

PLANNING BOARD MEETING  
July 6, 2020  
Zoom Webinar Meeting

**MEMBERS PRESENT**

GEORGE FOX, CHAIRMAN  
SCOTT FIRMIN, VICE CHAIRMAN  
SUSAN DURST  
VINCENT GRASSI  
THOMAS HUGHES

**MEMBERS ABSENT**

JAMES ANDERSON  
MOLLY BUTLER-BAILEY

**STAFF PRESENT**

THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
CAROLYN EYERMAN, TOWN PLANNER  
BARBARA SKINNER, CLERK OF THE BOARD

George Fox, Chairman, called the zoom Webinar meeting to order at 7:00 p.m. The Clerk of the Board called the roll, noting that James Anderson and Molly Butler-Bailey were absent.

**APPROVAL OF THE JUNE 1, 2020 MEETING MINUTES**

Scott Firmin **MOVED** and Thomas Hughes **SECONDED** a motion to approve the minutes of the June 1, 2020 meeting as written and distributed. Motion **CARRIED**, 5 ayes (James Anderson and Molly Butler-Bailey absent).

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**CHAIRMAN'S REPORT**

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

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**COMMITTEE REPORTS**

- A. Ordinance Review Committee - Mr. Grassi reported that this committee has not met since the Board's last meeting.
- B. Comprehensive Plan Implementation Review Committee – In Ms. Butler-Bailey's absence Mr. Fox reported that this Committee has not met since the last Planning Board meeting.

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**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerman said there is no administrative review report tonight.

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**CONSENT AGENDA – Final Subdivision/Site Plan Review – Kasprzak Landholdings, Inc.** a request for approval for 60 duplex condominiums, Phases 4-6 at Pheasant Knoll Condominiums (Stonefield, Windswept and Winding Ridge Condominiums, zoned CZ, UR/SO, Map 46, Lot 11.004.

Mr. Fox explained the Consent Agenda process, noting that items on the Agenda are administrative in nature and have been recommended for approval by staff. He said the items will not be discussed, unless a request is made by a Board member or by a member of the public to have an item taken off the Agenda. If there is

such a request, the item in question will be removed from the Consent Agenda and taken up immediately for discussion.

Ms. Eyerman advised that the applicant has submitted the required DEP approvals, which is the only item missing prior to the Board's consent. She said that the conditions of approval have been shared with the applicant.

There being no one from the Planning Board or the public wishing to take the item off the consent agenda

**Vincent Grassi MOVED and Thomas Hughes SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 5 ayes (James Anderson and Molly Butler-Bailey absent).**

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**ITEM 1    Public Hearing – Self Storage Facilities in the Roadside Commercial Zone – Proposed amendment to Section 1-11, Roadside Commercial District, to allow self-storage facilities.**

Ms. Eyerman provided the Board with the background of the amendment, saying that having begun at the Town Council level, the item was forwarded to the Board for public hearing and recommendations. The Planning Board's Comprehensive Plan Implementation Committee has had several workshops on the language, resulting in the proposed amendment before the Board this evening for public hearing. She said that the proposal adds self-storage facilities and warehousing facilities as definitions, and adds performance standards for lot layouts, utilities, buffer yards, building design and access management.

Mr. Fox commented that after the three workshops to review the proposed language, the Comprehensive Plan Implementation Committee concluded that there is a good amount of work that still could be done, but the Committee is hopeful that additional guidance can be provided by the Town Council in the future as to exactly what they would like to see accomplished with the proposed amendment. Therefore, Mr. Fox said that what is before the Board this evening is a minimalistic view of what needs to be done in order to address the known applicant coming before the Board, and said that there is a letter to be sent to the Town Council asking for some direction as to what they would like to see in the way of "additional work" being done. Once that guidance has been received, one of the Board's committees would address the matter in more depth. Mr. Fox said that this is probably not the last time that the Board will be addressing the language in this zone, but for the sake of trying to move this along, it is felt that what is necessary has been accomplished in the interim.

There were no questions or comments from Board members about the draft before the Board this evening.

**PUBLIC COMMENT PERIOD OPENED:**     Mr. Poirier noted that written comments have been received from David Pierson, Esquire, with Eaton Peabody, representing Pine Storage, operator of Gorham Self Storage on New Portland Road. Copies of Mr. Pierson's email have been provided to the Board and are incorporated by reference at the end of these minutes.

Mr. Pierson addressed the Board and affirmed the comments in the attached email, emphasizing what he considers an "unfair competition advantage" being afforded to the applicant if the Board recommends approval of the proposed language. Mr. Pierson says that in speaking about the proposal, in some ways it may be more about business than planning, but he believes that it is bad planning policy to base zoning on a single lot and asked that the Board not approve the proposed language. He said it would be different if this were a major project that would have a significant impact, such as a WalMart distribution center or the like. Mr. Pierson said that from a zoning perspective, implementing design standards that make sense for one of the major arteries into Gorham is a difficult task, and the proposed self-storage facility would not seem to be the image that the Town wants to project in this area. He referred to the proposed ordinance as a half measure just to allow another specific project to proceed.

Mr. Fox thanked Mr. Pierson for preparing his comments in writing, as well as speaking this evening.

Owens McCullough discussed the history of the Council's and the Board's review of the project in an attempt to adopt some design standards. Mr. McCullough took exception to Mr. Pierson's characterization of the proposed language as a "half measure," and said he believes that the Board has done a thorough job in its review. He said he believes that the proposed use for the lot is appropriate due to the constraints on the lot, fits well in the zone, and said the standards being proposed are very specific and give the Board flexibility with buffering and landscaping requirements.

Mr. Pierson commented that he does not believe the proposed design standards would be met by the applicant and suggested that the Board table the amendment until the Town Council's guidance has been provided about more comprehensive design standards.

Walt Stinson told the Board that he is the applicant whose proposal began the process, first with the Town Council, who originally rejected his zone change request from RC to Industrial. Mr. Stinson went through the steps taken by the Planning Board and the Board's Comprehensive Plan Implementation Committee, which he thinks resulted in a fair and understandable proposed ordinance. Mr. Stinson told the Board that he believes the worst reason to reject the proposed amendment is objection from a competitor such as Prime Storage.

Mr. Fox said that he believes what Mr. Stinson and Mr. Pierson are talking about are policy decisions, the Planning Board does not make policy decisions, and he advised them to go before the Town Council and share their views there.

