

## PLANNING BOARD MEETING

May 2, 2016

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

### Members Present

EDWARD ZELMANOW, Chairman  
SCOTT HERRICK, Vice Chairman  
SCOTT FIRMIN  
GEORGE FOX  
LEE PRATT  
RACHEL SUNNELL

### Members Absent

JAMES ANDERSON

### Staff Present

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

Edward Zelmanow, Chairman, called the meeting to order at 7:06 p.m. The Clerk called the roll, noting that James Anderson was absent.

### APPROVAL OF THE APRIL 4, 2016 MINUTES

Scott Herrick MOVED and Rachel Sunnell SECONDED a motion to approve the minutes of April 4, 2016 as written and distributed. Motion CARRIED, 6 ayes (James Anderson absent).

### APPROVAL OF THE APRIL 11, 2016 MINUTES

Scott Herrick MOVED and George Fox SECONDED a motion to approve the minutes of April 11, 2016 as written and distributed. Motion CARRIED, 5 ayes (James Anderson absent, Scott Firmin abstaining as not having been present at the meeting).

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### COMMITTEE REPORTS

A. **Ordinance Review Committee** – Mr. Herrick reported that this committee has not met since the last Board meeting.

B. **Streets and Ways Subcommittee** – Mr. Zelmanow reported that this committee has not met.

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

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that Orchard Ridge Farm has submitted an application to expand the farm stand and put in a bathroom for people visiting the site. In addition, Sebago Brewing Co. has submitted an application to increase the size of their outdoor dining area with the installation of a fence around a gravel area.

Mr. Zelmanow asked about the current status of the PineCrest application; Mr. Poirier replied that staff is waiting for plans.

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**ITEM 1      DISCUSSION – LAND USE AND DEVELOPMENT CODE AMENDMENT** – an amendment to allow the rezoning of the right side of Shaws Mill Road from Suburban Residential Manufactured Housing to Roadside Commercial

Mr. Poirier advised the Board that the Town Council reviewed a request to rezone four parcels at the intersection of Ossipee Trail and Shaws Mill Road. The Council seems to support a rezone of the parcels if all four of the property owners come forward and agree with the rezoning. If there is no consensus from the four owners, it is unlikely the Council would move forward with the rezoning. The Council would like the Board to find out if the four abutters would support the rezone. Staff has reached out to the four abutters; to date, there has been no response one way or another from the two middle lot owners and the two on the end support the rezoning.

Mr. Zelmanow reminded the public that while this is not advertised as a public hearing, public comments are always welcome. In reply to Mr. Herrick, Mr. Poirier said that the current parcels are all single family houses. Mr. Poirier advised Mr. Zelmanow that the current Comprehensive Plan identifies these lots as a neighborhood center subarea, which is defined as "...areas function as hubs of the various neighborhoods... The Town should allow a mix of land uses in these centers, including residential uses, and specialty commercial uses that are appropriate to the area."

Mr. Zelmanow confirmed that the Council is asking the Planning Board to find out if the four owners would support the rezone. He asked if any of the four owners are present this evening; no one from the public responded to Mr. Zelmanow's query. Mr. Poirier told Mr. Fox that the property across the street is the location of the new Casco Federal Credit Union, at the intersection of Shaws Mill and Ossipee Trail.

After discussion, the Board agreed that the item should be forwarded to the Board's Ordinance Committee for review, with the four lot owners in question specifically invited to attend. If the property owners do not show up, then it would be up to the Board to make a determination about the rezoning.

**George Fox MOVED and Rachel Sunnell SECONDED a motion to send the item to the Board's Ordinance Committee for review and recommendation. Motion CARRIED, 6 ayes (James Anderson absent). [7:12 p.m.]**

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**ITEM 2 PUBLIC HEARING – Preliminary Subdivision Review – Bramblewood LLC – Glenwater Village Subdivision** – a request for approval of a residential subdivision with 20 single family lots and 10 apartment units, located off Glenwood Avenue, Map 99 Lot 61, and off Water Street, Map 101 Lot 21, Urban Residential and Development Transfer Overlay zoning districts.

