

**PLANNING BOARD MEETING MINUTES
FEBRUARY 26, 2024**

MEMBERS PRESENT

**VINCENT GRASSI, CHAIR
WILLIAM BENSON, VICE CHAIR
ROBERT DELANY
JAMES HAGER
RUSSELL FRANK
DAVID BURROWS, SEC.**

STAFF PRESENT

**CAROL EYERMAN, TOWN PLANNER
DAMON YAKOVLEFF, ASSISTANT
TOWN PLANNER
CHUCK NORTON, TOWN ENGINEER
TOM POIRIER, COMMUNITY
DEVELOPMENT DIRECTOR
CINDY HAZELTON, RECREATIONS
DEPARTMENT DIRECTOR**

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

The roll was called, with 6 members present, 1 absent (Walsh).

APPROVAL OF THE FEBRUARY 5, 2024 PLANNING BOARD MINUTES

Jim Hager MOVED and Robert Delany SECONDED to approve the February 5, 2024, Planning Board minutes pending corrections. MOTION CARRIED, 6 AYES, 1 ABSENT (WALSH).

CHAIRMAN'S REPORT

The Chair did not have anything to report.

COMMITTEE REPORTS

A. Ordinance Review Committee

Committee Chair David Walsh was not present at the meeting, however Damon Yakovleff, Assistant Town Planner, reported that the Ordinance Committee's March 4, 2024 meeting was postponed due to engaging a hydrogeologist to look over the Aquifer Protection Overlay. Once they have received the information, they will reschedule the meeting.

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 – Site Plan Amendment – Town of Gorham – Little Falls Baseball Field Lighting – a request for approval to add lighting to an existing baseball field. Map 52, Lot 12. Zoned UR-MH. The applicant is represented by Owens McCullough, P.E., with Sebago Technics.

Damon Yakovleff, Assistant Town Planner detailed the Town's initiative to seek approval to add lighting to the baseball field at Little Falls Recreation Area. He mentioned that approval had already been granted for lighting at the multipurpose field, soccer field, and parking lot. The facilities manager and public works would assess the circuits, and the recreation department would determine controls to ensure the lights are not operated after 10 pm. Existing lighting would potentially be replaced with more modern options without needing Planning Board approval. He explained that the project includes lighting the baseball field and parking lot without additional changes to the site plan.

Owens McCullough, Civil Engineer with Sebago Technics, presented a project on behalf of the Town of Gorham. He explained that the Town has secured grant money and is now interested in adding lighting to the baseball field. The proposed lighting system is a Musco lighting system, similar to the one installed at the high school, known for its focus on lighting efficiency and dark skies preservation. The town aims to control the lights remotely and eventually light all the fields, though this is a future goal due to cost constraints. The project also includes lighting for the parking lot, which makes sense for evening games. If approved, the town will proceed with obtaining pricing, bidding out the project, and installing the lighting systems.

Public Comment Opened:

Rick Willey, 19 Elizabeth Street, expressed concerns about the lack of batting cages for baseball and softball players in Gorham, despite the proposed lighting project for the fields. He believes batting cages are essential and should be included in the project or funded separately by the town.

Public Comment was Closed.

Jim Hager concurred with the request noting it may be more fiscally responsible to construct everything at once.

Tom Poirier, Community Development Director, suggested that once a request is received by the Recreation Director, the Town would be able to advocate for and advise on how to proceed forward. He indicated that most batting cages are not actual structures.

Mr. Hager specified that due to the batting cages being seasonal, he'd be comfortable having staff review and approve the request should it come into their offices. On the topic of field lighting, Mr. Hager questioned whether the 10pm curfew would cause issues with the sound ordinance that currently states 60 decibels between the hours of 7pm-7am.

Mr. Poirier explained that the 7pm sound curfew is a requirement under Chapter 4, Section T: Noise of the Site Plan Review and is a standard for the town. If Code Enforcement were to investigate a noise complaint and the participants could not meet the noise requirements, they could force the lights off at 7pm.

David Burrows questioned how the lights would be controlled. Mr. Poirier explained that they were still discussing logistics; whether it would be a staff member who would program the lights or potentially allowing certain programs the ability to turn them on when needed.

William Benson inquired about the typical noise levels of a ball field. Mr. Poirier did not have that information.

Mr. Poirier emphasized the approximate 40-50ft tree buffer along the property line, along with typical spectator congregation areas, which would typically be on the opposite side of the ballfield.

