

**GORHAM PLANNING BOARD ZOOM MEETING  
February 1, 2021**

**MEMBERS PRESENT**

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

**STAFF PRESENT**

**THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
CAROL EYERMAN, TOWN PLANNER  
BARBARA SKINNER, CLERK OF THE  
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 JANUARY 4 AND JANUARY 11, 2021 MEETING MINUTES**

**James Anderson MOVED and Thomas Hughes SECONDED a motion to approve the January 4, 2021 meeting minutes. Motion CARRIED, 7 ayes**

**James Anderson MOVED and Thomas Hughes SECONDED a motion to approve the January 11, 2021 meeting minutes. Motion CARRIED, 6 ayes (Scott Firmin abstaining as not having been present at the meeting)**

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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 reported that the Committee met before the regular meeting to discuss proposed amendments allowing medical marijuana growing as a home occupation use and to allow medical marijuana commercial cultivation, manufacturing and testing. Mr. Grassi said the Committee agreed to forward the proposed amendments to the full Planning Board for public hearing.
- B. Comprehensive Plan Implementation Committee – Ms. Butler-Bailey reported that this committee met before the regular meeting to discuss proposed amendments to the Narragansett Mixed Use Development District to modify side and rear setbacks and adding Personal Services as an allowed use. She said the Committee agreed to forward the proposed amendments to the full Planning Board for public hearing.

## **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 Chapter 2, Section 2-4, Clustered Residential Development Standards

Mr. Poirier reminded the Board that the Town Council is looking to add specific language regarding clustered residential development standards that a proposed project would be required to meet. The new proposed ordinance outlines performance standards, which the Board's Ordinance committee has reviewed in workshops. The Ordinance committee recommended one change, that common space may include "Parking lots for trail head use with no more than 10 parking spaces and associated drive aisles."

Mr. Poirier said the applicant would need to identify early in the process that it wants to do a clustered form of development, identifying particularly the proposed open space and its resources, and then designing the lots around the open space according to the development standards.

Mr. Fox reminded the public not to use the question and answer feature on zoom, but instead to raise one's hand. The questions and answers do not become part of the record.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

Ms. Eyerman proposed adding homeowners' association in the first sentence of section A, "... permanent space owned and maintained by a land trust..." Additionally, she suggested removing the word "residual" from the third sentence in 5, High-value Conservation Areas. Mr. Poirier recommended that the Board adopt her changes to the proposed amendments.

Mr. Fox confirmed the proposed amendments will do away with the process used in the past for applicants to come before the Board with a consideration for clustered subdivision, and the Board providing guidance either for or against clustered development as to whether it would be the best form of development for the site.

Ms. Butler-Bailey raised the question about the number of parking spaces allowed in a trail head parking lot, expressing concern about the amount of impervious surface that would create and about the use of such parking spaces. Mr. Anderson and Mr. Grassi said that the Committee had agreed that the parking spaces would not exceed 10, the parking area should be available to the public and can be signed with "trail head parking only" and that it would be within the Board's purview to review any proposed trail head parking. Mr. Poirier said that as currently written, ten parking spaces for all trail heads are not guaranteed, that is a maximum; depending on the size of the open space, it can be from 1 space to up to 10.

**James Anderson Moved and Susan Durst SECONDED a motion to recommend adoption by the Town Council of the proposed Land Use and Development Code amendments to**

**Chapter 2, General Standards of Performance, Section 2-4 Residential, A. Clustered Residential Development as amended by the Planning Board. Motion CARRIED, 7 ayes.**

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**ITEM 2 Sketch Plan – Subdivision Amendment – Lombard Estates – William Henry Drive – Jonathan Sturgis** – request for approval to subdivide on lot into two lots, zoned UR, Map 20, Lot 5-49

Ms. Eyerman said this a two-lot subdivision amendment. Public sewer is located 400 feet from the existing house, and it would be about 500 feet to get public sewer to what would be the additional lot. The Frazier Trail runs through the middle of this parcel, and the applicant intends to work with the Land Trust to move the Trail and easement. She said that the Fire Department will require that the sprinkler ordinance be followed. Ms. Eyerman said the applicant has requested a waiver from the Class A High Intensity Soil Survey.

