Maine is paying for one of the four fields, the discussion was that the Town needs many more playing fields for many extracurricular activities, and in all the discussions the intention was that these would be community fields for other sports, after school use, weekend use, and summer use. Mr. Keck said there will be no public address systems.

Jim Hager, chairman of the school building committee, approached the podium and said that during school hours, September through June, the school will have first preference on the fields. He said the fields are not lighted, but the fields can be used in the early evenings in the summer, and he would expect that the school will allow the use of the fields Saturdays and Sundays. In response to a query from Mr. Stelmack, Mr. Hager replied that a policy is being developed for community use of school indoor and outdoor facilities, but he

expects that people will need to have permission to use the facility with certain conditions. However, playground use will not be limited, only the use of the formal fields such as baseball and soccer fields.

Ms. Robie said she is not satisfied with the response given dealing with granite curbing on the bus loop. She said that the Public Works Director has clearly stated that the Board needs to ask for materials to be installed that will last twenty years. She asked that the base quote include granite curbing for 15 buses on the bus loop, particularly for safety reasons. The Board concurred unanimously that the granite curbing should be installed on the bus loop.

Ms. Robie then brought up the possibility of speed tables on the access roadway to regulate traffic speed after the takeoff for the pit road, such as those on Weeks Road. Mr. Stelmack said he concurred, saying that the road will be an inviting road to speed on, but perhaps there are different degrees of severity of the speed tables. Mr. Hughes commented that adding speed bumps could impact the Public Works budget for snow removal. Mr. Keck said that speed tables are a problem for buses. Mr. Zelmanow said he would not be in favor of speed tables; Mr. Fickett, Mr. Parker and Mr. Boyce all concurred that there should not be any speed tables. Mr. Boyce commented that the alignment of the exiting roadway has changed; Mr. Hoffman said it is intentionally designed that way to hinder someone running a stop sign.

Mr. Boyce said that having seen at the site walk the alignment and location of the access road from Route 237 into the site, he believes that all truck traffic should use the new road and should be prohibited from continuing to use Stevens Drive. He said the new road will be designed to a much higher standard, capable of taking not only the vehicle load but also providing the turn radius to make the turns in and out smoothly. The distance from which a waiver is being requested from Stevens Road is such that confusion could arise about which way an approaching dump truck might be turning.

Mr. Parker confirmed with Mr. Keck that this would fly in the face of an established agreement developed with Mr. Stevens and therefore the Board does not have the authority on this project to influence the other project (the Stevens pit) as the Board is not reviewing the pit. Ms. Fossum said she concurred with Mr. Parker, and noted that Stevens Drive is a public road and has historically been used by the Stevens family in the operation of the pit for a long time, and it is currently utilized by the existing pit operator.

Mr. Boyce said, notwithstanding any agreements that might have been made, he would like to hear from the applicant or Mr. Stevens about the nature of any prior agreement which would continue the operation of trucks on Stevens Drive. Mr. Keck said that in obtaining a purchase and sale agreement with the family willing to sell the land, extensive negotiations were conducted in which the family were careful to make sure that their other remaining property was not limited by this application. Mr. Keck quoted the specific language involved as follows: "Access Road Easement: This provision is in no way intended to limit ingress or egress to and from the reclamation pit from points of access including, without limitation, Stevens Drive. Grantee for itself, its successors and assigns acknowledges that grantor's future development of the retained land of grantor might include without limitation....." Mr. Keck said there is a specific agreement with the seller of the land whereby no prohibitions are to be placed on their remaining land or on their right to use Stevens Drive.

Mr. Boyce said that nevertheless, before the Board is asked to rule on the waiver request on the required distance between adjacent streets, he would like the applicant's traffic engineer to offer his opinion as to the safety aspect of continuing to allow truck traffic on Stevens Drive. He would like to know if the owner would have any interest in reconsidering what his agreement says relative to truck traffic. Mr. Keck said he will ask Gorrill Palmer to review the issue and get back to the Board about it.

Another issue raised by Mr. Boyce is buffering of the house on the small lot immediately to the south of the new road. Mr. Keck said he would discuss the matter with the abutter. Ms. Robie suggested planting a double row of white pines to buffer the view of the pit from the school.

