

**PLANNING BOARD MEETING
March 18, 2019**

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

Members Present

GEORGE FOX, ACTING CHAIRMAN
JAMES ANDERSON
SCOTT FIRMIN
VINCENT GRASSI
MICHAEL RICHMAN

Members Absent

MOLLY BUTLER-BAILEY
BRIAN PLOWMAN

Staff Present

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

George Fox, Acting Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Molly Butler-Bailey and Brian Plowman were absent.

Mr. Fox welcomed Mr. Anderson and thanked him for his interest in returning to serve on the Board once more.

Mr. Fox noted that due to the short amount of time since the Board's March 4, 2019 meeting, there were no minutes of that meeting available as yet, as well as no Committee reports and no Administrative Review Report. He said that the items on tonight's agenda had been postponed from the March 4, 2019 meeting due to observance of the 10:00 o'clock rule that evening.

ITEM 1 Pre-Application Discussion – Simona Shores Properties, LLC – a request for approval to add one additional duplex and a 35-foot extension to Simona Shores Drive, Urban Residential/Manufactured Housing zoning district, Map 110, Lots 301-312.

Mr. Poirier explained that a pre-application is simply between the Planning Board and the applicant, and none of the information has been distributed to staff for review at this point. He said that the project is located in the Shoreland Protection Overlay zoning district, so any improvements in that area would need to meet the requirements of that district. He said that the driveway serving the condominium complex was designed to the Town's Urban Access road standard, which can handle up to 250 average daily trips. Any stormwater increases on the site would need to meet Town requirements, as well as any DEP permit requirements.

Travis Letellier, Northeast Civil Solutions, appeared on behalf of the applicant and introduced Jim Fisher and Brandon Binette of NCS, and owner of the property Suphi Turker. Mr. Letellier described the application as an additional duplex unit, bring the total units on site from 12 to 14, making necessary an additional 35 feet of road and moving the turnaround to the opposite side of the street. He said that regarding the requirements of the Shoreland Overlay zone, there will be an increase of the impervious area under the allowed standard of 20%; he said the current development is at 4.5%, the proposed new unit and road increase will bump that up to 5.5%, still well below the threshold. The new unit will generate an additional 10 trips per day, so the total for the 14 units will be 140 average trips per day, well under the design of the road. Stormwater is proposed to capture the additional impervious area from the road, using the downstream defender of the current development to treat stormwater before it is released to a level spreader in the back.

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

Mr. Richman asked Mr. Letellier to point out on the plan the 20-foot public trail easement and if this project would affect that. Mr. Letellier showed where the trail easement comes off the back of the existing turnaround; he said it will have to be re-oriented. Mr. Fox confirmed that it is intended to work something out so that access can be continued. Mr. Letellier said that the two parking spaces for trail use will also be continue to be provided. Mr. Fox confirmed that nothing is proposed to occur within the vegetated buffer on site and there will be no additional clearing. Mr. Letellier told Mr. Anderson that the trees shown on the plan along the single home adjacent to the property are existing. Mr. Letellier replied to Mr. Fox that no additional landscaping or buffering is proposed. Mr. Letellier and Mr. Anderson discussed the existing force main system that serves the development as well as water in the road which will be extended into the property for the new duplex. Mr. Letellier told Mr. Fox that the new duplex will be identical in architecture to the existing units.

Mr. Anderson and Mr. Letellier discussed the current downstream defender location and the proposed stormwater treatment. Mr. Fox confirmed the turnaround size and parking space locations with Mr. Letellier. Mr. Letellier told Mr. Anderson that the path trail easement path will continue to be the same surface that it is now. Mr. Turker, owner of the property, said that the use of the trail seems to be light.

Mr. Poirier told the applicant that the Town's new sprinkler ordinance requires that all new residential units must be sprinkled, even with the hydrant on site.

Mr. Richman and Mr. Letellier discussed the current and proposed dumpster location; Mr. Richman said that might impact plowing adversely. Mr. Anderson asked where the snow storage is proposed to be and that it be shown on the plans.

ITEM 2 Discussion – Amendment to the Land Use and Development Code – proposed amendment to regulate the growing of personal adult-use marijuana.

Mr. Poirier said that the new recreational marijuana law allows that any adult can grow his own marijuana, strictly for personal use only. Under state law there are some things the Town can and cannot regulate regarding personal growing. The proposed ordinance language before the Board has been reviewed by the Town Attorney to make sure that state law is being met; the Town Attorney's edits have been made to the proposed language. Mr. Poirier said standards have been drafted concerning what the Town can and cannot do; for example, the Town can require someone to get a yearly license but cannot charge a fee for that license. Mr. Poirier suggested that the Board's Ordinance Committee should review the proposed language and make recommendations back to the Board.

Mr. Anderson asked if other towns have implemented some of the ordinances that could provide guidelines for Gorham's review. Mr. Poirier said his research did not come up with any other jurisdiction that has done anything on personal growing, but he will talk to the Town Attorney to see if they are aware of any other town working on it. Mr. Poirier replied to Mr. Anderson that the Town has no ordinance regarding odor. Mr. Poirier said he will check with the Town Attorney to

find out if the Town can impose an odor restriction on someone allowed to grow marijuana for personal use.

Mr. Fox agreed with Mr. Poirier's recommendation that this item go to the Ordinance Committee.

Scott Firmin MOVED and Vincent Grassi SECONDED a motion to send the item to the Board's Ordinance Committee for review and recommendations. Motion CARRIED, 5 ayes (Molly Butler-Bailey and Brian Plowman absent). [7:20 p.m.]

ITEM 3 Discussion – Amendment to the Land Use and Development Code – proposed amendment to clarify the number of lots and dwelling units allowed on a private way.

Mr. Poirier advised the Board that the issue came about because of an applicant's proposal to develop a project without street frontage and to provide frontage by creating a private way. Under current standards, only two units are allowed on a lot on a private way. This amendment will clarify the number of lots and dwelling units allowed on a private way. The Town Attorney has reviewed the proposed language.

Mr. Poirier replied to a question from Mr. Anderson that the standards are in place now for the types of private ways in the proposed language. Mr. Poirier said that the standards can always be added to if a developer want to add pavement, for example.

Mr. Richman said that as a member of the Board's Ordinance Committee, he would like to have public input and would recommend forwarding the item to that Committee for discussion and recommendations.

Scott Firmin MOVED and James Anderson SECONDED a motion to send the item to the Board's Ordinance Committee for review and recommendations. Motion CARRIED, 5 ayes (Molly Butler-Bailey and Brian Plowman absent). [7:28 p.m.]

Mr. Poirier noted that another item on the Ordinance Committee agenda will be the proposed amendment concerning 50-pound pigs.

ADJOURNMENT

James Anderson MOVED and Vincent Grassi SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Molly Butler-Bailey and Brian Plowman absent).. [7:34 p.m.]

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board
March 18, 2019