Susan Duchaine told the Board that she believes it is unfortunate that the Comprehensive Plan is currently in limbo and outdated, said she supports anything that brings jobs, that the proposed project would be better than empty land, and that storage units are a good use in that district.

Owens McCullough commented that the proposed standards are flexible about building design.  
PUBLIC COMMENT PERIOD ENDED

Mr. Hughes said he likes the idea of storage units and that demand for them is high as people down size. He commented that the New Portland Road units are well done. He believes this is a good business and does not think the storage units are unattractive.

Mr. Firmin said he supports the proposed language. Mr. Fox said that both for this version of the changes, as well as work anticipated being done in the future, policy should be left to the Town Council to determine. The Council can either like what the Board has proposed and give guidance on further additional changes, or the Council can decide it is not what they are looking for and squash it. Mr. Fox said he is in favor of moving this ahead to the Council. Mr. Grassi and Ms. Durst agreed with Mr. Fox that it should be moved on.

**Scott Firmin MOVED and Vincent Grassi SECONDED a motion to recommend adoption by the Town Council of the proposed amendments to the Roadside Commercial District and Chapter 2, Section 2-2 Parking, Loading and Traffic. Motion CARRIED, 5 ayes (James Anderson and Molly Butler-Bailey absent). [7:45 p.m.]**

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**ITEM 2 Public Hearing – Hans Hansen Contract Zone** – proposed amendment to the Hans Hansen Contract Zone and to a portion of the lots located in the Stargazer Subdivision to allow age-restricted dwellings units, mixed use buildings, and a drive-through in the front of a building; to exempt the project from the road standards, and to remove the New England Architecture requirements. Zoned R/SR, Map 3, Lots 22.502-507 and 22.403

Ms. Eyerman advised the Board that this item has been under review by the Planning Board in several workshop discussions. Due to electronic transmission issues, Mr. Poirier continued with updating the Board on the status of the project.

Mr. Poirier told the Board that in its packet this evening is a proposed contract zone amendment with revisions made by the Town Attorney. Mr. Poirier said he has had further discussions with Bill Walsh, the applicant's engineer, dealing with the Board's desire that there be a "campus feel" with the development, by adding additional sidewalks to provide connection to all the lots. Mr. Poirier said that Mercy Quick Care was contacted once more but unfortunately the applicant's engineer could not get permission to install the sidewalk where it was originally intended. Mr. Poirier said that there is the possibility of doing another sidewalk around lots 6 and 7 to provide some kind of uniform walking area to create the desired campus feel. Discussions have also been held with the applicant about the off-site contribution to the traffic signal improvements, and agreement has been reached with the Public Works Director that as part of the residential development, Hansen will contribute \$5,000 to be applied to the installation of fiber optic cable to link the traffic lights.

Mr. Fox noted that it appears there have been some changes since the last time the contract zone amendment was before the Board on May 18, 2020. He asked Mr. Poirier if the materials that have been provided to the Board for this evening's review are current. Mr. Poirier said that Mr. Walsh will be able to walk through the proposal with the Board and comment about any changes.

Bill Walsh, Walsh Engineering, described the changes being proposed in the plan. He said the purpose of the contract zone amendment was to get some residential use and mixed commercial residential. He described lots 2 and 3 as 55+ age-restricted residential, lots 4 and 5 commercial mixed-use with commercial on the first floor and residential units upstairs, and lots 6 and 7 as residential. Mr. Walsh said that lot 1 is what they call the "bank lot." Mr. Walsh described the paving that will be done on Blue Ledge Road and discussed the sidewalk that will be added. He said that Mr. Hansen has agreed to contribute \$5000 to the synchronization of the traffic lights as part of this project.

Mr. Walsh described the landscaping at the bank lot, which is to be based on and mimic the landscaping at Cumberland Farms. A row of arborvitae has been added to buffer the adjoining property. Mr. Walsh said that as part of the Contract Zone amendment, an exhibit dealing with proposed plantings will be included. Mr. Walsh referred to buffering at the back of the Mercy facility, pointing out vegetation on the plans already in existence, which they believe will be adequate.

Mr. Walsh referred to the discussion about the location of crosswalks. He said they have shown a crosswalk on Blue Ledge near Cumberland Farms and not at the lighted intersection with County Road and South Street.

Mr. Walsh said that it is not possible to gain access from Mercy Quick Care to put the sidewalk where it was originally hoped to be able to go, but they believe they have achieved a workable sidewalk route around lots 6 and 7.

**PUBLIC COMMENT PERIOD OPENED:** Susan Duchaine said she had a residential subdivision proposal before the Board 2 years ago that was denied because it did not meet the Comprehensive Plan requirements that have not been integrated into the ordinances. She said that 1 mile from her proposed development, on this already approved commercial site, residential uses are being considered for approval. She does not understand why the Town is spot zoning without bringing the Comprehensive Plan up to date.  
**PUBLIC COMMENT PERIOD ENDED.**

Mr. Fox asked if the materials before the Board now are the most current, and what has changed. Mr. Poirier said that what has changed on the applicant's proposed plan is the proposed sidewalk loop around lots 6 and

7 residential units. That was not part of the submission sent by the applicant. The Town Attorney reviewed the Contract Zone language and is recommending proposed changes. Mr. Poirier noted that Blue Ledge Road is proposed to be a Town road. He said that Public Works is not a big proponent of having mid-block crosswalks, and showing a mid-block crossing on the plan that people may use with traffic coming out of Mercy Quick Care and Cumberland Farms may not be the safest location. Mr. Poirier said the safest location may be at the light. Mr. Poirier said the applicant wants that decision to be made during site plan review. In that event, Mr. Poirier recommends that the plan be changed to show the crosswalk at both locations, with a note indicating that the actual location of the crosswalk will be decided as part of site plan review for the residential units.

Mr. Fox confirmed that the wording of the contract zone amendment supports the plans before the Board, but the plans are going to be reviewed as part of the site plan approval process at some time in the future, assuming that the contract zone amendment is approved by the Town Council. Mr. Poirier said there will be an exhibit for the financial institution which will be part of the contract zone, will be described as "exhibit 1," and will be recorded with the contract zone. Mr. Poirier said that could be done with the crosswalk locations as well and have that sidewalk system recorded as an exhibit to the contract zone so that everyone is clear in the future on what is going to be installed for sidewalks. He recommended including South Gorham Crossing/County Road 22 C1 plan as exhibit 2 showing the proposed sidewalk.

