



Town of Gorham  
February 7, 2011  
PLANNING BOARD MINUTES

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

**Members Present:**

EDWARD ZELMANOW, Chairman  
THOMAS HUGHES, Vice Chairman  
THOMAS FICKETT  
GEORGE FOX  
CHRISTOPHER HICKEY  
ANDREW MCCULLOUGH

**Staff Present:**

THOMAS POIRIER, Town Planner  
BARBARA SKINNER, Clerk of the Board

**Members Absent:**

LAUREN CARRIER

Edward Zelmanow, Chairman, called the meeting to order at 7:05 p.m.. The Clerk called the roll, noting that Lauren Carrier was absent.

**APPROVAL OF THE JANUARY 3, 2011 MINUTES**

Thomas Hughes **MOVED** and Thomas Fickett **SECONDED** a motion to approve the minutes of January 3, 2011 as written and distributed. Motion **CARRIED**, 6 ayes (Lauren Carrier absent).  
[7:08 p.m.]

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**COMMITTEE REPORTS**

- A. Ordinance Review Committee - No report.
- B. Streets and Ways Sub-Committee – No report.

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**CHAIRMAN'S REPORT** – Mr. Zelmanow said there was no Chairman's Report.

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**ADMINISTRATIVE REVIEW REPORT**

Mr. Poirier reported that there is one new Administrative Review project, that of PineCrest Bed and Breakfast, seeking to add two bed and breakfast rooms within the existing building. Staff comments have been provided to the applicant.

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**ITEM 1 – PUBLIC HEARING – Amendments to the Gorham Land Use and Development Code Relating to Bed and Breakfast Parking/Buffering – CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, Section II, Off Street Parking Standards, and Section VIII, Bed and Breakfast Facilities.**

Mr. Poirier explained that these proposed changes to the ordinance allow the use of existing impervious area within the front yard setback for locating parking for bed and breakfast facilities. The Town Attorney has reviewed the proposed language and her recommended changes have been provided to the Board, as well as her legal opinion, solicited by the Planning Board's ordinance subcommittee, about the proposed amendment language. This item was referred to the Board by the Town Council, and following the new procedures, the

Board will review the proposed amendments and list any recommendations to the Council that the Board has, as well as the Board's recommendation about whether or not the Council should adopt the ordinance changes. Mr. Zelmanow said that one of the Board's suggestions would be that the Town Attorney's suggested change be incorporated into the Council's proposed language. Mr. Poirier responded to a question from Mr. Hughes that buffering and setback requirements would be found in the section of the ordinance dealing with bed and breakfast facilities.

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

**Thomas Fickett MOVED and Christopher Hickey SECONDED a motion to recommend adoption of the proposed ordinance amendment to CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, Section II, Off Street Parking Standards, and Section VIII, Bed and Breakfast Facilities, including the suggestions and recommended changes proposed by the Town Attorney.**

Discussion: Mr. Hughes said he will not recommend adoption of this item because he believes it is too specific and should have been handled in a way other than going through an ordinance change. Mr. Zelmanow said he echoes Mr. Hughes' sentiments. However, the Board is looking at what the Council decided should be before the Board. Mr. Zelmanow feels he will have to vote for it.

**Motion CARRIED, 5 ayes, 1 nay (Thomas Hughes) and 1 absence (Lauren Carrier).** [7:15 p.m.]

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**ITEM 2 – PUBLIC HEARING – Amendments to the Gorham Land Use and Development Code Relating to Expiration Provisions for Special Exceptions, Subdivision, and Site Plan Applications - CHAPTER I, ZONING REGULATIONS, Section IV, Board of Appeals; CHAPTER III, SUBDIVISION, Section III, Preliminary Plan Review, and CHAPTER IV, SITE PLAN REVIEW, Sections VII, Procedures for Administrative Review and VIII, Procedures for Major Developments.**

Mr. Poirier said that these amendments were forwarded by the Board to the Council because of some projects lingering for long periods of time without the Board or staff having the ability to remove the projects from the active list for consideration. Basically, under preliminary site plan and major review, with these proposed amendments, the Board is allowed to close out some of these projects based on the criteria established in the amendments. Mr. Zelmanow noted that the proposed language also allows the Site Plan Review Committee to close the books on applications that have lingered in an inactive status. Mr. Poirier said that the amendments also set a time parameter for special exceptions, that if they have not commenced within 2 years of the approval date, the Board may grant an additional year's waiver, but after that time the applicant will have to come back before the Board. The special exception language does not, however, apply to mineral extraction.

