

**PLANNING BOARD MEETING MINUTES  
DECEMBER 5, 2022**

**MEMBERS PRESENT**

**JAMES ANDERSON, CHAIRMAN  
VINCENT GRASSI, VICE CHAIRMAN  
DAVID BURROWS  
RUSSELL FRANK  
SCOTT HERRICK**

**STAFF PRESENT**

**THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
CAROL EYERMAN, TOWN PLANNER  
DAMON YAKOVLEFF, ASSISTANT  
TOWN PLANNER**

**MEMBERS ABSENT**

**SUSAN DURST**

Chairman James Anderson called the meeting to order at 7:00 p.m. The roll was called, noting that Susan Durst was absent.

**APPROVAL OF THE NOVEMBER 7, 2022 PLANNING BOARD MINUTES**

**David Burrows MOVED and Russell Frank SECONDED a motion to approve the November 7, 2022 minutes as written and distributed. Motion CARRIED, 4 ayes (Scott Herrick abstaining as not having been present at the meeting; Susan Durst absent).**

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**COMMITTEE REPORTS**

**A. Ordinance Review Committee**

Mr. Herrick reported that this Committee met before tonight's meeting and discussed a proposed contract zone at 253 New Portland Road, which with some minor revisions will come before the full Board for a public hearing.

**B. Comprehensive Plan Implementation Committee**

Mr. Frank reported that this Committee did not meet.

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**ADMINISTRATIVE REVIEW REPORT**

Carol Eyerman, Town Planner, reported that there are two applications, one of which has been reviewed and approved for Lot 6 in Olde Canal Way for Barry Equipment, and a second one under review for an addition for Servpro located on Hutcherson Drive.

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**ITEM 1 Public Hearing – Land Use and Development Code and Zoning Map Amendment – South Gorham Crossroads** – a proposed amendment to the Land Use and Development Code and Zoning Map to implement the Comprehensive Plan to adopt the South Gorham Crossroads District.

Tom Poirier, Director of Community Development, advised the Board that this item was forwarded to the Planning Board by the Town Council on April 5, 2022; since that time the Board's

Comprehensive Plan Implementation Committee has met on numerous occasions to review and modify the proposed amendment language, which are on the agenda for public hearing this evening. After this hearing, the Planning Board will make a recommendation back to the Town Council whether to rezone this area with the proposed map. Before this zoning was proposed, a Comprehensive Plan amendment process was begun in 2020 and 2021, with the Council making sure the future land use map is what is needed for that area.

Ben Smith of NorthStar Planning, came to the podium and gave an overview of the proposed Gorham Crossroads district as called for in the 2016 Comprehensive Plan. Mr. Smith discussed what is contained in the proposed language, including three new definitions, mixed use building, mixed use development, and indoor recreation facility. He read the purpose statement of the South Gorham Crossroads district as “The purpose is to provide a mixed use area of higher density residential development and a range of nonresidential uses, including small locally focused retail and services, as well as compatible regionally focused businesses and services, including hotels, indoor recreation facilities, light industrial uses.” Mr. Smith touched on the list of permitted uses in this new district, minimum lot sizes for unsewered properties and for properties on public water and sewer, minimum street frontage, minimum side and rear setbacks, and building heights. Mr. Smith also discussed the list of site performance standards, which outline how future development will happen to guide that development with site design criteria, such as parking requirements, off street pedestrian requirements and street facades, references to the existing sign ordinance, and the Village environment, and more building specific requirements such as building materials.

Mr. Anderson confirmed with Mr. Smith that there is no public water or sewer in the area covered by the South Gorham Crossroads district. Mr. Poirier told the Board that a South Gorham sewer study was done by Woodard & Curran some 8 or 9 years ago, considering two potential design options, one a single pump station located around the Stroudwater River to pump sewer to Weeks Road, and the other option two pump stations. The costs for each option were above what the Town was willing to bond for that area at the time. The Town continues to look at other ways to sewer that area, with two proposals in for Congressional funding, one is looking to fund sewer for the area of South Gorham around County Road in particular through Scarborough and Westbrook; the other proposal is to obtain funding to build it was not successful. Mr. Anderson confirmed that development could be limited without public sewer and water, although Mr. Poirier indicated that if the density made sense for a developer, as part of that development an extension of water and sewer could be paid for by the developer if the numbers work.

**PUBLIC COMMENT OPENED:** Hans Hansen appeared at the podium and realized that his comments apply to the second item on the agenda.

Jared Holmes, 11 Washburn Drive, spoke about the oil spill, PFA’s cleanup issues, wetlands, Country Club property, sees no benefit to those who live in this quiet area.

