

**GORHAM PLANNING BOARD ZOOM MEETING  
November 2, 2020**

**MEMBERS PRESENT**

**GEORGE FOX, CHAIRMAN  
JAMES ANDERSON  
MOLLY BUTLER-BAILEY  
SUSAN DURST  
SCOTT FIRMIN, VICE CHAIRMAN  
VINCENT GRASSI  
THOMAS HUGHES**

**STAFF PRESENT**

**THOMAS POIRIER, DIRECTOR  
OF COMMUNITY DEVELOPMENT  
CAROL EYERMAN, TOWN PLANNER  
BARBARA SKINNER, CLERK OF  
BOARD**

George Fox, Chairman, called the zoom meeting to order at 7:00 p.m. The Clerk of the Board called the roll, noting that all members were present.

**APPROVAL OF THE OCTOBER 5, 2020 MEETING MINUTES**

**James Anderson MOVED and Vincent Grassi SECONDED a motion to approve the October 5, 2020 meeting minutes. Motion CARRIED, 7 ayes.**

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**CHAIRMAN'S REPORT**

Mr. Fox said there was no Chairman's report this evening.

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**COMMITTEE REPORTS**

- A. Ordinance Review Committee – Mr. Grassi said there was no report this evening.
  - B. Comprehensive Plan Implementation Committee – Ms. Butler-Bailey reported that the item recently discussed by this committee is the first item on the Board's agenda this evening as a public hearing.
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**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerman reported that there are no new administrative review applications under consideration at this time.

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**ITEM 1 Public Hearing** – Proposed amendments to the Land Use and Development Code to allow for varied density for mixed-use developments in the Gorham Village and Urban Commercial zoning districts

Mr. Poirier advised the Board that this item is designed to permit the conversion of buildings to mixed-use development to get a density more in keeping with the density outlined in the Comprehensive Plan. There are performance standards proposed. This item has been reviewed by the Planning Board's Comprehensive Plan Implementation Committee. During its review, changes were made to the language that had been forwarded by the Town Council. What is before the Board this evening reflects those proposed changes.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

At Mr. Fox's request, Ms. Butler-Bailey, as Chairperson of the Comprehensive Plan Implementation Committee, summarized the proposed changes made by that group as (1) adding performance standards requiring that the scale of a proposed development be consistent with the area and the desired future form of development as outlined in the Comprehensive Plan; (2) revising the amendment language for the parking waiver; and (3) revising stormwater treatment under the Development Transfer Overlay district.

In reply to a question from Mr. Fox about building height, Mr. Poirier said that the Committee proposed adding "The scale of the development shall be compatible with the development pattern of the area and the desired future form of the area as outlined in the Town's Comprehensive Plan." Mr. Poirier said that when the Board gets a project to review, it can determine at that time if a building's scale is compatible with the proposed development area.

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the proposed amendments under Chapter 1, Zoning Regulations, and Chapter 2, General Standards of Performance, to revise density and performance standards in the Village Center Areas and to allow Mixed-Use Developments with Planning Board's recommended changes. Motion CARRIED, 7 ayes.**

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**ITEM 2 Public Hearing – Site Plan – Walter Stinson – 551 Main Street** – a request for approval for a self-storage facility, which would include the construction of 9 buildings with a total area of 64,575 square feet. Zoned I, Map 32, Lot 19

Ms. Eyerman explained that this project, located at 551 Main Street, is a site plan for 9 self-storage buildings, to include the construction of an administration and office building, access drive, infrastructure, signage, and landscaping. She said a lighting plan has been provided, as requested when the applicant was last before the Board. Ms. Eyerman noted that while the applicant has requested a waiver from the requirement to install sidewalks, the Board cannot grant a waiver from the zoning ordinance requirement for sidewalks, and suggested the Board revisit that issue with the applicant.