Mr. Poirier said that this language has been proposed by the Planning Board and therefore it can be changed by the Board. Mr. Hughes noted that there is a typo in the section entitled "Preliminary Plan Review," where the word "under" should be "undertake." Mr. Poirier confirmed with Mr. Hughes that the section dealing with Chapter IV, Site Plan Review, deals with administrative review of projects. Mr. Fox asked what the impact of the ordinance changes will be on current applications; Mr. Zelmanow said that the Council has the option to determine whether the changes should be retroactive or apply to current applications after a given approval date.

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

**Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to recommend adoption of the proposed ordinance amendments to CHAPTER I, ZONING REGULATIONS, Section IV, Board of**

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Appeals; **CHAPTER III, SUBDIVISION, Section III, Preliminary Plan Review; and CHAPTER IV, SITE PLAN REVIEW, Section VII, Procedures for Administrative Review, and Section VIII, Procedures for Major Developments. Motion CARRIED, 6 ayes (Lauren Carrier absent). [7:20 p.m.]**

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**ITEM 3 – PUBLIC HEARING - Amendments to the Gorham Land Use and Development Code Relating to Shed Definition – CHAPTER I, ZONING REGULATIONS, Section V, Definitions.**

Mr. Poirier said that this language has been forwarded by the Town Council and basically describes a detached building used for residential storage, allowed in all districts, if the shed is less than 150 square feet total area with height of less than 15 feet. The shed would only need to meet a 5-foot side or rear setback requirement, with only one allowed per lot.

Mr. Zelmanow said that this amendment is to be reviewed under the new procedure whereby the Board can offer suggestions but basically the Board is voting only on the language provided by the Council. One of the points brought up at the workshop review of this item before the meeting tonight is the addition of the word “only” before “residential storage,” Mr. Fox noted that the word “district” should be plural, i.e., “districts.” Mr. Hickey said, based on information provided during the workshop that there has never been an appeal on a shed, that he believes the point of a setback is to create a building envelope on the lot and preserve open space and a shed should not be accepted.

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

**Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to recommend adoption of the proposed ordinance amendments to CHAPTER I, ZONING REGULATIONS, Section V, Definitions, Relating to Shed Definition. Motion CARRIED, 5 ayes, 1 nay (Christopher Hickey) and 1 absence (Lauren Carrier). [7:25 p.m.]**

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**ITEM 4 PUBLIC HEARING - Final Site Plan Review – Athletic Field Improvements – by USM**  
A proposal to redevelop an existing natural turf field into a multi-purpose athletic field facility with stadium lighting and fixed spectator seating with raised pressbox, concessions, and restrooms. Zoned UR (M40/L16)

Mr. Poirier gave an overview of the project, noting that a pre-application was held on December 6, 2010. Since that time the applicant has scaled back the proposal from the original three-phase approval consisting of athletic field improvements as phase 1, phase 2 being the stadium lighting, and phase 3 consisting of the stadium seating, pressbox, concession building and restrooms, to seeking approval for only phase 1, athletic field improvements. However, the applicant is going forward with all three phases for DEP. Staff comments have been prepared, comments have been received from the Town’s review engineer on January 10, Gorham Fire Department on December 29, Assessor on December 29, and the Code Enforcement Officer on January 14.

Joe Laverriere, DeLuca-Hoffman, appeared on behalf of the applicant, and confirmed that the three-phase application has been submitted as originally proposed to the DEP, but approval is being sought from the Town for only phase 1, primarily due to funding issues. He showed an overview of the area with depictions of existing conditions and those proposed for the new field, whose dimensions will be 265 by 360 feet and which, while a soccer field layout in size, is intended to be multi-purpose to serve soccer, lacrosse and field hockey. He said that stadium lighting approval would have to come in a subsequent application to the Town, as well as

the stadium seating, pressbox, restrooms, and concessions. The project is a synthetic turf field, with some impervious surface around it for walking access that is off the field, and some associated stormwater improvements. Very little clearing activity is involved.