Mr. Firmin noted that while this application has been before the Board in the past, he has reviewed the material in the packet concerning this item and believes that he can participate in the review. In addition, he also disclosed that he works for the Portland Water District, but does not believe that poses a conflict.

**George Fox MOVED and Scott Herrick SECONDED a motion to permit Mr. Firmin to participate in the discussion on the item. Motion CARRIED, 5 ayes (James Anderson absent, Scott Firmin abstaining).**

Mr. Poirier told the Board that the item was last before it at the March 7, 2016 meeting. Mr. Poirier noted some minor corrections to the staff notes. He called the Board's attention to the legal review of the status of Water Street. Mr. Poirier also noted that two sets of Findings of Fact have been provided; one set for the subdivision and one set for the site plan.

Mr. Poirier referred to an email from K. Stickney, dated May 1, 2016, incorporated herein, dealing with dumping on the site of dry cleaning chemicals. He said that staff has been contacted by DEP, who will be looking into the issue. In addition, staff has provided a traffic review memo from the Town's traffic review

engineer, Tom Errico. The applicant has today submitted an additional traffic study but while this has been submitted to Mr. Errico, he has not yet provided his comments.

Dustin Roma, D.M. Roma Consulting Engineers, introduced Greg McCormack and Amy Mulkerin, owners/developers of the property. Mr. Roma said that since they were last before the Board, reviews and resubmissions have been made to the DEP regarding the stormwater permit and NRPA application for the stream proximity. DEP did bring up the question of dumping on site, but the applicant had investigated the issue over a year ago and had retained the services of Sevee & Maher to perform a phase one environmental assessment on the site. DEP has asked permission to come on site and will review Sevee & Maher's report. The Army Corps permit applications are also being reviewed.

Mr. Roma said that several meetings have been held with the Portland Water District about sewer service for some of the lots and the need for force main pumping, private pump stations versus Portland Water's pump station and what that would entail. Agreement has been reached on how the lots would be served with private individual pump stations with one slightly larger pump station for the multi-family lot. The design is now complete with the Water District's approval. The District has asked that a note be put on the plans advising home owners that they will be on a private pump station for their individual lots.

Mr. Roma said that a wetland delineation and a medium intensity soil survey have been performed on the site. Mr. Poirier said it will be the Board's determination that enough information has been provided regarding the soils types and that it is comfortable with the net density calculations. The Board then discussed with Mr. Roma the soils survey as it pertains to the Development Transfer Overlay district's interpretation of open space and agreed to classify the site as having zero poorly drained soils to maximize the amount of open space.

Mr. Roma pointed out the area proposed to be set aside as open space, with a spot just off the pavement where a couple of parking spaces will be built for trailhead access. Mr. Herrick said that it appears that a portion of the 50-foot access up to lot 20 is also covering the end of the open space, so if someone has a right to build a driveway up to lot 20, the 50 feet should not be included as open space. Mr. Roma said that they can eliminate the portion of the easement that runs over the open space.

Mr. Roma then brought up the question of the connection to Water Street, saying that the applicant could act as the Town's agent in constructing the connection, but with the understanding that the Town assumes the responsibility for the right-of-way, and that the applicant is not held liable for any dispute which may arise involving access or for construction. Mr. Roma discussed concern that if the roadway is connected and becomes equally used, there will be safety issues involving more traffic and pedestrian usage. Mr. Roma said that the turnaround would also need to be removed, an expense that he believes the Town, rather than the developer, should incur.

In response to Mr. Zelmanow, Mr. Poirier said that the easement on Water Street is a public easement held by the Town of Gorham, and the applicant will need to go to the Town Council to obtain approval to build a road over an easement held by the Town. Mr. Poirier said that he believes the applicant has had some discussions with the Public Works Director because Water Street is somewhat unique in the right-of-way width, 33 feet and not the typical 50 feet, so the Public Works Director will need to provide input to the Board about his recommendations on this, as well as his recommendations on site distance at that corner.