Andrew Morrell, BH2M Engineers, introduced the applicant Jonathan Sturgis. Mr. Morrell explained that Lombard Estates was approved in 1978 and the applicant's home was built in 1996. The applicant is seeking approval to split his lot into two, one lot to have the existing residence, and one new proposed lot of 51,000 square feet at the intersection of Lucina Terrace and William Henry Drive. Wetlands delineation have been done and septic test pit results show there is adequate septic. Mr. Morrell said there is an existing gravity sewer from Route 202, which ends short of this existing home. The gravity sewer was ended at that location because there was not enough cover to continue it, so the ability to extend via gravity down William Henry does not exist. Mr. Morrell said the options for the new proposed lot is either subsurface wastewater disposal or a pressure sewer system and a grinder pump. The existing home currently has a pressure sewer system and grinder pump, and all of the other lots within Lombard Estates are on subsurface wastewater disposal systems.

Mr. Morrell said that the sewer impacts will determine how the applicant proceeds with the project. The undue hardship of the ordinance requires the applicant to provide cost information on the installation of subsurface wastewater disposal system, which is \$10,000 for this lot. The cost of installing a pressure sewer system is \$56,000 for this lot. To determine undue hardship, a value must be assumed for the structure on site, and if the sewer cost is greater than 15% of that value, an undue hardship can be considered to extend the sewer. Mr. Morrell said the value of the structure can be assumed at \$250,000, and 15% of that is \$37,500, with pressure sewer costs some \$20,000 above that.

In addition, Mr. Morrell said the applicant is looking for a waiver of the Class A High Intensity Soil Survey, but understands that will depend on the Board's decision about the sewer.

PUBLIC COMMEND PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

Mr. Fox confirmed with Mr. Morrell that the potential cost of sewer will determine the viability of the application. In reply to Mr. Fox, Mr. Poirier said there is nothing in the Ordinance that dictates what figure should be used for the installation of sewage disposal on sites. The last numbers seen by the Board were recommended by the Code Enforcement Officer on another project. Ms. Butler-

Bailey asked for a break down of the costs provided; Mr. Morrell said the applicant provided two estimates for two septic system designs, one was \$10,000 and one was \$8,500.

Mr. Firmin noted that he works for the Portland Water District but is not offering any comments in that capacity relative to sewer. He said his concern is that a septic system or leach field is expected to last 12 or 15 years and a typical sewer might last 50 years. He said he does not believe that pressure systems are ideal and a septic system will be fine in this case, and it looks as though there is room on this lot to replace it in the future. He does not believe a sewer extension is required.

Mr. Grassi said he agrees with Mr. Firmin and said he believes it would be a significant hardship in extending the sewer. Mr. Fox said in this instance a single lot is under discussion, surrounded by houses that have septic systems in place, so forcing the applicant to spend \$50,000 to run sewer to a single lot seems to have little value. Ms. Durst commented that the assumed cost of \$250,000 for the structure is considerably below the median price in Gorham of \$335,000.

**James Anderson MOVED and Thomas Hughes SECONDED a motion to allow the applicant to install a subsurface wastewater disposal system versus extending public sewer to his lot. Motion CARRIED, 7 ayes.**

Mr. Fox referred to the applicant's request to waive the Class A High Intensity Soil Survey, noting that a nitrate plume analysis would be required for the wastewater disposal system and that it would be unlikely for the Board to waive that requirement. Mr. Fox confirmed with Mr. Morrell that the applicant will follow the sprinkler requirements for the property. In addition, the applicant will work on relocating the Frazier Trail on the property.

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**ITEM 3 Sketch Plan – Subdivision – Legere Builders** – a request for approval of a 9-lot subdivision off Wood Road, zoned R, Map 54, Lot 9.003

Ms. Eyerman told the Board that this is a request for approval of a conventional 9-lot subdivision in the Rural zoning district on approximately 25 acres. On-site septic systems are proposed. Fire Department comments include sprinkling the buildings, the hammerhead road width is to be 20 feet wide and 50 feet long, no parking signs should be added at the hammerhead, and the driveway for lot 1 be off the new private way and not the hammerhead. Ms. Eyerman commented that all new applicants should be aware of the new ordinance adopted by the Town Council on November 10, 2020 requiring that all taxes and accounts be paid prior to application or approval.

Andrew Morrell, BH2M, introduced the applicant, Randy Legere. Mr. Morrell said this was a subdivision known as Country Fields back in 2012 and was a 5 lot subdivision and Daisy Lane private way was created and constructed. The applicant is now looking to create two lots off Daisy Lane, one lot off Wood Road, and a proposed private way with 6 additional lots. The private way would be constructed to the 2-6 lot private way standards, just under 1000 feet long. Lots would be served by underground electric, drilled wells and subsurface wastewater. Discussions with staff suggest adjusting the lot lines between lots 8 and 9, to give some more buildable window for lot 9, outside the stream setback.

