

PLANNING BOARD MEETING

November 7, 2016

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

Staff Present

THOMAS M. POIRIER, Town Planner
BARBARA C. 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 all members were present.

APPROVAL OF THE OCTOBER 17, 2016 MEETING MINUTES

Scott Herrick MOVED and George Fox SECONDED a motion to approve the minutes of October 17, 2016 as written and distributed. Motion CARRIED, 4 ayes (Edward Zelmanow and Scott Firmin abstaining as not having been present at the meeting). [7:05 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Herrick reported that the Ordinance Committee met at 6:00 p.m. this evening to discuss the proposed language for landscape companies and contractors' yards in the Rural District, and said that staff will prepare some recommended revised language for another review by the Ordinance Committee in December. The proposed language will then come back for public hearing before the full Board. Mr. Herrick noted that staff asked that the full Board be polled on how it wishes public notice to be made; the Board concurred that a mailing to everyone in the Rural District is advisable, and that the proposed ordinance language also be posted on the Town's website and in local newspapers.
- B. Streets and Ways Committee** – Mr. Zelmanow noted that this Committee has not met since the last Board meeting.
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CHAIRMAN'S REPORT – Mr. Zelmanow announced that there is still a vacancy on the Planning Board and invited anyone interested in serving to contact the Clerk's office for more information.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier noted that staff is reviewing two administrative review applications, one for Roger Gagnon at 198 Main Street for a garage as part of a residential commercial use, and one from KR Properties, 342-346 South Street, who are re-designing that site for a used car sales and auto repair business in one building and indoor storage in the other building.

- ITEM 1 PUBLIC HEARING – Land Use and Development Code** – Amendment to reformat the Land Use Code from a Roman numeral numbering system to a more conventional numbering system.

Mr. Poirier explained that this item was forwarded from the Town Council and proposes to remove Roman numerals and replacing them with a more standard numbering system. This ordinance change needs to be approved through the amendment process because there are numbers that will change in the body of the text.

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

George Fox MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the proposed ordinance amendment to the Land Use and Development Code to replace the Roman numeral numbering format with a standard numbering and letter format. Motion CARRIED, 6 ayes. [7:10 p.m.]

ITEM 2 PUBLIC HEARING – Site Plan – Sebago Brewing Company – request for approval of a facility to accommodate a brewery, tasting room, event/function center, warehousing and corporate offices on a 6.05 acre portion of the Shaw parcel on Route 25, Main Street, Map 32, Lot 12, Industrial zoning district.

Scott Firmin asked to be recused from participation in the review of this item, as he has been in the past, because of a potential professional conflict.

Scott Herrick MOVED and Lee Pratt SECONDED a motion to allow Mr. Firmin to recuse himself from participation in this matter. Motion CARRIED, 5 ayes (Scott Firmin abstaining).

Mr. Poirier explained that on June 6, 2016 a pre-application discussion was held with the applicant, and on August 1, 2016 the first public hearing on the matter was held. A site walk took place on August 15, 2016. The applicant has submitted plans, which have been reviewed by the Town's review engineer, Woodard & Curran, and the Town's traffic engineer, T.Y. Lin. Mr. Poirier that the applicant is working on revising the current plans before the Board because they want to lower the entire elevation an average of one to two feet. This change in grade will probably impact utilities and stormwater infrastructure and affect the layout of the site.

Andrew Morrell, BH2M, appeared on behalf of the applicant and introduced Kai Adams from Sebago Brewing. Mr. Morrell reported major changes to the plan as follows: retaining walls along the access drive have been eliminated; a parking area has been relocated to the south side of the building for administrative employee parking; the tiered parking lots in front of the building have been eliminated and are now at the same grade of the building; all stormwater runoff has been directed to the back of the parcel to a wet pond for treatment. The sewer forcemain has been relocated outside the right-of-way on Main Street; the proposed building expansion as part of this project has been expanded slightly; the wetpond has been sized to accommodate additional future growth; and the southern entrance has been designed as a right-in and right-out only entrance. Mr. Morrell said that a DOT entrance permit has been received for both proposed entrances, and an ability-to-serve letter has been secured from the Portland Water District. They are working with DEP on the stormwater design and permitting associated with that.