Mr. Fox asked what will the Town Council review and approve, simply the contract zone verbiage, or is this an attachment that also gets Council approval, or is the plot plan simply representative information for the Planning Board to understand. Mr. Poirier replied that the Council will review both the plans as well as the contract zone, if the Board includes them as exhibits. If they are included, the Council will have a sense of what the Board is requiring as part of the contract zone amendment. Mr. Fox confirmed with Mr. Poirier that the Board should include the exhibits as part of what goes to the Town Council. Mr. Poirier said that this way it is clear not only for the applicant, but also so that everyone knows exactly what is being proposed now and in the future.

Mr. Fox said the smaller sidewalk loop now proposed around lots 6 and 7 does not seem to be that much of an issue. Mr. Firmin said he appreciates the updated landscaping plan but he would like to see more detail about abutters' lighting concerns, which will probably be discussed during site plan review. Mr. Hughes said he believes moving the crosswalk up to the light is the better location. Ms. Durst said she has no concerns or questions.

Mr. Grassi said he is unsure about the residential areas between the mixed uses. Mr. Fox said the applicant has requested a contract zone amendment, the Board has worked with the applicant through some workshops and has generally settled on what is in front of the Board now. Mr. Fox said that at this point it is up to the Board to decide if it is comfortable sending this on to the Town Council for contract zone amendment or not. He said that if Mr. Grassi is uncomfortable with what is being proposed and believes it should be entirely mixed use or entirely commercial, then probably his vote ought to be not to send the proposal forward to the Council. Mr. Grassi said he would support moving the proposed amendment to the Council, but as it moves forward in the review process close attention will need to be paid to the mix of populations.

Mr. Fox confirmed that the Town Attorney's comments on the proposed contract zone amendment will go forward to the Council. Mr. Poirier suggested that the Board's motion read "contract zone language as amended by Town Staff and the Planning Board" and the crosswalk location exhibit showing both the locations to be clarified as part of site plan review.

**Scott Firmin MOVED and Thomas Hughes SECONDED a motion to recommend adoption by the Town Council of the proposed Hans Hansen Contract Zone Amendment as amended by Planning Board and Staff, including the exhibits as shown on Plot Plan C1 with sidewalk extensions to be**

**shown in two locations, with clarifying language to be added to the Contract Zone. Motion CARRIED, 5 ayes (James Anderson and Molly Butler-Bailey absent).**

**ITEM 3 Public Hearing -Preliminary Subdivision/Site Plan – Design Dwellings, Inc. – Natalee Place Condominiums** – a request for approval of 22 condominiums and a commercial unit on an approximately 5.32 acre parcel on Main Street. Zoned UR/OR, Map 100, Lots 3 and 3.1.

Ms. Eyerman gave the Board a background summary of the application, a request for preliminary approval of a 23 unit condominium development consisting of 22 residential units and one commercial unit, with associated parking and infrastructure off Main Street. She said there is a stream and a freshwater pond toward the rear of the parcel, which is a total of 5.3 acres. The property is zoned Urban Residential in the back of both lots and Office Residential in the fronts of both lots. The parcel is near the Cumberland Farms site across Main Street on the Walgreen side of Main Street. Mr. Fox confirmed with Ms. Eyerman that both portions of this split parcel conform to the zoning that they fall in.

Andrew Morrell, BH2M Engineers, told the Board that under consideration are two parcels, 146 and 156 Main Street. He said that 146 is the Kerwin Chiropractic Building and there is an existing apartment building on 156. Mr. Morrell said that the applicant is looking to purchase the rear portion of these lots. There will be 22 residential condominiums, and the existing house will be converted into a commercial building as unit 23. Utilities will all be extended from Main Street, public sewer, water, gas, underground electric. He said that currently the DOT is working on the Main Street improvement project, and the applicant has worked with both the Town and the Portland Water District to install some utility stubs in order to avoid the moratorium that will be put on Main Street once the final paving happens. Stormwater for this site is going to be collected in a closed drainage system and directed to two vegetated soil filters that surround units 9 through 12; the soil filters will then feed the water and discharge it into the stream that runs in the back of the parcel. No work is proposed to be done within 75 feet of the stream. Mr. Morrell said the project will require a DEP stormwater permit which will be provided prior to final approval.

Mr. Morrell said that the applicant is seeking waivers on the requirement for a high intensity soil survey since the project will be served by public sewer and water, and a waiver from the submission of a traffic study. He said that Maine DOT recently did a traffic study on Main Street as part of their Main Street improvement project, so the applicant feels an additional traffic study is not warranted.

Mr. Morrell noted that the staff notes made reference to private way approval that is not required for this project. Access will be via a driveway maintained by the homeowners' association of the condominiums and built to the Urban Access standard.

Mr. Morrell said they would like to hear the Board's thoughts on the screening of the commercial lot. He said that the ultimate use for unit 23, the commercial lot, is not yet known at this time, but the most restrictive parking space requirement is for professional office, which is one space per 250 square feet. He said that unit 23 has roughly 1100 square feet, which would require 5 parking spaces and 10 have been proposed. Access to unit 23 will be by a walkway to be added to the sidewalk that runs along Natalee Drive. Mr. Morrell said that the applicant is going to use exterior lighting on the buildings to light up the roadway.

Mr. Morrell said the applicant is seeking preliminary approval this evening, which would allow the applicant to move forward with the DEP and Army Corps permits.

Susan Duchaine, applicant, told the Board that she believes there is a high demand for these individual condominiums, with the over-55 age restriction. She said that perhaps she will go 70 to 75% of the units being over 55.

PUBLIC COMMENT PERIOD OPENED: Mr. Poirier advised the Board that abutter John Sawyer, Esquire, has provided an emailed letter, dated July 1, 2020, attached hereto at the end of this document and incorporated by reference.

Ms. Duchaine said that she would not be opposed to restricting turning out of the project to right turns only, but she believes people will figure it out on their own.

PUBLIC COMMENT PERIOD ENDED.

Mr. Fox opened a discussion on the issue of a traffic study waiver, and asked staff if there is anything that would be gained from having a fresh traffic study done and having it peer reviewed for this project that the Board does not already have access to from the DOT's traffic study. Mr. Poirier replied that the concern involves the reconfiguration of the traffic light at Main Street and New Portland Road, and there was no thought initially about a high use driveway coming in at that location. Mr. Poirier said that with that driveway coming in, the issue is what will that do to the traffic around that intersection and how will it impact the function of that traffic light and intersection. When the DOT study was done, there was no known project coming forward. Mr. Fox confirmed with Mr. Poirier that the DOT study is really of current conditions only, but this additional access was not factored in.