Greg Hastings, commercial real estate broker with the Dunham Group, spoke about the Country Club property, a property of over 200 acres, as being a prime piece site for 55 and over retirement community development, but that use is not included in the list of permitted uses. He asked that the Board include 55 and over retirement communities.

Tom Dunham, Greg’s partner, mentioned the development of Piper Shores in Scarborough, and said one of the best and highest uses for the Golf Course acreage would be a similar development.

Todd Lasalle, 6 Straw Road, spoke about property values and quality of life decreasing, and does not support the proposal.

Barbara Guimond, 131 McLellan Road, spoke about flooding issues, Town's process of notification, arsenic in the well, proposed density too high, game preserve. Not good for those already living in the area.

Kathleen West, 15 Washburn Drive, her 12-acre property abutting the 112 by-pass. This proposal will negatively affect her life, spoke about the oil spill in 2014 which impacted her property and remaining clean up issues, traffic and accidents on McLellan Road, and devaluation of her property. Water and sewer should be brought in before any development. Does not support the proposal.

Butch Guimond, 131 McLellan Road, spoke about McLellan Road being a 2-lane road, traffic and accidents.

David Hurst, 43 Carson Drive, commented that the Gorham Crossroads district involves some 2,500 acres, strike out the no single family residences provision, and suggested that this be submitted to a public referendum.

Ron Greco, South Street, said he asked for his property to be included in this zone, which is more commercial on 114, and supports this change because it fits well dealing with climate change and the use of higher density to prevent the loss of open space. He agreed that there really needs to be water and sewer in that area.

Pat Donovan, 35 Mahlon Avenue, asked about the turnpike spur, higher density and high traffic on McLellan Road during the morning and evening rush hours.

PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier said the Board is reviewing the proposed ordinance changes to see whether they meet the requirements of the Comprehensive Plan and sending that recommendation back to the Town Council for its public hearing.

Mr. Herrick said he would like Mr. Poirier to address some of the comments made during the public hearing. Mr. Poirier replied to the comments made as follows:

1. Jarod Holmes, Washburn Drive – oil spill cleanup was done by DEP and the Town does not have regulatory oversight for cleanup, any development would have to meet DEP requirements regarding digging up contaminated soils. Permitting of wetlands, spills, etc., need to be done through the state as part of any development. The Board cannot speak to property values regarding zoning.
2. Greg Hastings – 55 retirement community not a permitted use; however, it is a residential use but is not specifically identified.
3. Tom Dunham – development similar to Piper Shores in Scarborough would be good for Gorham.

4. Todd Lasalle, Straw Road – a single family home is allowed to be so long as it continues forward as a single family. The Board cannot speak to property values regarding zoning.
5. Barbara Guimond – McLellan Road – the Game Preserve has no effect on land use other than not allowing land fills; the notification process used by the Town meets state law requirements but the Town used the extra step of sending out postcards instead of limiting notification to in the newspaper.
6. Kathleen West, Washburn Drive – any new development will need to look at traffic, safety, all items to be reviewed by staff as projects come in through site plan or subdivision.
7. Bruce Guimond – McLellan Road – traffic studies will be required for developments as well as stormwater review, so if McLellan Road is not big enough or needs to be widened a developer would have to consider that as part of off-site improvements for the area.
8. David Hurst – there are ways to challenge decisions by the Town Council, but the Town's Charter would need to be researched to find out what those ways are.
9. Ron Greco – supports the proposed amendment.
10. Pat Donovan – Mahlon Avenue – the by-pass process, the East-West Corridor, has been studied for many years by the Town, regional planning, and is continued being reviewed as a potential to mitigate some of the traffic concerns. Traffic in the greater Portland will continue to increase and road improvements, other transit providers and land use are all part of the solution.

#### PUBLIC COMMENT PERIOD ENDED

In reply to comments from Mr. Anderson, Mr. Poirier replied that the greatest development pressure in Gorham is in South Gorham, and as part of the Comprehensive Plan process, it is important to note that some of the demographic being lost in Gorham involves the 18 to 20 year olds, because the housing choices in Gorham are single family homes.

Ms. Eyerman answered a question from Mr. Herrick about the process by saying that if the Board felt that the proposed amendment needs another tweak, it would go back to the Board's Comprehensive Implementation Committee for further review. However, if the Board votes to recommend approval by the Council, the item will then go before the Council for public hearing and comment and for the Council to vote whether to adopt the zoning change.

