

**PLANNING BOARD MEETING
October 1, 2018**

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

Members Present

**EDWARD L. ZELMANOW, CHAIRMAN
MOLLY BUTLER-BAILEY
SCOTT FIRMIN
LEE PRATT
MICHAEL RICHMAN**

Staff Present

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

Members Absent

GEORGE FOX, VICE CHAIRMAN

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

APPROVAL OF THE SEPTEMBER 10, 2018 MEETING MINUTES.

Lee Pratt MOVED and Molly Butler-Bailey SECONDED a motion to approve the September 10, 2018 meeting minutes as written and distributed. Motion CARRIED, 5 ayes (George Fox absent).

COMMITTEE REPORTS – Mr. Pratt reported that the Ordinance Subcommittee has not met since the last meeting.

Mr. Zelmanow said he did not believe that the Comprehensive Plan Implementation Committee has met since the Board's last meeting.

CHAIRMAN'S REPORT – Mr. Zelmanow reported that the nomination of the 7th member of the Planning Board is scheduled for consideration at the next Town Council meeting, which will be October 2, 2018.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said there are no new Administrative Review applications to report. He announced that members of the Planning Board held a workshop with the Town Council regarding adult use marijuana and medical marijuana, and staff is working on the ordinance to move it forward shortly.

ITEM 1 Public Hearing – Major Site Plan Amendment - MN8 Properties, LLC – request for approval for a proposed expansion at 502 Main Street, with a 1748 sf building addition, 1850 sf of new parking area and associated landscaping, septic and sign changes, located on Map 31, Lot 1, in the Commercial Office zoning district.

Mr. Poirier explained this is the first time this application has been before the Planning Board. In 1988 the property received approval from the Planning Board to convert a single family house into an office building with 3 offices. That approval included parking for 9 spaces and 2 spaces for handicapped parking in the front of the building. In 1996, the property received special exception approval for a day care center for up to 20 children. Since that time, it has been converted to the current use.

Mr. Poirier noted that the parcel is located in the Commercial Office district, which has specific space standards regarding landscaped buffer and maximum floor area ratio, as well as other specific performance standards, in addition to the standards in Chapter 2, Performance Standards and Chapter 4, Site Plan.

Daniel Grant, Village Builders, came to the podium and told the Board that he represents the applicant, MN8, Home Instead senior care, and said the plan is for 1,748 square feet of addition, as well as new parking area and landscaping.

Mr. Zelmanow asked if there is a landscaping plan; Mr. Grant replied that he has had one prepared, along with a financial statement from his bank, to distribute to the Board. Mr. Richman asked Mr. Grant if there will be some sort of walkway going up to what appears to be a rear door on the lower level. Mr. Grant replied that there would be a walkway from the parking lot up to that door; however, it is not on the plan now and will be added to the site plan. Mr. Zelmanow asked that a larger plan sheet be provided showing the parking area to illustrate potential lighting and other details of the area, as well as a sheet showing lighting on the site itself. Mr. Zelmanow commented on the signage structure changes that will be required.

Mr. Zelmanow asked Mr. Grant how many parking spots will be required under the Code with the proposed expansion. Mr. Grant replied that it was figured at 13 and there are 14 spaces on site. Mr. Zelmanow noted that the Town Engineer will require an auto turn figure.

Mr. Poirier advised Mr. Zelmanow that there is no requirement for sidewalks, it is mentioned in the staff notes only as informational for the Board to consider as part of its review. The Board discussed the sidewalk question and determined that it will not require sidewalks to be built.

Mr. Grant asked about erosion control, saying that the site contractor generally performs the erosion control, and asked if the Board would want an engineered plan for that. Mr. Poirier replied that an engineered plan is not required, just the location of erosion control should be shown because this is located in the Town's urbanized area, and the DEP has delegated erosion control to the Town to enforce. Mr. Poirier said that once Mr. Grant has received Planning Board approval and construction has begun, the DEP will come to the site and asked for an approved erosion control plan.

The Board agreed that a site walk was not warranted for the project.

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

Lee Pratt MOVED and Scott Firmin SECONDED a motion to postpone further review of MN8 Properties, LLC's request for site plan amendment approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 5 ayes (George Fox absent). (7:15 p.m.)

ITEM 2 Pre-Application Discussion – Great Falls Construction – a request for sketch plan discussion of a conversion of 8 College Avenue from a single family home to 7 apartments, on property located on Map 102, Lot 15, in the Gorham Village Center zoning district.