Owens McCullough, Sebago Technics, introduced the applicant, Walter Stinson, Prescott Holdings, LLC. Mr. McCullough said that a supplemental submission on September 28, 2020, addressed the specific items left to be dealt with after appearing before the Board on September 14, 2020. That submission included a modification to the landscaping plan to add another tree in front of the

administrative building on Route 25, along with additional ground plantings. A photometric plan has been provided, with all lights being building mounted on 30-foot intervals, with the exception of one light at the entrance. All the lights will be shielded, directing the LED footcandles downward. A catalog has been provided from Hubbell Lighting, Inc.

In reply to the Board's request at its last meeting, Mr. McCullough provided photos taken in two places, showing sight lines into the site from in front of the bakery and the upper entrance of Beal's Ice Cream on Main Street, as well as the visual screening into the site, including the row of trees behind Beal's Ice Cream, Martin's Point building and property line, and the trees along the site's property lines.

Mr. McCullough said the length of the buildings have been reduced by 25% in the back from 65,000 feet to 53,000 feet. He said their DEP permit application will be forwarded within the week.

Mr. McCullough said there will be no solid waste containers on site, and any office waste will be hauled off by the owner. There will be no hazardous waste stored on site. It is intended that the site will use the existing water supply, which has been signed off on by the Water District.

Mr. McCullough said that they anticipate receiving DEP approval in late December, early January, and hope to start construction in March of 2021, completing phase 1 of the project by August. Phase 1 will include building the front part of the site, fill and earth work completed, and water drainage installed.

Mr. McCullough asked for a conversation with the Board as to whether a waiver of the sidewalk requirement is a zoning item or a performance item under the site plan.

Walt Stinson, Prescott Holdings, applicant, advised the Board that the proposal is now smaller in size, which he believes is better suited to the land.

PUBLIC COMMENT PERIOD OPENED   None offered.  
PUBLIC COMMENT PERIOD ENDED

Mr. Fox asked Ms. Eyerman to give the Board an explanation of the sidewalk waiver question. Ms. Eyerman replied that the Board has the ability to waive anything that is in the site plan ordinance, and the requirement for sidewalks is one of those items. She said, however, that the zoning has recently changed, and there is also a section in the zoning requirements for pedestrian circulation, which the Board cannot waive. With that in mind, she said that pedestrian circulation needs to be addressed. She noted that the closest sidewalk is located at and going into the Martin Point's entrance to the east. In order for this site to connect, it would have to be across that frontage, and at least into their site, with the idea that everyone would have access to all properties along Route 25.

Mr. Fox confirmed with Ms. Eyerman that the Board had previously granted a waiver for the sidewalks through the site plan review. Mr. Fox asked if that was legally binding. Ms. Eyerman replied that it would be, if not for the provision in the zoning ordinance; however, the applicant has the option to request a variance from that requirement from the Zoning Board of Appeals.

Mr. McCullough confirmed that the Board's waiver could stand under the site plan review, but if the zone now requires a sidewalk, they would have to pursue an appeal with the ZBA. He asked for clarification if a sidewalk to be added would be just something along their frontage.

Mr. Poirier read from the ordinance that "Entrances and uses in the district shall be combined to the maximum extent possible. Developments must allow for pedestrian and vehicular access into the lot's driveways, sidewalks, and/or parking lots from abutting properties." It is unclear if that is just a sidewalk in the applicant's driveway that would connect a future sidewalk on State Route 25 to allow pedestrian connection, but he believes it would be more of a sidewalk along Martin's Point to connect to the Beal's sidewalk system. Martin's Point has a side walk that comes from their parking lot that ultimately connects to the Beal's lot.

The Board held a lengthy discussion about the purpose or intent of a sidewalk for this site, with Mr. McCullough noting that this will be a locked site, there is no destination for pedestrians to access, as it is just for vehicles to enter and depart. The question of cost to install a sidewalk was also discussed. It was decided that the applicant will work with staff on the question of sidewalks.