Mr. Morrell said they are working through lease negotiations with the land owner and as part of that, modifications to the site are being considered. Being proposed is lowering the entire site two feet, which will result in minor changes to the storm drain system and pipe changes may change as a result. It is understood that these changes will need to be reviewed by both staff and Woodard & Curran, but they hope that conditional approval could be considered this evening or placing the project on for consent agenda.

Mr. Morrell told Mr. Herrick that the future expansion under consideration is being expanded to 120 feet, and said that the reason for lowering the grade is to limit the amount of fill that would be required, which is a

financial consideration. Mr. Anderson confirmed that the left turn into the site is only on the westerly entrance and the turn into Nappi would be directly across the street. Mr. Zelmanow confirmed that the changes to Main Street for the left turn lane are not reflected on the plans yet, and the changes to stormwater would have to be reviewed by staff and the peer review engineer.

Mr. Zelmanow commented that what is yet to be reviewed is more than what is usually considered in a consent agenda item, that these are major changes that has to be peer reviewed and have a direct impact on the actual approval criteria and standards, and that some of the Findings of Fact are directly impacted because certain information is missing. Mr. Zelmanow asked if a turning template has been submitted for the employee parking area by the silos; Mr. Morrell said the information is available, is sized for a 56-foot long truck, and will be provided.

Mr. Fox asked what changes have been made to traffic patterns. Mr. Morrell replied that the eastern entrance has changed and a parking area has been moved. Mr. Zelmanow asked that details for the signs such as sizes, materials and lighting be provided. Mr. Morrell said that will be provided to the Board.

Mr. Morrell confirmed with Mr. Zelmanow that the proposed site changes will impact the DEP permit. He also advised Mr. Zelmanow that a lighting plan has been submitted. Mr. Fox confirmed with Mr. Morrell that there is no disagreement with the Town's traffic review engineer as to what needs to be done about external traffic and the need for a left turn lane.

A discussion ensued about the proposed landscaping since the lot has been clear cut. Mr. Morrell said that the eastern side of the lot continues to have some forested areas, and everything else has been eliminated. Mr. Morrell advised the Board that a new plan has been provided from Terrence DeWan & Associates. He pointed out the increased landscaping proposed to screen the parking area from Main Street; he pointed out hop trellises on one side of the winter. Mr. Adams explained that the hop trellises will provide almost a wall of greenery. Mr. Herrick noted that the poles will be bare in the winter; Mr. Adams noted that some trees are shown in that area as well. The Board concurred that the proposed landscape plan be peer-reviewed. Mr. Poirier said that the landscape plan will go out tomorrow to the peer reviewer.

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

Mr. Morrell asked that the Board give consideration to putting the item on for consent agenda approval; Mr. Adams confirmed that they are anxious to get started. Mr. Herrick commented that there is no final plan and there are too many significant issues still outstanding to consider the item as a consent agenda item. Mr. Zelmanow remarked that the Board does not know what will come back from the peer review on the revised plans and the landscaping. In reply to Mr. Poirier, Mr. Morrell confirmed that a revised submittal will be made next week; Mr. Poirier said that staff will do what it can to get the item on the next agenda. Mr. Poirier noted that they probably will not have DEP approval by December meeting and confirmed that the Board would be looking to grant conditional approval regarding DEP on this project.

Mr. Adams commented that the Town has been very helpful in this process and thanked the Board.

Scott Herrick MOVED and Lee Pratt SECONDED a motion to postpone further review of Sebago Brewing Company's request for site plan approval pending responses to remaining issues. Motion CARRIED, 5 ayes (Scott Firmin abstaining). [7:40 p.m.]

Mr. Firmin returned to the podium

ITEM 3 PRELIMINARY REVIEW – Subdivision – STJ, Inc. – request for approval for Jane’s Woods, a 9-lot subdivision with a public road on 14.94 acres on property located between Files Road and Line Road, Map 74, Lot 4, Suburban Residential zoning district.

Mr. Poirier advised the Board this item was last before it on September 12, 2016. He asked whether the Board feels a site walk is warranted. He also commented that a small portion of the lot is located in Buxton, and under State law, if any portion is located in another municipality, joint review and approval is required by both municipalities’ planning boards. Those meetings can be held jointly or independently, and a vote will be necessary this evening to make that determination. Mr. Poirier said that comments have been received for the Board’s information from the Fire Chief and the Public Works Director on the advisability of connecting the proposed Burton Drive to Line Road. Mr. Poirier noted that abutter comments from Vicki Bove and Eugene Heitz are included in the Board’s packets.

