

**PLANNING BOARD MEETING  
July 10, 2017**

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

**Members Present**

**EDWARD ZELMANOW, Chairman**  
**SCOTT HERRICK, Vice Chairman**  
**JAMES ANDERSON**  
**GEORGE FOX**  
**LEE PRATT**  
**MICHAEL RICHMAN**

**Members Absent**

**SCOTT FIRMIN**

**Staff Present**

**THOMAS M. POIRIER, Town Planner**  
**BARBARA SKINNER, Clerk of the Board**

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

**APPROVAL OF THE JUNE 5, 2017 MINUTES**

**George Fox MOVED and Lee Pratt SECONDED a motion to approve the minutes of June 5, 2017 as written and distributed. Motion CARRIED, 4 ayes (Scott Firmin absent; James Anderson and Scott Herrick abstaining as not having been present at the meeting).**

---

**COMMITTEE REPORTS** – Mr. Herrick reported that the Ordinance Review Committee met on June 14, 2017 to discuss the Olde Canal rezoning amendment, which is on the Board's agenda for discussion later this evening.

---

**CHAIRMAN'S REPORT** – Mr. Zelmanow announced that James Anderson is leaving the Board, and this is his last meeting. Mr. Zelmanow expressed the Board's thanks and appreciation for Mr. Anderson's dedicated service and presented him with a plaque commemorating his work with the Board.

---

**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that no new projects have been submitted.

---

**ITEM 1 PUBLIC HEARING - Site Plan Review – 60 Hutcherson Drive, LLC** – request for approval to construct two buildings with multiple units to lease for general commercial and industrial uses on property located at 61 Hutcherson Drive in the Gorham Industrial Park, Map12 Lot 22.001, Industrial zoning district.

Mr. Poirier reminded the Board that this item was last before it on June 6, 2017 and called the Board's attention to the fact that the applicant is willing to provide a 30 foot easement to the Gorham Conservation Commission over the existing Portland Water District's easement for a trail connection to the Town's cross town trail. In reply to Mr. Zelmanow, Mr. Poirier replied that he has not yet seen the Maine DEP permit.

Silas Canavan, Walsh Engineering, appeared on behalf of the applicant and introduce Peter Holmes and Bill of Walsh Engineering. Mr. Canavan described the project as two industrial style buildings, each one having multiple units to be leased to multiple tenants. There will be up to 12 units, but most tenants will probably take multiple units. There will be a paved parking lot in the middle, with storm water being managed at the ends of the parking lot, as well as drip edges directly behind the buildings. Changes made to the plans since the last meeting involve reducing the number of parking spaces to 49, the dumpster at the south end of the property has been realigned slightly, and some additional trees are proposed to screen the dumpster. Boulders will placed on the parking lot side of the storm water filters that will help prevent snow from being plowed into the filters. The sewer line has been realigned in order to tie into an existing manhole to meet Portland Water District standards. The site will be raised by one foot to reduce the amount of cut on the entire site and to balance the overall earth moving. Steep side slopes will be rip-rapped to control and stabilize erosion. Mr. Canavan said while they do have their Army Corps of Engineers permit, they do not as yet have their DEP permit. He asked if conditional approval could be granted pending receipt of that permit. Mr. Canavan indicated that Mr. Holmes would like to do some tree cutting prior to receipt of the DEP permit.

Mr. Zelmanow replied that the Board generally does not favor granting conditional approval before a DEP permit is issued and that no cutting is permitted on site until final approval has been granted. However, if no other major issues arise and a permit has been granted, the application could be placed on a consent agenda.

Mr. Zelmanow referred to a comment from the Town's review engineer that the proposed retaining wall design and calculations, stamped by a professional engineer, be provided to the Town prior to the start of construction. He said that he would like to see that requirement added as a condition of approval. Mr. Canavan said the retaining wall is part of the building and asked if that could be a condition of approval prior to the issuance of a building permit.

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

Mr. Poirier read the following new condition of approval #20 to address the retaining wall:

“That the applicant will provide a schematic retaining wall detail stamped by a licensed professional engineer during the building permit process.”