Mr. Zelmanow asked if the Board is required to have the developer connect Dogwood Lane to Water Street, or is it something that the Board can waive. Mr. Poirier replied that the Council has amended the Code so that if there is a subdivision with a 50 foot right-of-way connection to another development, that connection needs to be made under certain circumstances. In the ordinance there are provisions as to when the Board can waive a connection, which basically have to do with wetlands, cut-through traffic issues, and similar

circumstances. Therefore, if the Board believes that one of those circumstances applies, the Board can modify what is required.

Mr. Zelmanow asked Mr. Roma if the applicant is willing to make the connection, or is the applicant is asking the Board to find grounds to not require the connection. Mr. Roma replied that the applicant is willing to discuss a narrower road width that would accommodate maintenance and emergency vehicles, plowed in the winter, 16' wide, paved with curb on one side, but which would not encourage regular traffic.

Mr. Roma discussed other staff comments such as the need for a block retaining wall at the end of Glenwood and Grove with a guardrail following the stream, with the stream to be cleaned up. Mr. Roma said an in-the-field traffic count to project vehicle trips coming out of the site based on current counts has been done in order to model the level of service at both the signalized intersection at Water and Main and also the signalized intersection at Church and 114. The legs of the intersections on the approaches were analyzed for cueing of the intersections and delay times for turning movements, which were all shown to maintain the current level of service without need to re-time the signals.

The Board discussed at length the issue of connecting with Water Street, noting concerns with possible safety issues of traffic in the winter on a 16-foot wide road and the impact of more traffic on Glenwater if the connection is not made to Water Street. Ultimately the Board directed that the Public Works Director and the Town's traffic review engineer review the issue and provide the Board with their recommendations.

**PUBLIC COMMENT PERIOD OPENED:** Aaron Hill, 17 Water Street, presented the Board with a petition signed by residents of Church Street, Water Street and Glenwood Avenue, attached hereto and incorporated by reference. Mr. Hill discussed traffic issues, including backups at the Water Street signal, and the impact of traffic density of development on traffic volume. Mr. Hill spoke of the need for a traffic study and said that the sidewalk should be extended to Main Street. He also indicated a need to see a finished design for any sidewalk development, utility placement, house designs, etc. Mr. Hill referred to the dumping that has occurred on the site in the past and the need for comprehensive soils testing. In response to Mr. Zelmanow, Mr. Hill said that a connection to Water Street would be difficult to do properly because of the upgrades that would be necessary and the poor soils there, but thinks that it could potentially be a good thing, provided it is done well with perhaps a pedestrian friendly gravel road. He said he would like to see access maintained to the trails network.

Phil Meyers, 29 Water Street, also spoke about an increase in traffic volume, particularly construction vehicles for the proposed three phases of the development. He asked if it would be possible to have another outlet for the development, perhaps to Wentworth Drive or Route 114.

Tami Reynolds, 43 Water Street, spoke about the dangerous blind curve on Water Street, soft ground conditions in the shoulders of the road, and narrow road conditions in the winter.

Robert Berks, 14 Glenwood, believes developer is doing "the minimum" possible and expressed concern about emergency vehicle access, number of vehicles coming out of the development, and pollution issues. Mr. Berks asked if there can be another alternative access.

Rob Lavoie, 81 Wagner Farm Road, 81 Wagner Farm Road, chair of the Gorham Conservation Commission, spoke of the Commission's goal to create a multi-use connected trail network in Town and the Commission's interest in access as new subdivisions are created through an easement or land use agreement or donation to the Town connecting open spaces. Dr. Lavoie showed two maps, one of which shows existing trails which abut the current proposed development, noting that an easement has been put in place by this developer to connect to the existing trail system. The other map Dr. Lavoie showed depicted the proposed trails that could connect to the existing Tannery Brook Preserve and to the Pheasant Knoll Subdivision, where the Town already has a trail easement. Dr. Lavoie said the Commission is looking for a possible connection to

Lot 20 of the proposed development, which would provide access to the Avesta Housing site, but the question of doubling up a trail access with a private driveway is a concern to be addressed. Dr. Lavoie said the Commission is happy with the location of the proposed trail easement and the proposed two parking spaces.