Mr. Zelmanow pointed out that one of the connections to the sidewalk has been eliminated at the lower end of the gravel teachers' lot, which will require someone having to walk through the lot to get to the sidewalk. Mr. Hoffman said the third connection will be put back in.

PUBLIC COMMENT PERIOD OPENED: Russell Sprague, 184 Libby Avenue, asked whether a turnout for a police cruiser would be useful. He also noted that traffic can speed between speed tables.
PUBLIC COMMENT PERIOD ENDED.

Ms. Robie asked if Board members want to have more information relative to the Special Exception standards. Mr. Boyce said that he would like to have more information about truck traffic to be added before he is comfortable that Special Exception #1 has been met.

Michael Parker MOVED and Douglas Boyce SECONDED a motion to continue the public hearing to June 1, 2009. Motion CARRIED, 7 ayes. [8:40 p.m.]

Ten Minute Stretch Break to 8:50 p.m.

Thomas Hughes MOVED and Mark Stelmack SECONDED a motion to waive the 10:00 o'clock rule. Motion CARRIED, 5 ayes and 2 nays (Michael Parker and Thomas Fickett). [8:53 p.m.]

5. FINAL SUBDIVISION APPROVAL – “WAGNER FARMS SUBDIVISION” – 222 LIBBY AVE – BY RISBARA BROTHERS

Request for final approval of a 42-lot subdivision on 20.86 acres at 222 Libby Avenue to be reviewed under the Development Transfer Overlay District provisions. (Zoned Urban Residential and Suburban Residential; Map 30 / Lot 13.1)

Rocco Risbara, applicant, said changes have been made to the plans based on the last time the item was before the Planning Board meeting. Lee Allen, Northeast Civil Solutions, described the changes as follows: 1) adjustments have been made so that lots on the entrance conform to the 140% depth to width ratio required by the Overlay District, with easement across the lots to accommodate the bus stop and benches; 2) house orientations on approximately 25% of the lots were shifted 90 degrees; 3) the connection to Timber Ridge Road is proposed to be a bike path, a 6-foot wide bituminous sidewalk which allows 2-way bicycle traffic; 4) per a meeting with the Public Works Director and the Fire Chief, they would like to see the gravel base installed to the rural access road standard and covered with two inches of loam and grassed over; 5) the phasing plan was revised to include two phases, with the road connected all the way through in phase 2; 6) “no parking” signs will be installed per the Public Works Director’s wishes; and 7) gang mailboxes will be installed.

Ms. Robie questioned the change of the location of the school bus stop to the southerly side of the entrance. Mr. Allen replied that the sidewalk is on that side, and the grade is higher, providing more visibility. Ms. Robie expressed concern that the buses will be stopping on Libby Avenue and will block the road. Mr. Allen replied that it is not legal to pass a bus when it is stopped. There will be landscaping between the school bus stop and the adjoining property to serve as a demarcation line.

Mr. Risbara confirmed to Ms. Robie that the April 17, 2009 plans show the addition of two picnic tables, one to be located in the open space located northeast of the stormwater pond and the second picnic table is located north of the existing farm pond, but there will not be a warming hut located near the farm pond or the proposed wet stormwater pond. The picnic tables will be a maintenance item for the homeowners. Mr. Risbara said that the benches will be added back on the plan to Lot 29.

Mr. Risbara confirmed to Ms. Robie that there will be boulders at each end of the hammer heads connecting Wagner Farms and Gateway Commons to prevent vehicles from going through.

Mr. Risbara then addressed items in staff's memorandum, beginning with the issue of lighting. He said they can accommodate staff's recommendation to reduce the number of street lights within the subdivision to two: one at the intersection of Wagner Farm Road and Libby Avenue and one at the end of Wagner Farm Road. Mr. Risbara discussed the full cutoff choices that Central Maine Power can provide, and he said he has not used any cutoff fixtures in subdivisions. Ultimately, the Board decided that only one light would be required, at the intersection of Libby Avenue and Wagner Farm Road, and it will be a cutoff luminaire on a new service pole.

Mr. Risbara said that drainage for the connection between the two developments will be shown on the plan.