The Board discussed the proposed landscaping, fencing and buffering for the site, and it was agreed that the only remaining issue for the project is the question of sidewalks.

**James Anderson MOVED and Susan Durst SECONDED a motion to postpone further review of Walter Stinson's request for major site plan approval for construction of a self-storage facility located at 551 Main Street on Map 32 Lot 19 pending the applicant's response to remaining issues and revisions to the plans. Motion CARRIED, 7 ayes.**

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**ITEM 3 Public Hearing – Pre-Application/Site Plan – Gorham Solar 1, LLC** – a request for approval of a PV Solar Ground-Based Array, with associated equipment, gravel access and perimeter fence, located on 18.4 acres on Brackett Road. Zoned SR, Map 8, Lot 40.

Ms. Eyerman said this is both a pre-application and preliminary site plan review for approval to construct a 5.0 MW solar energy generating array with associated equipment and a gravel access drive on property located at 135 Brackett Road. She noted that the lot is zoned Suburban Residential, which allows for public and private utility facilities.

David Albrecht, Borrego Solar, introduced Louisa Deering and Gregory Rosshirt, the project developer. Mr. Albrecht described the project, saying that there are two different plans to be presented. He said that the parcel is 99.1 acres, with an existing driveway and some small wood roads running throughout the property. The wetlands have been delineated, there is one vernal pool and one amphibian area. South of the project is the Gorham Country Club and golf course, and to the north is a small residential subdivision. The proposed project will utilize the existing driveway into the site, which will be widened to 20 feet and improved to support emergency vehicles. A new 20 foot wide gravel road is proposed to enter the site for access. There will be a 7 foot high chain link fence, set 6 inches above grade to allow passage of small animals back and forth through the site. The racks are anchored to the ground with 4 augured screws drilled 6 feet into the ground and there are no concrete foundations. All the racks face due south, angled about 25 degrees. The electrical conduits will be underground all the way to about 200 feet to Brackett Road, where they

will go up to a riser pole and a series of 5 poles before interconnecting to the grid on Brackett Road. There are two equipment areas proposed with energy storage or batteries associated with them along with inverters, electrical data acquisition systems to monitor the project 24/7, weather stations and a 10 foot high motion activated light shining toward the equipment but away from residences.

Mr. Albrecht describe the buffers on the property, noting that the closest residence is at the north end, where a minimum of a 75 foot buffer, with 117 feet and 150 feet to that property. No wetlands will be impacted, or the amphibious breeding area or the significant vernal pool on site. Because the vernal pool is regulated by the State, and they are impacting some portion of the 250 foot buffer zone, which is within permit by rule allowances of 25%, they have filed and received their permit by rule from DEP. They have also submitted and received their stormwater permit by rule from DEP.

Mr. Albrecht said this is what has been submitted to the Town, but he pointed out an area on the south of the site, some 300 feet, based on communications that Mr. Rosshirt, the project developer, had with the Maine Transit Authority and their desire to seek a transportation connection from somewhere to west to somewhere to the east through this area. Peter Mills of the Maine Turnpike Authority indicated last week that the area is not under consideration for a future transportation connection. Therefore, Mr. Albrecht presented the Board with another proposed plan, showing a shift of the system into that 300 foot area.

Mr. Albrecht then presented a second plan, pulled down into the 300 feet area originally set aside, but having the same orientation with the driveway, still two equipment areas, still the same size, limited to 20 acres, approximately the same number of acres of tree clearing, also close to 20 acres. What is different is that the project has been pulled further to the south, much further from the residences to the north and the amphibian breeding area, and with a lesser wetland impact. Mr. Albrecht said they believe the second plan is more compact, with a shorter build time.

