

PLANNING BOARD MEETING MINUTES

NOVEMBER 1, 2021

MEMBERS PRESENT

MOLLY BUTLER-BAILEY, CHAIRWOMAN
JAMES ANDERSON
GEORGE FOX
VINCE D'NT GRASSI
THOMAS HUGHES

MEMBERS ABSENT

SUSAN DURST
SCOTT FIRMIN, VICE CHAIRMAN

STAFF PRESENT

THOMAS POIRIER, DIRECTOR
OF COMMUNITY
DEVELOPMENT
CAROL EYERMAN, TOWN
PLANNER

Chairwoman Molly Butler-Bailey called the meeting to order at 7:00 p.m. The Town Planner called the roll, noting that Scott Firmin was absent.

APPROVAL OF THE OCTOBER 4, 2021 MEETING MINUTES

Gorge Fox MOVED and Thomas Hughes SECONDED a motion to approve the October 4, 2021 meeting minutes as written and distributed. Motion CARRIED, 6 ayes (Scott Firmin absent).

COMMITTEE REPORTS

- A. Ordinance Review Committee:** Chairman Grassi reported that the committee met before this meeting to discuss an amendment to the Land Use and Development Code regarding phasing of subdivisions, reviewed some of previously phased developments in the Town, some minor changes were made to the proposed language, and the item will go to public hearing next month.
- B. Comprehensive Plan Implementation Committee:** Chairman Anderson reported that this committee also met prior to this evening's meeting to discuss proposed amendments regarding the Village Expansion District. Language was discussed for financial hardship in making two points of connection; the item will be on for public hearing next month as well.

ADMINISTRATIVE REVIEW REPORT: Ms. Eyerman reported that Moderne Rug Cleaning has submitted an Administrative Review Application for 601 Main Street, requesting approval to construct an 8,700 square foot commercial building to house the business, office and related equipment. The item was tabled for more information, which should be forthcoming in the next couple of weeks.

CONSENT AGENDA - Site Plan – hep Energy USA, LLC – a request for approval of a ground-mounted photovoltaic installation on 20 acres of leased land of a 68-acre parcel located at Wescott Road. Zoned R, Map 86, Lot 13.

Ms. Butler-Bailey explained that items on the consent agenda are applications that have been before the Board which have minor outstanding issues that staff feels have been satisfactorily addressed, and the item is ready for Board approval. Such items are approved without discussion, unless a member of either the Board or the public wishes to take the item off the Consent Agenda.

Ms. Eyerman advised the Board that the applicant has satisfied all outstanding comments by the Town's engineer, and a Condition of Approval has been added regarding the decommissioning bond required.

There being no one from the Board or the public wishing to take the item off the Consent Agenda,

George Fox MOVED and Susan Durst SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 6 ayes (Scott Firmin absent).

ITEM 1 Subdivision, Town of Gorham Industrial Park – West Campus – a request for approval of a subdivision for an additional industrial park in the Town of Gorham and the review of proposed landscaping features. Zoned I, Map 30, Lot 1, Map 29, Lots 20 and 1.

Ms. Eyerman advised the Board that this request is for review of phase 1 of the subdivision. The last time the Board considered the item it was for the entire parcel of some 136 acres. This parcel is 42.9 acres, which is proposed to be divided into 4 lots, and includes the road, utilities, stormwater infrastructure and landscaping. A waiver was granted from a Class A Soil Survey by the Board because the entire subdivision will be serviced by public water and sewer. A Tier 2 NRPA Permit and Site Development Application will need to be submitted to the Maine DEP for review. Ms. Eyerman noted that the applicant should utilize the subdivision application for further reviews. The landscaping plan shows 3 species of canopy trees along the proposed road; the Board should determine if this is adequate or if peer review is needed. Staff is recommending peer review of the traffic analysis. In addition, it would be useful to have a utilities plan in combination with the landscaping plan to make sure the utilities do not contradict locations for canopy trees as they reach maturity. Ability-to-serve letters for water and sewer are pending. The applicant needs to discuss if historic sites, rare or irreplaceable natural or manmade assets are located on the site. Proof of financial capacity needs to be provided. Any variances and waivers that have ever been granted should be shown on the plans.