Vincent Grassi commented that he believes the proposed amendment meets the requirements of the Comprehensive Plan and it is best for the Board to recommend adoption by the Town Council. David Burrows said he has been a member of the Comprehensive Plan committee which has been reviewing the proposed amendment, and as Mr. Poirier pointed out, it is in response to development pressure affecting in Gorham. Mr. Burrows said that if the pressure is not controlled in some way, it will be more haphazard, and he will vote to approve the proposed amendment because it does fit within the Comprehensive Plan. Mr. Frank, also a member of the Comprehensive Plan committee, said that the nature of the Plan is to lay the groundwork for managed controlled growth. He noted that almost everyone who spoke tonight said that water and sewer is needed for the area under discussion, but water and sewer can't be done without first laying the groundwork by implementing

the Comprehensive Plan to allow for the possibility of development that does lead to water and sewer.

**Vincent Grassi MOVED and Russell Frank SECONDED a motion to recommend adoption by the Town Council of the proposed amendment and zoning map to the Land Use and Development Code to add South Gorham Crossroads. Motion CARRIED, 5 ayes (Susan Durst absent).**

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**ITEM 2 Public Hearing – Land Use and Development Code and Zoning Map Amendment – South Gorham Commercial Corridor** – proposed amendments to the Land Use and Development Code and Zoning Map to implement the Comprehensive Plan to adopt the South Gorham Commercial Corridor

Mr. Poirier told the Board that the area under consideration is the overlapping area of Route 22 and Routes 114, with a number of these lots having contract zone status for mixed use. This amendment would standardize zoning in that corridor, allowing more mixed use development. The Board's Comprehensive Plan committee has reviewed the item and made some proposed changes for a public hearing for review this evening, with the Board voting to give a recommendation back to the Town Council.

Ben Smith, Northstar Planning, told the Board that the zoning today in this area is called out as a growth area in the Comprehensive Plan and is a mix of rural and suburban residential zoning. What is actually on the ground is actually a mix of older residential uses, some new residential development, and commercial development, primarily along County Road. The Comprehensive Plan identifies this area as more of a mixed use area that would include explicitly more commercial uses, "To provide an opportunity for mixed use growth area, centered on a mix of small scale, non residential uses, a wide range of residential uses and mixed use projects. Large residential buildings should front directly on to the district's main streets." Mr. Smith referred to permitted uses such as one and two family dwellings as part of a mixed use development, as well as apartment buildings, multi-family housing and residential dwellings above the first floor of a mixed use building. Non residential uses include banks, personal business, daycare, convenience stores with or without gasoline sales, distilling and brewing, funeral homes, retail stores, sit down restaurants, hotels, motels, home occupations, and camper and trailer sales. This area is not served by public sewer or water today, but there are dimensional standards that would take effect once public sewer and water are available. Site development standards are very similar to those discussed earlier this evening, having to do with the design and layout of the projects themselves, as well as the architectural and design for buildings in the zone. There is a performance standard for a light industrial use buffer, requiring that any use not incorporated into a mixed use building needs to be set back 50 feet from any property lines abutting a residential use.

Mr. Poirier noted that public comments have been provided to the Board.

**PUBLIC COMMENT PERIOD:** Han Hansen came to the podium and discussed speed issues, need for public water and sewer, cost of road improvements, and contract zones.

**PUBLIC COMMENT PERIOD ENDED.**

Vincent Grassi said he feels that the proposed amendment meets the Comprehensive Plan requirements and should be recommended for approval by the Town Council. Mr. Burrows said that after meeting and working with Mr. Poirier and Mr. Smith during the Comprehensive Plan Implementation Committee workshops, it was felt that the location for the corridor makes the most sense and does the most to benefit Gorham in general.

**Scott Herrick MOVED and Vincent Grassi SECONDED a motion to recommend adoption by the Town Council of the proposed amendment and zoning map for the South Gorham Commercial Corridor. Motion CARRIED, 5 ayes (Susan Durst absent).**

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**ITEM 3 Public Hearing – Land Use and Development Code and Zoning Map Amendment – Phase 3, Village Expansion** – proposed amendment to the Land Use and Development Code and Zoning Map to implement the Comprehensive Plan regarding Phase 3 of the Village Expansion District.

Mr. Poirier explained that this is just a proposed map amendment, the third phase of a four phase rezoning process for the Urban Residential Expansion District, which encompasses the area south of the Little River into the Crossing Subdivision and eastward to the Presumpscot River. This would be a moderate density rezoning, with uses similar to the Suburban Residential District.