Mr. Laverriere said that they have received the staff notes, and responses will be prepared to the items of concern raised in those notes. Most of them involve detail clarifications which Mr. Laverriere characterizes as minor in nature. Mr. Hughes confirmed with Mr. Laverriere that the yard hydrant will be used for maintenance purposes such as cleaning the field. Mr. Laverriere said that DEP has contacted him to say that the draft order is at Augusta being signed and they should have it within the next couple of working days.

Mr. Zelmanow noted that instead of going through each issue in the staff notes, they can be discussed once responses have been provided so that staff has a chance to look at them and provide additional information.

**PUBLIC COMMENT PERIOD OPENED:**

The Clerk read the following letter, received via email to Mr. Poirier at 4:46 p.m. this evening, into the record:

“Dear Mr. Poirier:

I am out of town on business and unable to attend tonight’s Planning Board meeting, however, I wanted to express my concern over the new soccer field at USM.

Specifically, I am worried about the possibility of excessive noise coming from the soccer field loudspeaker system. By noise, I mean music and game announcements during games.

I work from home and in the nice weather I like to sit out on my deck in the backyard to do my work. It is usually quiet and peaceful except for baseball season.

When I moved to 25 Meadow Crossing Dr in Gorham, there were no loudspeakers at the USM Baseball field and the spring was relatively quiet. I can’t remember when the loudspeakers were actually installed, but since they were, I dread the baseball season because I can hear the game announcer and music during ball games. The past few years, the loudspeakers are also turned on with music blaring for most practices. As a result, I don’t get to enjoy my deck in the spring. The music is loud enough that I can even hear the music inside my home with the doors and windows closed. I welcome anyone from USM to come over to my house and hear how loud the speakers can be.

This past fall, I had to endure the sound of music blaring from the baseball field loudspeakers almost every day for 2 to 3 hours for most of the month of September. Apparently the baseball team has fall practices and the loudspeakers are used to play music during practice.

I have called USM many times over the last few years to complain about the music and actually made a personal visit to the Athletic Director in September. I asked him if the music could be turned on only during ball games. He took my phone number down but never got back to me.

I don’t believe the loudspeakers are used at Gorham HS except during games and I am sure the folks who live nearby are appreciative of that.

I ask and hope that USM would also establish a game day only policy for using loudspeakers at all of the playing fields.

Sincerely,  
Marc R. Belhumeur  
25 Meadow Crossing Dr  
Gorham, ME 04038”

Mr. Zelmanow suggested that instead of closing the public hearing, it should be continued.

**Thomas Hughes MOVED and Christopher Hickey SECONDED a motion to continue the public hearing until the application comes before the Board again. Motion CARRIED, 6 ayes (Lauren Carrier absent). [8:11]**

Dana Gray, USM Director of Engineering, came to the podium and said that the email from Mr. Belhumeur is directed at some issue at the baseball field, there are no changes contemplated on the soccer field, and he finds no relevance between the email and the soccer field. Mr. Gray said that postponing the application for another public hearing based on an issue that doesn't concern the business before the Board seems inappropriate. Mr. Zelmanow said that as the application is not going to be approved by the Board this evening and there will be another meeting to consider the additional information which will be provided by the applicant, it is common practice for the Board under these circumstances to continue the public hearing so that the public has the opportunity to comment on any new information submitted at future meetings. Mr. Zelmanow said that continuing the public hearing is not to directly address that one comment, it is to allow the public to comment on any aspect of the application. Mr. Gray said he believes that the Board could address the issues raised in the staff memo in comment form; Mr. Zelmanow replied that it doesn't give staff the opportunity to review the comments to insure that all of the review criteria are met and each question has been addressed. Mr. Hughes summarized the items remaining to be addressed by the applicant in staff's notes are utilization of the site, stormwater management and erosion control.

Mr. Zelmanow said that the application is being reviewed under Chapter IV, Section 9, and the applicant is requesting the following submission requirement waivers, noting that staff supports the applicant's waiver requests:

- Right title or interest in the property
- Boundary survey
- Water supply and waste disposal
- Parking and traffic analysis

Mr. Poirier said that the right title or interest in the property is typically a deed or some type of description that the applicant has the ability to effect changes on that parcel; a boundary survey is a survey completed by a surveyor, which the applicant has submitted in the past showing that this parcel is within its boundaries; water supply and waste disposal is typically a letter from the Portland Water District saying that they have the capacity to serve the site; and a parking and traffic analysis is simply looking at how parking and traffic will be affected by the changes. The Land Use Code allows waivers from submission requirements if the Town Planner and the Planning Board find the requirements unnecessary to determine compliance with the approval standards. Mr. Poirier confirmed with Mr. Zelmanow that these waivers will be for the current application before the Board this evening; if the applicant wishes to request a waiver in a subsequent phase of the project, it would have to be done when the applicant requests approval for that phase.