Mr. Poirier reminded the Board and the public that a pre-application discussion is simply between the Board members and the applicant and the plans have not been submitted for review by staff. This current project is for a subdivision and site plan and is located at 8 College Avenue, which the applicant is looking to convert into a multi-family dwelling under the Small Dwellings Overlay District, which is on the Board's agenda as item 5 this evening.

Mr. Zelmanow commented that the historic structure at 8 College Avenue suffered a significant fire two years ago, and it is nice that it is being brought back to life again.

Mr. Richman noted that he works with Great Falls Construction and Jon Smith on many projects, but he is not involved in this project and feels that he can be impartial in considering the application. Mr. Zelmanow said that as this is a pre-application, there is no need for a motion to allow Mr. Richman to participate in the discussion of the project, but once it comes forward as an official application, he will be asked to make an official disclosure to be followed by an official motion.

Jon Smith, Great Falls Construction, came to the podium to talk about 8 College Avenue, otherwise known as the Alexander McLellan House, which was built circa 1803, and which burned some 213 years later. He said he purchased the property in March of 2017, and has been contemplating options about what to do with the house, such as raze and rebuild, or raze and then contemplate what to do with the 5 bedroom property, rebuild it as a single family home, and other uses such as mixed use, commercial use and duplex options. Ultimately they have decided to create and are presenting tonight is a 7 unit building, composed of 1 bedroom apartments, under the Small Dwellings Overlay District provisions. Mr. Smith said that the building is on the National Register of Historic Places; they are going to be doing an historic restoration project through the National Park Service and have received state and federal approval for Part 1 of that process.

Mr. Zelmanow noted that he was present when the fire occurred, and said that Gorham firefighters should be commended for their efforts in trying to saving as much as possible of the home.

Mr. Pratt said he thinks one bedroom apartments would fit well in the neighborhood with USM across the street, is glad that the building will be restored, and hopefully the project can be accommodated under the Small Dwellings Overlay provisions. Mr. Zelmanow asked if the building will be modernized with sprinklers; Mr. Smith confirmed that it will require sprinklers as a multi-tenant building. Mr. Zelmanow asked about the adequacy of parking and asked what is being envisioned. Mr. Smith said that a site plan has not yet been fully developed, but they will try to follow the Small Dwellings requirements. Mr. Smith said that there is some on-street parking contemplated but there is some room on site, including a two-car garage that will remain. In reply to Mr. Zelmanow, Mr. Poirier said that under the ordinance as currently written, it is one space for a one bedroom apartment, for a two bedroom, it is 1.5 spaces, and for a three bedroom it is 3 spaces. Mr. Poirier also said that this application will be reviewed under subdivision and site plan, it has sewer and water and under subdivision a high intensity soils survey but the applicant can ask for a waiver and the Board could give some insight as to whether it will grant that waiver. Mr. Zelmanow said that as the building is on the National Register, the question arises if landscaping can be added around the building. Ms. Butler-Bailey commended the applicant for intending to restore the exterior of the building and mentioned that parking in that area for the Arts Alliance is very difficult, so parking is something she will be looking at very carefully. Mr. Smith said that while there is room, he does not believe that putting a parking lot next to the building will be considered appropriate for an historic building, and he expects this will be a low use vehicle setting.

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

The Board concurred that as the site has public water and public sewer, there is no need for a high intensity soils survey. Mr. Smith asked how many meetings will be required once they have a complete package prepared. Mr. Poirier said that for subdivision, preliminary and final, two meetings, and the project can be reviewed concurrently with the review for the Small Dwellings Overlay District amendment.

ITEM 3 Pre-Application Discussion – Subdivision Amendment – S.B. Enterprises – Tannery Brook Subdivision – a request for sketch plan discussion of Phase 2 of the Subdivision by extending Tannery Brook Road to access 14 new single family lots, served by municipal water and individual subsurface sewage disposal systems, on property located on Map 47, Lot 26, in the Suburban Residential zoning district.

Mr. Poirier explained that once again what a pre-application involves. He noted that this area is identified as Village Expansion in the Comprehensive Plan and information for that area is included for the Board's review. He said the property is located in the Suburban Residential zoning district, with lot sizes required to be 60,000 square feet unless net acreage is calculated. Mr. Poirier said that the proposed road for Phase 2 of the subdivision come off Tannery Brook Road right-of-way, which is currently owned by the Town, so the developer will need to get approval from the Town Council to use the right-of-way. He said that Tannery Brook Road in the first phase of the subdivision was designed under an old road standard, the local residential street standard, which has less gravel and pavement than the current Access Road standard requirements. With the combined number of lots in the existing subdivision and the proposed subdivision, it may require that Tannery Brook Road be upgraded, but it will depend on how many trips are proposed between the two subdivisions.