PUBLIC COMMENT PERIOD OPENED    None offered  
PUBLIC COMMENT PERIOD ENDED

Mr. Fox asked what Mr. Morrell wanted Board input on. Mr. Morrell replied that one item is lot 9, fattening up the curve of the road to bring it further away from the stream. Mr. Morrell asked if there are any red flags showing on their proposed plan, adding two lots on Daisy Lane.

Mr. Fox said abutter comments have been received regarding Daisy Lane and any impact to it, specifically if any work is planned for Daisy Lane and whether the applicant has easement or legal rights to get utility access along Daisy Lane. Mr. Morrell said the applicant is working with his attorney to provide legal documentation that would show utility access rights, and no improvements are proposed to Daisy Lane as part of this application. Mr. Morrell commented that there was discussion about the lack of a paved apron at the end of Daisy Lane which will need to be addressed.

Applicant, Randy Legere, discussed changing the lot line between lots 8 and 9 and being beyond the 75 foot stream setback area. Mr. Legere asked if paving the apron on Daisy Lane is his financial responsibility or that of the original developer, Holman Development. Ms. Eyerman said that the performance guarantee for this existing subdivision can be researched to see if there is any amount of money with it.

Mr. Anderson confirmed with Mr. Morrell that the lots will be served by private well and septic and the high intensity soils survey, the nitrate plume analysis, and well exclusion zones will need to be provided to help identify buildable areas on the lot. Mr. Morrell said that Mark Hampton Associates is currently working on that information, and there could be a difference in layout when the applicant returns.

Ms. Durst asked if all subdivisions are required to have open space. Ms. Eyerman said there is no requirement for open space in this instance and it is the developer's choice as to whether they offer it. Ms. Durst said that lot 9 could qualify as open space.

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**ITEM 4      Sketch Plan – Subdivision – Kirk Nadeau** – a request for approval of a 4-lot subdivision off 375 Fort Hill Road, zoned R, Map 65, Lot 3.001

Ms. Eyerman explained that this application is to subdivide one lot into 4 lots on approximately 17.9 acres off Fort Hill Road, currently zoned Rural. On-site septic is proposed as there is no public sewer near this property. The Fire Department requires that the sprinkler ordinance be followed. Once again, Ms. Eyerman noted that all taxes and accounts need to be paid per the new ordinance passed by the Town Council on November 10, 2020.

Andrew Morrell, BH2M Engineers, introduced applicant Kirk Nadeau. Mr. Morrell described the project as a family estate, which currently contains an existing house which will remain on one of the lots, and proposed are 3 single family house lots and one large 10-acre lot which will be restricted as a single family house lot only. The lots are well above the size required in the zone, the smallest lot being 2.3 acres. The lots will be served by overhead electric, there is public water along Fort Hill Road, and proposed are subsurface wastewater disposal systems. The applicant is considering asking for a waiver from the Board for the requirement of a nitrate study due to the availability of public water and the size of the proposed lots being larger than the zone requires.

Mr. Morrell said the applicant will be working with the Maine Department of Transportation regarding driveway entrances on to Route 114. Mr. Morrell asked if the Board would be willing to consider both preliminary and final approvals at the same meeting.

PUBLIC COMMENT PERIOD: None offered  
PUBLIC COMMENT PERIOD ENDED

Mr. Fox asked how the large lot will be restricted, either by deed or plan. Applicant Kirk Nadeau replied that it will be restricted by deed to a single family home.

Mr. Fox and Mr. Morrell discussed whether some consideration can be given to having underground utilities, with Mr. Morrell noting that the poles are already in place on Route 114. Mr. Morrell said, however, the applicant would be willing to discuss underground utilities if that is something the Board wishes. Mr. Fox suggested using underground rather than overhead.

Mr. Anderson confirmed with Mr. Morrell that the applicant may request a waiver for a nitrate plume analysis because of the size of the lots. At the request of Mr. Fox, Mr. Morrell said they would provide information on well locations on adjoining properties.

Mr. Hughes asked how many curb cuts are proposed for Route 114, and if it would be possible to reduce the number. Mr. Morrell replied he believes that is something they will have in discussions with DOT.

Mr. Fox advised Mr. Morrell that preliminary and final approvals may be possible in one meeting, depending on the completeness of the application.

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**ITEM 5 Preliminary Subdivision – Black Gum Tree Subdivision – Plowman Development Group, LLC** – a request for preliminary approval of a 10-lot subdivision on Burnham Road, zoned SR, Map 3, Lot 17.

Ms. Eyerman described the application as a 10-lot subdivision off Burnham Road on approximately 16.4 acres and contains wetlands, potential vernal pool, mature canopy trees and understory. Proposed are paved private driveways, individual domestic wells and subsurface septic systems.

