

PLANNING BOARD MEETING

November 6, 2017

Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine

Members Present

EDWARD ZELMANOW, Chairman
SCOTT HERRICK, Vice Chairman
MOLLY BUTLER BAILEY
SCOTT FIRMIN
GEORGE FOX
LEE PRATT

Staff Present

THOMAS M. POIRIER, Town Planner
CAROL WHITE, Planning Dept A.A.

Members Absent

MICHAEL RICHMAN

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Mike Richman was absent.

APPROVAL OF THE OCTOBER 2, 2017 MINUTES

George Fox MOVED and Lee Pratt SECONDED a motion to approve the minutes of October 2, 2017 as written and distributed. Motion CARRIED, 4 Ayes (Scott Firmin and Scott Herrick abstaining as they were not present at September 18, 2017 meeting; Mike Richman Absent).

COMMITTEE REPORTS – Mr. Herrick said the Board's Ordinance committee had met that evening to review and discuss a Retail Marijuana ordinance. They will continue to meet on that pending further information from the state and staff. The Comprehensive Plan committee has not met since the Board's last meeting.

CHAIRMAN'S REPORT – Mr. Zelmanow said there is no Chairman's report this evening.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said that staff is still working through and finishing up the administrative reviews Isherwood's driveway apron and V&M Rental's additional storage.

ITEM 1 PUBLIC HEARING. Site Plan Review: Central Maine Power is requesting approval to upgrade the 34.5/12.47 kV Substation on Shaws Mill Road. The property is located on Shaws Mill Road on Map 81 Lot 32 in the Suburban Residential (SR) zoning district.

Mr. Poirier reported that CMP, at the request of the applicant's representative, has been taken off tonight's agenda and will be on the December 4 agenda due to the applicant being unable to attend because they are still on storm restoration detail and not available this evening.

Ms. Bailey MOVED. Mr. Herrick SECONDED a motion to table the item to December 4, 2017 meeting. Motion CARRIED. 6 Ayes (Richmond absent)

ITEM 2: PUBLIC HEARING. Site Plan Amendment: Webber Properties, LLC is requesting approval for a 1,600 sf expansion (Phase 1) off the north side of the existing Plas-Tech building and a future 5,700 sf addition off the rear of the building. The property is located at 22 Bartlett Road on Map 12 Lot 26.002 in the Industrial (I) zoning district.

Mr. Poirier reported that this is the first time the application has come before the Planning Board for public hearing. The applicant would like to receive phased approval for the site. Phase 1 would be the 1,600 sf building addition to the east side of the building and the new driveway to the south. Phase 2 would be the 5,700 sq. ft. building addition to be done at a later date to the rear of the building and removal of some driveway near the building expansion area. Additional parking is part of phase 2. If the applicant does not wish to construct the additional parking, then they will need to get a waiver from the Planning Board at this meeting. The applicant is represented by Stephen Bushy, P.E., with Stantec.

Mr. Bushey, Stantec Inc., came to the podium representing the applicant. He explained that Phase 1 is a 1,600 sf expansion of the current building and phase 2 will be a 5,700 sf building added on a later date. There will also be a new driveway at the rear of the site. This driveway will involve a culvert crossing south to north. The building is already served by a sanitary sewer, a domestic and fire flow water main supply off Gorham Industrial Parkway. A sprinkler system will be updated and advanced. The site lines at the existing driveway are in access of 500' presently. The new site lines will be in access of 500' to the north also and 400' to the Bartlett intersection. There will be a small amount of traffic involved with this development and no additional staff are expected to be hired. He has received the staff comments and all items have been covered.

Scott Herrick asked about the setbacks. Mr. Bushey explained that the set back line reflects the original drawings of 50'. The Land Use Code now says 25' are adequate – this will be changed on the plan.

