

**PLANNING BOARD MEETING
May 1, 2017**

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

Members Present

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

Staff Present

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

Members Absent

JAMES ANDERSON
SCOTT FIRMIN

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m.. He said that while there are 8 items on the agenda, because of the 10 o'clock rule, wherein no business is taken up after that time, and because some of the items may take considerable time, the Board will hear only the first 5 items on the agenda. Therefore items 6 (private way review for Steve Rich), 7 (subdivision amendment review for Diversified Properties) and 8 (pre-application discussion for Marissa Ritz and Meghann Carasco) will be continued to a second May meeting on the 15th. The Clerk called the roll, noting that James Anderson and Scott Firmin were absent.

APPROVAL OF THE APRIL 3, 2017 MINUTES

Discussion: Mr. Zelmanow noted that in the first paragraph under "Committee Appointments," first sentence, the word "committees" needs to be added so that the phrase reads: "Mr. Zelmanow said there are two standing Planning Board committees..."

George Fox MOVED and Lee Pratt SECONDED a motion to approve the minutes of April 3, 2017 as corrected. Motion CARRIED, 5 ayes (James Anderson and Scott Firmin absent). (7:05 p.m.)

COMMITTEE REPORTS

A. Ordinance Review Committee – In reply to Mr. Zelmanow, Mr. Herrick said that the Committee has not as yet elected a chairman but will do so when all members are present at a meeting. Mr. Herrick reported that the Committee and six members of the public had met earlier this evening to discuss the proposed ordinance amendment dealing with agricultural events centers and had made additional changes to the language, which will come before the Board as a full Board workshop item at the Board's second May meeting on the 15th.

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

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that staff is awaiting submission of plans for signature from the Portland Water District for its Ward Hill Pump Station project.

ITEM 1 PUBLIC HEARING – Land Use and Development Code – Amendment to Chapter 1, Section 1-14 – Office Residential District to allow small scale retail sales for businesses with gross floor areas of 4,000 sf or less.

Mr. Poirier explained that this item was sent to the Board by the Town Council on February 7, 2017, because an applicant was looking to establish a retail sales building in what had been approved as Garden Place commercial approval at the front of the parcel. The item has been reviewed by the Board's Ordinance Committee on February 28 and met on April 4, 2017 with members of the public to discuss the creation of two zoning uses and district boundaries in order to get the Town Council's proposal to meet the Town's Comprehensive Plan for the area. Another meeting of the Ordinance Committee was held on April 11, 2017; at that time the Committee recommended that instead of drafting a new proposed district and revising the boundaries of the existing Office Residential zoning district, which would take up significant Board time and staff resources and which the Council may not support when completed, a listing out should be made where it feels that the proposed zoning amendment does not meet the Comprehensive Plan and sending a recommendation back to the Council. Should the Council want the Planning Board to draft a new Village Approach District, it can send the item back to the Planning Board.

Mr. Poirier outlined the list of items which the Board's Ordinance Committee determined are not consistent with the Comprehensive Plan and surrounding uses as follows:

- The Comprehensive Plan does not identify retail sales as a proposed use in the Office Residential district.
- The Comprehensive Plan identifies that the existing Office Residential District be reduced in size and a new Village Approach District be created. The Committee recommended that the zoning map be updated to show the two proposed districts identified in the Comprehensive Plan prior to any zoning amendments for the Office Residential District.
- 4,000 square feet of gross floor area for retail sales: the Committee felt that 4,000 square feet is too big for the proposed district and will not fit within the existing uses and buildings in the area. The Committee further recommended that the maximum allowed gross floor area for retail sales in the Village Approach District should be limited to no more than 2,800 square feet, which is the size of the Community Pharmacy building.
- The Committee recommended that the Village Approach District be drafted to include a more complete list of specific site plan performance standards to protect abutting neighbors and to ensure the buildings and uses meet a Village style of development.