Mr. Fox confirmed with Mr. Albrecht that the project on which they want approval is the second plan. Mr. Albrecht said he understands if the Board would prefer having staff look at the second plan before acting on it, acknowledging that a new set of plans would have to be submitted to the Town. Mr. Fox said he can see the logic of the second plan being more attractive, but without staff having an opportunity to review the design of that plan, he said he believes the Board cannot do much this evening except open it for public hearing and preliminary comments from the Board. Mr. Fox said he does not believe the Board would be comfortable approving anything without seeing detailed plans.

**PUBLIC COMMENT PERIOD OPENED:** Susan Duchaine said she has no opposition to the project, but commented that she is confused why there are plans that staff has not seen but are on tonight's agenda. Her project is on the Board's agenda following this item and she is not happy about the amount of time being allowed for this one. Mr. Fox noted that the Board is not planning to take any action on the item this evening.

**PUBLIC COMMENT PERIOD ENDED.**

The Board discussed buffering requirements of the new plan as it impacts the golf course, with the applicant being asked to add additional buffering in the form of a fence and plantings. Mr. Fox asked the applicant to provide the Board with a detailed plan on buffering that property line.



**James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to postpone further review of Gorham Solar I, LLC's request for site plan approval pending responses to outstanding issues and finalizing revisions to the plans. Motion CARRIED, 7 ayes.**

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**ITEM 4 Public Hearing – Preliminary Subdivision/Site Plan – Design Dwellings, Inc. – Natalee Place** – a request for approval of 22 condominium units and a commercial unit on approximately 5.32 acres on Main Street, zoned UR/OR, Map 100, Lots 3 and 3-1.

Ms. Eyerman explained the applicant's proposal to the Board, noting the project is for 23 condominiums, 22 residential and one commercial, with associated parking and infrastructure off Main Street. She said the parcel currently contains a single family home and a farm style house/apartment building, with a stream and freshwater pond on the rear of the property. Ms. Eyerman noted that staff has been in discussion with the Town's traffic peer review engineer, who has recommended a meeting with the applicant's traffic engineer and DOT in order to talk through some additional ideas to guarantee that no one makes a left-hand turn exiting the property onto Main Street. Ms. Eyerman said that lighting information is still needed for intersections and pedestrian crossings.

Andrew Morrell, BH2M Engineers, introduced the applicant Susan Duchaine. Mr. Morrell said that the applicant is working with the Conservation Commission about a potential trail across the back of this parcel; once that is finalized, the necessary easements will be shown on the plans. He said the applicant is looking to add some buffering between the commercial unit and the adjoining property of Speed, either a fence of some type of landscaping. Mr. Morrell said that the Fire Chief had requested a slightly wider turnaround at the end of the proposed road, which will be provided.

Mr. Morrell said that both he and the applicant would like to be involved with the proposed meeting with the Town's traffic review engineer and DOT. He said the plans were sent to the DOT when the process was started, with the applicant working with DOT to get some utilities extended into the site before the moratorium was imposed on Main Street, so there has been some coordination with DOT in the past. He said he is not aware of any issues with DOT at this time.

Mr. Morrell referred to Mr. Anderson's questions about the grading on some of the lots, saying those questions will be addressed when they return for final approval. He said there had been some discussion about the surface material between the units, so the applicant proposes to do what has been done at other developments, which is to put in a stone surface between the units on the steeper slopes.

Susan Duchaine, applicant, said that the DOT had been supplied with these plans early and asked why staff is asking for a meeting with DOT. She wants to be part of that meeting.

Mr. Fox said that he believes the DOT meeting was initiated by the Town's traffic engineer regarding some details to insure that the right hand turn option controls traffic well. Ms. Eyerman said that the applicant is correct, DOT has known about this project, but the added right turn in, right turn out only idea has only been in discussion recently, so with the review received from the Town's traffic review engineer, staff wants a chance for everyone to talk, including both Mr.

Morrell and Ms. Duchaine. Mr. Fox recommended that this proposed meeting be scheduled promptly so that it does not push back the final approval timing for the project.