Mr. Fox asked Mr. Bushey to explain why they have requested a parking waiver and how that will work. Mr. Bushey explained the need to provide more parking with the building expansion of phase 2 is because the Land Use Code says that you need a certain amount of parking per square foot. They are not using all the parking that is currently there with their employee counts. So we will need a waiver if we don't want to add any more parking. Plan notes have been updated to show that the parking will be constructed when the 5,700' building is completed.

Mr. Pratt asked if there would be a gate on the new proposed driveway. Mr. Bushey said yes there will be.

Mr. Zelmanow asked if there were any other planning board questions or comments and Mr. Poirier said we received no comments from Public Works

PUBLIC HEARING OPENED: None offered.

PUBLIC HEARING CLOSED:

No board members were interested in a site walk. Mr. Poirier said the findings have been drafted and shared with the applicant. There were no items that board members wish to have pulled out and discussed separately under Site Plan approval criteria. There are 15 conditions of approval and they have been shared with the applicant. Mr. Bushey said he was satisfied with the conditions.

Scott Herrick MOVED and Lee Pratt SECONDED a motion to grant Webber Properties, LLC's request for site plan amendment approval for a 1,600 sf expansion (Phase 1) off the north side the existing Plas-Tech building and a future 5,700 sf addition (Phase 2) off the rear of the building on 22 Bartlett Road on Map 12 L26.002, in the Industrial zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 Yeas (Mike Richman absent)

ITEM 2: Final Subdivision Review: W. A. One is requesting approval for a 9-lot cluster subdivision on 41.5 acres. The property is located off Gordon Farms Road and Madison Way on Map 47 Lot 2 in the Rural (R) zoning district. The applicant's agent is Douglas Reynolds, P.E. of Gorrill-Palmer.

Mr. Poirier introduced the project stating this is the first time this application has come before the Planning Board for Final subdivision approval. Preliminary subdivision approval was granted by the Board at its September 18, 2017 meeting. A Landscape Plan between the developer and abutter is needed. Items discussed at that meeting was Landscaping to buffer the abutting lot from traffic impact and the street light.

Doug Reynolds, Gorrill Palmer, P.E. the applicant's agent, came to the podium and explained that they are still working on a landscape agreement between the abutter and don't expect that there is anything that will hold them up. The applicant will make sure she is happy and do something right for her. He also explained that 8 ½ acres have been donated as Conservation Land to the town. The remaining 13 acres will be transferred to the town as open space. The cluster subdivision was approved which ended up with 9 units shown as 9 lots on the subdivision. They have received their DEP Stormwater and Army Corp of Engineer permits relative to wetland impacts.. They have received Portland Water District approval with comments which have been addressed. Woodard & Curran commented regarding the size of parking at the end that doesn't meet town standards. Mr. Reynolds said they have widened the area and added an Auto-turn that will be provided with the final plan. The town attorney's comments relative to the HOAs & deeds have or will be addressed.

Mr. Zelmanow: explained that the plans with the abutter needs to be on record or it is not something the town cannot enforce.

A cluster mailbox is going in at the back of the subdivision in response to abutters wishes for it not to be placed in the front. The applicant did not have a problem with putting it in the back of the Subdivision.

Mr. Herrick asked about the Street Light issue and if it has been resolved. At this point the Planning Board is not proposing it and it will only be by recommendation from the town that it should happen. Mr. Pratt explained that the police chief says yes and the public works director says no. Mr. Herrick suggested that it was a recommendation not a necessity. Mr. Herrick asked if we could condition the approval to getting the agreement with the Skolfields. Mr. Zelmanow it is not recommended and in the past we haven't done that. Mr. Reynolds said that Mr. Poirier has recommended that there should be an agreement first, then the project could go on the Consent Agenda. Mr. Zelmanow agreed.

Mr. Herrick asked if the changes requested by the Town's attorney regarding the Homowner's Association are all acceptable. Mr. Reynolds said these have all been taken care of.

