

**PLANNING BOARD MEETING MINUTES
JANUARY 22, 2024**

MEMBERS PRESENT

**VINCENT GRASSI, CHAIRMAN
WILLIAM BENSON, VICE CHAIRMAN
ROBERT DELANY
DAVID WALSH
JAMES HAGER
DAVID BURROWS
RUSSELL FRANK**

STAFF PRESENT

**CAROL EYERMAN, TOWN PLANNER
TOM POIRIER, COMMUNITY
DEVELOPMENT DIRECTOR
NATALIE BURNS, TOWN ATTORNEY**

Chairman Vincent Grassi called the meeting to order at 7:00 p.m.

The roll was called, with 7 members present.

CHAIRMAN'S REPORT

The Chair did not have anything to report.

COMMITTEE REPORTS

A. Ordinance Review Committee

The Committee did not meet.

B. Comprehensive Plan Implementation Committee

The Committee did not meet.

Administrative Review Report

There were not any new administrative reviews to report.

ITEM 1 Public Hearing – Contract Zone – KV Enterprises, LLC. – Robie Street Subdivision – a request for approval of a contract zone to allow for construction of a residential subdivision with single family, multi-family, mixed use and conservation land. Map 24, Lots 19, 20, Map 25, Lot 8, Map 27, Lot 20. Zoned, UR/UREXP. The applicant is represented by Shawn M. Frank, P.E. with Sebago Technics.

Town Planner Carol Eyerman provided an introduction to the item for the Board. She stated that the Board has seen this item several times now. She clarified that the item for this meeting is the Contract Zone only. Subdivision elements will be reviewed again in February when that part of the process is back before the Board. The Contract Zoning language before the Board this evening has been amended as requested and the Town Attorney has added to it and made corrections, and is present to answer any questions from the Board.

Mr. McCullough presented updated information on behalf of the applicants, Vincent Maietta and

Kendrick Ballantyne, who also were present at the meeting. Mr. McCullough stated that the applicants have received input on the Contract Zone language over several meetings with the Town Council and Planning Board, as well as from the Town Attorney. There was one edit made day of the meeting by the Town Attorney to ensure that the term multitenant vs. multifamily is used consistently with the ordinance.

Public Comment Opened:

Virginia Wilder Cross of 11 Bramblewood Lane mentioned concerns regarding increased traffic, taxes, and the applicant's overall intentions, although she is in support of greater density.

Rich Dillon of 9 Brentwood Lane raised concerns regarding the Town's ability to provide services and facilities to an expanding population and the impact of vehicular traffic on established residential neighborhoods, specifically mentioning Bramblewood, Robie, Whitebridge and Ridgeway neighborhoods. Mr. Dillon added that the size and configuration of the development would potentially require reclassification as an urban sub collector. He suggested a new road be built off New Portland Road using the lot's road frontage.

Amir Martin of 9 Bramblewood Lane shared concern that the proposed development will impact her family's quiet street, negatively impacting their quality of life and property value. Ms. Martin stated neighbors have expressed frustration over the lack of consideration for their quality of life in development plans.

Charles Kelly of 55 New Portland Road started by expressing confusion as to which version of the plan was being discussed. He reiterated concerns due to the lot's landlocked location and use of neighborhood streets as through streets due to the lack of infrastructure to support the traffic. He would like to see White Birch Lane access removed from the agreement.

Adam LeFleur of 48 Village Woods Circle. Mr. LeFleur questioned what the public benefit of this development would be, mentioning the impact on the parks, schools, traffic, along with preservation of the neighborhood's character. He is concerned with the growth within the proposed timeline, believing it will have negative impacts on the Town.

Ruth Kelly of corner of White Birch Lane and New Portland Road expressed concerns regarding increased traffic on New Portland Road due to a proposed connection to White Birch Lane, citing safety risks for children and families.

Susan Robie of 34 Robie Street began by emphasizing the importance of protecting neighborhood character during project discussion. She described a proposed development strip pattern with little diversity in housing types and setbacks. She proposed a village design with mixed-use buildings, duplexes, and apartments. She suggested the Town Council should acquire rights of way to create a new roadway to an existing major road to facilitate development and future expansion. She proposed changes to the development ordinance to maintain the character of the village, including increased setbacks and adding "buffer" to the verbiage used in the contract zone. She would like to see calming solutions consist of more than just stop signs and the verbiage of grid patterns replaced by three identical long streets with 10-16 houses on similar lots on both side of said streets. She suggested a traffic study to determine the hours construction vehicles will be allowed on Robie or Lincoln Street before construction commences. Additionally, construction traffic through the three village neighborhoods currently impacted will not be allowed on Saturday or Sunday and cannot commence before 7:30am or persist beyond 5pm. She would also like to see mention of salvaging tree canopy written into the document, along with a date or timing of turning the land over to the Presumpscot Regional Land Trust. She concluded by sharing the history of the land, which belonged to her husband's uncle and his desire to preserve what is a historical portion of land as conservation land. She specified, in the second whereas, she would ask that it be amended to allow for multi-family mixed-use in the single-family area, at a specific percentage, roughly 6%, to buffer the shift from

single-family residents to larger apartment buildings. Following the last whereas, Section B, she talked about adding duplex mixed-use 1,500sqft lots, Section C, flag lots allowed to complete blocks created to meet the village characteristics, Section D, increased to 8 feet from the original 6 feet side setbacks. She made these suggestions based on the complaints from the neighborhood.