Mr. Morrell noted that if these units are age restricted, he believes that a large percentage of the units will have one car. He said he knows that the project was sent to Milone & MacBroom for traffic review and believes those comments should be considered. Mr. Fox asked if Mr. Morrell believes that review is adequate to address any of the concerns specific to this application. Mr. Morrell said that Milone & MacBroom have asked for a trip generation analysis showing the total number of trips anticipated from the 23 new units and are asking as well for a crash history in this location along Main Street. Mr. Morrell said that if the Board decides a traffic review is required, those 2 pieces of information may be sufficient.

Mr. Fox asked whether a traffic study is clearly defined in what must be included, or is it open to interpretation by the applicant or a peer engineer to determine what is appropriate. Mr. Fox asked if the information about trip generation and crash history information adequately takes the place of a traffic study. Ms. Eyerman said that normally the applicant would be asked to provide all the information known on the road, the trip generation for the development being proposed and things around it, such as crash history in that location. She said that because the DOT has already done its study and is proposing to tweak signalization already, that information is available to the Board. Ms. Eyerman asked Mr. Poirier what can be included in addition to the DOT information.

Mr. Poirier said the important thing for the Board to remember is there are performance standards that the Board needs to make sure every project meets, such as safe entrance in and out of the site, and whether roads are adequate to handle the traffic. He said some projects are easier than others because they don't require a complicated traffic study because the capacity of the road is known to be able to easily accommodate the traffic of the development. Other roads, such as this one, where there are signal and congestion issues, warrant additional information such as a traffic study that does trip generations showing how the proposed trips will impact the road at certain times of the day, a.m. and p.m. peaks, which are the worst times of the day. With that information, the Board can better ensure that the project is meeting the performance standards. Mr. Poirier said that the DOT did some basic analysis regarding high crash locations, which gives a basic sense of whether the light is an issue or not.

Mr. Hughes said that he would like to make sure that all possible information is available to the Board and wants a more detailed traffic study to be done. Mr. Grassi agreed with Mr. Hughes that the requirement for a traffic study should not be waived as everyone knows the conditions of traffic on Main Street. Mr. Grassi said he believes it would be helpful if the proximity of the development to the existing traffic signal can be shown on the plans. Mr. Firmin agreed with Mr. Hughes and Mr. Grassi, saying he too believes a traffic study is required.

**Vincent Grassi MOVED and Scott Firmin SECONDED a motion to grant Design Dwellings, Inc.'s waiver request from the submission requirement of a traffic study. MOTION FAILED, 5 nays (James Anderson and Molly Butler-Bailey absent).**

In view of the fact that the development will have both public water and sewer, the Board agreed that the requirement can be waived.

**Vincent Grassi MOVED and Susan Durst SECONDED a motion to grant Design Dwellings, Inc.'s waiver request from the submission requirement of a high intensity soil survey. MOTION CARRIED, 5 ayes (James Anderson and Molly Butler-Bailey absent).**

Mr. Fox confirmed with Mr. Morrell that discussions have been held with the Portland Water District and some changes have been made, including eliminating the hydrant on Natalee Place as the hydrant on Main Street is deemed adequate, and stubs have been provided to serve the site in the future. Mr. Morrell said, however, that he will touch base with the Water District to make sure everyone is on the same page moving forward.

Mr. Firmin advised the Board that while he works for the Water District, he has had no involvement with this project and will not be involved with it in the future and believes he can participate in the discussions fairly. It was determined that Mr. Firmin's disclosure is adequate at this point in the preliminary discussions on the project and no official motion to permit his participation is required.

Mr. Morrell told Mr. Fox that no street lighting is proposed except for lighting on each building. Ms. Eyerman confirmed that no private way approval is required for this project, and that the existing driveway will be expanded to Urban Access standards. Mr. Morrell said there is no technical right-of-way proposed for Natalee Drive, but it will be 24 feet wide, concrete curbing on either side, and a 5-foot bituminous sidewalk. The total length of the road is 765 feet. It is being proposed over the existing driveway and will not be an additional curb cut.

Mr. Fox, Mr. Morrell and Ms. Duchaine discussed buffering around unit 23. The parking lot is 10 feet from the property line and snow removal which will probably be on either side of the parking lot. Ms. Duchaine said that the area on the west side of the lot is a wooded tree line. Mr. Fox suggested adding additional landscaping or fencing along the Speed lot.

A discussion ensued about the Conservation Commission's desire to connect a trail system to the Tannery Brook system. Ms. Duchaine was advised that staff will ask the Commission to get in contact with her.

Mr. Fox asked the Board if it is comfortable with moving forward with granting preliminary approval this evening or waiting until there is a traffic study done. Mr. Poirier said that a traffic study could recommend improvements to Main Street to allow the traffic to flow in and around while accessing the site as lane widenings. Ms. Duchaine reiterated her belief that the amount of traffic to be generated by this development of most likely over 55 will be minimal. Mr. Firmin said he is not in favor of granting preliminary approval because of the various outstanding issues such as service from the Water District, Conservation Commission easement, buffering. Mr. Hughes agreed with Mr. Firmin, saying that there may be more than one car per unit even though the resident may be over 55. Mr. Grassi and Ms. Durst said they agree with Mr. Firmin and Mr. Hughes.

Mr. Poirier said he would check with the Town Attorney about scheduling a physical site walk; otherwise, Gorham GoCat will be asked to perform a drone site walk.



**Scott Firmin MOVED and Susan Durst SECONDED a motion to postpone further review of Design Dwellings, Inc.'s request for preliminary subdivision and site plan approval pending responses to remaining issues and revisions to the plans. Motion CARRIED, 4 ayes, 1 nay (George Fox) (James Anderson and Molly Butler-Bailey absent).**

In reply to Mr. Morrell, Mr. Fox said the Board might consider granting preliminary and final approval at the same meeting depending on how complete the application is, considering the issues, especially the traffic study and perhaps landscaping, discussed this evening.

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**ITEM 4 Private Way – Walter and Jane Lawrence** - a request for approval for Landslide Lane, a proposed gravel private way to serve 2-6 lots, located at 40 Landslide Lane, zoned R-MH, Map 15, Lot 33.

Ms. Eyerman said this in an application for a 200-foot long gravel private way, off Deering Road, built to the Town's 2 to 6 lot private way standards.