Mr. Zelmanow asked if a high intensity soil test has been submitted. Mr. Reynolds said it was submitted to Mr. Poirier separately two or three submissions ago. And was it reviewed? Mr. Poirier said he had reviewed it and it was also reviewed by Woodard & Curran.

Ms. Bailey asked that someone make a motion to allow her to recuse herself as she had recused herself the last time.

Mr. Fox MOVED and Mr. Herrick SECONDED to recuse Ms. Bailey from the discussion.
Motion CARRIED: 5 Yeas. (Richmond absent)

Public Hearing: Opened

Mr. Poirier read the following email into the record:

Hi Tom,

This is Nate Hurteau at 15 Tranquil Drive in Gorham.

I understand an abutting property is seeking final subdivision approval tonight. As previously discussed in the planning office, we would like to see if the town is willing to suggest a right away be placed from the proposed subdivision to our access acreage for future development. I was in the planning office today reviewing the plan and it appears a right away was going to an abutting property of ours that is smaller in size with less usable acreage. If you could please give me a call or address this at tonight's subdivision meeting.

Thank you,

Nate Hurteau

207-899-5615

Mr. Zelmanow asked if the applicant is required to extend the ROW to his abutting property. Mr. Poirier said the ordinance says undeveloped land. It is not hard and fast and doesn't specify that it be extended to all the undeveloped land. Typically the Planning Board tries to work with the developer and people making the request as long as that requirement is met it is hard to require additional ROW. His land was pointed out just to the south to where the ROW currently connects. So the current 50' access is around lot 3 and Mr. Hurteau would like it to be extended around the back side. Mr. Poirier would recommend that it be at least 50' out from the property line. Mr. Zelmanow asked what the Board thought and what the applicant's position was on this. Mr. Reynolds clarified that it would need to extend 75 feet more. It would just reduce the amount of open space and be on top of the snowmobile trails.

Mr. Terry Webber came to the podium representing the Snowmobile Club of which he is the treasurer. Their trail runs along those lots 3 and 5 and they cannot move that trail. If they move it it will be down into the river bed. So if you walk along that trail as it is, you will see that it's there because it is the easiest path through that piece of property. We'd have to cut down some significantly large diameter trees to move it. If you look at the topography in there he doesn't think its going to be accessible anymore. It's a major trail that takes the club from the Queen St extension down to Irish Crossing where it crosses the Little River, the old town bridge is down there. The club just redid that bridge 2 to 3 seasons ago and spent \$5,000-\$6,000.00. It is a major artery through the town of Gorham for the recreational and snowmobile trails. We were hopeful to see if we could work with the landowner to see if there was any way that we wouldn't have to move that off the edge of lots 3 and 5 and be able to leave it where it is. Mr. Zelmanow said that was something you would have to talk with the applicant about. Mr. Webber said they would love to work with the applicant and be able to keep the trail there.

Mr. Zelmanow brought the subject back to the ROW and extending it another 75' Mr. Pratt said this is just a ROW – they aren't going to put a gravel road in there. Mr. Zelmanow said this is just on paper. Mr. Herrick's concern is that other properties around will want this too, and where does it end. Mr. Fox said the applicant has tried to resolve any issues to everyone's satisfaction and you could make the argument that maybe enough is enough. Mr. Zelmanow confirmed with Mr. Poirier that there is nothing in the code that requires them to extend it to all undeveloped. Mr. Poirier said it just says undeveloped properties. If you look at the parcel where it is currently connected there will be significant topography issues. Mr. Fox felt the applicant should not be required to extend a ROW to each abutting parcel and asked if there any other way to get to these properties – they do have legal access. He also felt that it is very late in the process to be asking for access now.

Mr. Zelmanow asked for a vote: all in favor of allowing an extension of 75' off what is currently shown: 2 Yeas, 3 Nays (Mike Richmond Absent, Molly Butler Bailey recused)

Mr. Reynolds said this will reduce the open space.