Kylie Mason, Sebago Technics, came to the podium and introduced Tom Biegel and Parker Brown from S.B. Enterprises. Ms. Mason described the proposed project to develop 14 lots off Tannery Brook with two cul-de-sacs creating circulation within the site. She said that while the subdivision was developed under slightly different standards, they still believe that it is a rural subdivision and the lots will be consistent with what has already been developed. The lots will be a little over an acre with 150 feet of frontage and she believes that introducing a curb and sidewalks, closed drainage system and improved roadway might look out of place in this location. One common stormwater management system is anticipated, soils and wetlands evaluations are being done to make sure that each lot has a passing test pit for septic, and they will take advantage of public water. Ms. Mason said they can lose one lot in order to handle 250 trips.

Mr. Pratt asked if one lot were dropped, would the other lots be expanded. Ms. Mason said they would choose one but not necessarily add it to any one lot. Mr. Zelmanow confirmed the road width of the current Tannery Brook Road; Ms. Mason replied that it is 24 feet paved road, which will be continued. Mr. Zelmanow asked what the total length of the Tannery Brook would be, all the way from Libby Avenue to the final cul-de-sac. Ms. Mason said that she would estimate around 1800 feet, and with the new sprinkler ordinance all the new 14 lots would be sprinkled. Mr. Zelmanow asked for confirmation that part of Queen Street as shown on the plan has been discontinued; Ms. Mason said they would look for another possible right-of-way due to the constraints on Queen Street. Ms. Mason said the shared stormwater system has not been designed at this time, but one common system is being considered, although it could be split into two systems.

Mr. Pratt asked Mr. Poirier what was the standard the current Tannery Brook was built to. Mr. Poirier replied that under the residential standard at that time, while the width meets the current standard, the gravels under the road were different, as well as the paving not meeting the current standard. Ms. Mason said that Tannery Brook was repaved this year, and if they are under the 25 lots, it is probably unlikely that the standard would be important at this time. Mr. Poirier said he will look to the Public Works Director to provide guidance for the Board.

PUBLIC COMMENT PERIOD OPENED: Ryan Watson, 39 Tannery Brook Road, said that when the subdivision was built, there was a right-of-way left at the end of the cul-de-sac for a driveway to a maximum of two additional lots. He said that his view shed and privacy would be impacted negatively, expressed safety and traffic concerns, and commented about the danger of the sharp turn on the intersection of Libby and Gray Road. He also said there could be an adverse impact on the snowmobile trail.

Tim McCarty, 52 Tannery Brook Road, has been in the neighborhood 23 years ago and said it was disclosed to them then that there was the potential for two more lots at the end of the cul-de-sac, certainly not the number of lots now under discussion. He expressed concerns about traffic and safety, noting there is no ditching on Tannery Brook to walk on since the road was re-worked in 2016. He said there is a pressure problem with the public water available and the addition of more users in the new development will increase that problem and make adequate pressure to run sprinkler systems problematic.

Rebecca Ankener, 12 Tannery Brook Road, said she is a fairly new resident on Tannery Brook, having moved from a municipal area because of health concerns involving air quality. She expressed concern that the additional traffic from this development will impact air quality and her health issues.

Ben Weinberg, 42 Tannery Brook Road, said the road is narrow and has no shoulders, expressed concern about the impact on the trail system, noise level, safety, water pressure, and the proposed length of Tannery Brook.

Cynthia McGee, 42 Tannery Brook Road, expressed concern about the safety of pedestrians on the road, especially when the lighting is bad. She said she uses the snowmobile trail, as do other residents of the development.

PUBLIC COMMENT PERIOD ENDED

Ms. Butler-Bailey said that she believes a site walk is definitely necessary. Staff was directed to schedule a sitewalk. Mr. Poirier said he will do research about the road standard at the time of the original approval for the Board's consideration and he will talk to the Public Works Director to see exactly what was done recently. Mr. Firmin asked where the current snowmobile trail is; Ms. Mason said she doesn't know for sure but she believes that it is not a developed trail but rather one of opportunity and nothing was deeded into conservation. Mr. Zelmanow recommended discussing this with the Gorham Conservation Commission.