Justin Early from 46 Robie Street expressed concern about the environmental impact of development near his home. He described an over-populated pre-kindergarten system. He suggested a new access road or area in a better location should be built. Mr. Early voiced confusion regarding the location of the sewage pump building in the development, which could potentially affect the character of the village, and asked for clarification regarding the building's location.

Peggy Marchand of 150 South Street started by explaining her family's struggle to understand the proposed development, despite efforts to read ordinances and consult with Planning Board Staff. She described a neighborhood issue with water running down the streets, particularly Maplewood and Deerfield Drive, where generator pumps were running 24/7 to keep the construction site dry. She expressed concern about the health and safety of children playing in the water, which picks up road pollutants as it flows down Maplewood Avenue. Ms. Marchand asks about the developers' intentions for the existing aquifers are and who's responsibility it is to protect them. She expressed concern about the loss of trees and emphasized their importance in relation to health and environmental impacts, as well as reduction of energy costs due to added shade. She raised further concern that developers may prioritize traffic and construction over tree preservation, despite the potential benefits for the community. She reiterated concern regarding the use of smaller roads for construction purposes, traffic patterns and density in the proposed development plan. She referenced a Portland Press Herald article about Gorham Savings Bank partnering with Avesta Housing for sustainable building design and affordable housing developments.

Lou Simms of 9 Lucina Terrace advocated for mixed-use neighborhoods with walkability, lower speed limits, and increased protection of mature trees adding the potential for increased property values. He voiced concerns regarding walkability and reduced speed limits.

Public Comment was Closed.

The Board discussed concerns raised during the public hearing. Ms. Eyerman detailed the processes involved in establishing a contract zone and what purpose it serves.

David Walsh stated that to his understanding, the public would like these concerns to be built into the contract as contractual agreements. Community Development Director Tom Poirier directed a question toward the applicant and representatives, asking whether they prefer for the Board to vote on the language as it is currently labeled or whether the Board should work through the comments while reviewing the contract zone and make recommendations moving forward.

Owens McCullough, Senior VP of Sebago Technics, began by describing the contract zone as a preliminary contract between the developer and the Town that sets framework for moving forward. He outlined key components of the development agreement, including performance bonds and road construction. He shared concern for the need of traffic-calming measures, agreeing that wider roads lead to faster speeds and potential safety issues.

Vincent Maietta of KV Enterprises clarified that there are very specific standards set by the Town that must be met in order to produce the proposed development. He explained they cannot construct a road off New Portland Road due to current deed restrictions put in place by the seller. Mr. Maietta disputed the idea that the school population will be significantly impacted, citing records that show a steady enrollment of roughly 12 students per class over the past 10 years. Mr. Maietta explained why the development plan includes fewer single-family homes and more apartments so as not to overload the school system with potential students. He addressed concerns about the project's density, explaining that smaller lots are more popular and that the project will generate significant revenue for

the Town through taxes and fees. He explained that the contract zone is an opportunity for the Town to shape the development, and they are willing to build at a faster rate if the contract zone is approved.

Russell Frank questioned why building slowly would be a problem. Mr. Maietta clarified that the current ordinance allows for 10 single-family houses to be built per year, while they are proposing 15 single-family houses in the contract zone.

Russell Frank disputed the number of students in a classroom, stating he may be referencing special education classes. Mr. Maietta countered by providing information on the number of building permits issued during the same 10-year period and the correlation to student enrollment. He discussed the difficulties of providing affordable housing without government subsidies.

David Walsh asked what efforts would be made to control construction traffic. Mr. Maietta explained that while they'd like to pass through White Birch Lane, they do not currently have permission from the Town. Mr. Poirier clarified that the project must meet the current standards and ordinances, and if it does, the planning board should approve it.

Jim Hager and Vincent Grassi discussed edits to the contract zone, with Mr. Grassi suggesting they go through the document page by page.

Mr. Hager suggested adding "2016" to the verbiage relating to the current Comprehensive Plan so there is no confusion in the future. Mr. Poirier confirmed that the proposed change can be made.