Thomas Poirier, Director of Community Development, advised the Board that a review of both the northern and southern parcels became overly complex, and the Town lacked the funding to complete the entire project. The plan before the Board this evening is smaller than can actually be funded, so the Town is moving forward with the southern parcel. Items discussed with the

Board the last time the project was before it were that the Town is looking to get preliminary approval to go to the DEP and the Board requested a subdivision plan so they can look at the actual lots to make sure they meet minimum zoning, which the engineer has provided. Mr. Poirier discussed road construction, saying there is one on Libby Avenue and one on New Portland Road, and with the 4 lots being proposed in the parcel under review, that is where the traffic study will identify any concerns. The traffic study can be peer reviewed if that is what the Board wishes. Mr. Poirier said that this lot is not one of the lots identified by the peer review engineer zoned after the 1998 100-foot setback. There are no residential abutters to this parcel, it is all industrial to the south, there is a rail bed to the north, CMP to the east, and Libby Avenue on the other side.

Mike Zarba, SLR Consulting, told the Board that the project is quite reduced from what the Board saw in August and is just the southern portion coming off Cyr Drive. Mr. Zarba said a phasing plan shows phases 2 and 3, just as a result of building out the remainder of this particular subdivision. Future connections are allowed if the Town wants at some time to subdivide the northern lot, both utility and road connection wise.

Mr. Zarba said that the majority of the stormwater issues will be addressed through the process with DEP and the NRPA and stormwater permits with them. He said that a review of the traffic impact analysis will be no problem, although on the southern site it does not appear to be as problematic as it was with the northern parcel included.

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

Mr. Fox asked how this phase will connect to the Cross Town Trail and Hutcherson Drive. Mr. Zarba said the plan improves Hutcherson Drive to the existing paved portion, where the utility substation is located, about 1000 feet or so down from the site's connection point. A roadside trail is proposed along Hutcherson Drive with a cross walk enabling walking, biking, hiking, as is currently possible along the Trail over to Libby Avenue. The difference is that it would be a shared sidewalk trail along the paved portion of Hutcherson in the future. Mr. Poirier told Mr. Fox that the first phase will not connect Hutcherson, in the first phase the trail will stay as it currently is. Mr. Poirier said that if the Hutcherson Drive connection ever makes it between the Industrial Park where it currently is over to this road, then the trail would have to be a roadside trail. The issue will be the right-of-way.

Mr. Anderson asked for confirmation from Mr. Poirier that preliminary approval is required before submitting to the DEP. Mr. Poirier said it is good to know that the Board is satisfied with the location of the lots and the road before submitting to the DEP in order to avoid having to revise a submission. Mr. Anderson confirmed that lead time with DEP is some 6 months. Mr. Poirier replied to Mr. Anderson that lot 5 is an allowed out-parcel break.

Ms. Butler-Bailey asked if having the proposed 3 canopy trees is satisfactory to the Board, or would the Board like to have that peer reviewed. Mr. Anderson said it would make sense to have a peer review of the landscaping. Mr. Grassi agreed, and commented that the traffic study should be reviewed as well.

In reply to a query from Ms. Butler-Bailey, Ms. Eyerman replied that it is handy to have both utilities and landscaping on the same plan because then it is easy to see what possible conflicts can occur. Mr. Zarba said that information can be switched to the landscaping plan rather than the plan profile sheet. Mr. Zarba advised the Board that the northern parcel is the one that contains some historical properties further investigated so far; however, the southern site does not include any historical properties or artifacts known to the Maine Historical Preservation Commission. Ms. Eyerman suggested a statement be provided explaining that for the next submission. Mr. Zarba replied that is a requirement of the Site Law Permit to submit that information as well.

In reply to Ms. Butler-Bailey, Ms. Eyerman confirmed that not having proof of financial capacity has held up preliminary approval in other applications. Mr. Poirier replied that the project has been bonded, it went through referendum, and he can provide a letter confirming that the funds are available to do the road infrastructure for the southern parcel. Mr. Fox said that at the risk of appearing somewhat favorable toward the Town, he does not see a need to hold up approval based on financial capacity. Mr. Anderson agreed, and noted that taking into account the amount of time required for DEP approval, the applicant will have plenty of time to resolve some of the other outstanding issues.

George Fox MOVED and Vincent Grassi SECONDED a motion to grant preliminary subdivision plan approval for Gorham Industrial Park - West Campus, Phase 1, located off New Portland Road, Libby Avenue, Cyr Drive and Jenna Drive, on Map 29, Lot 1 in the Industrial zoning district, based on the Findings of Fact as written by the Town Planner. Motion CARRIED, 6 ayes (Scott Firmin absent).

