



**Town of Gorham  
January 11, 2010  
PLANNING BOARD MINUTES**

LOCATION: Municipal Center Council Chambers, 75 South Street, Gorham, Maine

**Members Present:**

**SUSAN ROBIE, Chairwoman  
DOUGLAS BOYCE, Vice Chairman  
THOMAS FICKETT  
THOMAS HUGHES  
MICHAEL PARKER  
MARK STELMACK  
EDWARD ZELMANOW**

**Staff Present:**

**THOMAS POIRIER, Town Planner  
SANDRA MOWERY, Zoning Administrator  
BARBARA SKINNER, Clerk of the Board**

The Chairwoman called the meeting to order at 7:00 p.m. and read the Agenda. The Clerk called the roll, noting that everyone was present.

**Approval of the December 7, 2009 Minutes**

**Michael Parker MOVED and Douglas Boyce SECONDED a motion to approve the minutes of December 7, 2009. Motion CARRIED, 4 ayes (Susan Robie, Thomas Hughes and Thomas Fickett abstaining as not having been present at the December 7 meeting). [7:03 p.m.]**

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**Committee Reports**

**A. Ordinance Review Committee** – Ms. Robie reported that this committee has not met since December 7, but two ordinances that the committee has been working on had hearings by the Town Council. The ordinance change requiring principal buildings to be to the build-to line was approved by the Council. The five amendments to the sign ordinance were tabled by the Council pending requested revisions to the amendment dealing with signs for corner lots. Inasmuch as this revision is less restrictive, there is no need for another public hearing, and the five amendments to the sign ordinance will be heard again at the Council's February meeting.

**B. Sign Ordinance Sub-Committee** – Ms. Robie reported that this subcommittee has not met.

**C. Streets And Ways Sub-Committee** – No report.

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**Administrative Review Report** – Mr. Poirier reported that the Sappi Mallison Street application is on hold until the applicant has completed its FERC licensing requirements. An Administrative Review application has been received from Matt Mattingly for 80 Main Street, at the intersection of Water Street and Main Street, to accommodate a coffee and wine shop. Mr. Poirier confirmed to Ms. Robie that the Administrative Review project for R&A Realty has been approved.

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**Item 1: Amendments to the Gorham Land Use and Development Code and the Official Gorham Shoreland Zoning Map -- Public Hearing** – Amendments to the Land Use and Development Code, Chapter II, relating to Shoreland Zoning and the Official Town of Gorham Shoreland Zoning Map.

Mr. Poirier confirmed that the Town Council will also hold a public hearing on this item. He said that the zoning amendments are required by State statutes, with the Town's Shoreland Zoning Map being updated to the new national wetlands inventory data currently available from the Fish and Wildlife Service, identifying those wetlands falling under the jurisdiction of Shoreland Zoning ordinance. Mr. Poirier pointed out the various changes to the Board on a large-scale map at the podium, noting that the State is

now requiring wetlands or habitat it considers moderate to high value to receive resource protection and said that Gorham has two of those wetlands. Mr. Poirier also pointed out large wetlands greater than 10 acres and not forested that were added to the Shoreland map, as well as wetlands removed from the map. Mr. Poirier noted that parties whose properties had changed were notified; if properties were taken off the map, the owners were not notified. He said the Town used the GIS data provided by the state. Mr. Poirier also said that some of these boundaries will be better depicted on the ground by on-site inspections and are merely illustrative of their approximate locations on the map.

Mr. Poirier said that the changes in the Code are required to bring the Town's Shoreland ordinance into compliance with the current state zoning requirements. The former Planner, Deb Fossum, asked the Town Attorney to review the ordinance and made the changes to achieve the required compliance. Once the Town Council has approved the ordinance changes, it will then go to the state who will determine its consistency. If it is found to be inconsistent, it will come back to the Town for additional revision and amendment. Mr. Poirier responded to a question from Ms. Robie that Gorham residents can get information about shoreland changes such as those relating to timber harvesting from the Planning Office and the Code Office.

Mr. Parker pointed out a typographic error at page two of the proposed ordinance wherein the word "steam" should be changed to "stream." The Board also agreed that the last sentence on paragraph (a) on page 5 should be changed from "...expanded by 30% in floor area and volume..." to "...expanded by 30% in floor area or volume." The Code office will make the appropriate determination in that regard.