Ms. Mason asked that the Board have its site walk sooner rather than later before the next submission. Mr. Zelmanow said he believes a site walk would be helpful, and staff was directed to schedule one. Mr. Pratt asked that the roadway be staked out and Mr. Zelmanow asked that consideration be given to connecting into Queen Street. Ms. Mason said they will take a close look at that and asked if that were possible, would it minimize the need to rebuild the road to a new urban standard. Mr. Zelmanow said that inasmuch as the applicant will need to secure permission from the Town Council to use the right-of-way owned by the Town, the applicant could ask the Council to re-open that section of Queen Street. Mr. Zelmanow said he believes that it would and that the new roadway could be kept to the same width with no sidewalk if the present Tannery Brook does not have one.

Mr. Poirier said that if anyone did not receive notice of the meeting and they want notice, they should give their name to the Planning Board clerk to be added to the list.

ITEM 4 Discussion – Land Use and Development Code – Amendment to Chapter 2, Section 2-11 – to remove certain fire protection water supply requirements.

Mr. Poirier explained that the Town Council recently adopted a provision in the Sprinkler Ordinance to require all single family residences to be sprinkled. Due to the new ordinance, the Land Use current requirement for fire ponds is no longer an option the Town is willing to allow as part of development review. Hydrants on public water mains will still be required as part of development review. Therefore most of the Land Use Code's section on fire protection will be deleted, except for a provision involving distance spacing for hydrants, which Mr. Poirier said he will discuss with the Fire Chief. Mr. Poirier asked if the Board would want to forward the proposed amendment to the Board's Ordinance Committee for review, or would it prefer to immediately set the amendment for public hearing.

There being no one on the Board finding it necessary to have the item sent to the Ordinance Committee for further review,

Lee Pratt MOVED and Molly Butler-Bailey SECONDED a motion to place the item on the Board's November 5, 2018 agenda for public hearing. Motion CARRIED, 5 ayes (George Fox absent). [8:05 p.m.]

ITEM 5 Discussion – Land Use and Development Code – Amendment – to allow a new Small Dwellings Overlay District.

Mr. Poirier explained that this item was as a result of the update to the Comprehensive Plan recently adopted by the Town Council. As part of that review, it became apparent that there are a number of older buildings in the Gorham Village area and the Little Falls area which are rather large and no longer meet the requirements for today's single family residents. As a result, a small dwelling provision is being contemplated to allow the density of a lot to be broken up based on apartments. The Town Council has spent considerable time to develop what is before the Planning Board this evening, revising parking standards and allowing bonus unit provisions, buffering requirements, and minimum apartment sizes. Mr. Poirier noted that the proposed apartments in the conversion of 8 College Avenue, previously discussed this evening, do meet the standards of the new Small Dwelling Overlay District. He said that these small dwellings would not be required to meet the Town's multi-family performance standards in the Land Use Cod and are exempt from meeting those standards. Mr. Zelmanow asked if that exemption language is included in the current amendment language, or will it be an amendment to those performance requirements. Mr. Poirier referred to the section entitled "Town Review Requirements" and the statement that "... it is not required to meet the standards under Chapter 2, Section 2-4, Residential, B. Performance Standards for Multi-family Housing." Mr. Zelmanow said he believes the exemption should be cross-referenced in that section of Chapter 2 as well.

Mr. Firmin noted that he is employed by the Portland Water District and would yield to the Board's discretion on whether or not he should participate in the discussions on this item. Mr. Poirier said that this is legislative and not a review of a project, so Mr. Firmin can participate.

The Board discussed why the date of 1925 had been selected as the date before which buildings eligible for conversion have been constructed. Mr. Smith said that this allows for incentivizing smaller uses, which belong in the Village and is a demographic not served now in Gorham. Mr. Zelmanow confirmed that Mr. Poirier was the primary author of the proposed amendment and it appears that the work the Board's ordinance committee might need to do has already been done. The Board agreed that it would not be necessary for the Board's ordinance committee to review the proposed amendment.

Lee Pratt MOVED and Michael Richman SECONDED a motion to place the item on the Board's November 5, 2018 agenda for public hearing. Motion CARRIED, 5 ayes (George Fox absent). [8:05 p.m.]

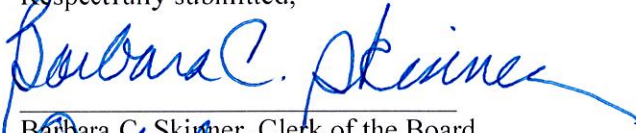
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| OTHER BUSINESS | NONE |
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| ANNOUNCEMENTS | NONE |
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ADJOURNMENT

Lee Pratt MOVED and Molly Butler-Bailey SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (George Fox absent) . [8:25 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
October 1, 2018