Mr. Canavan said that the applicant is satisfied with the other conditions of approval as written.

**James Anderson MOVED and George Fox SECONDED a motion to place the item on a future consent agenda pending submission of the Maine DEP permit(s) and responses to remaining issues and/or finalizing revisions to the plans. Motion CARRIED, 6 ayes (Scott Firmin absent).**

---

**ITEM 2   PUBLIC HEARING – Site Plan Amendment – Maine Coast Kitchen** – request for approval to construct a 7,150 square foot condo-plex including parking, access ways, sidewalks and landscaping on Little Wing Lane, located off New Portland Road on Map 12, Lot 12.001, Industrial zoning district.

Mr. Poirier said this application was last before the Board on April 3 with a site walk on April 11, 2017, primarily to look at the landscaping in the front setback reduction requested by the applicant. Since the last submission, the applicant is proposing a redesign of the stormwater management system, which the

applicant's engineer will discuss more fully. The applicant is still requesting a reduction in the front setback.

Jason Vafiades, Atlantic Resources Consultants, appeared on behalf of Maine Coast Kitchens. He referred the Board to the feedback from the site walk, when the Board considered the view corridor from New Portland Road into the site at the location of the proposed reduction in the required setback. As a result of that sitewalk, the landscaping has been redesigned with a more cultivated landscape buffer in the front of the building, eliminating the failing trees and overgrown existing buffer. The change to the stormwater management mentioned by Mr. Poirier involves removing the proposed pervious pavers and adding a small underdrained soil filter to the rear of the building, which will require securing a Maine DEP Natural Resource Protection permit. Mr. Vafiades described the soil filter to Mr. Fox as an 18 inch deep grass bowl into which water will flow; there is an 18 inch filter layer with a piece of underdrain under it. Water sits in it and slowly drains through the filter layer and comes out at a slower peak rate. It is mowed twice a year.

Mr. Pratt advised the Board that the company he works for abuts this property but he feels he can be impartial in a review of the project.

**James Anderson MOVED and Scott Herrick SECONDED a motion to allow Mr. Pratt to remain on the podium for the discussion on the item. Motion CARRIED, 5 ayes (Lee Pratt abstaining, Scott Herrick absent).**

Mr. Anderson asked if the current landscaping plan meets the current requirements for the street side of the building. Mr. Vafiades said it does and also believes that it embellishes what is required. Mr. Vafiades said that more windows have been added. Mr. Zelmanow referred to the Town Engineer's request for an AutoTurn; Mr. Vafiades said that will be provided.

The Board then discussed the request for a reduction of the front setback from 100 feet to 50 feet. Mr. Zelmanow noted that the Board can grant such a request if it finds that in doing so a better plan for development would result. In reply to Mr. Anderson, Mr. Vafiades said that the reduction is because it would not be economically feasible to build a three-plex with the 100 foot setback, that the four-plex with a reduced setback is preferred, and it helps marketing efforts if the building can be seen. Mr. Zelmanow asked how the reduction makes it a better plan, not a financial gain to the developer. Mr. Herrick said that at the site walk it was discussed that the site will benefit by reducing the setback and adding a better landscaped buffer than leaving the existing 100 buffer with its scrub and dead and dying vegetation. Mr. Fox said it would appear that a smaller setback distance is being traded off for a higher quality building and landscaping plan. Mr. Pratt said he believes the building will look well along the road.

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

**James Anderson MOVED and Lee Pratt SECONDED a motion to grant the applicant's request to reduce the required 100 foot setback to 50 feet based on the reasons set forth by the Planning Board and the applicant. Motion CARRIED, 6 ayes (Scott Firmin absent).**

Mr. Zelmanow summarized outstanding items as follows: DEP permit, traffic turning analysis, and responses to the Town's review engineer's comments. Mr. Vafiades said they will detail a liner to the soil filter which will address the comments from Woodard & Curran. Mr. Fox asked if more peer review will be required. Mr. Poirier said that the review engineer will look at the details one more time and submit it as part of the packet for consent agenda, and staff can flag any concerns and identify them as part of the consent agenda.