PUBLIC COMMENT PERIOD OPENED: Charles Hamblen, Hamblen Drive, spoke about updating the Comprehensive Plan from the 2016 version, density and traffic, and infrastructure needing to be in place first before development occurs.

John Deans, 260 Gray Road, noted that agriculture buildings are omitted as a permitted use, and asked about the meaning of “Gorham Village architecture.”

Tim Irish, 450 Libby Avenue – discussed the Town’s development decisions.

PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier said the Board can support the rezoning map amendment with a recommendation that agricultural uses be added at a later date. He said the Village design criteria was developed so that the scale of development not be out of scale with the surrounding area. Mr. Poirier said that hopefully the rezone will not mean more development, but will allow that development to occur in a smaller area.

**David Burrows MOVED and Russell Frank SECONDED a motion to recommend adoption by the Town Council of the proposed zoning map amendment as amended by the Planning Board with the addition of agricultural uses as a permitted use. Motion CARRIED, 5 ayes (Susan Durst absent).**

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**ITEM 4 Public Hearing – Land Use and Development Code Amendment – Accessory Dwelling Units** – proposed amendment to the Land Use and Development Code regarding Accessory Dwelling Units.

Mr. Poirier explained that this amendment is required by State statute LD2003, which identifies that the Town needs to lessen some of its restrictions on some of the Town's density. There no longer will be parking standards for Accessory Dwelling Units, there are some requirements regarding minimum square footage, and an accessory dwelling unit can now be detached. Comments have been received from the Portland Water District, having to do with how water and sewer services are dealt with; these comments are provided to the Board in the staff notes.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Anderson commented that the Board has seen this proposed amendment to incorporate State requirements before. Mr. Poirier noted that more language will be forthcoming in the future regarding density bonuses

**Vincent Grassi MOVED and Scott Herrick SECONDED a motion to recommend adoption by the Town Council of the proposed amendment to the Land Use and Development Code regarding Accessory Dwelling Units. Motion CARRIED, 5 ayes (Susan Durst absent).**

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**ITEM 5 Subdivision – Town of Gorham, Gorham Industrial Park – West Campus –** a request for approval for the Industrial Park, zoned I, Map30, Lot 1, Map 29, Lots 1 and 20.

Assistant Town Planner, Damon Yakovleff, told the Board that this is the 5<sup>th</sup> time this has been before the Planning Board. Still needing to be addressed are Tier 2 NRPA permits and Site Location of Development permits, a question about 100 foot setbacks to Libby Avenue, landscaping, lighting and traffic peer review. A waiver was previously granted for a Class A soils survey. Comments from staff include a request from Assessing for a cleaner plan set, Fire had several comments which have been addressed but there are still some outstanding items, Planning has comments as well, and there are outstanding comments from the peer review engineer.

Mike Zarba, SLR Consulting, told the Board that under consideration this evening is the southern lot of the Park, Map 29, Lot 1, south of the Crosstown Trail, and consists of a 4 lot subdivision which is located off Libby Avenue, New Portland Road, Cyr Drive, Jenna Drive, and the Crosstown Trail and the extension of Hutcherson Drive, adjoining the previous industrial park campus to the east of this project. Mr. Zarba said that DEP had until November 28 to provide comments on the Site Location of Development permit application, which is currently under review. Some comments were provided on the 28<sup>th</sup> regarding some stormwater issues but they have not seen any comments beyond those. A Tier 1 NRPA permit application has also been submitted to the DEP, which would be under review at the same time as the SLODA permit.

Mr. Anderson asked Mr. Zarba about the Crosstown Trail. Mr. Zarba replied that originally the project was going to improve Hutcherson Drive all the way to this subdivision, but that has been eliminated since this subdivision plan is simply to serve the 4 lots. It does connect to the Crosstown Trail but basically the road goes from 24 feet wide where it hits the Trail right-of-way to the 11-12 foot wide gravel Trail. There will be a 5-foot wide sidewalk along Cyr Drive to access the Trail. The connection to the Trail is basically for utilities, sanitary sewer, electric, cable, and telephone currently located in the power substation.

Mr. Poirier commented that if Hutcherson Drive extension occurs in the future, that section of the Trail will be relocated on to a sidewalk. The Town owns only a narrow strip through there, where CMP owns both sides of the Trail. In reply to Mr. Anderson, Mr. Poirier said that all the Town owns is the railbed, so any parking along there would be located along Hutcherson Drive.