Mr. Firmin asked whether this application will trigger subdivision. Ms. Eyerman said that if the divisions are family oriented this project will not trigger subdivision, and hopefully the applicant can provide that information.

Walter Lawrence told the Board that this is a private way for two lots, one for each of his daughters. He said they have 484 feet of frontage, so the third building for the second daughter, will require this private way. Mr. Fox confirmed that the private way is to provide access to the third lot to be divided off for a family member. Mr. Lawrence said that all three houses will use the same curb cut.

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

In reply to Mr. Fox, Mr. Lawrence said that his engineer will take care of the comments from the Town's engineer and said he has no concerns about the conditions of approval.

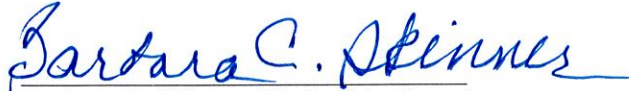

**Scott Firmin MOVED and Vincent Grassi SECONDED a motion to grant Walter and Jane Lawrence's request for approval for Landslide Lane, a 200 foot private way designed to the Town's 2-6 lot/dwelling unit private way standard, located on Map 15, Lot 13, situated in the Rural/Manufactured Housing zoning district, based on Findings of Fact and Conditions of Approval was written by the Town Planner. Motion CARRIED, 5 ayes (James Anderson and Molly Butler-Bailey absent). [9:40 p.m.]**

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## ADJOURNMENT

**Susan Durst MOVED and Vincent Grassi SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (James Anderson and Molly Butler-Bailey absent). [9:41 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
 July 6, 2020

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**CONSENT AGENDA      KASPRZAK LANDHOLDINGS, INC. – PHEASANT KNOLL  
CONDOMINIUMS, STONEFIELD, WINDSWEEP AND WINDING  
RIDGE, PHASE 4-6**

**CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN**

The Planning Board, following review of the Subdivision Amendment Application, makes these findings based on the Subdivision Amendment Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final Plan Review.

Because this is an amendment, some of the Subdivision and Site Plan Review standards are not applicable, as indicated below.

**C. PRELIMINARY PLAN REVIEW**

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

The amendment to Stonefield, Windswept, and Winding Ridge Condominiums will meet the requirements of the Contract Zone. The applicant is required to get all required local, state, and federal permits required for the proposed development.

The Comprehensive Plan identifies this area as Village Residential which is designated to be similar to the current Urban Residential District. The plans and contract zone meet the requirements of the Urban Residential zoning district for density.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.*

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Access to Stonefield, Windswept, and Winding Ridge Condominiums is via Falcon Crest Drive, which has been designed under the Town's Urban Sub-collector road standard. Windswept Drive and Rockwood Lane have been designed under a private road standard.

The condominium development is accessed from Fort Hill Road, State Route 114, and is designated as a major/urban collector road by the Maine Department of Transportation.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.*

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The condominium units will be served by public water, public sewer, underground power, telephone, and cable lines as shown on plan sheets provided.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.*

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The condominium units will continue to be served by public water from the Portland Water District. Each phase of the development is proposed to be served by an 8" water main extension into that phase of the development. The 8" water mains are proposed to be located in the right-of-way for each road. The water main design and installation are required to meet the requirements of the Portland Water District.

The applicant has received the ability-to-serve letter for water service dated April 23, 2020 from the Portland Water District.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums provides for adequate water supply for present and future needs.*

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The condominium units will continue to be served by public sewer from the Portland Water District. The gravity sewer main is proposed to be 8" and will be located within rights-of-way of the roads in each phase. The sewer main is required to meet the requirements of the Portland Water District.

The applicant has received the ability-to-serve letter for sewer service dated April 23, 2020 from the Portland Water District.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

The proposed condominium buildings will have two dwelling units per building. Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's stormwater requirements. The dwellings units' sewage disposal will be via the public sewer maintained and treated by the Portland Water District.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not result in undue pollution of air, or surficial or ground waters, either on or off the site.*

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

All of the area around the condominium development not proposed as houses or other impervious area will be loamed and seeded to prevent soil erosion. The majority of the stormwater from the subdivision will be directed into grassed ditches.

Each condominium association shall be responsible for maintenance of the stormwater infrastructure in its phase as well as the appropriate stormwater pond(s).

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result*

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

The proposed revised layout of the condominium development will impact 1,000 sq. ft. of wetland area.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.*

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The applicant is proposing to place the southern one-third of the parcel with the steep slopes and wetlands into open space. The only improvements proposed in the open space will be 3 stormwater ponds used to treat the stormwater run-off from phases 4-6.

No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has provided a letter dated February 6, 2018 from Gorham Savings Bank identifying that it will be financing the project.

*Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.*

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8. The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits.

*Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.*

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:

a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.

b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is required to form condominium associations for Stonefield, Windswept, and Winding Ridge Condominiums. The three condominium associations will be required to maintain the stormwater ponds as well as the 17.45 acres of open space identified on the subdivision plan.

*Finding: Stonefield, Windswept, and Winding Ridge Condominiums shall be required to maintain the stormwater ponds as well as the 17.45 acres of open space identified on the subdivision plan.*

#### **CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards**

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

##### **CHAPTER 4, Section 9 – Approval Criteria and Standards**

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The proposal is to construct 60 two-unit condominium buildings, which will result in a density of 120 dwelling units in three phases of development. The development is proposed to occur in the northern two-thirds of the site where the topography is relatively flat and less wetlands will be impacted.

*Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.*

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The condominium development is accessed from Fort Hill Road, State Route 114, which is designated as a major/urban collector road by the Maine Department of Transportation.

The applicant estimates the number of additional trips entering/exiting the site on a daily basis to be at 150. The busiest a.m. peak will be 8:00 to 9:00 a.m. and will generate 34 trips entering and 34 trips leaving the development. The busiest p.m. peak will be 5:00 to 6:00 p.m. and will generate 34 trips entering and 34 trips leaving the development.

*Finding: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.*

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

Access to Stonefield, Windswept, and Winding Ridge Condominiums is via Falcon Crest Drive, which has been designed under the Town's Urban Sub-collector road standard. Windswept Drive and Rockwood Lane have been designed under a private road standard.

Finding: *The vehicular access into the development will provide for safe and convenient access.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The road network provides for 2 points of access and no dead end roads are proposed as part of the development. The proposed road network is to remain private and to be maintained by each condominium unit in that phase of development.