The Conservation Commission has indicated an interest in making connections to trails in that area. Homeowners' Association documents need to be submitted for review. The private way plan needs to be prepared by a land surveyor. Ms. Eyerman said that the ordinance passed on November 10, 2020 by the Town Council requiring that all taxes and accounts be paid applies to this project as well.

Steve Blake, BH2M, explained the project as a 10-lot clustered subdivision with a private way built to the 7 to 10 lot private way standards. The private way will be 1100 feet with a cul-de-sac for a turnaround. As part of the infrastructure a wet pond is proposed to capture, treat and detain most of the runoff coming off the project. Lot sizes range from 35,000 to 38,000 square feet. Soil testing has been done, as well as wetlands delineation. Of the total parcel size of 16 acres, 6 acres have been reserved in open space, primarily toward the back of the property, and a 25 foot area around

the back of lots 7 through 10 and lots 1 through 5. There are significant plantings proposed along Burnham Road to provide screening. An application has been submitted to the DEP for a NRPA permit by rule, as well as a stormwater permit by rule application.

Regarding Ms. Eyerman's comments about the private way plan, Mr. Blake said they can have their surveyor stamp it. Ms. Eyerman said the plan needs to be designed by a surveyor and sealed by an engineer. He said the homeowners' association documents are being prepared. He said he does not know of any trails in the area to connect to.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson asked about the curb cut into Burnham Road and wondered if there is adequate site distance coming down Mitchell Hill. Mr. Blake said they discussed the issue with Public Works and it was agreed the site distance was adequate in both directions. Mr. Anderson asked if it is possible to slide the pond toward Mitchell Hill to allow complete access around the perimeter. Mr. Blake said they do have the option of cutting it back toward the cul-de-sac to open up the area.

In reply to Mr. Fox, Ms. Eyerman said that the application is far enough in the review to warrant a vote on preliminary approval.

**Scott Firmin MOVED and Vincent Grassi SECONDED a motion to grant Plowman Development Group's request for preliminary subdivision and private way approval for a 10-lot single family residential project located on 16.3 acres off Burnham Road, Map 3, Lot 17, in the Suburban Residential zoning district, based on Findings of Fact as written by the Town Planner. Motion CARRIED, 6 ayes, 1 nay (Molly Butler-Bailey).**

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**Five Minute Break, 9:00 to 9:05**

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**ITEM 6 Pre-application Discussion – Gorham Business Campus – Map 30, Lot 1; Map 29, Lot 20; and Map 29, Lot 1, zoned Industrial**

Ms. Eyerman described the project as being a request by the Town of Gorham for a subdivision review of the Gorham Business Campus, a 136.8 acre site located on Map 29, Lot 1, Map 29, Lot 20, and Map 30, Lot 1. The site contains wetlands, a 100-year floodplain, vernal pools, open fields, canopy trees and understory. The applicant proposes to subdivide the one lot into sixteen lots, ranging in size from 2.29 to 12.48 acres. She noted that the Cross Town Trail crosses through the parcel by way of the Boston & Maine R.R. and noted that it needs to be clarified that the Town holds an easement for use of the trail. In addition, the rights to Cobb Road also need to be determined and perhaps could be utilized as an alternative pathway to Main Street.

Ms. Eyerman noted that the November 10, 2020 ordinance requiring the payments of taxes and accounts also applies in this case.

Michael Zarba, P.E., SLR Consulting, described the physical aspects of the site, pointing out the Cross Town Trail cutting through the property, the 100-foot Portland Water District easement, wetlands, wetlands of special significance, two vernal pools, and streams and associated setbacks.

Mr. Zarba showed the Board the concept plan developed with the subcommittee appointed by the Town Council, showing lots sizes and estimated buildings that could be put on the lots, information developed by the Gorham Economic Development Corporation. The site is approximately 136 acres and the lots range in size from 2-1/2 acres to 10 acres, with one lot at 12 acres. The estimated buildings shown are between 10,000 and 50,000 square feet of building area. Mr. Zarba said some 6,700 feet of road is proposed, between Main Street and Cyr Drive, and extending out to Hutcherson Drive to connect the existing Industrial Park into this parcel. Proposed are overhead utilities and public water and sewer.