Chairman Vincent Grassi asked for clarification regarding the location of the requested lighting. Mr. Poirier indicated the location of approved lighting locations on the site plan.

William Benson MOTIONED and Jim Hager SECONDED to grant the Town of Gorham request for a Site Plan Amendment to install baseball field lighting at Little Falls Recreational Area Map 52 Lot 12 in the Urban Residential Zoning District based on Findings of Fact and Conditions of Approval as drafted by the Town Planner. 6 AYES, 1 ABSENT (WALSH).

ITEM 2 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.

Tom Poirier introduced the item to the Board and stated that the Board made changes to the proposal based on public comments from a previous meeting. With advice from the Town Attorney, they recommend continuing the public hearing to allow for comments on the changes. Mr. Poirier informed the Board that The Town Attorney and staff were present to answer any questions from the Board, emphasizing that this meeting is a continuation of the previous public hearing.

Owens McCullough, Civil Engineer for KV Enterprises, presented detailed changes to the Contract Zone language discussed in previous meetings. These changes clarified permitted uses, specified minimum lot sizes, and outlined street frontage and setbacks. Other changes addressed road connections, construction traffic, and impact fees. Mr. McCullough emphasized that the project would undergo full Planning Board review post approval of the Contract Zone.

Specific changes included:

- Removing specific references to unit numbers in the Gorham Land Use and Development Code, Chapter 1 Section 1-18 Development Transfer Overlay.
- Setting the minimum lot size for single-family dwellings at 8,500 square feet.
- Eliminating the term "multifamily mixed use" and specifying a minimum lot size of 20,000 square feet for multi-tenant buildings.
- Codifying a minimum street frontage of 60 feet for the Development Transfer Overlay District.
- Replacing minimum front and rear setbacks with a minimum building height of 80 feet for multifamily structures.
- Requiring compliance with the Development Transfer Overlay District for minimum open space.
- Changing the number of parking spaces for multi-tenant buildings to "not to exceed 2 spaces."
- Clarifying impact fee language to include \$1,000 per single-family unit, with \$500 designated for infrastructure projects increasing school capacity.
- Splitting construction traffic equally among access points, primarily through White Birch Lane.
- Clarifying fee requirements of the Transfer Overlay District.
- Allowing commercial use on the first two floors of mixed-use buildings.
- Requiring one or more multifamily phases for housing older persons.
- Amending language regarding the purchase of bonus dwelling units for exceeding zoning district limits.

- Correcting "Commercial Residential" to "Urban Residential Expansion."

Public Comment Opened:

Lincoln MacIsaac, of 44 Robie Street, advocated for equal access from three points for the project, emphasizing White Birch Lane's importance alongside Robie Street. He noted existing traffic issues and urged the use of White Birch Lane to reduce congestion and share the traffic load. Mr. MacIsaac requested White Birch Lane's inclusion as a mandatory part of the project and questioned how the split of construction traffic would be measured.

Justin Early, of 46 Robie Street, echoed Lincoln's concerns regarding the connectivity of the development project to existing neighborhoods like Bramblewood, White Birch, and Robie Street. He expressed the opinion that such a large development should have its own access to main roads. He emphasized the need for White Birch Lane to be included as an access point, urging that final approval for this access should be obtained before construction begins. Mr. Early also raised concerns about traffic surveys and the impact of construction vehicles on Robie Street, suggesting that access for construction vehicles should be redirected to wider parts of the road to avoid congestion and safety issues near the elementary school. He also highlighted the need for road repairs and proper drainage on Robie Street to ensure safety for pedestrians, especially school children. Mr. Early concluded by emphasizing the importance of approving the contract zone to expedite the development process and minimize disruptions to the neighborhood.

Kevin Thompson, of 45 Robie Street, emphasized the necessity of having multiple access points, including White Birch Lane, for the project. He highlighted concerns about drainage issues on his side of the road. Mr. Thompson, a 12-year veteran in the fire service, stressed the importance of multiple access points for emergency vehicles, noting that an 80-foot building requires a 100-foot aerial for access. He expressed concerns about the ability of large construction vehicles to navigate Robie Street, citing instances of plow trucks damaging trees and the difficulty of maneuvering large vehicles. Mr. Thompson emphasized the importance of considering the project as a whole and ensuring adequate access and road upgrades for the safety and convenience of residents.