Andrew Morrell, BH2M, introduced Tom Shaw and Mark Curtis of STJ, Inc. Mr. Morrell reminded the Board that the plan has changed since it was last before the Board; instead of being two separate road systems down the center of the parcel, one proposed as public and one proposed as a private way, the road is now designed as a public road ending in a cul-de-sac, with no connection to Line Road in order to avoid cut-through traffic.

Mr. Morrell said that the applicants have provided this plan to Buxton for review; the plans do not allow any development within or access from Buxton. Buxton has agreed that it does not need to hold joint meetings with the Town of Gorham and will endorse whatever the Gorham Planning Board does moving forward. After the Buxton Board has reviewed the plans on November 15, Buxton will forward a letter to Gorham on the matter.

The Board discussed with Mr. Morrell, Mr. Shaw and Mr. Curtis a connection to Line Road and the possible traffic cut-through issues, taking into account the comments from the Fire Chief and Public Works Director. Mr. Anderson confirmed with Mr. Poirier that the Code does not require such a connection. The road is proposed to be a 20’ road with a 4’ gravel shoulder on either side and the cul-de-sac will be two-way traffic and grass. Mr. Poirier noted that only the Town Council can restrict parking on a public street. An informal poll of the Board resulted in 4 members agreeing that the proposed development road need not connect to Line Road, and two members (Firmin and Pratt) of the opinion that the road should connect. Mr. Zelmanow suggested that Mr. Morrell speak to the Public Works Director about his recommendation to consider pavement and drainage improvements on the curve north of the site on Files Road.

Mr. Anderson and Mr. Morrell discussed stormwater management for the site. Mr. Firmin asked if the concerns of the abutters at 133 Files Road about installation of trees between the lots have been addressed. Mr. Morrell said that two trees are proposed per lot and will be shown on the plans. Mr. Shaw replied to Mr. Fox that the applicant will do the earth work but the lots will be sold to builders who will construct the homes.

The Board concurred that no site walk is warranted.

Scott Herrick MOVED and James Anderson SECONDED a motion that separate meetings from the Town of Buxton be held with respect to review of this project. Motion CARRIED, 6 ayes.

PUBLIC COMMENT PERIOD OPENED: Mark Duffy, 124 Files Road, said his earlier concerns about an outlet being directly across from his driveway appear to have been satisfied.
PUBLIC COMMENT PERIOD ENDED.

Mr. Morrell asked if the Board would consider granting preliminary approval this evening. Mr. Anderson confirmed with Mr. Morrell that the nitrate plume analysis has not yet been submitted. Mr. Zelmanow said

that no preliminary approval can be granted without the nitrate plume analysis being completed, as it impacts Findings of Fact d) and e). In addition, information is lacking to satisfy Finding j), regarding financial capacity. However, Mr. Zelmanow said that if everything is in order, the Board might consider granting both preliminary and final approval at the same meeting when the item is next considered.

Scott Herrick MOVED and James Anderson SECONDED a motion to postpone further review of STJ, Inc.'s request for preliminary subdivision approval pending responses to remaining issues. Motion CARRIED, 6 ayes. [8:11 p.m.]

Ten Minute Recess

ITEM 4 PRE-APPLICATION DISCUSSION – Site Plan – Greg and Angela Fall – request for approval to complete the lower level of the building at 380 Main Street for additional commercial office space on property located at the corner of Main Street and Libby Avenue, Map 109, Lot 1.001, Office Residential zoning district.

Mr. Poirier explained that the applicants are requesting an amendment to an Administrative Review approval granted on July 2, 2014 for a commercial office building for use of the first floor only of the building. At that time the applicants felt that converting the basement into usable space would have required Planning Board approval, and they believed they didn't have the time to proceed through that process. As part of that approval the building, parking lot and all site improvements have been constructed. At this time the applicants would like to proceed with permitting the basement of the building for commercial use. The item is on the agenda as a pre-application review to see if the Planning Board thinks any change to the Administrative Review approved plans would be required. Mr. Poirier noted that based on the upper and lower level footprint of the building, 15.8 parking spaces would be required; presently the applicants have 15 spaces so they would need to request a waiver from one required parking space. There is some on-street parking located on the western tip of the lot.