Each road is required to be maintained year round to ensure access by emergency vehicles.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

Each road is proposed to have a 5' wide sidewalk along the road. Trail access to the Town's trail network is proposed to be located in 2 locations: one to the east and the other to the south. The trail access is proposed to be open for public use.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to the development.*

F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

Stormwater for each phase of the development will be collected in the closed drainage system located as part of each road's drainage system. The stormwater will then be directed to a series of three ponds located in the open space parcel located in the southern one-third of the parcel to be treated prior to discharge. The stormwater infrastructure is to be maintained by each phase's condominium association.

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking area, roofs or other impervious surfaces through a stormwater drainage system and maintenance plan which does not have adverse impacts on abutting or downstream properties.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The development of the site is limited to the northern two-thirds of the site where the terrain is suitable for development. The southern one-third of the site where the steep slopes, large wetland area, and stream are located is to remain undeveloped as part of the development's open space.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The condominium units will continue to be served by public water from the Portland Water District. Each phase of the development is proposed to be served by an 8" water main extension into that phase of the

development. The 8" water mains are proposed to be located in the rights-of-way for each road. The water main design and installation are required to meet the requirements of the Portland Water District.

Finding: *The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The condominium units will continue to be served by public sewer from the Portland Water District. The gravity sewer main is proposed to be 8" and will be located within rights-of-way of the roads in each phase. The sewer main is required to meet the requirements of the Portland Water District.

Finding: *The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

Cable, phone, and electric lines are proposed to be located underground. The development is also proposed to be served by natural gas.

Finding: *The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The proposal is to limit the amount of wetland impacts to 1,000 sq.ft. The applicant is proposing to limit the development on the southern one-third of the site to the construction of stormwater ponds. The large wetland and stream located along the southern edge of the parcel are to be protected to the greatest extent practical.

Finding: *The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

Stormwater from the site is required to be treated in a series of stormwater ponds located on the southern third of the site. Maintenance of the stormwater infrastructure is the responsibility of the condominium associations.

The development also received approval from the Maine Department of Environmental Protection for an amendment to the Site Location of Development & Natural Resources Protection Act – Tier 1 Wetland Alteration permits # L-21262-87-F-A & L-21262-TB-G-N.

Finding: *The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The road network is proposed to have a series of decorative pole-mounted lights along the roads. The street lights are to be located on fiberglass poles with the light fixtures to be decorative street lights supplied by Central Maine Power.

The residential units are also proposed to have residential style lights near the entrances to the dwelling units.

*Finding: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

Residential trash removal will be through the Town's solid waste provider as long as acceptable access is maintained and a Private Road Release and Waiver has been signed.

*Finding: The development will provide for adequate disposal of solid wastes and hazardous wastes*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

Street trees are to be installed along each of the proposed streets. The plans also contain landscaping details to be located along the typical condominium unit, as well as details for the installation of deciduous and evergreen trees.

*Finding: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.*

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is located in the Shoreland Overlay District. None of the proposed improvements are located in the Shoreland Overlay District.

*Finding: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.*

R. Technical and Financial Capacity: The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has provided a list of 75 residential development projects that Kasprzak has been involved with in southern Maine.

The applicant has provided a letter dated February 6, 2018 from Gorham Saving Bank identifying it will be financing the project.



Finding: *The applicant has demonstrated that it has the financial and technical capacity to complete the project in accordance with the Land Use and Development Code and the approved plans.*

S. Buffering: *The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.*

The applicant is proposing to install some buffering behind building F, units 11 and 12, and along the edge of Rockwood Lane Extension to break up the development from the abutting Ridgefield Condominiums. Street trees are to be located along each of the proposed streets and there will be a mix of deciduous and evergreen plants, shrubs, and trees planted for each condominium unit.

Finding: *The development provides buffering to screen service and storage areas.*

T. Noise: *The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.*

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

### **CHAPTER 3 - SUBDIVISION, SECTION 3-4C– FINAL PLAN REVIEW**

#### **D. FINAL PLAN REVIEW**

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The applicant has submitted all information required of preliminary plan. The plan shows all existing and proposed monuments and pins. The plan shows sufficient information to locate streets, easements, and property lines. The application states the location of the size and type of plantings and landscaping as proposed. The street plan shows the profiles, radii of curves, and angles of intersection of the road. Statements have been provided by all reviewing authorities.

Finding: *The applicant has met the standards of this section for final plan approval.*

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The applicant has submitted the application and plans within 12 months of preliminary plan approval.

Finding: *The applicant has met the standards of this section for final plan approval.*

#### **Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation

from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;

2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all relevant conditions of approval from past site plan/ subdivision approvals shall remain in effect;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That prior to the commencement of any phase of the development's site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
6. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
7. That all the homes shall be sprinkled meeting all applicable requirements of the Town of Gorham's Sprinkler Ordinance and the sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting;
8. That the plans for the Fire Department shall be submitted at least two weeks prior to the start of installation of the system and the Sprinkler Test papers shall be provided to the Fire Department before a certificate of occupancy is issued;
9. That the roads shall be properly signed and named with a Town approved street sign and the name of the roads shall be approved by the Police and Fire Chiefs;
10. That the private way shall be maintained by the condominium association to allow access for emergency vehicles year around;
11. That the houses shall be properly numbered with the numbers being visible from the street year around;
12. That the buildings in Phase 5 shall not be constructed until the hydrant on Falcon Crest Drive opposite the parking area is operational;
13. That the buildings in Phase 6 shall not be constructed until the new hydrant on Falcon Crest Drive is operational;
14. That the hydrants shall also be flow tested in accordance with NFPA 25 once sufficient drainage and pavement has been installed and every 5 years thereafter with the results reported to the PWD and the GFD;
15. That in accordance with NFPA 1, the private hydrants shall be maintained by the developer and/ or condominium association to include a maintenance agreement with Portland Water District or other acceptable entity to perform required winter maintenance and checks with any hydrant needing repairs will have those repairs made within 4 days and clearing of snow shall not exceed 24 hours after the end of a storm;

16. That the prior to start of each phase of construction the applicant shall establish a performance guarantee meeting Town Staff and Town Attorney's approval totaling 125% of the costs to complete that phase of construction;
  17. That prior to the pre-construction meeting of each phase of construction the applicant shall establish an inspecting engineer escrow totaling 2% of the performance guarantee costs to complete that phase of the development;
  18. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  19. That once the subdivision/site amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the pre-construction meeting.
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**ITEM 1          Self-Storage Facilities in the Roadside Commercial Zone**

**Email from David C. Pierson, Esquire, Eaton Peabody, July 2, 2020**

"VIA EMAIL ONLY

Chairman George Fox  
Gorham Planning Board  
Town of Gorham  
75 South Street, Suite 1  
Gorham, Maine 04038

Re:      Proposed Amendment to the Land Use and Development Code – Self-Storage Facilities in the Roadside Commercial Zone

Dear Chairman Fox and Members of the Planning Board:

I am writing on behalf of Prime Storage, the operator of a Gorham Self Storage, LLC on 285 New Portland Road, to address the proposed changes to the Roadside Commercial District.