Mr. Fickett confirmed with Mr. Laverriere that the DEP permit should be in hand by the next meeting.

**Thomas Fickett MOVED and Thomas Hughes SECONDED a motion approving the applicant's request for waivers from submission requirements for phase 1 only for the items right title or interest in the property, boundary survey, water supply and waste disposal, and parking and traffic analysis, based on the discussion this evening. Motion CARRIED, 6 ayes (Lauren Carrier absent). [7:50 p.m.]**

**ITEM 5 - PRIVATE WAY REVIEW – Alberta Way off Bartlett Road – by Flagship Holdings, LLC A request for approval of a 2-6 lot private way off Bartlett Road. Zoned R (M12/L7 & 10).**

Mr. Poirier said that the application was last before the Board as a pre-application at the January 3, 2011 meeting. Staff has completed its review, and the Board has staff comments in its packets. Comments have been received from Woodard & Curran, Town Engineer, the Gorham Fire Chief, and the Assessor.

Bill Thompson, BH2M Engineers, appeared on behalf of the applicant and gave an overview of the proposed private way, saying that the primary purpose for the private way is to provide access to the parcel in the rear of the property for Flagship Holdings for a site development to be approved under a separate review by staff. The 627 foot private way off the Bartlett Road will be built to the 2 to 6 lot standard with a t-turnaround, sight distance is 440 feet in one direction and 540 in the other direction. A resubmission was made January 12, 2011, and he received staff's review comments late in the day February 3, 2011, with some comments to be addressed regarding the clarification of design details.

Mr. Thompson addressed the concerns expressed at the pre-app meeting by the abutter across the street about where the stormwater would go and what would be the impacts on that property. He said there is an existing culvert under Bartlett Road, and under some of the existing conditions, the water on the front of this lot comes to that culvert and does cross the road to the west. He said the private way has been designed with ditches to pick up all the road water from at the very beginning, bring it down easterly under a culvert into a level spreader at the end of the private way to sheet flow that stormwater, thus not impacting the property across the street. This will reduce what small drainage area that was going to the west, pulling that all back with a ditch-draining system for the private way. A culvert has been designed on Alberta Way to direct ditch water to the southerly side of the private way, and the drainage will then continue easterly to the proposed level spreader.

Mr. Thompson said he had responded to the Woodard & Curran comments in a letter dated February 4, 2011. He said a road maintenance agreement, cost estimate and wetland delineation summary were provided on January 12. Mr. Thompson then addressed some of the issues raised in the staff notes, noting that there will be no issue with any condition of approval that the Board wishes to add and the street sign shall be installed as soon as the private way has been constructed. The small stream segment located to the east mentioned in the staff notes is not associated with the private way, and when and if the development continues on the back portion of the property, any setbacks or any conditions associated with the stream definition will be dealt with, and any permitting will be dealt with as a separate item. He did note that there are two small wetland impacts associated with the private way that are under 4300 square feet, and any further wetland impacts will be cumulative as it is all one parcel. So if there is later development on the parcel, the wetland impact would be cumulative and could trigger a tier permit at that time, but not for the private way. Note 25 has been added to clarify the square footage of those two wetland impacts on the private way. The culvert size under the private way is 15 inches and will be constructed of ADS N12. He also discussed the dimensions of the private way cross section indicating the distance to the ditches against the overall 50 foot right-of-way. Fee interest in the private way shall remain with the last lot in.

Mr. Zelmanow commented that this item will be reviewed under Chapter II, Section V, H. Standards for Private Ways. In looking over the staff comments, the Board concurred that there is no need to add a Condition of Approval or a plan note for Item 1 of the Standards as the language in the ordinance would prevail. Mr. Poirier said that the applicant would need to resubmit to address the concerns of the Town Engineer, and that would have to be forwarded to the Town Engineer for review. Mr. Thompson said that those comments had been addressed in his letter of February 4, which doesn't give either party an opportunity to respond, but he believes that the details are more housekeeping in nature.

