

PLANNING BOARD MEETING
August 7, 2017

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

Members Present

EDWARD ZELMANOW, Chairman
SCOTT HERRICK, Vice Chairman
JAMES ANDERSON
SCOTT FIRMIN
GEORGE FOX
LEE PRATT

Members Absent

MICHAEL RICHMAN

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 Michael Richman was absent.

APPROVAL OF THE JULY 10, 2017 MINUTES

Scott Herrick MOVED and Lee Pratt SECONDED a motion to approve the minutes of July 10, 2017 as written and distributed. Motion CARRIED, 4 ayes (Michael Richman absent; Scott Firmin abstaining as not having been present at the meeting).

COMMITTEE REPORTS – Mr. Herrick reported that the Ordinance Review Committee has elected Scott Herrick as its chairman. He said the Committee met in workshop earlier this evening and reviewed proposed language to create a new Agricultural/Industrial zoning district, which will be on the Board's agenda for a public hearing next month.

CHAIRMAN'S REPORT – Mr. Zelmanow noted that the Board is still missing one member and encouraged anyone in the public who is interested in joining the Board to contact the Clerk's office.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said that reviews have been completed for three projects and staff is awaiting the final plans to be submitted for signature. The projects are a garage at 198 Main Street, the relocation of a driveway for 19 Bartlett Road, and additional storage for V&M Rental on Fort Hill Road.

CONSENT AGENDA

Site Plan Review – 60 Hutcherson Drive, LLC – a 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, Map 12, Lot 22.001, Industrial zoning district.

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

Mr. Zelmanow explained the process involved with Consent Agenda items, noting that the items will be considered without discussion unless a Board member or a member of the public wants an item taken off the Agenda.

Scott Herrick MOVED and Scott Firmin SECONDED a motion to remove the Maine Coast Kitchen item off the Consent Agenda at the request of the applicant who does not as yet have its DEP permit. Motion carried, 5 ayes (Michael Richman absent).

There being no one wishing to remove the 60 Hutcherson Drive item from the Consent Agenda,

George Fox MOVED and Lee Pratt SECONDED a motion to approve the remaining item on the Consent Agenda. Motion CARRIED, 5 ayes (Michael Richman absent).

Mr. Zelmanow advised the Board that the applicant for the Maine Coast Kitchen item has asked to be taken off this evening's Consent Agenda for the reasons already stated, and has asked that it be placed on the Board's Consent Agenda for its September meeting.

Scott Firmin MOVED and Scott Herrick SECONDED a motion to place Maine Coast Kitchen on the Consent Agenda for the Board's September 11, 2017 meeting pending submission of the Maine DEP permit. Motion CARRIED, 5 ayes (Michael Richman absent). (7:16 p.m.)

ITEM 1 Public Hearing – Land Use and Development Code – Amendment to Chapter 1, Zoning Regulations – the addition of a new Section 1-21 in order to rezone Olde Canal Industrial Park from the Industrial District to a new Olde Canal Industrial District.

Mr. Poirier explained that the Board last saw this item on July 10, 2017 as a discussion item, at which time the Board recommended that it be placed on tonight's agenda for public hearing. In addition to the language that the Board would recommend to the Town Council, there is also a new zoning map to reflect the ordinance change.

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

Scott Herrick MOVED and George Fox SECONDED a motion to recommend adoption by the Town Council of the proposed Olde Canal Industrial District and the revised Zoning Map. Motion CARRIED, 5 ayes (Michael Richman absent). (7:20 p.m.)

ITEM 2 Public Hearing – Site Plan Review – National Attachments – a proposal for a new commercial development at 29 Olde Canal Way on property in the Olde Canal Business Park, Map 34, Lot 3.002, Industrial zoning district.

Mr. Poirier told the Board that a site walk was held for the project on July 27, 2017. A major point at the site walk involved the applicant's request to be allowed to remove trees in the front setback to add visibility between the proposed vehicle display area and Mosher Road. At the site walk Board members asked that the applicant provide an assessment of the area from a landscape architect to identify the number of trees it would like to retain in the area. There was also a discussion on how to identify which trees would remain. Another item to note is that the project will impact some wetlands that were not shown in the original subdivision approval for Olde Canal Business Park, so a subdivision amendment

application and plans will need to be submitted showing the new wetland impacts and a revision of the plan note detailing the amount of wetland impacts. This subdivision amendment will be part of a future review. Mr. Poirier said that the applicant would like to receive phased approval, with phase 1 being for the building, the entrance driveway and access around the building, and the second phase for the equipment storage area, and the driveway between the building and the equipment storage area. The applicant would like to condition phase 2 construction on receipt of the amended DEP and Army Corps of Engineers' permits.

Mr. Poirier said that the zoning amendment discussed as Item 1 needs to be adopted by the Council because the proposed use of heavy equipment sales and service is not a permitted use in the Olde Canal Business Park.

Owens McCullough, Sebago Technics, appeared on behalf of the applicant, National Attachments. Mr. McCullough said that the applicant is proposing an approximate 8,000 square foot building on lot 2 of the Olde Canal Business Park. National Attachments is currently located in the Village downtown area, but their type of business needs to be in an industrial location where they can display some of the attachments that they sell to contractors and heavy industry. He described the building as having an office area in front, a mezzanine with a small conference and meeting area, and there will be a garage out back to service and work on the different pieces of apparatus they are either selling, fitting up or refurbishing. The building will be pre-engineered metal with brick on the bottom and two overhead garage doors.