Before making an investment in a community, Prime, like any thoughtful business, looks for communities with reasonable regulations that are stable. For a business like self-storage, stable zoning regulations are of great importance. When Prime made its investment in Gorham, self-storage facilities were permitted in the industrial zone. If a permit to construct a new self-storage facility in that district were before the Board, Prime would have no basis to complain.

However, Prescott Holdings, LLC found a high visibility location at the top of a hill on a major artery into town. Unfortunately for it, self-storage facilities are not a permitted use in the Roadside Commercial District where such facilities are not currently permitted. Undaunted, it has sought to change the regulations to fit its project.

When the Town Council rejected the proposal change in the zoning map to allow the project to proceed, it referred the matter back to the Planning Board with the request to consider amendments to the zoning ordinance that would (1) add self-storage facilities to the list of permitted uses in the Roadside Commercial District **and** (2) establish design standards for the District. As Tom Poirier put it at the May 18<sup>th</sup> Comprehensive Plan Implementation Committee workshop, the assigned task was to develop a set of design

standards that would build on the synergy created by new development in the area. The Martin's Point medical office building is a prime example of that new development in the area.

Recognizing that developing a workable set of design standards would take more time, the Committee decided to develop more limited changes to allow this one project to move forward. At its June 1<sup>st</sup> workshop, one Committee member asked if the proposed changes were a "stopgap" measure. The response was this is "what we need for now." Another member stated that the requirements would apply to this one lot and would enable the Board to "work with this owner and project." *The net effect is that the proposed amendment is solely intended to benefit a single project on a single parcel of land – the essence of the discredited practice of spot-zoning.* Therefore, the Planning Board should take extra care when it evaluates the proposed amendment.

Changes in the Zoning Ordinance must, under Maine law, be consistent with the Comprehensive Plan (the "Plan") adopted by Gorham in 2016. The Plan identifies a number of objectives to guide future changes to the Zoning Ordinance.

- The Plan does not support the future development of self-storage facilities in the Roadside Commercial District along Main Street in the area of Mosher's Corner. The Plan divides the Town into various "land use designation areas" which are not intended to be "zoning districts," *Plan, p. 46.* The designations "form the broad basis *that must be reflected in the Town's land use regulations including the zoning map.*" *Id.* 551 Main is in a Non-Residential Area designated as the "Corridor Commercial Area." *Plan p. 47, p 62 Figure 6.2.* The Plan states that "The allowed uses in the Corridor Commercial Area should be similar to the current Roadside Commercial zone including retail, service, office, auto related, small light industrial (<10,000 square feet) and community uses as well as hotels, inns and B&B's." *Plan, p. 55.* It does not suggest expanding the list of uses to storage or warehousing facilities.
- 551 Main and Martin's Point's facility are directly across from the Mosher Corner Mixed Use Area. *Plan, p. 62, Figure 6.2.* The Plan states that "The allowed use sin the Mosher's Corner Mixed-Use Area include a wide range of residential uses *as well as business and professional offices, business and personal services, and community uses.*" *Plan p. 52.* It goes on to sate that "non-residential buildings should be sited to *create a business/office park environment* with access of internal streets when possible." *Id.*
- Expanding the permitted uses in the Roadside Commercial District to self-storage, would be inconsistent with the other current uses in the immediate area. The land immediately across the street from 551 Main Street is in the Mosher's Corner Area and is in Commercial Office District which includes *professional out-patient clinics* as an expressly permitted use. *Ordinance § 1.13.B.4.* It also requires an 80' front setbacks and a 50' side yard setback. *Id. §1.1.D.2.* Although Martin's Point's facility is a permitted use in the Roadside Commercial District, it would fit directly into the Commercial Office District.
- The Plan calls for development of improved site-design standards in the Corridor Commercial Area. *Plan p. 55.* The proposed amendment to the Roadside Commercial District is focused on a single parcel and does not adequately address this issue.

Setting aside the more technical considerations outlined above, Prime urges the Board to ask two questions: First, are self-storage facilities the type of use that the Town wants travelers to see as they cross the town line on the major arteries into the Town center. When it considers this question, it should bear in mind that the proposed building design standards only affect the facades of the buildings that directly face the street; they do not prevent the views from the road of buildings with facades composed of long lines of overhead doors. Second, if the roles were reversed and Prime, as an out-of-town developer, was seeking the amendment so it could build a self-storage facility at 551 Main Street and the applicant owned the Gorham Self-Storage

facility, would the Board vote for the proposed amendment. If the answer to both questions is yes, then the Board should vote to recommend the proposed amendment. Otherwise, it should reject the proposed amendment.

Thank you to the Board for its careful consideration of the proposed amendment and Prime's objections.

Sincerely,

/s/

David C. Pierson"

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### **ITEM 3 DESIGN DWELLINGS, INC. – NATALEE PLACE CONDOMINIUMS**

Email letter from John Sawyer, Esquire

July 1, 2020

George Fox, Chairman,  
and Gorham Planning Board Members  
Thomas M. Poirier, Director of Community Development  
Carol Eyerman, Town Planner  
Town of Gorham, Maine  
75 South Street  
Gorham, Maine 04038

#### **RE: Gorham Planning Board Meeting of July 6, 2020**

##### **Agenda Item 3**

##### **Preliminary Subdivision / Site Plan - Design Dwellings, Inc. - Natalee Place Condominiums**

Dear Gentlemen and Ladies:

As a business owner, taxpayer and longtime resident of Main Street in the Village I would like to offer some comments and observations on the above private road and condominium project being proposed as designed. From 1965 to 1986, as I grew up in Gorham, I resided with my parents and siblings at 151 Main Street. Since 1987 I have resided with my own family and maintained my legal practice at 157 Main Street. Both of these homes where I have lived (and worked) are located directly across Main Street from this proposed condominium project.