Mr. Hughes asked if some kind of condition of approval could be crafted to address the issues raised by the Town Engineer. Mr. Zelmanow commented that there are no Findings of Fact for the Board to review to insure that each criteria has been met.

**PUBLIC COMMENT PERIOD OPENED:** Diana Libby, Bartlett Road, abutter across from the private way, would like more information on how the drainage will occur, saying that all the water from that side of the road drains on to her property, and asked about the location of the culvert. Mr. Thompson replied that in the existing conditions, there is a culvert underneath Bartlett Road and the water does travel to the west on the front of the parcel. He pointed to the road profile of existing grades and showed where it goes away from the road. His plan is to force a ditch up to Bartlett Road, bringing the ditch to the east on both sides of the road so any water coming off will hit the ditch and be discharged into a level spreader. There will not be the same surface area going to the west, so any water going pre-development cannot be increased, which it would be if the drainage concept were kept the same, but in their plan everything will come away from Bartlett Road.

Ms. Libby asked for clarification of what had been written in the January minutes. Mr. Zelmanow confirmed that the proposed topography and grading will direct drainage away from her property.

**PUBLIC COMMENT PERIOD ENDED.**

In response to a question from Mr. Zelmanow, Mr. Poirier said that the Board needs to assess the comments which remain to be addressed in staff's memo and decide whether those comments need to be addressed in writing by staff, or if the Board feels that the comments are minor in nature and could be handled with a condition of approval.

Nick Flagg, the applicant, came to the podium and asked the Board to consider granting approval this evening, that waiting another 30 days to come back before the Board would be a hardship. After considerable discussion, the Board concluded that it was not possible to draft a condition of approval that would address all of the comments in question. Mr. Poirier said that the Board could hold a meeting on a night other than a Monday; so the Board agreed that if all of the remaining issues have been addressed, the application could be heard again in two weeks on a date to be determined.

The Board revisited the private way standards in Chapter II, Section V to determine if they have been met.

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses. The Board agreed that this standard applies.
- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan. The Board concurred that the following findings meet the requirement of this standard:

*The Plan title block reads "Plan of a Private Way"*

*The Plan has an approval block that reads: "Private Way, Approved by the Town of Gorham Planning Board."*

*The approval block also has lines for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.*

*The Plan shows information sufficient to establish on the ground the exact location, direction, width and length of the private way.*

*The street plan and profile, and street cross sections are in accordance with Chapter II, Section V., E., 3.*

*The Plan has a note that reads, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way "*

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way. The Board concurred that the following finding meets the requirement of the standard.

*The Town Attorney and Staff have reviewed and approved the maintenance agreement provided.*

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The paved apron shall be constructed to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

*Alberta Way is proposed to have a right-of way width of 50' which meets the minimum private way right-of-way width.*

*The paved apron detail on plan sheet 2 meets the paved apron standards a) thru f).*

- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

Mr. Poirier said that the private way does not meet the standard, based on the engineer's comments, so the Board will need to determine how to craft a condition of approval to approve the application without seeing the application come back. After considerable discussion, the Board concluded that it was not possible to draft a condition of approval that would address all of the comments in question. If all of the remaining issues have been addressed, Mr. Poirier said that while Monday two weeks from this evening is a holiday, the Board could hold a meeting on a night other than a Monday; so the application could be heard again in two weeks on a date to be determined, based on the availability of the Council Chambers. Mr. Poirier said the item could be on a consent agenda; Mr. Hickey asked why not simply have it on a regular agenda for consideration instead of as a consent agenda item. Mr. Zelmanow said it would be to the applicant's advantage to have it on the consent agenda as they would not need to come in; however, Mr. Thompson said they would attend the meeting anyway just in case any questions arise.

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**ITEM 6 PRE-APPLICATION SUBMISSION – Allen Acres Subdivision off Main Street – by Design Dwellings, Inc. – A request for a 25 single family and 5 duplex subdivision using the Development Transfer Overlay process at 312 Main Street. Zoned UR (Map 26/L7 and 7.1).**

Mr. Zelmanow recused himself from participation in this item and the Vice Chairman, Tom Hughes, assumed the chair.

