

**PLANNING BOARD MEETING**

**September 9, 2019**

**Members Present**

**GEORGE FOX, CHAIRMAN**  
**JAMES ANDERSON**  
**MOLLY BUTLER-BAILEY**  
**VINCENT GRASSI**  
**JAMES HALL**  
**MICHAEL RICHMAN**

**Members Absent**

**SCOTT FIRMIN**

**Staff Present**

**THOMAS M. POIRIER, Director of Community**  
**Development**  
**BARBARA C. SKINNER, Clerk of the Planning Board**

George Fox, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Scott Firmin was absent.

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**APPROVAL OF THE AUGUST 5, 2019 MEETING MINUTES**

**James Anderson MOVED and Vincent Grassi SECONDED a motion to approve the August 5, 2019 Planning Board meeting minutes as written and distributed. Motion CARRIED, 3 ayes (Molly Butler-Bailey and Michael Richman abstaining as not having been present at the meeting; James Hall abstaining as not having been a Board member; Scott Firmin absent). [7:06 p.m.]**

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**CHAIRMAN'S REPORT**

Mr. Fox welcomed new Board member James Hall.

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**COMMITTEE REPORTS**

- A. Ordinance Review Committee** – Mr. Grassi reported that the Ordinance Committee has not met since the last Board meeting.
  - B. Comprehensive Plan Implementation Review Committee** – Mr. Fox noted that this committee has not met since the Board's last meeting.
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**ADMINISTRATIVE REVIEW REPORT**

Mr. Poirier said there are no new administrative review projects.

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**CONSENT AGENDA**

- A. East Coast Communications, LLC** – Site Plan Amendment – a request for approval of a new materials laydown area, installation of replacement septic system and updated stormwater features at 29 Cyr Drive, zoned Industrial, Map 29, Lot 2.008.

- B. East Coast Communications, LLC** – Subdivision Amendment – a request for approval of a subdivision amendment to the New Portland Parkway Subdivision located off New Portland Road and Libby Avenue, with an increased amount of impervious area allowed on Lot 2.0008, zoned Industrial, Map 29, Lot 2.008.

Mr. Fox explained the Consent Agenda process, noting that items on the Agenda are administrative in nature and have been recommended for approval by staff. He said the items will not be discussed, unless a request is made by a Board member or by a member of the public to have an item taken off the Agenda. If there is such a request, the item in question will be removed from the Agenda and taken up immediately for discussion.

There being no one from the Board or from the public wishing to take either item off the Consent Agenda, and the applicant being satisfied with the Conditions of Approval,

**Michael Richman MOVED and Molly Butler-Bailey SECONDED a motion to approve the items on the Consent Agenda. Motion CARRIED, 4 ayes (James Hall and Vincent Grassi abstaining; Scott Firmin absent). [7:12 p.m.]**

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**ITEM 1 Public Hearing – Zoning Amendment – Walter Stinson** – request for an amendment to the Land Use and Development Code to change Map 32, Lot 19 from the Roadside Commercial zone to the Industrial zone.

Mr. Poirier reminded the Board that it gives its recommendation to the Town Council on proposed zoning amendments, whether to the Land Use Code or to the land use map. In this case, the applicant is requesting an amendment to the currently approved land use map. Such an amendment has to be consistent with the Comprehensive Plan. Staff has provided a Future Land Use Map from the Comprehensive Plan which shows that the lot in question is on the border of the Corridor Commercial zone and the Industrial zone. The applicant is requesting that the lot be rezoned from Roadside Commercial to Industrial. The Town Council is looking for the Board's recommendation on that proposed change.

Shawn Frank, Sebago Technics, came to the podium and introduced the applicant, Walt Stinson of Prescott Holdings, LLC. Mr. Frank described the lot as being very narrow and long and abuts industrial land on the other side. Mr. Frank said that the Council has looked at this proposed zoning change.