**PUBLIC COMMENT PERIOD OPENED:** David Kent, 20 Grant Road, said he believes the map legend is incorrect concerning "Gorham Rivers," expressed concern about certain aspects of the existing ordinance relating to agricultural applications, the unintended consequences of portions of the ordinance, and the impact on the value of his property as he prepares to sell his farm.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Poirier said that the legend on the bottom of the shoreland map should say "non-shoreland streams" for the blue dotted line and "shoreland streams and rivers" for the solid blue line. In addition, the protection of a stream or river is dependent on the amount of watershed is drained by a stream or river. Mr. Boyce confirmed with Mr. Poirier that that the accuracy of the map needs to be confirmed in the field by wetland scientists who would identify specific boundaries in the field to establish on the face of the ground where the upland limit of a wetland is and from which appropriate buffers and setbacks would need to be measured.

**Michael Parker MOVED and Thomas Hughes SECONDED a motion to recommend adoption of the proposed ordinance amendments to Chapter II relating to Shoreland Zoning and the Shoreland Zoning Map with the changes noted this evening. Motion CARRIED, 7 ayes. [7:41 p.m.]**

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**Item 2: Amendments to the Gorham Land Use And Development Code, -- Public Hearing --**  
Amendments to the Land Use and Development Code, Chapter I, relating to utility lot size.

Ms. Robie explained that a proposed amendment went forward to the Town Council in November dealing with an exception to lot sizes for sewer pumping stations. The Council asked the Board to expand the language to include other utilities; before the Board this evening are proposed changes to accommodate the Council's request, as well as comments received from the Portland Water District.

Mr. Poirier explained that staff looked at addressing the Council's comments on broadening the scope of a utility lot. A definition for "auxiliary public utility lot" was added to clarify what would be exempted,

and each Chapter I subsection regarding zoning district would contain a provision that the auxiliary public utility lot need not meet minimum lot size, building coverage or street frontage requirements of the district but must meet setback requirements, with additional screening and buffering requested by the Board as appropriate. Mr. Poirier identified for Board discussion the fact that typically many utilities are best placed on easements, especially underground utilities, and it is hoped that adding the auxiliary public utility lot will not result in the creation of small lots where easements would be more appropriate. In addition, some of the setback requirements in certain districts such as Rural and Suburban Residential, which require a 70 foot setback on an arterial collector street, may be excessive for an auxiliary public utility lot, and the Board may want to look at a standard setback for these lots.

The Board discussed at length the Portland Water District's request that "underground structures be allowed within the front setback; above ground structures and free-standing equipment must meet zone setbacks," particularly in light of determining what was meant by "underground structure," based on the Code's definition of a structure. The Board also discussed the District's setback requests, particularly that front setbacks be limited to 50 feet and that side and rear setbacks be reduced to 15 feet in certain Districts. The Board agreed that clarification needs to be obtained from the Water District before forwarding the revised language to the Council, and that a workshop should be scheduled, hopefully with a representative of the District present. Mr. Poirier, however, will talk to the District before the workshop in order to give the Board some sense of what the District has in mind.

The issue of avoiding the creation of multiple small lots where easements are more appropriate is also an item for discussion at the workshop. It was suggested that the definition of the auxiliary public utility lot be amended to include the term "structure" with some phrasing such as "a lot owned and operated by a public utility to include, but not limited to, the operation of structures including pumping stations, pad mounted transformers, etc." Ms. Robie suggested that the staff's comment that "A majority of electrical, gas, telephone, fiber optic, cable television, water, sanitary sewer, and natural gas infrastructure is better located within an easement than on an individual lot. The requests for a utility lot are typically associated with the placement of a structure" should be placed in the ordinance" itself.

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

**Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to schedule a workshop at the Board's February 1, 2010 meeting and to continue the public hearing on this item to the Board's March 2010 meeting. Motion CARRIED, 7 ayes. [8:06 p.m.]**

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*Ten Minute Break to 8:15 p.m.*

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**Item 3: Sawyer Estates Subdivision – Discussion --** Chase Custom Homes, applicant, proposal for a 109-lot subdivision on 103.59 acres off South Street to be reviewed under the Town's Development Transfer Overlay District provisions. Zoned Rural / Suburban Residential (Map 21 / Lots 10, 16 & 17.016).

Les Berry, BH2M, representing the applicant, came to the podium and described the project as "...a 109 unit subdivision on 101 lots and 8 duplexes on 103.59 acres..." Mr. Berry began his presentation by addressing the issue of a site walk, with the Board concurring that a sitewalk in April will be most productive. Mr. Berry said that the roads will be marked for the sitewalk.