**James Anderson MOVED and Lee Pratt SECONDED a motion to place the item on a future consent agenda pending submission of the Maine DEP permit and responses to remaining issues and/or finalizing revisions to the plans. Motion CARRIED, 6 ayes (Scott Firmin absent).**

---

**ITEM 3 DISCUSSION – Land Use and Development Code – Amendment to Chapter 1, Zoning Regulations, to add new Section 1-21, to rezone Olde Canal Industrial Park from Industrial zone to a new Olde Canal Industrial zone.**

Mr. Poirier explained that the Board's Ordinance Committee at its June 14, 2017 workshop reviewed the proposed language and made some changes as follows: under Permitted Uses, the Committee recommended removing item 7) Mineral extraction and changing item 13 Commercial Schools to "for profit" schools. Under space standards the Committee recommended adding a minimum lot area of 60,000 square feet and a minimum street frontage of 100 feet. The Committee felt that additional performance standards were not warranted, that the standards under Chapters 2 and 4 would suffice.

Mr. Poirier confirmed with Mr. Zelmanow that "1) Manufacturing, processing and treatment" under the Permitted Uses is to allow a wider variety of commercial tenants, such as fish processing.

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

**James Anderson MOVED and Scott Herrick SECONDED a motion to place the item on the next available Planning Board meeting for public hearing. Motion CARRIED, 6 ayes (Scott Firmin absent).**

---

**ITEM 4 DISCUSSION – Land Use and Development Code – Amendment to Chapter 1, Zoning Regulations – Addition of new Section 1-22, Agricultural/Industrial District, to provide areas for agricultural uses to occur in close proximity to industrial uses/operations.**

Mr. Poirier explained that this is the first time this proposed ordinance is before the Board for discussion. The site is the former ecomaine parcel, purchased by the Shaw Family Foundation and where Sebago Brewing is building in the front. The Foundation has indicated that it would like to do commercial on the front and have full agricultural use as well as some recreational use in the back of the parcel. The Town Council has been asked to move forward with an ordinance amendment to allow both of those uses; inasmuch as this parcel is zoned industrial, farming is not an allowed use so the amendment is required to allow farming on the site. Staff has also received a request from the Foundation on June 29 asking that some language be added to include restaurants.

Mr. Zelmanow commented that when the Council forwards proposed language to the Board, generally the procedure the Board follows is to forward the item to the Board's Ordinance Committee for their review and recommendations.

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

**James Anderson MOVED and George Fox SECONDED a motion to move the item to the Board's Ordinance Committee for review and recommendation. Motion CARRIED, 6 ayes (Scott Firmin absent).**

**ITEM 5 PRE-APPLICATION DISCUSSION – Kasprzak Land Holdings, Inc.** – proposal to develop 120 dwelling units with 60 buildings on 76.97 acres in the Pheasant Knoll Condominium development on property located off Fort Hill Road, Map 46, Lot 11.004, Urban Residential zoning district.

Mr. Poirier reminded the Board that pre-application discussions are only between the Board and the applicant and none of the information has been provided to staff for review. Mr. Poirier said this parcel has a contract zone designation which is age-restricted to the HUD standards for 55 years and older.

Bob Georgitis, vice president of Kasprzak Homes & Land Holdings, Inc., came to the podium and gave the Board an overview of the history of Pheasant Knoll. He said he was before the Board in 2015 when a subdivision/site plan amendment was approved; however, since that time Steve Kasprzak and he have decided that plan was no longer viable, especially in terms of energy efficiency and marketability. They are also considering solar energy for some of their developments and are more and more favorably inclined toward heat pumps.