PUBLIC COMMENT PERIOD OPENED: Mr. Poirier identified for the record that a letter from Andre and Denny Albert had been received late in the day on April 11, unfortunately too late for staff to bring it to the Ordinance Committee's meeting that day. Mr. Poirier read the letter into the record as follows:

“To the Town of Gorham Ordinance Committee Members:

First, I would like to thank you for allowing my brother and I to join your last meeting and share our views about the proposed retail zoning with the Village Approach Plan.

Unfortunately, we are unable to join you for the meeting this evening but would ask the committee to consider the town council's proposal of a retail space at 4000sf if the lot size would accommodate. Limiting the size of square footage, we feel, limits the town's options for retail varieties.

Thank you for your consideration.

Sincerely,

Andre Albert

Denny Albert"

PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and Lee Pratt SECONDED a motion to recommend against adoption of the proposed zoning amendment to Chapter 1, Zoning Regulations, Section 1-14, Office Residential District, due to the proposed amendment not being consistent with the Comprehensive Plan as listed and identified by the Planning Board. Motion CARRIED, 5 ayes (James Anderson and Scott Firmin absent). (7:24 p.m.)

ITEM 2 PUBLIC HEARING – Land Use and Development Code – Amendment to Chapter 1, Zoning Regulations, to add a new zoning district (Section 121) by rezoning the Olde Canal Industrial Park from Industrial District to Olde Canal Industrial District.

Mr. Poirier told the Board that the Town Council is looking to create a new industrial district for lots located in the Olde Canal Business Park, which was approved off Mosher Road in 2007 with a total of 9 lots, of which only 1 lot has been developed. The new zone would be known as Olde Canal Industrial District. This proposed change is as a result of discussions between the Town Council and Scott Guimond of National Attachments regarding his request to build a new heavy equipment sales use in Gorham. The new zone also includes additional uses for large scale office buildings, commercial schools and hotel uses, based on input from the Gorham Economic Development Corporation in an attempt to stimulate development in the Park. Mr. Poirier noted that the Board may want to add additional performance standards for the new zone, including buffering, landscaping and access restrictions. In addition to adding a new industrial zone to the Land Use Code, an amendment to the Town's zoning map is also required.

The Board had a brief discussion about some of the proposed permitted uses, such as a definition for "commercial schools." Mr. Poirier commented that item 9, Mineral extraction, should be struck out. Finally it was decided that the proposed language should be forwarded to the Board's Ordinance Committee for its review and recommendations.

PUBLIC COMMENT PERIOD OPENED: Owens McCullough, Sebago Technics, appeared on behalf of Scott Guimond of National Attachments and told the Board that his client is trying to find some place in Gorham where he can sell attachments for heavy equipment.

PUBLIC COMMENT PERIOD ENDED.

George Fox MOVED and Michael Richman SECONDED a motion to send the proposed zoning amendment to the Planning Board's Ordinance Committee for review and recommendation to the full Planning Board. Motion CARRIED, 5 ayes (James Anderson and Scott Firmin absent). [7:35 p.m.]

ITEM 3 PUBLIC HEARING – Site Plan Review – Douglas Carter dba Carter's Development, LLC – 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 on property located at 18 Elm Street, Map 102, Lot 165, Urban Commercial zoning district.

Mr. Richman advised the Board that while he was not a member of the Board when the applicant came before it in March, he has reviewed the minutes and other materials and feels he can participate in discussing the item.

Scott Herrick MOVED and Lee Pratt SECONDED a motion to allow Mr. Richman to participate in the discussions on the item. Motion CARRIED, 4 ayes (Michael Richman abstaining, James Anderson and Scott Firmin absent). [7:40 pm.]