**PUBLIC COMMENT PERIOD OPENED:**

Comments received via email from Shamrock Drive residents:

Ann Bilodeau  
Dana Burleigh  
Andrea Chadburn  
Theresa Connolly  
Barbara Deveau  
Beth Epperson  
Glenn Pieri

Interested party, George Robicheau, Buxton, Maine, spoke about property owned by his family abutting the site to the southeast, asking if part of that property will be taken by eminent domain for the widening of Hutcherson Drive or will it be extended on the south side of the railroad bed, which is part of the parcel. He also asked if a stormwater treatment area abutting his property is proposed. He indicated that he has information about the status of Cobb Road.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Zarba said the extension of Hutcherson Drive has an 80 foot right-of-way that was deeded to the Town of Gorham. He said they would expect to stay within that right-of-way with road widening, and it is possible that slopes may extend slightly off that roadway. He said, however, the road is not fully designed at this time, but they will make every effort to stay within the existing right-of-way. Mr. Zarba said their surveyor is working on the abandonment or discontinuance status of Cobb Road. He said it would appear that it has been abandoned for more than 30 years, which could revert it to the adjoining property owners, one half of whom is the Town of Gorham. Mr. Zarba said some of the areas have been identified that will be used for stormwater, and there is a proposed stormwater pond adjacent to Mr. Robicheau's property but which will be contained in the existing site and would not extend on to his property.

Mr. Fox noted the number of comments from abutters concerned about adequate buffering. Mr. Poirier said that once the Town Council purchased the parcel, they also identified a steering committee to oversee the concept design presently before the Board. After multiple meetings, the steering committee met to lay out a potential conventional design. This design is one of three discussed by the steering committee and finally chosen to be presented this evening. One of the steering committee members lives on Shamrock Drive, so early on in the process it was identified that it is important to have a buffer in place to protect that neighborhood. As the design is moved



forward, a professional will be hired to look at that area and to present a proposed buffer for the Board's review to address that concern.

Mr. Anderson commented that this zone is industrial, and the performance standards mention a 100 foot buffer where the property abuts residential, but what is currently shown is 80 feet. Mr. Poirier replied that standard is for parcels zoned industrial after 1998. This parcel predates that date, so it is not subject to that 100 foot buffer requirement. Mr. Anderson said he hopes that careful consideration is given to buffering behind the houses on Shamrock Drive. Mr. Poirier said a landscape architect will design a buffer to break up the lots from the development, and that as each lot is developed and comes before the Board, additional buffering may be a consideration.

Mr. Fox asked about the time line for the project. Mr. Zarba replied that next steps will be to work with the steering subcommittee and Economic Development office, as well as the commercial realtor hired by the Town, to make sure that the lots are developed based on possible commercial uses may come in to help guide the subdivision. Details will be defined for the overall stormwater plan for the entire site, inclusive of impervious areas on individual lots, the roadway plans and profiles need to be designed, and application will be made with the Town for preliminary approval, as well as with DEP for NRPA and stormwater permits.

Mr. Poirier asked if the Board would be interested in a drone flyover, as well as additional pictures showing street views. Mr. Fox said he believes the Board the drone view will be useful to give the Board a better understanding of the site. Mr. Poirier said the Town will come forward with phasing as only a certain amount was bonded for the project, so the Town does not have enough funding to build the entire site at once. Mr. Fox asked if the application will be for the entire plan or will it be more than one approval requested. Mr. Poirier said it will be for the entire plan, one for DEP, as well as for the traffic movement permit, so all thresholds are identified moving forward. Mr. Fox confirmed that the Board will review it as one application but it will be built out in phases.

Ms. Eyerman advised Mr. Fox that the Comprehensive Plan recommends that this site remain Industrial. If businesses are allowed, this would require a change in the zoning language and in the Comprehensive Plan as well. Mr. Poirier commented that the Planning Board will have the ability to give input on uses for this site.

Ms. Butler-Bailey said she believes that a street view around Shamrock Drive, both current and proposed, would be helpful in determining what buffering will be required. Mr. Anderson asked for renderings of what the proposed buffers might look like to show the Board and the concerned abutters what the intent is to help buffer the lots abutting the project site. Mr. Zarba said they will be going into that in more design detail with their landscape architect.

In reply to a comment from Mr. Hughes, Mr. Poirier confirmed that the abutter comments have been shared with the engineer.

Mr. Poirier commented that there is an outparcel being broken off Libby Avenue.

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**ITEM 7 Drone Site Walk – Gorham ME 1, LLC – ground mounted solar facility at 17 Nonesuch Road, zoned R-MH, Map 1, Lot 11 – Gorham GoCat’S and applicant’s drone site walk videos**

The Board reviewed both GoCat’s and the applicant’s drone site walk videos.

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**ADJOURNMENT**

**Molly Butler-Bailey MOVED and Susan Durst SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. 10:12 p.m.**

Respectfully submitted

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2021