Mr. Fox said he is somewhat reluctant to make zoning changes, but looking at the configuration of the lot, a zoning change does seem to make it better suited for an industrial application, rather than Roadside Commercial. Mr. Richman asked Mr. Poirier if Board action on this request would undo something that is intentional in the Comprehensive Plan. Mr. Poirier replied that strip of Roadside Commercial currently shown on the Plan allows uses that were not changed from the last Comprehensive Plan and were carried forward in the current Plan. In reply to Mr. Fox, Mr. Poirier said that the zone change request did go before the Town Council and there were no comments or questions from the Council, the request was simply forwarded to the Board to see if the Board has any issues with the proposed zone change. Mr. Poirier said this zone change is open to a somewhat wider range of uses.

In reply to Mr. Anderson, Mr. Frank said this lot is contiguous with the Martin's Point lot. Mr. Frank said that the side and back setback requirements and screening will be more aggressive in the Industrial zone. Mr. Anderson said he believes that this proposed change makes sense, and the setbacks that are imposed on the lot will alleviate some of his concerns. Mr. Grassi asked if there would be any impact on the abutting Martin Point's lot which would remain Commercial. Mr. Poirier said that is the side which will have a 50-foot landscape setback requirement; the other side, which is Industrial, does not get that same setback requirement. Mr. Poirier said that the front is also 50 feet and 30 feet side and rear.

Mr. Poirier told Mr. Anderson that there are no minimum building heights for the Roadside Commercial or the Industrial zones. There is a requirement that the setback needs to be twice the height of a building. Mr. Fox confirmed that this zoning change runs with the property. Mr. Frank said that in any event, it would have to come before the Board for site plan approval under the Industrial zone requirements.

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

**PUBLIC COMMENT PERIOD ENDED**

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the Zoning Map amendment for Map 32, Lot 19. Motion CARRIED, 6 ayes (Scott Firmin absent). [7:25 p.m.]**

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**ITEM 2 Public Hearing – Contract Zone Amendment – Avesta Housing** – a request for a proposed amendment to remove the reference to development on the undeveloped portion of Unit 3 to allow for development of multifamily housing on any portion of Unit 3. Zoned Contract Zone-Urban Residential, Map 101, Lots 18 and 19.

Nate Howes, Avesta Housing, came to the podium and said that they are still in discussions with the Planning Department about some of the proposed changes dealing with the installation of a bus stop and para transit services, so it may make more sense not to discuss the Contract Zone amendment at this time. He suggested moving on to a discussion of Item 3, the subdivision/site plan amendment.

Mr. Poirier said that some of the highlighted additional proposed language was drafted by the Town Attorney regarding transit improvements, and some of the language was added by staff to provide a cap on an Avesta contribution. He said that language is designed to aid the Town in moving forward with adding a public transportation stop in the future within a certain distance of the Avesta Housing project. The specifics of Avesta's contribution can be handled by the Council.

Mr. Poirier advised the Board that it will not be able to approve the subdivision/site plan amendment until the Contract Zone amendment is adopted by the Town Council. Mr. Howes asked if the subdivision/site plan amendment application can be placed on a future consent agenda pending Council action. Mr. Poirier recommended that the Board move this item with its recommendations to the Council, which will then have further discussions about the bus stop issue.

Mr. Fox confirmed that the Board should consider the Contract Zone amendment, deal with any questions arising this evening and make a recommendation to the Council. Mr. Poirier said that staff can meet with Avesta regarding the bus stop issue.

Mr. Howes said that most of the particulars of the Contract Zone will remain the same. The biggest change is that previously the Zone's language specified that building could occur only the undeveloped portion of the site; because they want to demolish vacant office space and build there, the language has to be changed to the "undeveloped and developed portion" of the site.

**PUBLIC COMMENT PERIOD OPENED: None offered**

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Fox commented that other than the bus stop language, the change to the Contract Zone seems relatively straightforward. Mr. Anderson concurred. Mr. Poirier recommended the Board move the item, as amended by the Planning Board and discussed further with staff regarding the bus stop.

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

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the Zoning Map amendment for Map 32, Lot 19. Motion CARRIED, 6 ayes (Scott Firmin absent). [7:36 p.m.]**

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**ITEM 3 Public Hearing – Site Plan Amendment – Avesta Housing** – a request for approval to construct a 4-story, 22,520 square foot building to include 22 one-bedroom and 5 two-bedroom apartment units, to be located in the footprint of Building 3, which will be demolished. Zoned Contract Zone-Urban Residential, Map 101, Lots 18 and 19.