Mr. Morrell asked Ms. Eyerman what the concern is from the Town's traffic engineer, is it the raised island as part of the right out only. Ms. Eyerman replied that yes, other staff members, who are engineers, are concerned with people driving over it and doing whatever they want. So there will be a discussion about what that would look like out on Main Street, not necessarily on the applicant's property out at the entrance. Ms. Duchaine said she believes that the only thing that could ever change on this plan is the curbed island, which she said the Public Works Director wants.

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

Discussion among the Board members with Mr. Morrell included the Fire Chief comments about the turnarounds, which Mr. Morrell said will be adjusted on Natalee Drive and at the end of Kotar Drive, with a turnaround between units 18 and 19. Walkways will be shown to the units' doors. Access to the commercial unit will be to park in the parking lot and to walk along the sidewalk to the front of the building to the main entrance. The stone between the units will consist of one to three inch round small stones; Mr. Morrell said he will provide a picture of what it looks like in another development done by the applicant. Building elevations were provided earlier, but they will be provided again. Additional snow storage to the northeast of unit 22 will be provided and shown on the plans. Mr. Morrell said a detail on the fencing will be included.

Ms. Duchaine noted that no large overhead lighting is proposed. Ms. Eyerman asked the Board to discuss the ordinance's requirement for lighting at pedestrian crossings. She said there are two such crossings in this development, one at the corner of Natalee and Kotar, and one at the corner of Natalee and Main. Ms. Eyerman recommended pedestrian style lower post lights, saying that a light not even 8 feet tall would suffice. Ms. Duchaine said they could add a residential post light on unit 22 at the corner. It was agreed that street lights already on Main would be enough for Natalee at Main Street.

In reply to a comment from Mr. Hughes, Ms. Duchaine said that the traffic engineers come up with the total number of vehicles in and out based on other projects. Mr. Morrell said that the trip generation numbers are based on the ITE manual and similar developments and are not based on the numbers of cars per unit.

Mr. Anderson asked for a detail to be shown on the plan for the stockade fencing. Mr. Morrell in reply to Mr. Fox said that a 6 foot stockade fence could be added on the side of the commercial lot to provide buffering between that parcel and the Steed parcel, or some landscaping to allow for easier snow storage.

Mr. Fox said again that he hopes the meeting with DOT can be timely scheduled so as not to impact adversely the time line of the project. Ms. Duchaine said she is open to meeting with DOT to discuss any concerns they may have.

Mr. Morrell said it would be their intent to provide a resolution of the various items that have been discussed this evening, along with revised plans reflecting those changes. A consensus of the Board was that preliminary approval this evening is appropriate.

**James Anderson MOVED and Thomas Hughes SECONDED a motion to grant Design Dwellings, Inc.'s request preliminary subdivision and site plan approval for a 22-unit residential and a 1-unit commercial condominium project located on 5.534 acres off Main Street on Map 100, Lots 3 and 3-1 in the Urban Residential (UR) and Office Residential (OR) zoning districts, based on Findings of Fact as written by the Town Planner and revisions requested by the Board. Motion CARRIED, 7 ayes.**

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**ITEM 5 Preliminary Subdivision – Gregory McCormack – Maplewood Drive Subdivision and Deerfield Drive Private Way** – a request for approval to subdivide 6 lots from 3 existing lots on 5.08 acres at 71 Maplewood Drive, zoned UR, Map 104, Lots 10-3, 23 and 30.

Ms. Eyerman described the project to the Board, noting that the applicant had received approval for Deerfield Drive, which has not been constructed, and now the applicant is proposing to extend the current Maplewood Drive subdivision onto Deerfield Drive with a 6-lot subdivision. She noted the applicant's waiver request for the submission requirement to provide a nitrate analysis because public water is being proposed.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant, Greg McCormack, and noted that also present is Mark Hampton, and told the Board that the main topics involve the septic question and installation of sidewalks. He said that they have been advised that the "in lieu" option for the sidewalks is no longer available.