Phil Meyers returned to the podium to ask Dr. Lavoie if more people would be driving in to the development to use the trail and thereby creating more traffic. Dr. Lavoie replied that people would be walking into the trailhead and going out to Tanner Brook. Parking would be shown on a map. Mr. Zelmanow said it would allow more access to the trail.

Robert Mosey, 32 Water Street, recommended a stop sign before the right turn on Water Street and expressed concern about school children walking in the street.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Zelmanow said that when the Public Works Director and the traffic engineer look at Water Street, they also take a look at the traffic light on Main to see if it needs to be re-programed and if there is a need for any additional stop signs in the area. In reply to Mr. Pratt, Mr. Roma said that there is no other right-of-way to the land that is suitable and there is no proximity to Route 202 or 25, as everything is developed around this parcel.

Mr. Roma said that an assessment of the roadways will be done prior to construction and pavement overlay will be done once the heavy construction traffic is over. Regarding the dumping that has taken place on site, Mr. Roma replied to Mr. Zelmanow that the DEP will be out to the site before the end of this week. Mr. Roma said that staff will be notified as to the time, and staff can notify abutters.

Mr. Zelmanow summarized some of the outstanding issues precluding preliminary approval, such as the proposed Finding of Fact that the development will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site; the Finding dealing with pollution of air or surficial or ground waters; and the Finding regarding clearing in the Shoreland Overlay District. The Board concurred that there are too many open issues to grant preliminary approval this evening, and if all the remaining issues are addressed, it may be possible to grant both preliminary and final approval the next time the applicant is before the Board.

Mr. Roma indicated that they will await the Code Enforcement's determination about clearing in the Shoreland Overlay District. Mr. Zelmanow confirmed that the Board wants to see a recommendation from the Public Works Director and the traffic engineer about the connection with Water Street.

Tami Reynolds returned to the podium and asked that the Public Works Director and the traffic engineer pay particular attention to the blind curve on Water Street.

**George Fox MOVED and Rachel Sunnell SECONDED a motion to postpone further review of Bramblewood LLC's request for preliminary and final subdivision and site plan approvals pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 6 ayes (James Anderson absent). [9:05 p.m.]**

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**ITEM 3      PUBLIC HEARING – Major Site Plan – John Woods** – a request for approval to construct an additional 36,500 square feet of gravel surface and two concrete block retaining walls at 21 Cyr Drive, Map 29 Lot 2.007, Industrial zoning district.

Mr. Poirier advised the Board that this site has a building and small gravel storage area that were approved as an Administrative Review project. The applicant is now proposing a gravel storage area that is over 10,000

square feet, which requires Planning Board review. Part of the approval of the New Portland Parkway subdivision was the capping of how much impervious area each was allowed. This lot was approved at 37,100 square feet; the proposed gravel storage area would bring the amount of impervious area on site to 64,500 square feet. Therefore, the developer will have to amend his DEP permit as well as the subdivision plan to identify the new maximum impervious area on the lot and to amend plan note 33 with the new Maine DEP Permit Amendment number. The applicant can proceed with the site plan and subdivision review concurrently.

Mr. Herrick told the Board that he represented a bank on financing for part of the project, but did not represent the applicant. He feels he can participate fairly in discussion on the item.

**Edward Zelmanow MOVED and George Fox SECONDED a motion to allow Mr. Herrick to participate in the review of the project as there is no conflict of interest presented. Motion CARRIED, 5 ayes (James Anderson absent, Scott Herrick abstaining).**

Peter Dalfonso, St. Germain Collins, appeared on behalf of the applicants, Chris and John Woods. Mr. Dalfonso explained that Mr. Woods runs an excavating company and needs more room for storage and equipment maintenance. Mr. Woods has constructed a 4,000 square foot building on site pursuant to his administrative review approval. Mr. Dalfonso said they will submit an application to DEP to increase the impervious area allowed from 37,100 square feet to increase that to 64,500 square feet. Stormwater will be treated in an underdrain soil filter, and all the flow from the new area will be released into the existing wetland where it goes today.