Mr. Georgitis introduced Kylie Mason, landscape architect with Sebago Technics, said that they have asked Sebago Technics to create more of a neighborhood feel because the last plan of 140 units in 4-unit buildings didn't really create neighborhoods. He believes that changing to a duplex form of unit styles allows for either two-car garage units or one-car garage units. The plan, therefore, has been reduced from 140 units to 120 units to be developed in three or four phases. The main access will be a reverse curve to Falcon Crest and there will be a backdoor emergency connection. Stormwater will be handled with perhaps 3 ponds in series will be in the woods, rather than one big or two medium size ponds, and perhaps a limited use of pervious pavers. Mr. Georgitis said they anticipate a process with the Town and the DEP which will probably take a year to go through all the permitting, which would put construction beginning in the fall of 2018 or the spring of 2019. He noted that Ridgefield was a 60 unit project and it took ten years to build out; Woods Edge was a 28 unit project, now down to 22, and it will be sold out next spring.

Mr. Zelmanow asked how long does Mr. Georgitis foresee it will take to do a total build out and sale of 120 units; Mr. Georgitis said he believes there will be another real estate recession and he expects a 10 year or longer build out. He said it is easier to sell duplexes to the market they target. Mr. Georgitis told Mr. Zelmanow that none of the proposed roadways are intended to be public but built to the Town's urban collector standards, 24 feet curb to curb. Sidewalks will be up the main roads and looping around. Street lights will be provided about every 150 feet, street trees on both sides of the street, a connection to the Town's property and possibly a multi-use trail connection. A future 50 foot right-of-way could be provided to the area currently shown on the plans as parking.

Mr. Anderson confirmed that the original contract zone allowed for 228 units; Mr. Poirier advised that they are still under that total number. Mr. Georgitis said they have given up close to 30 units and commented that Kasprzak asked for the contract zone with an age restriction so as that parents of USM students would not fill it up with college-age students. The number of units allowed under the contract zone also gave Kasprzak flexibility in the event of the Town adopting any kind of growth control ordinance.

Mr. Zelmanow confirmed with Mr. Georgitis that the development will be served by clustered mailboxes. Mr. Richman commented that the angle of the roof is very important on how a solar system is going to work long-term, so that the orientation of the buildings need to be considered carefully.

**PUBLIC COMMENT PERIOD OPENED:** Dick Caldwell, president of Ridgefield Association, said there are two issues of concern to the Association. The first was whether or not the new development will

remain 55 or older, but at this time Kasprzak is not looking to having that changed from the requirement in the contract zone. The second issue is related to access through Ridgefield Drive, which the association maintains privately; if there is going to be traffic from other than Ridgefield Drive residents, there has to be some sort of gating system between the next section and where the end of Ridgefield Drive is. Mr. Caldwell said that Mr. Georgitis has replied to questions very positively and the most important concern is the extra traffic that is potential on Ridgefield – they would like the Board to keep in mind that they are paying for that road and it is not a Town road. Mr. Zelmanow said if there are questions in the future they can be sent to the applicant and to staff for consideration.

John Lavin, 56 Ridgefield Drive, asked if the engineering will be consistent with the ordinance, primarily for road widths, and will those standards be observed. Mr. Poirier replied that the standards of Chapter 2 will need to be observed for whatever road design is proposed and will be set. Mr. Georgitis said that Peregrine and Falcon Crest are 24' curb to curb with a sidewalk, and Ridgefield is 22' wide; the width was reduced for one reason, to slow down traffic. Mr. Georgitis said the only field change on the roads was to eliminate the esplanade on the sidewalk on Falcon Crest.  
PUBLIC COMMENT PERIOD ENDED.

---

**OTHER BUSINESS**        None.

---

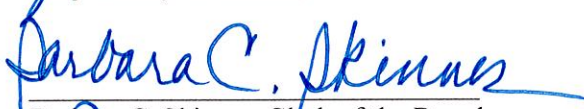
**ANNOUNCEMENTS**        The Board's next meeting will be August 7, 2017. Mr. Zelmanow thanked Mr. Anderson again, and asked anyone interested in serving on the Board to contact the Clerk's office.

---

#### **ADJOURNMENT**

**James Anderson MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent). [8:24 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
July 10, 2017