Tim Profenno, of 43 New Portland Road, proposed considering an access point further down New Portland Road for the development project due to concerns about congestion and narrowness on White Birch Lane. He suggested creating a double-wide road to accommodate construction traffic, potentially reducing traffic issues during the project's six-year duration.

Donna Hill, of 65 New Portland Road, voiced concerns about traffic congestion and safety on New Portland Road, particularly for residents with mobility aids. She highlighted difficulties accessing the road from Johnson Road and suggested that an access point near Moody's might be a better option. Ms. Hill emphasized the need for a solution that minimizes traffic disruptions.

Susan Robie, of 34 Robie Street, expressed confusion about the phasing of construction outlined in the Contract Zone. Specifically, she was unclear about a provision in the third WHEREAS, point 3a, stating that the developer may install roads and infrastructure in phase areas without opening such phases for the construction of units. Susan sought clarification on this point from the developer, as she felt it could potentially open up more land than necessary. She indicated that she had more questions but would hold them until after the developer addressed this issue.

Vincent Maietta, with KV Enterprises, clarified the phasing of the project. He explained that while infrastructure work for future phases can begin before the completion of the current phase, actual building permits for the next phase are contingent upon meeting certain completion requirements for the current phase. He noted, infrastructure like sewer lines for phase two can be installed before phase one is fully complete, but building permits for phase two cannot be obtained until a large percentage of phase one is sold or leased. This approach allows them to begin the next phase with their own funds while ensuring that the town's requirements for completion are met before

progressing to the next phase. Mr. Maietta explained that the main goal for KV Enterprise is to move to the next phase of construction once 50% of the current phase is completed. He noted that they would still need to meet the completion requirements before progressing to the next phase.

Regarding the suggestion to create separate road access, Mr. Maietta explained that while they considered it, they are restricted by the seller's agreement to leave that specific portion of the property undeveloped and turned over to the Conservation Commission. This limitation prevents them from creating separate road access as suggested.

Jim Hager shared his interpretation of the construction sequence, suggesting that all infrastructure and varied conditions should be completed simultaneously to avoid incomplete work. He emphasized the importance of ensuring that water pipes, sewer pipes, and other buried infrastructure are completed to prepare for future conditions, highlighting the need for comprehensive construction planning.

Ms. Robie mentioned the need to include definitions for duplex buildings and multifamily dwellings in the contract zone to align with the comprehensive plan's goal of housing diversity. She also proposed adding language to require the developer to propose additional traffic calming solutions if four-way stops prove ineffective, with evaluations to be conducted after each phase of development and a year after completion. Additionally, Ms. Robie suggested specific measures to protect tree canopy, such as leaving canopy trees at the back of every lot and preserving identified canopy trees with colored strings. She emphasized the importance of these measures for the overall development.

Amy Leddy, of 2 Robie Street, raised the point that the Town's comprehensive stormwater management plan applies to the urbanized area, which currently does not include the proposed development area. She emphasized the importance of specifying that all best management practices outlined in the plan should apply to the new development area, along with other densely populated areas of the Town, to ensure proper stormwater management.

Harold Parks, of 17 George Street, expressed concerns regarding the contract, specifically citing issues with wording such as the use of "32 acres of land to be placed into a conservation," which he found unclear, questioning whether it was a reference to the Presumpscot Land Trust, suggesting the correct name should be the Presumpscot Regional Land Trust in the document. Mr. Parks proposed moving pond number two back to allow for perpendicular parking and sidewalk installation, which could serve as emergency parking and facilitate maintenance access. Additionally, he highlighted concerns about the town's long-term responsibility for maintaining the detention ponds, suggesting a need for a second opinion on their design and construction. Mr. Parks also emphasized the importance of safety around the ponds, particularly fencing, to protect children. Finally, he mentioned the need for electric vehicle charging stations to be considered in the development.

Richard Willey, of 19 Elizabeth Street expressed concerns about the development's impact on White Birch Lane, citing safety issues and the road's suitability for construction vehicles. He mentioned an incident where a pedestrian was hit by a vehicle on the lane. Mr. Willey also raised concerns about the speed limit on New Portland Road and the potential traffic impact on nearby baseball fields. He expressed skepticism about the project's benefits for Gorham and its residents, highlighting potential tax implications and the strain on public services. He criticized the perceived lack of long-term planning and vision from the council, urging them to consider the project's implications for the town's future.