Mr. Terry Webber spoke again saying that the Snowmobile trail cannot be moved . Because of the big trees, etc. it will be in the gully if they move it. Doesn't understand why the trail is coming into play with the ROW discussion.

Ms. Skolfield came to the podium said they are still discussing the Landscaping issue but making progress There still have items to discuss but confident this will be resolved.. She wants some level of enforcement established within the approval. Mr. Zelmanow said yes that is why we are not approving it tonight so they can have the agreement in place and it will be enforceable. Mailboxes moved to back of neighborhood. She is still concerned with Street Light issue – Police Chief supported having one at curb but not at actual intersection. Public Works said it is not necessary at the intersection. Adding streetlights to already accepted street needs to go to the Town Council. Mr. Herrick said the Planning Board does not have ability to require street lights. That is something that will have to be addressed through the Town Council. The parking lot at the end of the neighborhood has been brought up as a concern by the neighborhood. The Trail has been redrawn to create an easement for trail on Lot 5. Mr. Fox clarified that they are proposing to change where the trail is located on the plan and make a small adjustment to the boundary on lot 5.

Mr. Zelmanow said we will wait to hear from Ms. Skolfield and applicant when agreement is settled.

Public Hearing Closed

Any further board discussion? Applicant has reviewed the conditions and agreed

Mr. Pratt identified that the Agreement is close but we cannot have a handshake agreement this time. It needs to be official.

Mr. Herrick MOVED and Mr. Pratt SECONDED to postpone final approval and move to place W.A. One's request for final subdivision approval to the next appropriate Consent Agenda on receipt of remaining items and resolution of any existing issues to staff approval. Motion CARRIED: 5 Ayes (Richmond Absent, Bailey recused)

Ten Minute Break to 8:35

ITEM 4 –Subdivision Amendment Review: Bramblewood, LLC is requesting approval to amend Glenwater Village Subdivision to revise the horizontal curve on Dogwood Lane. The property is located off Glenwood Avenue on Map 99 Lot 61 and Map 101 Lot 21 in the Urban Residential (UR) and Development Transfer Overlay (DTO) zoning districts. The applicant's engineer is Dustin Roma, P.E. of D M Roma Consulting Engineers.

Mr. Poirier said that this is the first time the subdivision amendment has been before the Board for review and approval. The applicant received approval under the Development Transfer Overlay subdivision on July 11, 2016. As part of the approval there is a build-to minimum and a build-to maximum line. He explained that currently a house has been built too close to the minimum build-to line so the applicant is coming forward to tweak the ROW to get the existing house outside of that minimum build-to line and within the setback. That is the purpose of the amendment. The minimum ROW needs to remain 50' for Dogwood Lane that is proposed as a Town street in order to come back for Street Acceptance. It is hard to determine that on the plan so one recommendation is we have confirmation from the engineer that the 50' minimum is met with the proposed amendment. Easement deeds to the town may be required for the portion of the sidewalk outside the Right of Way. Once the road is accepted we will need to review that again. The Code Enforcement Officer has a condition to be added to the plan so this doesn't happen again basically saying that in order for any new plots to be developed in here that the foundations will have to be pinned before they start so we know those setbacks are met and we hopefully won't have this issue in the future.