Mr. Risbara then discussed the issues with the Portland Water District wherein the PWD not only wants the applicant to upgrade the pump station but to provide them with a standby generator as well for the pump station. The Water District inherited the pump station from the Town, and the area which they received is small so there is a limit on what can be done there; and while the applicant can provide the PWD what they want, it is unclear whether the structure, if it is a structure, can meet the required setbacks. It may be necessary to go before the Zoning Board of Appeals to get an appeal for the structure, if a generator is deemed to be a structure, but the details need to be worked out. He said that the District might accept a free-standing generator, but their preference is to have a 16 by 16 foot building with a generator inside. Mr. Boyce noted that if noise from a generator is a significant issue, a generator can be obtained with noise attenuation. Condition of Approval #5 has been crafted to address the issue with the Portland Water District.

Mr. Risbara indicated that he did not agree that he would be required to seek permission from the Town Council for the improvements within the Town's ROW located in the Gateway Commons Subdivision, as specified in Condition of Approval #8, even though the Planning Director indicated that she has spoken to the Town Manager, who expects that the applicant will go before the Town Council to seek permission to make the improvements in that section of the Timber Ridge right of way. It was agreed that the Condition would be changed by the addition of the phrase "if required" as follows: "That, if required, the applicant shall seek the Town Council's permission for the improvements within the Town's ROW located in the Gateway Commons Subdivision."

Mr. Risbara said that he believes the Fire Chief is working off an old set of plans when he refers to the hydrant locations in Condition of Approval #10. Mr. Poirier suggested amending the third item in Condition of Approval #10 as follows: "3. Hydrants shall be placed in locations approved by the Fire Chief." Mr. Risbara agreed that would be satisfactory.

Ms. Robie suggested the addition of a plan note stating that homeowners can move trees in and out of their back yards as de minimis changes. Mr. Risbara agreed to do that.

Mr. Poirier noted that the drainage plan for the Timber Ridge Road connection will need to be approved by the Public Works Director prior to the Board's endorsement of the final plan. This should probably be a condition of approval, as follows: "That prior to the Planning Board's endorsement of the final plan, the Public Works Director shall review and approve the proposed gravel road base connection between Wagner Farm Road and Timber Ridge Road." An additional condition of approval is to be added to deal with the required review by the Town Attorney of the revised legal documents, as follows: "That prior to the Planning Board's endorsement of the final plan, Town staff and the Town attorney shall review and approve the Wagner Farm Subdivision legal documents submitted on May 4, 2009."

PUBLIC COMMENT PERIOD OPENED: David Wehmeyer, 20 Timber Ridge Road, asked who will maintain the connection between the two developments. He also asked if the residents of Gateway Commons would have any input to the issue of the standby generator, and would there be any notification of

the Gateway residents if anything is to be done. Ms. Fossum replied that it has been the Town's right of way in Timber Ridge all along, it probably won't get a lot of maintenance from the Town, and suggested that the homeowners continue maintaining it on their own. Ms. Robie asked if it could be included in the homeowners' documents of Wagner Farm Subdivision for their part of it; Ms. Fossum said she would check on that. Ms. Fossum also said that if the building for the generator can be placed on the easement and meet the setback, only a building permit is required. But if they have to go to the Zoning Board of Appeals, there would be notice through the ZBA process. Mr. Risbara commented that if he does not install the generator, the Public Water District will do it as part of their upgrade plans.
PUBLIC COMMENT PERIOD ENDED.

Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to grant approval of Risbara Brothers' request for final subdivision approval for Wagner Farm Subdivision with conditions of approval as discussed with the applicant and modified this evening. Motion CARRIED, 7 ayes. [9:40 p.m.]

7. DISCUSSION: MAJOR SITE PLAN AMENDMENT - MOODY'S COLLISION CENTERS -- BY SHAWN MOODY

Discussion of an amendment for a 4,800 square foot two-story office space and additional 27,000 square feet of warehouse/vehicle dismantling space with associated site improvements at 192 Narragansett Street. (Zoned Narragansett Development District; Map 19 / Lots 1 & 2 and Map 39 / Lots 22 & 28)