Mr. Poirier advised Mr. Zelmanow that the maximum impervious areas were established by DEP. Mr. Poirier said that the project was required to secure a Site Location of Development permit and the maximum impervious areas were identified due to the size of the ponds that are required to treat any stormwater coming off the subdivision. Ms. Sunnell confirmed that there is an existing building on site, but Mr. Dalfonso said that it has no occupancy permit yet.

Mr. Firmin asked what are the ongoing maintenance requirements associated with a vegetated underdrain soils filter, especially where there are going to be materials stored that could potentially wash into that. Mr. Dalfonso said that the system should be monitored every couple of months, as well as being monitored after a significant storm to ensure that it is draining within 72 hours. If there is an issue of it not draining, the top few inches of filter can be removed and replaced and reseeded. Mr. Dalfonso confirmed to Mr. Firmin that DEP typically deals with those maintenance requirements in their approval.

Mr. Zelmanow noted that there are some items still outstanding, such as the letters of technical and financial capacity, and the DEP approval.

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

Mr. Poirier confirmed that the conditions of approval have been shared with the applicant.

Mr. Zelmanow suggested that the application can be tabled to a consent agenda once the DEP permit has come in.

**Scott Herrick MOVED and George Fox SECONDED a motion to move the item to a future consent agenda pending responses to remaining issues and receipt of the DEP permit. Motion CARRIED, 6 ayes (James Anderson absent). [9:20 p.m.]**

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**OTHER BUSINESS                      NONE**

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**ANNOUNCEMENTS                  NONE**

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**ADJOURNMENT**

**Scott Firmin MOVED and Rachel Sunnell SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (James Anderson absent). [9:25 p.m.]**

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board

*May 2*, 2016

**ITEM 2      BRAMBLEWOOD LLC – GLENWATER VILLAGE SUBDIVISION**

Email from “kstickney2” May 1, 2016

“Mr. Poirier,

I am writing to you to express my concerns about the proposed Bramblewood development. A few weeks ago I was made aware through Mrs. Gail Brooks Hill that, in the past, dry cleaning chemicals had been dumped on the site of the proposed development. I was curious as to how toxic dry cleaning chemicals could be and called the DEP to obtain information. Any Slusarski at the DEP explained to me that the chemical perchloroethylene, found in dry cleaning waste was extremely toxic and if it had entered the soil, could remain there for decades. I was alarmed by this news and he asked me to get the names of the businesses involved. I call Mrs. Hill and she said that Mr. Charles Hanneford [sic], the former owner of the property, had given the ‘Arthur Fogg and Sons,’ disposal company, permission to dump this waste and other waste on this property which is now the site of the proposed development. She said the canisters dumped were labeled ‘perchlorethylene,’ with a skull and cross bones. She also said that the neighborhood contacted the town of Gorham in the mid to late 1980’s in order to stop the dumping of the chemicals as well as the dumping of old oil tanks and industrial boilers that contained mercury. These canisters and tanks had been quietly removed from the area about three years ago. I relayed this information to Mr. Slusarski at the DEP and he asked me to try to find the exact location of the dumping site. I enlisted Gail Hill to locate the place where these chemicals were dumped and she estimated that the center of the site was between 600 and 700 feet from the property boundry [sic]. I again relayed this information to Mr. Slusarski who said he would have Brian Benesky follow up on the situation.