Mr. McCullough showed the Board the current lot in the Park, some 6.3 acres, saying that access into the site was approved as part of the original subdivision approval. He pointed out the portion of the lot to remain wooded and discussed what is proposed to be selectively cleared in order to provide the view corridor the applicant wants. Proposed is the cutting of white pine and coniferous growth, leaving a minimum of 20 deciduous trees to be limbed up to 15 feet, with no grubbing or stumping to be permitted. Selection of trees to be retained would be coordinated between Kylie Mason, landscape architect, and the Town Planner. Mr. McCullough provided the Board with a rendering by Ms. Mason of the areas to be cleared and maintained.

Mr. McCullough said that this subdivision had a traffic movement permit, which provided that once 50% of the expected trip generation had been reached, the requirement for a left turn lane coming into the site would have to be revisited. With the developments in the Park, those of Peter Lyford, Shucks Lobster and this project, the trip generation is still below the 50% threshold. When the original subdivision was approved, the entire site was analyzed in a developed condition for stormwater management, so there are standards for each lot dealing with permitted building envelope, impervious area, lawn area and disturbed area. Mr. McCullough said that in the case of this lot, there is a stormwater pond across the street and all the proposed drainage from the building and the parking will collect into a 15" stub to drain into that wetpond across the street. Sewer will gravity feed into an existing pump station on site. A lighting plan and photometrics have been provided.

Mr. McCullough said the applicant would like to get started as soon as possible pending approval by the Council of the zoning amendment and approval by the Board of the application. They are in the process of filing an amendment with the DEP for the additional wetland impact. It is proposed that the display area be constructed but not linked to the rest of the site until the DEP amended permit is in hand. In reply to Mr. McCullough, Mr. Poirier said that the Council will meet before the Board's meeting to review the zone change.

Mr. Fox commented that the DEP in its shoreland zoning uses language to the effect that trees can be pruned up to one third of the height of the tree, and suggested that the standard here should be limited similarly to maintain the viability of a tree. Mr. McCullough agreed. Mr. Firmin asked whether 20 trees

will provide enough of a visual buffer, which equates to about one tree every 20 feet and recommended caution so as not to completely remove that buffer.

Mr. Zelmanow asked about signage. Mr. McCullough said a free standing sign is proposed at the driveway entrance and said that the applicant would like to place another one at Route 237. In reply to Mr. McCullough, Mr. Poirier said that they are permitted to have one ground mounted or pole mounted business sign having not more than 36 sf of sign area not more than 16 feet high for each frontage from which the property has vehicle access. The applicant has one driveway so they are allowed one sign. Mr. Poirier said the applicant could have one 8 foot directional sign.

Mr. Zelmanow asked if a gate is proposed. Mr. McCullough indicated that there may be a swing gate at the main driveway coming in to the site, but replied to Mr. Fox that there will be no fencing.

Mr. Pratt acknowledged that some trees will be cut but the cutting may not result in much visibility anyway. Mr. McCullough said that when the display is constructed it will be time to work with staff to see what trees need to be cut down. Mr. McCullough replied to Mr. Zelmanow that the display area will be built at the end of the second phase. Under "S. Buffering" Mr. Firmin suggested that the wording read "... retain *no less than 20 trees.*" Mr. Poirier said the findings will be revised to reflect the one third height. Mr. McCullough said a stipulation will be put on the plan. Mr. Fox and Mr. Zelmanow discussed that no maintenance requirement of the trees will be imposed on the applicant. Mr. McCullough said that the area will have to be maintained periodically anyway and the landscape architect can review the viability of any tree proposed to be removed or to be left.

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

Scott Herrick MOVED and George Fox SECONDED a motion to postpone further review of National Attachments' request for site plan approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 5 ayes (Michael Richman absent). (7:58 p.m.)

ITEM 3 Land Use and Development Code – Discussion - amendment to revise the definition of Day Care Home and Day Care Centers to allow adult day care.

Mr. Poirier advised the Board that the Council has forwarded the proposed zoning amendment to the Board to allow an adult day care as a permitted use. A resident requested approval for an adult day care, for which there is no permitted use at this time. The proposed amendment would change the definitions for Day Care Home and Day Care Center from "children" to "person(s)." There were some concerns expressed by the Council as to how this amendment would impact residential areas.

Mr. Poirier replied to Mr. Zelmanow that he will research surrounding municipalities to see if there is any similar language. Mr. Fox said he believes the challenges associated with adult day care will warrant further study. Mr. Scott suggested that there may be different licensing provisions for adult care; Mr. Poirier said he will research that issue as well.

George Fox MOVED and Scott Firmin SECONDED a motion to refer the item to the Board's Ordinance Committee for review and recommendations. Motion CARRIED, 5 ayes (Michael Richman absent). (8:04 p.m.)

OTHER BUSINESS None.


ANNOUNCEMENTS The Board's next meeting will be September 11, 2017.

Mr. Poirier advised the Board that the Chairman's letter on the formation of a Planning Board committee to review the Comprehensive Plan has gone forward to the Town Council.

ADJOURNMENT

George Fox 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
August 7, 2017