Mr. Zelmanow asked if landscaping was proposed as part of the Administrative Review process and approval. Mr. Poirier said there are two small landscaped islands located on the east side of the parking lot toward Libby Avenue, and an existing landscaped buffer is to remain to the north and between the residential property and the existing house. The parking is not visible from Main Street because of the lot drop-off and the building, so there was no landscaping provided in the front of the building other than lawn area. Mr. Zelmanow said the front of the site looks very bare.

Mr. Fox confirmed that parking is allowed on Main Street and access to the building is off both Main Street and Libby Avenue. Mr. Zelmanow said that the ability to park a vehicle on Main Street can satisfy the requirement of the back lot not having one more required space.

Greg Fall, applicant and owner of Century 21/First Choice Realty, came to the podium and said that a preference for a possible use for the basement space would be something that would complement his business, either an appraiser, a title company, or a small medical operation or mortgage company. Mr. Fall said they would install more landscaping in the front next spring. He said that 95% of the time there are not more than 2 or 3 cars in the lot for his business, and the kind of business anticipated for the lower level would generate 4 to 6, maybe 8 spaces at a time.

Mr. Zelmanow said that as this is just a pre-app, no decision on the parking need to be made, and asked if it is the sense of the Board that it would waive the 16th spot provided there is one on Main Street. The Board concurred. Mr. Zelmanow advised Mr. Fall to show on his plan the proposed landscaping for the front of the building. Mr. Fall indicated the sign placement for his business would prevent the planting of a tree in that

area because it would block the line of sight on Libby Avenue. The Board and Mr. and Mrs. Fall discussed the height of the building relative to Main Street, with Mr. Anderson noting that the finished floor elevation of the building is some 7 feet above the road level.

Mr. Poirier noted that the applicants plan to submit the current plans with an application, and recommended they add a landscape detail, along with a master sign plan, and a written waiver request for the one parking space

ITEM 5 PRE-APPLICATION DISCUSSION – Site Plan – Carter’s Development, LLC – Doug Carter – request for approval to construct a new two-story, 2,880 square foot building with two commercial areas on the first floor and two residential areas on the second floor, located at 18 Elm Street, Map 102, Lot 165, Urban Commercial zoning district.

Mr. Poirier explained that the applicant is looking to convert an existing two-family home to a new 2,880 square foot mixed use building with two commercial on the first floor and two residential units on the second floor. The applicant has received ZBA approval on August 18, 2016 for enlargement or replacement of the non-conforming use or structure.

Doug Carter, 7 Paradise Way, applicant, came to the podium and told the Board that the building is currently a 3-unit and the building will be a bit bigger, necessitating a waiver for one car on-street parking.

Mr. Firmin commented that it appears that a drive on the adjacent lot will be used. Mr. Carter said he also owns the adjacent lot, Carter’s Auto; the new building will have its own driving space which will be kept separate so the two businesses can be sold separately at some time. Mr. Herrick said that an easement will have to be on recorded when the building is built, otherwise there will not be legal access. Mr. Zelmanow noted that the easement has to run with the property. Mr. Poirier said there is no requirement that a driveway has to be on someone’s parcel so long as there is an easement in place on an abutting parcel.

Mr. Carter told Mr. Firmin that all of Elm Street on his side has parking. Mr. Carter replied to Mr. Herrick that one of the commercial uses will be his wife’s store, which was Carter’s Green Market at 12 Main Street. The other use will probably also be some kind of retail as well. Mr. Carter replied to Mr. Zelmanow that he does not yet have a sign plan worked out.

Mr. Poirier noted that this parcel will be a tight site, and stormwater treatment will need to be addressed. The site is in the Urban area, and the Town is being licensed by the Maine DEP under MS4, so standards are getting tighter and tighter and restrictions regarding stormwater may increase in the Town’s downtown area. Mr. Poirier advised Mr. Carter that when he meets his engineer, there are stormwater treatment and capacity issues that will need to be addressed.

ANNOUNCEMENTS None

OTHER BUSINESS The next Board meeting will be on December 5, 2016, and will be preceded by an Ordinance Committee workshop.

ADJOURNMENT

Lee Pratt MOVED and Scott Herrick SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [8:41 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2016