Mr. Poirier advised the applicant was last before the Board for both a public hearing and site walk in July. One item the Board will need to discuss is the applicant's waiver for a high intensity soil survey; the applicant has provided a Class B soil survey instead of the Class A survey as required. Mr. Poirier said that a quick overview of parking standards has been provided. The Board can allow a reduced number of parking spaces provided the Board agrees with the overall layout parking layout. Mr. Poirier reiterated that the Board cannot grant final approval on this application until the Council has approved the Contract Zone amendment, so basically the item will be moved to a future Consent Agenda pending adoption of the Contract Zone amendment and submission of responses to remaining issues.

Mr. Howes, Avesta Housing, gave the Board a brief overview of the proposed 27 unit new construction, four story elevator building. It is proposed to demolish a vacant office space, install a new landscaped court yard, construct the new building, add 20 new parking spaces, underground utilities and natural gas. Mr. Howes made the following corrections to the Findings of Fact: the applicant itself should be referred to as "Avesta Housing." The project description is incorrect as it is not a 3 story building but a 4 story building with 27 units, the acreage is on the parcel is 5.48, "School Street LP" should be deleted, and the reference on page 17 of the Findings incorrectly lists "Ridgeway" instead of "Ridgewood."

At Mr. Fox's request, Mr. Hawes explained the parking requirements, saying that the utilization rate at the site of existing parking spaces is around 50% now, so they are asking for the .7 ratio currently in the Contract Zone to remain unchanged. He said they are proposing 67 parking spaces for 71 units, or approximately .9, with he believes only 40 spaces being utilized. In reply to Mr. Fox, Mr. Howes said this project is intended for residents 55+ years old, whereas Ridgewood 1 is 62 plus. Mr. Anderson commented about the number of empty parking spaces observed at the site walk. Mr. Howes said that about 40 spaces are being used. No one on the Board indicates any concern about the current and proposed parking. In reply to Mr. Richman, Mr. Howes said they believe they would have options in the future to expand their parking if needed on various areas of the site.

Mr. Fox asked if the issue involved with ambulance parking has been resolved. Sashie Misner with Gawron Turgeon came to the podium and told the Board that the 8 foot access aisle in the parking lot will be marked "ambulance only" parking, and she believes Planning staff will review that with the Fire Chief. Ms. Misner told Mr. Richman that it is the area between the two handicapped spaces. In addition a 10x10 foot turnaround area has been added that could be used for temporary parking. Ms. Misner told Mr. Anderson that if the Fire Chief feels that 8 feet is not wide enough, they can bump it up.

Mr. Anderson referred to the Town's engineer's comments about stormwater drainage calculations. Dan Diffin, Sevee & Maher Engineers, said that stormwater will drain very similar to existing conditions, which is to the south to a stable natural vegetated area. The Town's engineer noted that there will be a slight increase but Mr. Diffin believes it is within the error of the model and generally considered insignificant. In

reply to Mr. Anderson, Mr. Diffin said the roof drains will connect via a separate pipe into a catch basin and flow into the closed drainage system offsite.

Mr. Fox and Mr. Howes discussed the Town attorney's comments about ownership of the property. Ms. Butler-Bailey asked about landscaping at the access drive and a possible trail connection. Mr. Howes said they propose to connect to the trail at the back of the site, and they intend to plant trees at the existing lower or below grade parking. Mr. Howes said that some unhealthy trees next to the office building will be removed.

With respect to the waiver request for the high intensity soil survey, Mr. Fox noted that the previous phases had waivers granted allowing the submission of a Class B high intensity soil survey. Mr. Poirier commented that geotechnical borings have been done for the construction of the building. Mr. Howes said that some 12 borings were done by R.W. Gillespie & Associates, Inc., the entire perimeter of the building, to ascertain soil types and to see if ledge is present. Mr. Anderson confirmed that the site has public sewer and water.