Greg McCormack advised the Board that he is agreeable to construct 600 feet of sidewalk, halfway down the street. Mark Hampton discussed the septic system proposed.

**James Anderson MOVED and Vincent Grassi SECONDED a motion to grant the applicant's request for a waiver of the submission requirement for a nitrate analysis. Motion CARRIED, 7 ayes.**

Mr. Firmin advised the Board that he does work for the Portland Water District but has had no involvement with this project, nor does he anticipate having any, and therefore believes he can participate fairly in the discussion. Ms. Eyerman advised Mr. Fox that no motion is required to allow Mr. Firmin to participate.

The Board and Ms. Eyerman discussed at length the sewer extension requirements in the Town's Wastewater Ordinance, the cost calculations involved in connecting to a public sanitary sewer, and the determination of "undue hardship" in making such a connection. Ms. Eyerman replied to a question from Mr. Morrell that this is the first time the requirements of the Wastewater Ordinance have been involved. Mr. Fox commented that in his experience he has been more familiar with the cost comparison method between the septic and sewer options, knowing that the Board typically encourages the installation of public sewer unless there is a significant cost difference to be deemed a hardship. Ms. Eyerman confirmed that the Board can use the previous determination methodology.



Mr. Morrell said what has been provided to the Board is a summary comparison of the two costs together. Ms. Eyerman confirmed to Mr. Firmin that the distance to public sewer is 750 feet, more than the 500 feet criteria specified in the Wastewater Ordinance. Mr. Firmin said he hopes the development would make sure that the performance of the systems, given the site conditions, would not be a concern, but said he believes that future replacement costs will be significant. Mr. Firmin said he believes the two options are fairly close and he is not convinced of an undue hardship. Mr. Anderson, Ms. Butler-Bailey, Thomas Hughes and Vincent Grassi concur with Mr. Firmin. Mr. Fox said the Board is reluctant to agree to finding a hardship to installing the sewer, and declines the applicant's request for approval of the septic option.

PUBLIC COMMENT PERIOD OPENED: Jeff Douglas, 59 Maplewood Drive, expressed concern about the water table on site, asked that this development does not impact the water table any further, and asked how the sidewalks are going to be developed.

Patricia Godard, 71 Maplewood Drive, asked about leach field positions and water flow.  
PUBLIC COMMENT PERIOD ENDED.

Mr. Morrell said the remaining items are completing the sidewalk along Maplewood Drive and a pressure sewer design along Maplewood Drive. He said he understands if the Board prefers to see that information before granting preliminary approval. He asked the Board for direction on flagging the wetlands, saying that their proposal is that the wetlands will be shown on the plans, and once the lots are developed the applicant will put an iron rod to mark the edge of the wetlands with some kind of demarcation information on the rod's cap, with erosion control nets as lots are developed. Mr. Firmin said that public sewer will protect the wetlands. Ms. Eyerman advised Mr. Firmin that unless a neighbor advises the Town about an encroachment into the wetlands, the Town probably would never know about it.

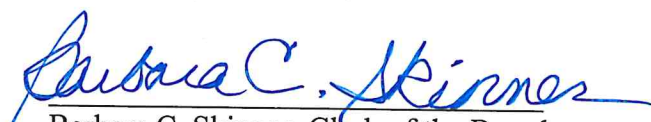
Mr. McCormack said he has no objection to sewer and asked if he could get preliminary and final approval on the same night. Mr. Fox said the Board has, on occasion, granted both preliminary and final at the same time, but the design would have to be very clean when it comes back before the Board.

**James Anderson MOVED and Vincent Grassi SECONDED a motion to table Greg McCormack's request for preliminary subdivision plan approval for a6-lot subdivision located on Map 104, Lots 10-3, 23 and 10-30, UR zoning district, pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 7 ayes.**

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**Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [10:30]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
November 2, 2020