Mr. Berry then discussed the traffic study, saying that Gorrill-Palmer has recounted the traffic based on the Gorham by-pass being operational. The traffic count has been reduced, but not greatly, but because of the volume of traffic, it falls under the Maine DOT traffic movement review, so Route 114 will be reviewed by the DOT. Mr. Berry says he suspects the DOT will probably want a turning lane on Route 114. He said that one of his major concerns has been the connection of Crestwood Drive to the subdivision roads without putting any new traffic through Crestwood Drive, so north and south entrances are being proposed to Michelle Drive within the subdivision, the idea being that on any given morning, it can be assumed that 75% of the traffic will turn toward Portland and 25% will turn toward the Village, with the percentages reversed in the evening, and not many, if any, vehicles, using Crestwood to exit the subdivision. This will create 3 entrances on 114, one that already exists and two new ones. There is also to be a connection to Starlit Way at the back of the development into the Heartwood Subdivision, but Mr. Berry said he believes that will be more of a destination exit for cars going to the High School and Middle School.

Mr. Boyce expressed concern about the volume of traffic that could use Starlit Way. Ms. Robie suggested that Mr. Berry check with the School Department about possible busing of children. Mr. Stelmack said he would like to see the traffic study include the impact of school events during weekends and off-school hours as well as during school hours.

Ms. Robie confirmed that Mr. Berry would like to know if the Board chooses to have a peer review of the traffic study. Mr. Berry said that the DOT review of 114 will dictate to them what they have to do and he is not sure what input the Board could have, but he would have no objection if the Board wishes to have a peer review of the internal traffic movement and circulation. Ms. Robie said she believes it is premature for the Board to make that determination until the Town's engineering review for the entire proposal has been done. Ms. Robie said that the Board will have to decide, given the change to the ordinance on road continuation, whether or not a connection has to be made to Waterhouse Road. Mr. Berry said that before that decision is made, he would like to get the abutters' input.

Mr. Berry discussed the configuration of a possible center turning lane and the tapers that the DOT might require on 114 to accommodate that lane for all three entrances. Mr. Boyce said he would be surprised if DOT required a turning lane, noting that the Heartwood Subdivision with a single point of connection to 114 that did not require any off-site improvements on 114, and this subdivision will have 3 or 4 ways to move traffic in and out. Ms. Robie said that a connection to Waterhouse Road is even more attractive in light of additional traffic dispersal, and suggested that Mr. Berry discuss this connection with the DOT as a way of further alleviating the need for a turning lane.

Mr. Stelmack clarified with Mr. Berry that the subdivision will tap into the existing public water main some 1500 feet up on South Street and extend it down South Street to their second entrance. Mr. Berry said that it will be looped all the way through and connected to the water main at Heartwood. The sewer is to be a pressure sewer system to a sewer main on the east side of South Street. Ms. Robie commented that the Town Council at its last meeting voted to do a request for quotes from the Portland Water District about a sewer extension to the intersection of Routes 22 and 114. Mr. Berry told Mr. Zelmanow that there will be storm drains along all the streets taking runoff to different treatment areas.

Mr. Berry said that the homeowners will have to operate the stormwater management facilities and will also be in charge of what could be called a "mini" sewer district, since they will be hiring one contractor to maintain all the pump stations.

Mr. Berry asked the Board if their proposal meets Development Transfer Overlay District standards. He gave a brief overview of the proposal and how he believes that the standards can be met. Ms. Robie complimented Mr. Berry on the good job of meeting the goals of the District. In response to Mr. Boyce, Mr. Berry said the duplex units are an option to be placed on certain larger lots. Ms. Robie said that if it

is found that there will be school bus routes through the development, some areas should be set aside for school bus stops. Mr. Berry said they would probably put a school bus shelter in the “pocket parks.”

Mr. Parker brought up the question of the previously approved subdivision; Mr. Berry said that this is the approved subdivision and that the covenants on Crestwood Subdivision expired in 2000. Mr. Poirier said he would need to research the approval documents to verify that this application is not a subdivision amendment as well. Mr. Berry said that Crestwood Drive, according to their deed research, is not a Town road and is owned by John Chase, although it has been maintained by the Town for some 20 years. Mr. Berry said that Maine Natural Gas has the plans but has not yet decided on a plan of action. Mr. Berry replied to a question from Mr. Fickett that the various amenities will be installed in whichever of the five phases they appear. Mr. Berry told Mr. Parker that the roads will be 24 feet wide with bituminous “Cape Cod” berms on both sides. Vertical granite curbing will be installed at intersections, radii, and catch basins.

PUBLIC COMMENT PERIOD OPENED: Fred Robinson, 5 Keepaway, expressed concern about water flow, drainage, and standing water. Ms. Robie explained the requirement to make sure that post development runoff does not exceed pre development runoff. She said that the wetlands have to be marked on the property, the brooks have to be marked and the proper setbacks must be maintained.

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## **OTHER BUSINESS**

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## **ADJOURNMENT**

**Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:00 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
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