**Michael Richman MOVED and Molly Butler-Bailey SECONDED a motion to grant Avesta Housing Development Corp.'s request for a waiver of the submission requirement under Chapter 3, Section 3 B (11) for a Class A high soil survey and replace it with a Class B high intensity soil survey. Motion CARRIED, 5 ayes (James Hall abstaining, Scott Firmin absent).**

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

**Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to put Avesta Housing request for subdivision/site plan amendment on a future consent agenda, pending submission of responses to remaining issues and adoption of the Contract Zone amendment by the Town Council. Motion CARRIED, 5 ayes (James Hall abstaining, Scott Firmin absent).**

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**ITEM 4   Public Hearing – Site Plan Amendment – Michael Wagner, Ossipee Trail Gardens – a request for after-the-fact approval for site plan expansion, located at 333 Ossipee Trail, zoned Rural, Map 78, Lot 11-1.**

Mr. Poirier told the Board that this is the first time the application has been before the Board for site plan review. The property received site plan approval in 1995, as well as site plan amendment approval in 2007. Additional greenhouses and impervious areas have been added to the site since 2007, so this is an application for after-the-fact approval for those improvements. Mr. Poirier noted that there are some wetland impacts that appear to trip a requirement for DEP and Army Corps permitting. The Board should decide whether a site walk is warranted.

Michael Wagner, owner of Ossipee Trail Garden Center, came to the podium and described his business as having been in operation since 1995. Mr. Wagner said that over the years the business has expanded to provide more services and products that their customers require to beautify their properties.

Andrew Morrell, BH2M, came to the podium and explained that this site received site plan approval in 1995, and there was also an amendment in 2002 to add an additional greenhouse. There have been some site improvements made since 2002. Mr. Morrell pointed out to the Board some of those improvements for which after-the-fact approval is being sought include unapproved greenhouses, dumpsters added, addition of a gazebo, a mulch storage area, and a compost storage area. Mr. Morrell said that a series of agricultural growing areas have been installed on the site, with some wetland impacts and addition of impervious areas. He said that the project is also subject to after-the-fact approvals from DEP and the Army Corps of Engineers. He said they are actively working with DEP and Army Corps on site to review the site with them.

Mr. Morrell said the most significant items under discussion will be impervious areas and wetlands. He said that the impervious area approved in 2002 for the site was approximately .82 acres; currently there are approximately 2.23 acres of impervious, so there has been an increase of 1.41 impervious area created since 2002. What the applicant is doing is working with the DEP to eliminate portions of this impervious area, roughly .45 acres of areas, areas which currently are graveled areas for access to the site. These areas will be removed and returned to their vegetative state. Mr. Morrell replied to a question from Mr. Poirier that eliminating the .45 acres will reduce the project below the 1 acre threshold of impervious area since 1997, when the stormwater ordinance was enacted by the DEP. The current proposed relocation of the mud bed to reduce more impervious area may be adjusted in a future submission. A frame house will be removed and will be replaced with an expansion of the Christmas tree farm. A compost area will be transitioned into a display garden, and a small portion of a mulch storage area will be eliminated and the impervious area removed and returned back to its vegetated state.

Mr. Morrell said the applicant also would like to include in this approval the addition of a 6<sup>th</sup> greenhouse on to a graveled area that is already impervious. All of the adjustments would leave the impervious area on site at roughly .98 acres since 1997, which would not be subject to a DEP stormwater permit.

Mr. Morrell pointed out to the Board the areas of wetland impact approved in 1995 and 2002 as part of site plan approvals, roughly .26 acres. The wetlands have been recently delineated. He pointed out the agriculturally exempt wetland impact areas, roughly 1.06 acres, mostly plantings that have occurred over the years that are considered by the DEP to be agricultural and not a wetland impact. He pointed out on the plan wetlands that will be restored as part of this approval, totaling approximately .77 acres. Each of these specific areas have been walked by the DEP. Many of the wetland areas are areas where the applicant is currently mowing, and there have been no other wetland impacts other than mowing. The applicant has agreed to stop mowing those areas, and therefore there will no longer be an impact. There are other areas where minor grade changes have occurred, and the applicant will be returning those back to their original grade and restoring the wetlands back to where they were, per DEP requirements. Mr. Morrell pointed out other wetland impacts that have already happened as part of the development since 2002 that will be permitted as part of this project with the DEP. It will be a Tier 1, after-the-fact wetland permit. It is the intention to formally file applications with the DEP and the Army Corps after this meeting.