Mr. Poirier told the Board that the applicant is seeking a reduction in the amount of required parking. He noted that the applicant has provided for a 5' sidewalk along the front of the parcel and said that the Board can under the Land Use Code require that a sidewalk connection be completed to the abutting property. Mr. Poirier also referred to the Town Attorney's comment about an intended easement for access, grading and utilities, which said that because all the property is currently under the same ownership, an easement cannot be created at this time since a property owner cannot grant itself an easement over a single property. However, a plan note should be included that if the property is split in the future, the access, grading and utility easement shown on the plan will be included as part of a land transfer, and any other changes to the easement or the easement area will have to have prior approval of the Board. Mr. Poirier said that the applicant has provided a letter from Gorham Savings Bank dated May 1, 2017 which will be added to Finding of Fact R, Technical and Financial Capacity.

Mr. Poirier confirmed that the applicant does not need to return to the ZBA for any modification to the approval granted for the enlargement or replacement of the existing non-conforming use at 18 Elm Street.

Bill Thompson, BH2M, introduced the applicant, Doug Carter. Since the March meeting, the building has been lowered one foot so the handicapped ramp assembly on the rear has been eliminated, there is a handicapped ramp on the front which will meet ADA standards and which will provide access to the retail areas in the building. The shared access driveway with Carter Auto is now 24 feet, which allows for three parallel parking spaces. Interconnection to the north is shown on the plan. There is overhead electric service to the existing building and it is proposed to go underground from a new pole to the new building; the applicant would prefer not to have to install underground conduit in Elm Street. Comments from the Portland Water District are still forthcoming. A 5-foot wide sidewalk will be installed along the front of 18 Elm Street, and a 20 foot piece will be added in to the south in front of Carter's Auto. No sidewalks are proposed

beyond this property heading toward Main Street. Stormwater will flow into Carter's Auto infiltration system. A dumpster enclosure has been added to the plans.

Mr. Herrick confirmed that a note will be added to the plan indicating that the easement area will not be altered without approval and any division of the properties will require easements. Mr. Poirier replied to Mr. Zelmanow that under the current plan, there will be no sidewalk connection to the north and the abutting lot will have no sidewalk. Mr. Thompson confirmed that there is a sidewalk on the west side of Elm Street. A lengthy discussion ensued about the feasibility of a hatched crosswalk to that sidewalk or requiring that this applicant install the missing sidewalk link. Mr. Poirier said that input will be required from the Public Works Director about such a crosswalk which Public Works would have to maintain. Mr. Herrick noted that the Board can require the applicant to install the sidewalk. Mr. Carter said that the Town should give him a couple of years of tax breaks in order to pay for extending the sidewalk further north, that it is unjust to expect him to cover that cost. Mr. Poirier said that would be done through the Town Council, but the missing link sidewalk is only to the immediate northern abutting property, a 50-foot gap. Mr. Zelmanow said he does not want to impose the burden of extending the sidewalk on the applicant and asked that staff secure the opinion of the Public Works Director about a crosswalk.

Responding to Mr. Zelmanow, Mr. Poirier said that the April 14 comments from Woodard & Curran need to be addressed and asked Mr. Thompson about the documentation request from them about the assumed infiltration rate of 1.42 inches. Mr. Thompson said they used that rate based on the soils, and a field test would require an 8-foot deep test pit to see what the infiltration rate is and have a geologist involved for a quarter acre lot with a 50 foot piece of pipe that is duplicating what Carter's Auto already has for an infiltration system. Mr. Zelmanow said there should be something in the record to support the 1.42 rate and that the Public Works Director could look into that as well as the crosswalk issue.

Mr. Fox asked about the overhead electric service versus underground. Mr. Thompson said they would like to keep the overhead crossing Elm Street as it is and then go underground from a pole to the new building. Mr. Poirier said that the Village Master Plan talked about undergrounding power for the Main Street corridor. A consensus of the Board is that the service as proposed is alright. Finding of Fact J. Utilities: should be changed to "*The lot will be served by power as shown on the plan, utilities and natural gas from utilities located in Elm Street.*"

In a discussion about granting conditional approval, still remaining to be addressed are Findings of Fact H, Water Supply, and L, Groundwater Protection. Mr. Poirier asked what the solution would be if the Public Works Director has a concern with the increase in the stormwater into the Town's facility. Mr. Thompson said a condition of approval could be that the Public Works Director is satisfied. It was agreed that putting this item on as consent agenda for the June meeting gives the applicant the opportunity to address the issues discussed.