I am not representing anyone other than myself, my family and my business in providing this input for the Planning Board, Planning Office, as well as the developer, to consider. Normally I am very deferential to, and would support, a property owner's right to develop his or her own property as he or she sees fit. However, in this particular case, perhaps in part because of its proximity to my home and business, and the evident lack of concern for, or knowledge of, local traffic impact in the design and presentation of the proposal, I felt a need to offer my direct observations and perspective.

The condominium project as proposed would involve approving a new private road serving 23 units of housing, including a new commercial unit, all within a couple of hundred feet of an existing problematic intersection where Main Street, New Portland Road and Mechanic Street combine. As my office and

residence at 157 Main Street is directly across Main Street from where the new road entrance would be located, I have particular knowledge and insight, as well as safety concerns, with regard to the proposed location of that private road entrance point.

From my perspective, it makes no sense at all to design or propose, or for the Planning Board to approve, an additional road entrance so close to the stoplight and intersection of Main Street, New Portland Road and Mechanic Street. This will most certainly aggravate traffic problems at the Main Street - New Portland Road intersection. As it is, I witness regular bumper collisions through driver inattention, and incidents of drivers' loss of temper, both on Main Street and on New Portland Road.

From where I sit at my office desk, I am able to view this potential road entrance location constantly. On weekdays from 2:30 PM until 5:30 PM or later this condominium private road entrance would normally be blocked completely by westbound traffic on Route 25 waiting for the Cumberland Farms traffic light to turn green. The road entrance location is so close to the traffic light that it only takes 10-12 cars (or even less, if a commercial truck or two is in line) waiting at the traffic light to completely block this proposed entrance. However, that is not the only time that traffic backs up at the Main Street - New Portland Road traffic light for that distance. As Route 202 and 25 is a heavily traveled truck route, I see westbound traffic backed up at that light in front of my office fairly regularly during many other times of day. In fact it is backed up in front of my office as I write this sentence on July 1 at 1:15 PM. On weekends the traffic light blockage issue at this location is no less frequent, although it is spread out over the day and not as constant during the westbound end-of-workday commuting period.

With 22 proposed residential units and 1 commercial unit, my understanding is that this project would generate at least an additional 7 car trips per unit per day (likely more given the commercial unit and the Village location) in and out of this Main Street entrance location. Given the fact that this proposed entrance location is frequently and regularly blocked by westbound traffic waiting for the traffic light, I do not think it is wise to add another 160 to 200 vehicles trips per day at this location so close to the traffic light at one of the busiest intersections in the Village.

On another note, my business location at 157 Main Street is likely one of the few businesses fronting on Main Street with no driveway or vehicular access off Main Street. Accordingly, for the past 30 years or so the majority of my clients park on Main Street in front of my building. This historically used parallel parking is directly across from the proposed entrance of Natalee Drive, and would undoubtedly make eastbound turns from Natalee Drive more difficult and risky. Furthermore, it would create an additional safety risk for my clients accessing their vehicles in the parking spots in front of my business. If the project were to be approved with a road access onto Main Street - which I strongly recommend against in this location - the Planning Board and Town should consider restricting any entrance onto Main Street from the condominium project to be right turn (west bound) only.

In making these observations, I am not objecting to the development of the property itself... nor would I. I have witnessed much of Gorham's recent growth, and professionally assisted property owners and developers with projects in Gorham over the past few decades. However, common sense dictates that from a traffic, safety and planning perspective, and to benefit the quality of life of Main Street and other Village residents, the drivers on Main Street, and the condominium owners themselves, the residential development of this particular parcel should not occur with direct vehicle access from Main Street in the proposed problematic location. Rather, if this project or other future development of this parcel on this scale is to proceed, vehicular access should be from the rear of the parcel off Glenwood Avenue, or perhaps from the existing Landing Drive to the east, and by means of an extension of Western Avenue in the Bank Development, with only a pedestrian and bicycle walkway access to Main Street from the project near the currently proposed private way location. While I understand that such options may require additional expenses such as purchasing other land or easement rights, a stream crossing, other possible state and federal permits and approvals, not all available property can be easily and inexpensively developed.

Thank you for your time, and your attention to my observations and comments.

Respectfully submitted,

John W. Sawyer, Esquire  
johnsawyer@maine.rr.com  
**Sawyer Law LLC, P.A.**  
P.O. Box 1, 157 Main Street  
Gorham, Maine 04038

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#### **ITEM 4 WALTER AND JANE LAWRENCE – LANDSLIDE LANE PRIVATE WAY**

##### **CHAPTER 2, SECTION 2-5, H. Standards for Private Ways**

**(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)**

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

Any proposed lots served by the private way are required to meet the requirements of the Rural zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is up to 6 lots or dwelling units.

The approved name of the private way is “Landslide Lane.” The name meets the required E911 standards.

*Finding: The private way is designed to the 2-6 lots/dwelling units private way standard and no more than six dwelling units can be served by the private way.*

- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

The private way plan was designed by Chad Havu, P.E.

The Plan title block reads "Plan for a Gravel Private Way – Landslide Lane."

The Plan has an approval block that reads: “Private Way, Approved by the Town of Gorham Planning Board.”

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plans shows information sufficient to establish the exact location on the ground, direction, width and length of the private way right-of-way.

The street plan and profile, and street cross sections are in accordance with Chapter 2, Section 2-5., E., 3.

The Plan has a note that reads, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."

Finding: *The Plan of Private Way has been sealed by a registered land surveyor and by a registered professional engineer meeting the requirement for private ways.*

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way.

The private way maintenance agreement has been submitted and meets the requirements of this section.

Finding: *The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.*

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The proposed private way will be built to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 1/2" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

Finding: *The right-of-way width and a paved apron have been designed to conform to the paved apron standards outlined in this section.*

- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

The applicant is proposing to construct the 2 – 6 lot private way to meet the private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section.

Finding: *The private way meets all the criteria and design requirements presented in Table 1 and 2 and the typical cross sections depicted in Figures 9 of the Gorham Land Use and Development Code.*

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The proposed private way may serve up to six (6) lots.

Finding: *The private way is proposing to serve one (1) residential dwelling unit.*

- 9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).



Any future lots will need to retain enough area to meet the minimum lot size requirements of the Rural Zoning District.

Finding: *The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

- 10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

The proposed private way will be off Deering Road which is suitable to serve the proposed private way.

Finding: *The proposed private way will be off of Deering Road which is suitable to serve the proposed private way.*