ITEM 2 Subdivision Amendment – Matthew Cook – Deering Drive – a request for approval to amend lot a of the existing Stephanie Cook, Deering Drive Subdivision, to create two additional lots on a subdivision located in both Gorham and Buxton. Zoned R, Map 14, Lot 2-4.

Ms. Eyerman explained that the original subdivision plan was approved in August of 1996, with the Gorham and Buxton Planning Boards holding a joint meeting in order to approve it. Ms. Eyerman said that Buxton is to hold a meeting next Monday, both Town staffs and the applicant have met, and a possible joint meeting is proposed to be scheduled. The Town Attorney has confirmed that a joint hearing is required by both Boards unless they agree in writing to waive the requirement for a joint meeting or hearing. Ms. Eyerman said that they are moving forward with having a joint meeting, either on November 15 or November 22, if both Boards would like to move forward that way.

Ms. Eyerman said that the applicant has requested a waiver from the high intensity soil requirement, stating that the he does not have right, title or interest in the other property and that 2 passing test pits have been located on each of the proposed two lots. Ms. Eyerman recommends holding off on granting that waiver to the joint meeting and discussing it at that time. The Town of Gorham's peer review engineer has stated that they believe that a high intensity soil survey is not necessary for this amendment.

Shawn Frank, Sebago Technics, Inc., came to the podium and introduced the applicant Matthew Cook. Mr. Frank said that only Gorham signed the 1996 plan. Mr. Frank said that the applicant wants to divide the 7-1/2 acres he has into two lots located off Deering Drive. He confirmed that there is a meeting with the Buxton Planning Board for next Monday night, and they will request that Buxton waive the requirement for a joint meeting.

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

Mr. Anderson asked if a joint meeting with Buxton can be done virtually. Ms. Eyerman said that the Town does not allow that, until a specific policy is adopted by each committee or board that wants to use it by holding a public hearing and adopting the policy.

Ms. Butler-Bailey asked what the Board wanted to do about the waiver request. Mr. Anderson noted that the Town's review engineer does not feel it necessary to do the high intensity soil survey. Mr. Frank said that Mr. Cook plans to sell the two lots and the septic systems design and house plans will all be part of the building permit process.

Vincent Grassi MOVED and Thomas Hughes SECONDED a motion to grant a waiver from the high intensity soil survey requirement. Motion CARRIED, 6 ayes (Scott Firmin absent).

Vincent Grassi MOVED and Thomas Hughes SECONDED a motion to postpone further review of Matthew Cook's request for subdivision amendment approval pending responses to remaining issues, revisions to the plans and public hearing with Buxton. Motion CARRIED, 6 ayes (Scott Firmin absent).

OTHER BUSINESS: Remote and Hybrid Meeting Policy

Ms. Eyerman explained that the Town Council has adopted the remote and hybrid meeting policy and said that the Planning Board will be the second entity to hold a public meeting on the issue. She explained the various sections and requirements, as well as notifications. Ms. Butler-Bailey commented that there does not seem to be any provision for remote public participation when the Board is present. Ms. Eyerman commented that the Council Chambers do not have the capability to do that.

Mr. Fox asked how the policy will be applied. Ms. Eyerman said the policy is meant to be applied in emergency situations. Mr. Fox said he was hoping that the Board could return to completely remote meetings. Ms. Eyerman told Mr. Grassi that this is a state statute and the Board can change the guidelines so long as they meet the state statute. Ms. Eyerman said she will discuss with the Town Attorney how much the proposed policy could be tweaked. Ms. Butler-Bailey said she would like the policy to allow a hybrid meeting involving the public; that way, if it does become possible, it will already be part of the Board's policy.

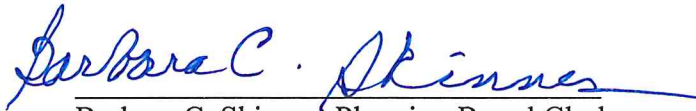
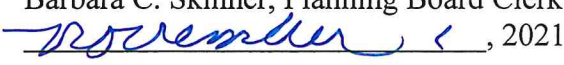
Ms. Eyerman provided the Board with the 2022 meeting schedule with revised submittal

deadlines, which reflect the fact that both the Town's ordinance and state law permit working within a 3 week submission time frame, allowing an applicant additional time to submit before the next Board meeting.

ADJOURNMENT

Vincent Grassi MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Scott Firmin absent).

Respectfully submitted,


Barbara C. Skinner, Planning Board Clerk
 November 1, 2021