Dustin Roma, P.E. of D.M. Roma Consulting Engineers came to the podium. The current plan helps to highlight the specific lines that have been adjusted on the plan. They are proposing to adjust the radius of the roadway for Dogwood Lane to pull the ROW line a couple of feet away from lot 10 and the two lots on either side. In doing so it lengthens those lot lines by a couple of feet and shrinks the lot lines on the other side of the road by a couple of feet. He did have to rotate the lines a little near lot 15 in order to maintain the 75' road frontage for those two lots. Fortunately those lots have not gone under contract and have not been built on so we have the ability to make these adjustments in order to make all of this work on these plans. Because of the requirement of the wide esplanades on the sidewalk the town's road cross-section for this urban roadway places the back of the sidewalk on the back of the right-of-way. Since we've moved the ROW a couple of feet, we will provide an easement there around the fronts of those three lots. We will need to provide a condition with the easement language in there for the town to be able to review. We already have some easements in place for sewers and open space so it's just an extension of that similar language. That will certainly be something that will need to be buttoned up prior to occupancy permits on those lots and street acceptance with the town to adjust those ROWs on those lots. It is very difficult to scale on paper. The minimum right-of-way width for a street or private way is required to be 50'. It appears that some of the right-of-way width on the plan is reduced to at least 48' which does not meet the Land Use Code requirements. They will provide documentation showing that the proposed right-of-way will retain the necessary 50' of right-of-way. The width has been double checked in CAD. None of those lots have been sold yet, this will not create problems easements from owners or adjustments to mortgages. He explained that the developer has hired a surveyor on a lot by lot basis to come in and pin the foundations on these lots so that we don't have these issues and will continue to use survey layout of these buildings moving forward so that we don't want to come back in front of you again as the project is built out.

Public Hearing Open: None offered
Public Hearing Closed

Mr. Fox: MOVED. Mr. Pratt SECONDED to grant Bramblewood LLC's request for subdivision amendment approval for Glenwater Village Subdivision, located off Glenwood

Avenue on Map 99 Lot 61 and off Water Street on Map 101 Lot 21, in the Urban Residential zoning district and Development Transfer Overlay district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED: 6 Ayes (Richmond Absent)

ITEM 5: Pre-Application Discussion: Risbara Properties, LLC is requesting approval of Deering Road Apartments, a five-unit apartment complex consisting of two duplexes and a single unit building. The property is located on Deering Road on Map 14 Lot 6.102 in the Rural (R) zoning district. The applicant's agent is Nancy St. Clair, P.E. of St. Clair Associates.

Mr. Poirier explained the Pre-Application process and that it is just between the Planning Board and the applicant to discuss and identify any items that might look like potential problems. This is part of an old development that was approved under the old density calculations called the Rural Land Management that the town used to use in calculating the density in the rural district. The Town Attorney has advised that any new parcel within the old subdivision approval that comes forward has to meet the current density calculations. Therefore the Board will need to look at the new density calculations. They do not need to meet the multi family performance standards because the proposal does not contain buildings with 3 or more dwellings.

Nancy St. Clair, P.E. came to the podium presenting a plan for 5 apartments on Deering Road - two duplexes and one single family apartment. The property is 13.8 acres in the Rural-Manufactured Housing district located off Deering Road with a 270 ft access drive with 24' wide access. There will be parking on either side of duplex. Each unit has 3 parking spaces. There is a small hammerhead at end of the driveway with area for dumpster. There are wetlands on property and Stroudwater River goes through it. The wetlands shown are from our initial site visit and observations and they will be doing a detailed delineation of the site. They will also do a high intensity soil calculation. According to their figures, there is room for 5 apartments. This is called a SD Amendment because the southerly portion of land was part of a Greater Grace Subdivision approved in 2001 and has been conveyed and is currently owned by the Hurtells. Parcel does include land on both sides of river. Discussions have been around the property on other side of river and the Planning Board will need to decide if it should be considered isolated and unavailable and therefore should not be included in the density calculation. They will need to have some way to tie the two pieces together. The application goes into detail about two 96' culverts but they are also suggesting other opportunities which is why the apartments are clustered. This would avoid having the environmental impacts. St. Clair thinks this is an opportunity for the land to be used in common with the project - perhaps not with a physical road, but other opportunities. Possibly a footbridge to allow pedestrian access to this area. In her opinion the land is accessible and could be used as a passive recreational area and should be part of the density calculations. We would like to get your input about the use of this land. Mr. Zelmanow asked for a definition of how the property is unavailable for use in common with the remainder of the parcel from Mr. Poirier who feels that a footbridge and some active recreational areas could tie this together. It does look like there are some flat spots. It's up to the applicant to come up with some ideas. It just needs to have something to tie together.