The Board discussed the issue of onsite parking spaces and the applicant's request for a reduction from the required 17 spaces to the 14 shown on the plan. Mr. Thompson pointed out where three spaces would be available on-street. Mr. Poirier read from the Code that "The Planning Board may reduce the off-street requirements of 2) in the following situations:

- a) Where legal on-street parking is located within two hundred (200) feet of a non-residential use and the Board determines that this parking will be available to meet some or all of the parking demand.

- b) Where publicly supplied off-street parking is located within two hundred (200) feet of a non-residential use and the Board determines that this parking will be safe, convenient, and available to meet some or all of the parking demand.
- c) Where it is clearly demonstrated that the parking demand will be lower than that established by this section and that the reduction will not detract from neighborhood property values, inconvenience the public, or increase congestion on adjacent streets.
- d) For the reuse or redevelopment of a parcel in the Village Centers or Urban Commercial Districts if the Planning Board determines that the new use will not significantly increase the demand for parking compared to the former use.
- e) For uses in the Village Centers or Urban Commercial Districts if the Planning Board determines that the demand for parking will be less than the standard because some customers/users will walk or take alternative transportation to the site.”

The Board agreed that the three on-street parking spaces available plus the 14 spaces on site satisfy the requirement for 17 spaces for the site. Mr. Richman asked if there could be ADA accessible parking among the 3 parallel spaces in light of the ramp being moved to the front of the building. Mr. Zelmanow asked that the three off-site parking spaces be shown on the plans.

Mr. Thompson replied to a question from Mr. Poirier that he is waiting to hear from the Portland Water District about the size of the water main.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and George Fox SECONDED a motion to put the item on as a Consent Agenda on the first available meeting date after receipt of all outstanding items and pending responses to remaining issues. Motion CARRIED, 5 ayes (James Anderson and Scott Firmin absent). [8:05 p.m.]

ITEM 4 PUBLIC HEARING – Site Plan Review – Richard Hillock – request for after-the fact approval for the existing campground at Wassamki Springs on property located at 56 Saco Street, Map 7, Lots 1, 2, 3, 5, and 6, Suburban Residential and Industrial zoning districts.

Mr. Poirier explained that a campground zoning overlay district was established for the use to make it a permitted use. The campground was developed prior to zoning and has never received site plan approval. The applicant at this time would like to get his existing plan approved. Since the campground was in existence prior to zoning, the Town Attorney has indicated that the Board is not granting after-the-fact approval and approvals for grandfathered uses are done by the Code Enforcement Officer. Mr. Poirier recommended that the Board look at the plans because any changes to Wassamki Springs in the future most likely will be heard by the Board.

Owens McCullough, Sebago Technics, introduced Richard Hillock. Mr. McCullough said this is simply to give the Town a frame of reference for going forward in the future. The property has been surveyed and all the lots and utilities have been located. The site is some 60 acres, the pond is 25 acres and is not a jurisdictional pond, it was excavated out for the turnpike. All septic systems

have been approved by the State and the Town. The applicant wants to establish a basis for any future planning.

Mr. Poirier said it will be the Code Enforcement Officer who will sign off on the site plan.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

ITEM 5 PUBLIC HEARING – Site Plan Amendment Review – Flagship Landscaping – request for approval of a 3rd amendment to 298 New Portland Road to relocate its landscaping business on property located on Map 12, Lot 17.002, Industrial zoning district.

Mr. Poirier reminded the Board that this item was discussed as a pre-application at the March 20, 2017, and a site walk was held on April 11. Mr. Poirier said that the septic system design currently shows two buildings flowing into a common septic system, known in the Town's ordinance as a clustered septic system, which is not allowed, and therefore will need to be revised. There are still some comments remaining to be addressed concerning stormwater.