Shawn Frank, Sebago Technics, came to the podium and described the project. Mr. Frank explained that the applicant had been before the Board in 2005-2006 to construct the new Moody's Collision Center, and at that time went through the process with the Town and the MEDEP to obtain overall project and site plan approval. Mr. Frank said that the site is approximately 150 acres located off Narragansett Street, and the current application involves a 20 to 25 acre area which has been in the past 50 years the site of auto salvage to the rear of the Collision Center, separated by a berm. What is being proposed is to relocate LKQ Auto Parts from the current two existing buildings it occupies to the new building, which is just behind the Collision Center facility. He said there will be a new access drive coming off Route 202, which will provide a separate entry to the LKQ site. Two driveways off Route 202 for the old school and an existing residence will be eliminated. The new entrance is proposed to be 24' wide and will require that the applicant remove roughly 40' of earthen berm for the driveway. The applicant is also proposing to construct 32 parking spaces adjacent to the facility for workers and visitors to the facility. The building is sized for a workforce of some 30 people, and is proposed to be a 27,000 square foot warehouse with a two-story mezzanine office facility at the front of the site.

Mr. Frank said the proposed building will be served by public water and overhead utilities extending from utilities located in the Narragansett Street ROW. Municipal water will be brought into the site, and the applicant is proposing to install an on-site septic system for the new building, but proposed floor drains will lead to a separate oil water separator and holding tank. The holding tank is pumped out on a quarterly basis. Landscaping will be concentrated along the entrance, with some in the back around the island separating the drive from the parking area and some foundation plantings around the office, as well as providing buffering for the abutting residence. All of the berms will remain in place as they are, except for the cut-through to allow the driveway to come in.

Stormwater will be sheeted off into the large wooded area, and riprap spillways will be installed to defuse some of the runoff. Stormwater will be sheeted off the building from front to back.

The building will be a pre-engineered metal building, 30 feet high, off white with a blue stripe. Mr. Frank pointed out how the facility will be used to strip automobiles and parts will be loaded to be shipped out to wholesalers. Even though some storage area will be lost, the new facility will ensure a more efficient processing of vehicles.

Mr. Frank said they do not have all the finished floor elevations located on the site but will discuss the issue with staff. The site distance in that area is good. He then asked Mr. Moody to discuss the lighting aspects of the plan with the Board.

Shawn Moody came to the podium and explained that as the building will sit back some 400 feet from Narragansett Street, he would like the Board to consider the installation of traditional wallpacks that cast light out away from the building for parking, plowing, and egress around the building. He said they could lower the wattage from a 400 watt fixture to a 250 watt fixture, but would like the wallpacks from a safety standpoint for navigating around the building. He said that the current building has conventional wallpacks and residences are much closer to that building than they would be to the next building; no one has complained about the current wallpacks. He said there would be no pole lights.

Mr. Poirier gave the staff report, noting that Town Staff completed a Review Memo on April 29, 2009, and identified items that the applicant needs to revise on the plan. One of the items is the requirement for the first floor elevation on all buildings on the site, which is a waiver the Board could consider, since the applicant is proposing only the new building. He suggested that the applicant request the waiver in writing for his next submission.

Mr. Poirier said that lighting is another of staff's concerns. He said the applicant indicated at the site walk that he does not want to install pole lighting because of safety issues involved with equipment hitting the poles as they maneuver around the site and therefore would prefer wallpacks. However, Board policy has been to require full cutoff lights. Plans to be submitted should show the wallpacks and include photometric studies demonstrating possible light trespass to assist the Board in its review.

Mr. Poirier pointed out that net acreage and non-residential density calculations are required as part of the Narragansett Development District. The applicant has requested a waiver from the requirement of a high intensity soils survey as part of the net acreage calculation; the applicant has been granted a waiver in the past from this requirement.

Mr. Poirier then explained the Narragansett Development District's buffer restrictions and planting guidelines. The first one has to do with buffer yard performance standards along public roads, residential abutters and adjacent to parking. He said that the shared lot boundary with the Raymond and Martha Haley property appears to require a buffer yard under Chapter I, Section XVI-Narragansett Development District, D. Performance Standard, 1) Buffer Yard, a), which will require the applicant to identify a 20' wide buffer yard with at least 3 canopy trees, 6 understory trees, and 3 shrubs per 100' of shared perimeter lot line. Some existing vegetation along the property line could be identified on the plan and meet some of the Narragansett District's buffer requirements.