Mr. Hager suggested variable setbacks between 10-20 feet to create a village feel. Mr. Benson expressed concern about this suggestion due to the already tight sizing of the lots. Mr. Poirier explained the Development Transfer Standards, which sets minimum and maximum setbacks for homes in a neighborhood to create enough variation to allow unique designs while offering guiding parameters, so it maintains a neighborhood feel.

Mr. Walsh suggested adding language to the contract to provide guidance on home positioning within the building envelope, to avoid uniformity and ensure variety in setbacks. Russell Frank raised concerns about leaving setbacks, as currently stated, in the contract zone and proposed including variance language to address potential issues during subdivision review.

Russell Frank suggested removing D and E from the contract altogether to provide more flexibility in development standards. Mr. Hager reiterated his desire to add flexibility to the subdivision development process.

Mr. Poirier offered suggestions on where to establish new verbiage and clarified that structure around unusual circumstances already exists in the development transfer standards. This includes accommodations should there be physical restrictions against a 10–20-foot setback, allowing opportunity for more setback flexibility.

Mr. McCullough reiterated his support of more flexibility in front yard setbacks to accommodate creative design.

Kendrick Ballantyne of KV Enterprises emphasized his goal of diversity in housing styles to avoid cookie-cutter developments.

Mr. Poirier suggested striking the setback language to mimic Development Transfer and keep the easement similar to 15.

Vincent Grassi agreed with Russell Frank to strike one and make it 15, while David Burrows preferred to keep it at 10 for more flexibility.

Mr. Grassi put the setback debate to a vote, asking for hands raised for 10 feet and again for 15 feet or striking item E completely. Striking the item won setting the front setbacks to 15.

Mr. Hager and Town Attorney Natalie Burns discussed changes to the Comprehensive Plan, focusing on language related to traffic calming solutions, stating the Developer must implement traffic calming measures for existing town roads, which require approval from the Town Council. The Town Council would then have the discretion to accept or reject the proposals.

Mr. Hager raised concern regarding verbiage referencing the wrong zoning. Ms. Burns clarified the verbiage but suggested rewording the paragraph based on zoning inconsistencies.

Mr. Hager brought the dates within the document to the board's attention, suggesting the dates be updated to reflect current dates. Mr. McCullough agreed and assured they would make the corrections.

Mr. Walsh questioned why powerful language protecting neighborhood character and tree canopies is missing from the contract. Mr. Poirier suggests adding language to preserve existing trees along the perimeter of the site to break up the development. Mr. Walsh raised concerns about the difficulty of preserving trees on small lots.

Mr. Hager expressed reservations about a 5pm cut-off for construction in the summertime.

Mr. Poirier proposes adding language to protect neighborhood character and tree canopy.

The Board discussed next steps in its review of the proposal. The Town Attorney advised that the Hearing could be continued to the next month. Board members stated their agreement with this plan.

VINCENT GRASSI MOVED AND JIM HAGER SECONDED TO CONTINUE. 7 AYES.

ITEM 2 Discussion – Sketch Plan – GenX Capital Partners, LLC. – Luxury Motor Toys – a request for site plan approval for 40 condominium garage units with associated clubhouse. Zoned OCI. Map 34, Lot 3.003. Represented by Jon Whitten, Jr., P.E. with Haley Ward.

John Whitten, Jr. with Haley Ward presented a motor toy garage condominium project on a previously developed site in the Olde Canal Industrial Park, with 40 garage units and a central clubhouse. The clubhouse would be used for storing and working on luxury toys, with no living arrangements. Community members will have access to a shared garage for storing vehicles and boats. Condo docks will have a drainage system for washing cars and wastewater, but oil collection and stormwater will be strictly regulated. Building inspectors may require ventilation for parking garages. Mr. Whitten mentioned one of their main concerns being the floor drains and ensuring the separation of polluted water from the wastewater system.

Mark McClure, with Motor Toys emphasized the importance of clearly outlining what is and is not allowed in the parking garage, including engine work and oil draining. The purchase and sale agreement will include strict covenants to prevent unauthorized use of the parking garage, with penalties for violations.

Mr. Grassi expressed concern about parking and aesthetic of the proposed facility since fewer than the require 49 spots would be provided. Mr. McClure stated that 38 spots would be provided. Mr. Grassi informed Mr. McClure that they may request a waiver for this.

Mr. Frank stated that he would like to do a site walk. Mr. Witten stated that the site was undeveloped. Mr. Poirer added that there would not be much to see on the site. Mr. Frank stated that in light of this a site walk would not be needed.

ADJOURNMENT

David Walsh MOVED and Russell Frank SECONDED to adjourn at 9:50pm. MOTION CARRIED, 7 AYES.

Respectfully submitted,



Nina Yelisseyev, Committees Administrative Assistant

February 27, 2024