In reply to Mr. Fox, Mr. Morrell pointed out all the wetland impacts associated with mowing, which the applicant will discontinue. Mr. Morrell pointed out other areas where some material will have to be removed. Mr. Morrell said that those areas are basically all associated with portions of the site that the applicant is actively using as part of his business, such as the area used for mulch storage, the area that was graded for the sign to be installed, and a gravel area installed around the perimeter of the greenhouses. The areas for which a Tier I permit are those which the applicant needs to run his business.

PUBLIC COMMENT OPENED;           None offered.  
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson and Mr. Morrell discussed the wetland impact areas that will remain. Mr. Fox confirmed with Mr. Morrell that with the only new change is for the additional greenhouse and everything else is after-the-fact approval. Mr. Grassi asked about the DEP and Army Corps permits. Mr. Morrell said they have met with DEP but as yet have not met with Army Corps, and it is their intention to have those permits in hand before returning for site plan approval. In reply to Mr. Fox, Mr. Morrell said that timing for the acceptance of the permits could be 60 to 90 days. Timing of the construction of the new greenhouse, if approved, would be sometime next year.

Mr. Poirier asked Mr. Morrell if there are any issues in meeting the Town's stormwater ordinance. Mr. Morrell replied that handling stormwater on this site is something that he would like to discuss with staff,

especially in light of the flat topography of the site. There will be just under an acre of new impervious area that has been on the site since the 2002 approval, in 2002 it was approved for .82 acres of impervious area, and currently the site has 2.23 acres of impervious. Mr. Morrell said the applicant is going to be eliminating .45 acres, which will leave about .98 acres of new impervious area since the 2002 approval. Mr. Poirier asked if there is any concern about Army Corps about not permitting the agricultural impacts which are considered exempt by DEP. Mr. Morrell said they have not met on site with Army Corps, but they have had telephone contact and sent them these plans; Army Corps has some different agricultural exemptions they may consider.

Staff was instructed to schedule a site walk. The Board asked to be able to see the new areas since 2002 and those which are expected to continue to move forward should be, those areas which will be permitted and those areas to be restored back.

**Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to postpone further review of Michael Wagner's Ossipee Trail Garden site plan amendment pending submission of additional materials and revisions to the final plan and the scheduling of a site plan. Motion CARRIED, 6 ayes (Scott Firmin absent).**

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**ITEM 5 Public Hearing – Final Subdivision/Site Plan Review – STJ, Inc. – Tow Path Road Condominiums** – a request for approval of a 4-duplex condominium development of 8 units and associated parking and infrastructure off Tow Path Road, zoned Urban Residential/Manufactured Housing, Map 111, Lot 63-401.

Mr. Poirier said this is the first time the application is before the Board for final approval as well as site plan. Preliminary approval was granted on June 3, 2019. Mr. Poirier apologized for a failure in the Town's email, resulting in the Town's attorney's comments not being available to the Board until this evening. Mr. Poirier reminded the Board that the Council has adopted a change in the Land Use Code for private way standards to allow private ways to serve more than 2 dwelling units on a lot. Based on that change, this private way is allowed to serve this number of condominium units.

Mr. Poirier said that because the lot is in the Urban Residential district, it is required to be connected to off-site sidewalks. The applicant has met with the Public Works Director to review a possible design for the sidewalk along Tow Path Road. Mr. Poirier said that an agreement on the design has been reached, but a grading or retraining wall on property not owned by the applicant needs to occur in order to construct the sidewalk in Tow Path Road right-of-way. The Town Attorney said that a grading easement is necessary for this area to the Town of Gorham showing that there is the ability to make those improvements as shown on the plan.

Shawn Frank, Sebago Technics, came to the podium and introduced Mark Curtis, with STJ, Inc., applicant for this project. Mr. Frank pointed out the proposed Tow Path Road sidewalk, noting that they have an agreement with the owner of the property owner, which allows them to do the grading as shown on the plan. Mr. Frank said that what is left is finalizing the actual language to allow that work to occur on the abutting property.

Mr. Frank referred to the private way standards which require a 90 degree angle of the private way intersection with Tow Path Road, but the private way has been designed at about 85 degrees. Mr. Frank asked that the different angle be allowed by the Board in coordination with the Public Works Director. Mr. Poirier said the Board has the ability to waive that requirement, typically based on a recommendation from the Public Works Director.