Andrew Morrell, BH2M Engineers, introduced Nick Flagg, applicant. He said he spoke to Mark Hampton, who is in the process of designing two septic systems in the front portion of the parking lot, one to accommodate the existing two-unit apartment building, and one that will accommodate the office expansion building in the back. He said that the septic will be the same footprint, only two separate systems. Concerning stormwater, Mr. Morrell said the site is basically a large gravel pad, survey-located in 2004, all impervious area at one time. The only two areas being converted from lawn area to impervious are the five parking stalls for the two-unit apartment and the parking area where 14 spaces are being added in the driving loop. Those two areas total some 5,000 square feet of impervious area. All stormwater is flowing to the east to a large wetland and under a culvert to New Portland Road, and the increase in stormwater is very insignificant and does not qualify for any state or Federal permits. Mr. Morrell said he believes that the proposed landscaping screens the parking and the 5 trailer parking area.

Nick Flagg came to the podium and asked the Board to consider conditional approval because time is of the essence for his business. He believes staff's concerns can be easily addressed, noting for example that the Portland Water District feels they have adequate water supply for the proposal with the one-inch main coming underground. Mr. Flagg said that the proposed new commercial building will be served by underground utilities from the existing building. In reply to a comment from Mr. Zelmanow, Mr. Flagg said he has received an email from Mark Hampton saying that separating the septic system into two systems in the same area will be very simple and the footprint and impact will not change.

Mr. Fox said that if there is documentation from Mr. Hampton that the septic system can be changed, that should give the Board adequate confidence that it can be done. Mr. Pratt agreed. In reply to Mr. Fox, Mr. Flagg said that the trees to screen the parking area will be 6 feet tall, and they will grow about a foot a year. Mr. Herrick and Mr. Pratt concurred that the proposed landscaping will be adequate for the site, with Mr. Pratt further noting that this is a landscaping business and the applicant should know what he is doing.

A long discussion then ensued about the comments from the Town's review engineer, Woodard & Curran, about the need for a pre and post development analysis of runoff rates. Mr. Morrell said he did not believe that this is warranted for this site as he believes that the increase in impervious surface will be insignificant. In reply to Mr. Zelmanow, Mr. Morrell said that the increased stormwater will be contained in wetlands on site but whether it stays there and infiltrates into the ground or goes through the culvert is not known. Mr. Morrell said there are two 36' culverts. Typically, a two-year, ten-year and twenty-five year storms are considered, but Mr. Morrell does not know if the culverts can handle a twenty-five year storm with the increased impervious surface.

Mr. Poirier said the Code identifies how the Board should consider pre and post development, and the Code said that pre needs to meet post unless certain parameters are met. In response to Mr. Fox, Mr. Poirier read the following from the Code:

"F. Storm water Management – Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts' on abutting or downstream properties:

- 1) To the extent possible, the plan will detain storm water on the land at the site of development, and do so through the wise use of the natural features of the site. Storm water runoff systems will detain or retain water falling on the site such that the rate of flow from the site does not exceed the predevelopment rate. Discharge of additional storm water caused by the development onto adjacent properties will be prohibited unless written easements are obtained from the owners of such adjacent properties.
- 2) If the post development runoff is greater than predevelopment runoff, the developer will demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects, or will be responsible for the improvements to provide the required increase in capacity.
- 3) All natural drainage ways will be preserved at their natural gradients and will not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.
- 4) The design of storm water drainage systems will be based upon a storm frequency established by the Town Engineer, consistent with the frequency that would otherwise be required under the Town's subdivision ordinance, and shall provide for the disposal of storm water without damage to streets, adjacent properties, or downstream properties.
- 5) The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed.
- 6) The biological and chemical properties of the receiving waters will not be degraded by the storm water runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required, especially where the development storm water discharges into a gravel aquifer area or other water supply source.