Phil Gagnon, Town Councilor for the Town of Gorham, expressed frustration with the lack of remediation for traffic issues, particularly concerning access from New Portland Road through White Birch Lane to Robie to South Street. He mentioned previous efforts to address these concerns, including proposing amendments as a Town Councilor, but felt that these issues have

been ignored and pushed through. He questioned the effectiveness of the Planning Board's approach and raised concerns about the impact of large subdivisions on traffic patterns and surrounding communities.

Public Comment Closed.

Mr. McCullough explained that the Contract Zone would facilitate a thorough review process for aspects like Stormwater Management and Infrastructure Design. This process would involve reviews by Town staff, the Town Attorney, and third parties, as well as permits from the Maine Department of Environmental Protection and DOT. He reassured that all concerns raised during the meeting, such as the maintenance of stormwater ponds, association documents, maintenance agreements, all of which would be reviewed and addressed in later stages. He also clarified that the Contract Zone was primarily about setting the framework for future steps and that specific details would be worked out later in the process.

Chairman Grassi and Mr. Benson echoed concerns regarding the Presumpscot Regional Land Trust and the lacking verbiage of their official name in the Contract Zone. Mr. Poirier assured that the verbiage could be changed to reflect their official name.

Chairman Grassi requested clarification around conversations between KV Enterprises and Presumpscot Regional Land Trust. Mr. Maietta explained that the Land Trust prefers to develop their own trails due to their expertise. He noted that they will provide land for and build a parking lot, to be included in future phases. The Land Trust will build, modify and care for the trails.

Mr. Benson inquired about the procedure for sending the proposal forward contingent on the approval of the White Birch Lane connection to the Town Council. Mr. Poirier clarified that the requirement for the White Birch Lane connection is already included in the Contract Zone for phase one. Mr. Benson sought confirmation that if the White Birch access is not approved, it would void the Contract Zone and prevent the contracts from moving forward. Mr. Poirier explained that in such a case, the contract would simply need to be amended. Town Attorney Natalie Burns added that substantive amendments would require a new hearing at the Board level and Mr. Poirier went further to specify that it would have to be a Public Hearing.

Mr. Benson asked about the possibility of connecting to Toppin Drive. Mr. Maietta explained that they had considered it but encountered challenges, as the route would pass through private land and disrupt a single-lot residents. They also explored extending the road to New Portland Road but faced difficulties due to specific land boundaries negotiated with the land trust and the seller's preferences. He noted that while 55 acres would go to the Land Trust, the remaining 88 acres would be transferred to the Homeowners' Association, which would also maintain the ponds on the property.

Mr. Burrows asked if there was an opportunity to incorporate public comments into the contract zone language. Mr. Poirier suggested discussing the specific comments first to determine if they should be included in the contract zone or addressed during the subdivision site plan review. Mr. Burrows agreed that these issues, such as road pavement, drainage, traffic calming study, and EV charging stations, should be part of the site plan review rather than the contract zone language. Mr. Poirier explained that these aspects would be reviewed under existing standards and procedures, with traffic calming measures to be addressed as part of the traffic movement permit.

Mr. Benson raised concerns about the language regarding the transfer of land to a land trust for conservation purposes. Ms. Burns suggested adding the word "status" after "conservation" to allow flexibility in how the land is transferred. Mr. Benson also asked about a public comment regarding water management and the urban area boundary. Mr. Poirier clarified that the project's location outside the urban area would not affect the conservation, as the boundary is determined by the DEP for stormwater management purposes.

The Board concluded its discussion, clarifying how public comments could be integrated into the project's planning and ensuring that the Contract Zone language aligned with the project's goals and requirements. Board members then expressed a desire to vote on the item.

David Burrows MOVED and Jim Hager SECONDED to recommend adoption of the proposed Contract Zone agreement to the Town Council with amendments made by the Planning Board. 6 AYES, 1 ABSENT (WALSH).


OTHER BUSINESS

Mr. Yakovleff reminded the Board that Chairman Vincent Grassi would be stepping down as Chair of the Planning Board Committee after the meeting in March and to consider how they would like to proceed.

ADJOURNMENT

Jim Hager MOVED and Robert Delany SECONDED to adjourn at 8:48pm. MOTION CARRIED, 6 AYES – 1 ABSENT (Walsh).

Respectfully submitted,



Nina Yelisseyev, Committees Administrative Assistant
March 27, 2024