Mr. Frank said the Board's concerns with landscaping at the end of the private way have been addressed. There is no specific DEP permit, it is a permit by rule and a Maine General Construction permit that need to be submitted.

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

Mr. Anderson confirmed with Mr. Frank that the comments from the Town's engineer are minor technicalities in nature relating to private way standards. In reply to Mr. Fox, Mr. Frank said proposed is a small strip of lawn between the pavement and the foundations of the buildings.

Mr. Fox and Mr. Frank discussed the agreement with the property owner to grade on his property. Mr. Frank said if it has to be an easement, it will be a temporary easement to allow them to do the work. Mark Curtis, STJ, came to the podium and explained the process involved in getting approval from the property owner. He said he does not know if that property owner would be willing to grant a permanent easement.

In reply to Mr. Anderson, Mr. Poirier said that the easement is being requested by the Town Attorney. He said that in the past, the Town has approved sidewalks that never were built because easements were not secured, which may be the reason the Attorney is requiring an easement. The Attorney's concern could also involve changing the slope in the future, which could impact the sidewalk. He said he will check with the Town Attorney to determine if the easement is something that the Board should waive or not. He said that he will get the Public Works Director's recommendation on the grading and whether an easement is needed for long-term maintenance, but whether the easement is warranted or not is still a relevant issue for the Town Attorney. The Public Works Director's is a separate issue.

Mr. Poirier said that a recommendation from the Public Works Director is needed regarding the 90 degree angle for the private way, revised plans will need to be submitted addressing staff comments, as well as the results of reviews by the Town Attorney's and the Public Works Director's recommendations regarding the requirement for a slope for the sidewalk closest to the intersection of Tow Path and Gray Roads.

**James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to place further review of STJ, Inc.'s request for final subdivision, private way and site plan approval on a future consent agenda, pending responses to remaining issues and revisions to the plans. Motion CARRIED, 5 ayes; 1 abstain - James Hall; Scott Firmin absent). [9:00 p.m.]**

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**ITEM 6    Pre-application Discussion – Walter Stinson – Self-Storage Facility at 551 Main Street – a request for approval of a self-storage facility at 551 Main Street, zoned Roadside Commercial, Map 32, Lot 19.**

Mr. Poirier explained that this pre-application discussion is between the applicant and the Planning Board, none of the information has been distributed to Town staff for review/recommendation. He said that warehousing and outdoor storage uses are allowed only in the Industrial district, which is why the applicant is requesting the zone amendment discussed as Item 1. Since the property will be rezoned after 1998, it is subject to additional performance standards regarding perimeter buffering, which has to be 100 feet along those boundaries that are not zoned industrial as well as along Main Street. He said that the Board can reduce the 100 foot requirement to 50 feet pending submission by the applicant of the appropriate and acceptable information. The applicant is proposing a storage facility, and the Board should discuss with the applicant if outdoor storage is also proposed. Mr. Poirier said that staff recommends that the applicant provide a traffic assessment by a traffic engineer evaluating whether the proposed driveway into the site will impact traffic along Main Street and the signalized intersection. Mr. Poirier said a gravity sewer main is located at the intersection of Main Street, State Route 25, and Route 237, approximately 380' from the



nearest property boundary. He said it may be possible to extend sewer to serve the site without impacting Main Street. Staff recommends that be considered as part of a site plan application.

Shawn Frank, Sebago Technics, appeared on behalf of the applicant and advised the Board that this proposed use would be a very low generator of off peak traffic. The driveway location will be fairly close to the existing driveway that services the house on site. They would like to request a reduction of the buffer requirement down to 50 feet. A small, one person-office is proposed, with a small septic system, with landscaping along Route 25. The majority of the buildings would be typical self-storage buildings, with overhead doors, but buildings 1, 7 and 8 would be climate controlled and could be more architectural in design. It is anticipated that this will be a gated facility, with some parking outside for clients to come in to the rental office.