Mr. Fox said he accepts Mr. Morrell's premise that the additional impervious surface will not be impactful. Mr. Poirier said that the first threshold is are they exceeding the pre development runoff with the post because what is existing is what is being done now. He said that if they retain the runoff from the additional 4,000 square feet of impervious and slowly dissipate it so it is not exceeding the rate of runoff in a twenty-five year storm, they don't have to do a downstream analysis. If they want to increase the rate of runoff from the site, that is when the provisions of the Code require the downstream analysis. Mr. Poirier said that it is up to the applicant to decide if he wants to detain the stormwater on site or does he want to do the analysis to make sure the capacity is available.

Mr. Morrell said that if he is going to do a pre and post analysis for the site he might as well as include the watershed for the culvert. He asked if a small increase is shown going to the culvert which leaves the property, will they then need to create some kind of a stormwater facility to accommodate the increase. Mr. Zelmanow said not if it is shown that the culvert is adequate to handle the increase. Mr. Pratt confirmed that it is either the study or they have to contain what they are creating on their property. Mr. Poirier said it is the rate of runoff, it could be for a longer period of time but it cannot exceed it. Mr. Morrell said that Maine DEP says that nothing has to be done with impervious until it is over an acre in size and is no longer so focused on the amount of runoff as the treatment of runoff. Mr. Poirier said that the DEP is now pushing municipalities about stormwater for sites disturbing an acre, whether it is impervious or not, requiring inspections and monitoring.

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

Mr. Poirier replied to a query from Mr. Zelmanow that the revised septic system will be put on the plan and a revised HHE 200 will be provided as part of the next review. Mr. Zelmanow confirmed that the Board is satisfied with the proposed landscaping. In reply to Mr. Fox, Mr. Morrell said that the existing two-unit building is served by a one-inch water main from New Portland Road, and the building where the office will go is also served by an existing one-inch water main. Mr. Flagg said he is satisfied with the Conditions of Approval as currently written. Mr. Morrell confirmed that if they run a stormwater analysis and come up with a minor increase to the wetlands and the culvert, the Board would accept that if it did not create an adverse impact to the downstream conditions. Mr. Poirier said that the Public Works Director will confirm Mr. Morrell's numbers that the culverts can support any increase.

Scott Herrick MOVED and Lee Pratt SECONDED a motion to put the item on as a Consent Agenda on the first available meeting date after receipt of all outstanding items, pending responses to remaining issues and revisions to the plans. Motion CARRIED, 5 ayes (James Anderson and Scott Firmin absent). [9:20 p.m.]

ITEM 6 PRIVATE WAY REVIEW – Steve Rich – request for approval for a private way to serve 2 principal residences on a single lot, on property located at 57 Hurricane Road, Map 93, Lot 15.003, Rural and Manufactured Housing zoning districts.
NOT HEARD DUE TO 10 O'CLOCK RULE, CONTINUED TO MAY 15, 2017 PLANNING BOARD MEETING.

ITEM 7 SUBDIVISION AMENDMENT REVIEW – Diversified Properties – request for approval of a Third Amendment to Gordon Farms Subdivision Phase II to modify the alignment of the approved 50 foot right-of-way (Madison Way) on property located at 79 Gordon Farms Road, Map 45, Lot 23.422, Rural zoning district.
NOT HEARD DUE TO 10 O’CLOCK RULE, CONTINUED TO MAY 15, 2017 PLANNING BOARD MEETING.

ITEM 8 PRE-APPLICATION DISCUSSION – Marissa Ritz and Meghann Carasco – proposal for a day care on Lot 1 of South Gorham Crossing, on property located off County Road, Map3, Lot 22.401, Rural and Suburban Residential zoning districts.
NOT HEARD DUE TO 10 O’CLOCK RULE, CONTINUED TO MAY 15, 2017 PLANNING BOARD MEETING.

OTHER BUSINESS NONE

ANNOUNCEMENTS The next Planning Board meeting will be on May 15, 2017.

ADJOURNMENT

George Fox MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (James Anderson and Scott Firmin absent). (9:35 p.m.)

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2017