Mr. Poirier said that the applicant is requesting a waiver from the Narragansett Development District's performance standards regarding parking lot landscaping because the proposed building and parking lot are located behind the large earthen berm located on the site. The Narragansett Development District performance standard regarding parking lot landscaping requires at least 10% of the interior surface of any parking area containing 20 or more parking space shall consist of landscaped islands which shall be comprised of shrubs and trees and other landscaping materials. Because this is a performance standard of the Narragansett Development District and is not a standard that the Planning Board can waive, even though the property is located behind the berm.

Mr. Poirier said that the applicant is required to get an amendment to his MEDEP permit, and asked if the applicant will have that permit in hand or will the applicant be asking the Board to consider granting approval prior to DEP approvals.

Ms. Robie noted that the Board generally does not grant approval or condition approval before seeing the DEP approvals. She told Mr. Moody that the reason is that sometimes the DEP approvals are different from what has been presented to the Board, and the Board never gets a chance to review it. Mr. Frank noted that there is already a DEP permit for the existing site, this is a modification to that permit. Mr. Moody said he was told by DEP that it would not be difficult to focus on the envelope in which the building will be located and its associated drainage, and that it was just a matter of getting something to the Town.

Mr. Frank said that the last time they obtained the topography from the Town's map, and prior to any development in the rest of the site they would do the additional work necessary. The applicant is not proposing to conduct a full topographic and soils survey of the entire parcel with this application.

Ms. Robie said she does not believe the parking lot for the new building is along a public roadway and screening it is not necessary. Mr. Parker agreed and said the buffer is needed along the Haley line, not behind a berm out in a yard full of scrapped cars. Mr. Hughes also agreed. Mr. Frank said if they can include the island in their calculations, they should come close to the requirement that "10% of the interior surface of any parking area containing 20 or more parking space..." After a discussion of the requirement in the Code, Mr. Parker, Mr. Fickett, Mr. Hughes and Mr. Zelmanow agreed that the island could be included in the calculations.

Ms. Robie confirmed with Mr. Poirier that underground electrical is not a requirement in the Narragansett Development District.

Mr. Moody said they will have a lighting engineer do a study on the foot candles that wallpacks will produce and take a look at some possible options. Lights will probably be on a timer.

Based on the number of possible public hearings to be scheduled for the June 1, 2009 meeting, the Board concurred that if this applicant can be ready, a public hearing can be scheduled for a meeting on May 18, 2009. Mr. Frank said that a resubmission can be made by Wednesday afternoon. Five Board members indicated they can be present at a meeting on May 18, the Chairwoman and Mr. Zelmanow indicating they cannot be present. Board members also indicated that they are agreeable to not signing the mylar until the DEP permits are in hand.

8. PRE-APPLICATION CONFERENCE – MAJOR SITE PLAN AMENDMENT – 74 COUNTY ROAD – BY BATEMAN PARTNERS, LLC.

Discussion of a proposal by Bateman partners, LLC, in association with Mercy Hospital to upgrade Lot 1, Unit 2, Stargazer Subdivision, to accommodate a Primary Care/Quick-Care medical facility with associated site improvements. (Zoned Urban Residential; Map 3 / Lot 22.402)

Thomas Greer, Pinkham & Greer, appeared on behalf of the applicant, Bateman Partners, LLC, and explained the project. He said that the existing agricultural building will be changed to a quick care facility that will be leased by Mercy Hospital. Some emergency care will be provided and the hours of operation are generally 8:00 a.m. to 8:00 p.m. There will be three pole lights at the back of the parking lot, along the front of the building there will be recessed lights in the canopy, and along the front of the parking area will be bollard lights. From a site plan review point of view, parking spaces will be bumped up to 49 to meet the requirements of Mercy Hospital. Parking at the far end of the building will be used if the building is expanded. The dumpster location will be changed; it will accommodate mostly lunch waste as all medical waste is handled by a separate waste hauler, and all paper waste from office operations will be shredded and taken care of inside. Some stormwater management will be added to the site in the form of an underdrain soil filter across the lower edge of the parking lot to bring the site up to current standards. While the site does have a DEP Site Location of Development Permit, it will have to be modified as part of this project. Stormwater treatment is not current under current standards but the underdrain soil filter is considered as the best option to deal with that.

He said the project is sensitive as to timing, and they would like to be heard at the June 1 meeting as well. Mr. Greer said they are also looking at a master plan for the rest of the site and will come back before the Board some time in the future with Mercy as the core anchor for the site with some additional medical uses such as offices and an operator for the daycare approved for the site.