Mr. Zarba answered a query from Mr. Anderson that DEP had until November 28, when they submitted some questions; once they submit the responses to those questions, they will try to find out what a future time frame might be. Mr. Anderson asked if the traffic movement had been completed. Ms. Eyerman said the traffic review engineer is Barton & Loguidice and a review is pending. Mr. Zarba said that they have received the ability-to-serve letters from the Portland Water District for both the sanitary and water services, but they are still awaiting final approval on the design.

Mr. Poirier replied to a query about the comments from the Conservation Commission about the Crosstown Trail; Mr. Poirier said that the portion of the Trail from Libby Avenue to Hutcherson Drive will remain unchanged. On other part of the Trail, from where Hutcherson Drive extension goes to the existing Park, there may be some changes with the Trail being on the sidewalk. There is no current funding to construct the Hutcherson Drive portion, but plans will be provided if they are needed to move forward when that portion is constructed. The open space will be a numbered lot and will be owned by Gorham. Ms. Eyerman suggested that there be a note on the plan as to exactly what the open space can be used for.

Mr. Anderson asked about the review engineer's comments about the need for a stamped plan landscape buffer where the subdivision abuts residential uses. Mr. Poirier said that the area along Libby Avenue is densely forested, so instead of cutting down trees to do a landscape buffer, the Town is recommending that there be a 50-foot no cut buffer. However as the project is developed, the Board can determine if more buffering is required as part of site plan review. Mr. Poirier said he does not believe a 50-foot no cut buffer needs a stamped plan; a note can be added to the plan that no tree harvesting can occur in a no-cut buffer unless diseased or dying trees are found without the approval of the Town Planner and Code Enforcement Officer.

Ms. Eyerman said she will discuss the 100 foot buffer issue with Mr. Poirier, as she noted in the staff notes: that as except where it abuts existing industrial zoned land, all land zoned industrial after November 30, 1998 shall have a "perimeter setback" of one hundred feet (100'), which shall be subject to the restrictions set out below. The Planning Board may reduce the perimeter setback by up to 50% if it finds that doing so would result in a better plan of development for the project site. Mr. Poirier commented that waivers were granted for reductions in the 100 foot buffer requirement as that original subdivision was developed, but this lot was zoned industrial well before 1998.

Mr. Anderson summarized the various outstanding items, such as the review engineer's comments, DEP actions concerning the permit applications, traffic movement information, ability-to-serve letters from the Water District, and certain staff comments needing to be addressed. Ms. Eyerman suggested that it would be helpful for staff to have one more month to get peer review comments. Mr. Poirier asked if the Board would consider putting the item on a consent agenda if all comments are addressed. Mr. Anderson said in his opinion he would prefer a more in depth discussion.



**Scott Herrick MOVED and Vincent Grassi SECONDED a motion to postpone further review of Gorham Industrial Park West Campus Phase 1 request for final subdivision approval plan approval pending further by peer reviewers and responses to remaining issues and revisions to the plans. Motion CARRIED, 5 ayes (Susan Durst absent).**

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**ITEM 6 Discussion – Land Use and Development Code and Zoning Map Amendment –** proposed amendment to the Land Use and Development Code and Zoning Map to implement the Comprehensive Plan by revising the zoning from Rural, Industrial and Agricultural Industrial to Mosher Corner Planned Development Area.

Mr. Poirier explained that this is a proposed amendment to rezone the area to the Mosher Corner Mixed Use District. The parcel owned by the Shaw Family Trust is zoned Agricultural Industrial District. That District was written to meet the requirements for the Mosher Corner Mixed Use District in the Comprehensive Plan. We are looking to expand the Agricultural Industrial District to encompass the areas currently zoned rural or rural-manufactured housing. This does not include the Olde Canal Business District or the Shaw Quarry. The Mosher Corner Mixed Use District allows the rural uses to continue but should development occur, the uses would be commercial or industrial, not residential. Mr. Poirier suggests the proposed amendment go to a Planning Board subcommittee to review the zoning map change and the district standards.

Mr. Anderson suggests the proposed amendment should go to the Planning Board's Comprehensive Plan Implementation subcommittee.

**Vincent Grassi MOVED and Scott Herrick SECONDED a motion to send the item to the Board's Comprehensive Plan Implementation Committee for review and recommendations. Motion CARRIED, 5 ayes (Susan Durst absent).**

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**OTHER BUSINESS:** The Board's meeting dates and deadlines for 2023 were discussed.

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**ANNOUNCEMENTS:** None

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## **ADJOURNMENT**

**Scott Herrick MOVED and David Burrows SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Susan Durst absent) [9:25 p.m.]**

**Respectfully submitted,**

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**Barbara C. Skinner, Clerk of the Board**  
\_\_\_\_\_, 2022