In reply to Mr. Fox, Mr. Frank said that no permanent outside storage is anticipated. In reply to Mr. Poirier, Mr. Frank said they will get additional information on the cost of extending to the existing sewer for the Board's review to determine if extending it is reasonable. Ms. Butler-Bailey asked Mr. Frank what kind of gate is proposed, will be a large, visible chain link fence, which she believes would be out of keeping with the surroundings. Mr. Frank said it would be more like a security fence. Mr. Fox said that because of the medical facility adjacent to the site, he would like to be sure that this will be an attractive, professional looking operation, with some consideration given to landscaping and architectural features of the buildings. Mr. Richman commented that the fencing around the site can either make it or break it, and suggested staggering the buildings with the grade instead of flattening the grade. Mr. Frank said that the buildings can actually be constructed with a one percent slope on the floors. Mr. Richman said that doing smaller blocks of buildings would allow working with the slope better. In reply to Mr. Grassi, Mr. Frank said that from the edge of the curb to the front of the building is probably 60 to 65 feet. Mr. Anderson encouraged additional landscaping in the buffer between this site and the one abutting it.

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

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**ITEM 7   Pre-application Discussion – Sarah McDaniel – 29 Huston Road Lot Split** – a request for approval to split 129 Huston Road into two parcels. Zoned Rural, Map 51, Lot 3-5.

Mr. Poirier advised the Board that the lot the applicant wants to split is lot 5 of the Harding Bridge Road subdivision, which was approved in 1985, when subdivisions in the Rural district had to proceed through a density calculation called the Rural Land Management System. This calculation has been replaced with the net acreage calculation currently in the Land Use Code for the Rural district. The Town Attorney has advised that a lot owner has to do a net acreage calculation on just their parcel to see if it can be subdivided.

Mr. Poirier said the applicant is looking for some waiver requirements from the Board; staff has specifically noted those requirements which the Board does not have the ability to waive. Staff has also provided the Board with the information required to be shown on a net acreage plan as part of the subdivision amendment plan set.

Sarah McDaniel, applicant, told the Board that she is the land owner and also a land use attorney, but is here before the Board to discuss her property is in the Harding Bridge Road subdivision. She said her lot is 4.62 acres, in bounded by the Water District on one side and Sleepy Hollow subdivision on the other. The lot has 400 feet of frontage on Huston Road, with a single family house and garage on site. She said the goal is to split off a two acre lot. She said the lot has Town water but they have private septic. Two test pits have been done in the back of the were done by Brady Frick of Al Frick Associates, and Survey, Inc. has done a re-survey.

Ms. McDaniel said she asked Brady Frick to take the 1985 data and remove the poorly drained soils but she believes there would be increased costs in preparing a current high intensity soils survey and wetlands delineation. She believes the Board can waive the procedures leading up to final approval when the Board determines that in its opinion the development is not of potential impact to require governance of the chapter. She asked the Board to look at the soils data from 1985 and the material provided by Al Frick, saying that the Board can conclude that the net residential calculations have been satisfied. She also asked that the two-foot contour lines requirement be waived.

Mr. Fox stated that of the applicant's four waiver requests, the Board does not have the ability to waive three of them: Class A soil survey; wetland delineation; and two-foot contours. Mr. Anderson commented that the Board has to follow the requirements of the Land Use Code for net acreage calculations and does not have the ability to waive those requirements.

Mr. Poirier referred to the additional language in the Code under Chapter 3, Section 11, that "The requirement for a Class A survey may be waived to a Class B survey by the Planning Board for subdivisions and subdivision amendments not required to provide the net acreage calculation..." to further clarify when the Board can grant waivers to a Class B. The Class A needs the two-foot contours, and because it is a small lot hopefully it will require less points to do the two-foot contours than for a larger lot. Mr. Poirier also said that a soils scientist may confirm wetlands delineation provided in the soils map done for the old subdivision. Mr. Poirier said that because it is an amendment, two approvals will not be needed. Mr. Poirier says he does not believe the scale will be an issue, but staff will take a look at it.

Ms. McDaniel said again she believes the Board can grant the waivers she has requested. Mr. Fox said that the Board has to follow the guidance it is given.

The Board concurred that no site walk is warranted.

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| <b>OTHER BUSINESS</b> | <b>NONE</b> |
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| <b>ANNOUNCEMENTS</b> | <b>NONE</b> |
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## **ADJOURNMENT**

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Scott Firmin absent). [9:45 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2019