Mr. Greer said the outside of the building will be renovated, and the inside will also be renovated with the ceiling lowered. He showed the Board some 3D renderings of what is proposed for the building. The building will be sprinkled.

Mr. Greer told Mr. Stelmack that the daycare has not yet been built, and the general thought is that the residential units will be changed to something more commercial in nature. Mr. Greer indicated that traffic generation will probably be about the same, even with the daycare in place. In response to a query from Mr. Parker, Mr. Greer said that Mercy Hospital is a non-profit organization, they follow the non-profit law to the letter of the law, and will not agree to anything that would jeopardize that status with the State. Mr. Greer told Mr. Boyce that a left hand turn into the site coming from Portland on Route 22 is prohibited, which will remain unless and until the entire intersection is rebuilt. Ms. Robie asked that landscaping be added to the expanded parking lot parallel to Route 22; Mr. Greer said they will look into the options and that there will be a landscaping plan provided to the Board. Mr. Greer told Mr. Zelmanow that the ambulance bay is for both inbound and outbound transfer. Mr. Hughes and Mr. Greer discussed the roads in the site.

PUBLIC COMMENT PERIOD: Martha Buisman, 23 Burnham Road, asked that there be some type of evergreen screening from light pollution. She commented about the current floodlight on the building, and responded to Mr. Boyce's query that it would be an improvement if the light "went away." Mr. Greer said that the light at the end of the building will be changed to a cutoff fixture.

PUBLIC COMMENT PERIOD ENDED.


A site walk was set for 6:00 p.m. on Thursday, May 14, 2009.

9. SCHEDULE NEXT MEETING – MAY 18, 2009

10. ADJOURNMENT – 10:55 P.M.

Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [10:46 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
May 4, 2009

5. "WAGNER FARMS SUBDIVISION" – 222 LIBBY AVE – BY RISBARA BROTHERS

**Approved
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 applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town's Inspecting Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 4 (four) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
5. That prior to issuance of any building permit in the Wagner Farm Subdivision, the applicant shall receive Portland Water District's approval for the proposed sewer pump station upgrades and plans on Portal Way in the Gateway Commons Subdivision;
6. That the applicant shall provide property line information and site information in auto-cad format to the Town of Gorham Assistant Planner prior to the scheduling a pre-construction meeting
7. That the applicant shall construct a gravel road base connecting Wagner Farm Road and Timber Ridge Road in accordance with the specifications outlined in the Public Works Director's email to Lee Allen, dated April 29, 2009;
8. That, if required, the applicant shall seek the Town Council's permission for the improvements within the Town's ROW located in the Gateway Commons Subdivision;
9. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
10. That the applicant shall meet all of the Fire Chief's requirements as outlined in his memo to the Town Planner, dated October 25, 2007, as revised below:
 1. The water main and hydrants shall be installed and in service before the issuing of building permits, per NFPA Fire Prevention Code 1.
 2. All houses shall be properly numbered with the numbers being visible from the street year around.
 3. Hydrants shall be placed in locations approved by the Fire Chief.
11. That the applicant's engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board by providing record drawings

accurately reflecting these improvements as required by the Code;

12. That prior to the Planning Board's endorsement of the final plan, Town staff and the Town attorney shall review and approve the Wagner Farm Subdivision legal documents submitted on May 4, 2009;
13. That prior to the Planning Board's endorsement of the final plan, the Public Works Director shall review and approve the proposed gravel road base connection between Wagner Farm Road and Timber Ridge Road;
14. That the applicant shall create a homeowners association or other legal entity acceptable to the Town and shall submit the association documents or declaration creating the association or other legal entity in a form acceptable to the Town Attorney. The documents or declaration shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of all streets within the subdivision, and shall state that the homeowners association and/or the lot owners shall be responsible for all costs related to the street in the event that the streets within this subdivision are not offered to or accepted by the Gorham Town Council. The applicant shall be responsible for recording the approved documents in the Cumberland County Registry of Deeds within 90 days of the date of approval of the subdivision by the Planning Board; and
15. 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 Planning Board's endorsement of the final plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to issuance of any building permits for any of the lots within the subdivision.