Mrs. Gail Hill is a credible source of information who has lived in the Water Street neighborhood for many years. Mr. Slusarski helped me to understand just how toxic these substances are and also how important it is to test in the exact area of the dumping in order to obtain an accurate assessment of the contamination. This was a commercial disposal company who may have dumped very large amounts of toxin on this land. Disturbing this soil may liberate these toxins and harm the workers on the site as well as the surrounding townspeople of Gorham. At the very least, Mr. Slusarski suggested deed restrictions for any houses being built on the property. It is imperative that the developer as well as the town of Gorham proceed with caution and integrity and involve the DEP in a full evaluation of the dump and it’s [sic] surrounding area. Unfortunately, it is indeed impossible to test every square foot of land on that parcel and even after testing, the developer may unearth something that will adversely affect the health of the people of the town, since the site is only a few hundred feet from the center of town.”

Petition presented by Aaron Hill, 17 Water Street

“We, citizens of the Town of Gorham and residents of Church Street, Water Street and Glenwood Avenue, petition the town to withhold approval for the Glenwater Village Subdivision until several concerns have been addressed. We believe that the proposed development, as designed, will have an adverse impact on the existing neighborhood and surrounding environment. We would like the following concerns addressed before this project is allowed to move forward:

1. The proposed high-density subdivision will cause a substantial increase of traffic through the surrounding neighborhoods. There is an existing traffic problem along Church Street and upper Water Street that will be made worse by this increase as they are the only means of egress from the proposed subdivision. Traffic studies should be done to determine the existing volume of traffic, analyze the impact of the increase in traffic that will likely result from the proposed subdivision, and propose mitigating measures to counteract this adverse impact.



2. There is a concern that this is a brownfield site and that excavation could release toxic substances into the surrounding environment. This site has been used as a landfill for many decades and, as recently as the mid-1980s, was used by Arthur Fogg & Sons Rubbish Removal for the disposal of hazardous substances such as waste oil, perchlorethylene, and mercury. Reasonably extensive soil analysis should be completed prior to any earth-disturbing activities to determine if any further measures are necessary to prevent pollution of the Tannery Brook Watershed.
3. The sidewalk design along Water Street should be required to extend toward Main Street until the junction of the existing sidewalk. The proposed subdivision will substantially add to the volume of pedestrians along upper Water Street as it leads to many amenities in Gorham Village.
4. If the proposed sidewalk amounts to a taking of private property then the landowners must be fairly compensated. In addition, if the utilities remain overhead then offsetting them to allow for the proposed sidewalk will cause the overhead utilities to be dangerously close to existing houses. We would like to see a thorough and complete design accurately depicting property lines, structures, proposed utility locations, and the proposed sidewalk location."

**SIGNATORS:**

Kenneth Shaw	17 Landing Drive
Jeanne and Greg Flaherty	11 Landing Drive
Paul Weeks	65 Johnson Road
Karen Daigler	75 Johnson Road
Sloan Butler	11 Western Avenue
Kristal Jean and Dean Boudreau	6 Hillview Road
Tine F. Davis	22 Glenwood Avenue
Kinnon Church	22 Glenwood Avenue
Samantha Arnett	22 Glenwood Avenue
Jennifer and Andre Albert	19 Glenwood Avenue
Robert, Adam, Lesa Mosey	32 Water Street
Clara Stickney	22 Glenwood Avenue
Paul & Karen Stickney	22A Glenwood Avenue
Robert and Liz Berks	14 Glenwood Avenue
Sean Munkacs	34 Church Street
Aaron Hill, Gail Brooks Hill	17 Water Street
Greg Day	17 Water Street, Apartment 1
Charles and Steve Barr	32 Church Street
Michael Wojtel	22 Gray Road
Ryan C. Watts	18 Gray Road
Joyce and David Allen	10 Glenwood Avenue
Thressa Wengland	10 Glenwood Avenue
Heidi Farrin	6 Glenwood Avenue
Mara Ranger	4 Glenwood Avenue
Philip Meyers	24 Water Street
Katherine and Tom Brown	11 Water Street
Steven Hamblen	14 Water Street
Benjamin Gowdy	30 Water Street
Anna Gardner	30 Water Street
Birgit Zeus	27A Water Street
Tami Dawn and Paul Reynolds	43 Water Street
Cynthia Reynolds	43 Water Street
Karen Coggan	41 Water Street