Mr. Zelmanow asked if there were going to be sidewalks, private well & septic and if the homes would be sprinkled. Ms. St. Clair said there would not be sidewalks, and each building would

have it's own private water and sewer system. They had not discussed sprinkling the apartments.

Comments from Board:

In answer to Mr. Fox's question about what the density calculations would look like if the property on the other side of the river is not factored in, Ms. St. Clair said the preliminary calculations would be two apartments. Mr. Zelmanow said he felt that the density calculations will be the major issues and suggested that they will probably need a site walk. It looks like any crossing of the river would be challenging because of the steepness. Ms. St. Clair feels that there are places where a footbridge would work.

Public Comments:

Mr. Joe Sargent, 52 Deering Road came to the podium and expressed his concern about his well that is right on the property line.

Mr. Walter Lawrence, 46 Deering Road said he had looked through the plans and had a culvert question. They currently have 16' x 10 with 3' stain marks from flooding. They have had problems with the water coming over that road by 15'. The bridge has already blown out several times in 1991 and 1996. There is a tremendous watershed there and even two 96' culverts wouldn't be enough. Feels that a footbridge would be impractical due to the steep slopes. It is very difficult terrain. The area seems tight to put in 5 units. Dr. Lyndsey Spiegel from the Maine Department of Geology sent a map locating land slide zone which is right in this area. She is a state geologist studying the area. Very concerned. Passed out 2 items: a map showing the Stroudwater River using Lydar and an article about a landslide on the river back in the 80s.

Brian Hodgkins, 62 Deering Road, is concerned about the culvert also. If you walk around the land it is a difficult terrain and when the area is not under drought, there is standing water in there most of the year.

Mr. Poirier recommended a workshop with staff before design goes too far, and a peer review from Jim Logan, a soil scientist.

ITEM 6: Land Use and Development Code: Amendment to Chapter 1: Zoning Regulations to amend Section 1-16 – Narragansett Development District by creating the *Narragansett Mixed Use Development District*.

Town Council forwarded to Planning Board for review and Public Hearing. Mr. Moody has been working with TC on this. He is available to work with the Board on any issues. Question was asked if this amendment will affect the Racetrack and answer is yes it will.

Mr. Zelmanow recommends sending to the Comprehensive Plan Implementation Committee

Mr. Pratt MOVED and Mr. Herrick SECONDED to send the proposed zoning amendment to the Planning Board's Comprehensive Plan Implementation Committee for

review and recommendation to the full Planning Board. Motion CARRIED: 6 Ayes (Richmond absent)

ITEM 7: Land Use and Development Code: Amendment to Chapter 2 to modify the requirement for the extension of sidewalks.

Mr. Poirier explained the current provision and that this item has been brought forward to review because on at least 2 occasions when the requirement for sidewalk extension exceeded the capacity for the development to pay for the sidewalk extensions. The proposed amendment allows the Planning Board to offset the provision so that smaller projects can complete a sidewalk extension based on the number of lots proposed in the development and also allows the developer to request utilization of a portion of the extension on the redevelopment of existing sidewalks in poor condition.

Mr. Zelmanow asked the board what their thoughts are on what they would like to do. Ms. Bailey suggested that this looks good as written and could go directly to the next Planning Board meeting for Public Hearing.

Mr Firman MOVED, Mr. Pratt SECONDED to move the item to the next available Planning Board meeting for a public hearing. Motion CARRIED: 6 Ayes (Richman absent)

There was no other business or announcements. Save your packet items for Item # 1 for the December meeting.

Mr. Fox MOVED. Mr. Pratt SECONDED to adjourn the meeting at 9:27 pm Motion CARRIED: 6 Ayes (Richmond absent)

Respectfully submitted,



Carol A. White, Planning Department Admin. Assistant

December 5, 2017