Tom Greer, Pinkham & Greer, appeared on behalf of the applicant, Susan Duchaine of Design Dwellings, and gave an overview of the project. He described the property as the Barrows site, next to the Narragansett School, and pointed out the access road leading from the School to Libby Avenue. He said that this project brings a right-of-way very close to that road, so that there would be an opportunity to connect to it in the future should the Town so desire. There is also a proposed sidewalk leading up from Main Street to that same area for pedestrian access throughout this site and into the School site is facilitated. Mr. Greer also pointed out the development to the east of this project consisting of Lawn Avenue, Garden Avenue and Primrose, comparing



the density of that neighborhood with the proposed density of this project. The site's access road is directly across Main Street from Cumberland Lane, creating a 4-way intersection into Main Street.

Mr. Greer then discussed the site plan, pointing out 26 lots to be served by an internal road network. The site is approximately 12 acres, with the back portion being mostly fields and some forests, and abutting back to the School and the Town's property. The project's roads will be built to the Urban Residential standard, curbed on both sides and a sidewalk. All stormwater will be collected; water generally runs down to Main Street and crosses in a culvert and storm drain system on Main Street that this project will tie into. Sewer and water will be extended from Main Street into the site, there will be gravity sewers throughout the site and therefore there will be no need for a pump station. This project is large enough that a stormwater permit will be required from DEP, which will require treatment of the stormwater that comes off 90% of the impervious area and 80% of the lawns and gardens.

Mr. Greer said that the project will be divided into two separate sections: single family homes on individual lots of 15,000 square feet minimum with 80 feet of frontage, with the 5 duplexes on the east side of the site being on a separate single piece of property. A subdivision plan has been provided, and some of the notes will have to be corrected as they are no longer correct under the Town's standards.

Mr. Greer said they would like to address the density calculations and how they believe they get to where the Ordinance allows them to be. In particular, he referred to the lot on which the duplex units are shown. He said he believes the density calculations are done based on the entire project as a whole, which allows them to have 47 units, and they are proposing significantly less than that. He said he believes that the goal of the introduction of the Urban Residential section of the ordinance is to preserve the character of the Village, quoted from the Purpose as follows: "To this end, residential development shall not exceed the net residential density allowable herein..." which he believes justifies the density calculations for the entire project as a whole, not each individual lot. He believes that the area per dwelling unit is the divisor to be used in the net residential density calculations, and that each unit on the back lot does not need to have 10,000 square feet as long as the project in its entirety meets those density calculations.

Mr. Hughes asked staff if performing the net density calculations is still done the same way with two lots. Mr. Poirier said that as it is designed now, ten units would not be allowed on lot 26, which shows 78,237 square feet, only 7 units would be allowed. If it were increased to 80,000, 8 units would be allowed, the standards in the UR district must be met. The Rural district allows some flexibility on lots sizes to allow smaller lots, the UR district does not have that provision. So each lot, if a single lot, needs to have the 15,000 square feet or 10,000 per dwelling unit. Mr. Greer disagreed, reiterating that he believes the entire project meets the density calculations. Mr. Hughes asked staff to secure a legal interpretation from the Town Attorney. Mr. Greer indicated they would be happy to listen to the Town Attorney, but they may come back and ask the Board to make that decision.

Mr. Fickett commented that plan note 18 lists a fire pond, which he believes should be shown as a detention pond. Mr. Greer agreed. Mr. Greer spoke about a possible location for a stormwater treatment pond on the site, with stormwater being piped back into the storm drain that goes across Main Street. Mr. Hickey and Mr. Greer discussed the feasibility of the location of the detention pond. Mr. Hughes and Mr. Greer discussed dimensions of the road in the development of at least 24 feet in width with curbing on both sides, meeting the Urban standards, and having a length of approximately 1500 feet. Mr. Hughes and Mr. Greer spoke about the possibility of connecting to Libby Avenue through the road at the School. Mr. Hughes asked about the need for a traffic study; Mr. Greer replied that there will be some 350 additional trips, which is a small enough traffic count so that there is not a need for a light or turning lanes.

Mr. Hickey asked Mr. Greer about the status two lots in the front of the site which are not included in the project but which will be sold separately. Susan Duchaine, applicant, came the podium and spoke about lot

ownership, splitting of lots, and State subdivision law. Mr. Poirier asked Ms. Duchaine to submit in writing as part of her application how the land is proposed to be divided so that it can be reviewed by the Town Attorney.

**PUBLIC COMMENT PERIOD OPENED:** Doralyn Roberts, abutter at 296 Main Street, spoke about the following concerns: the location and history of her property, a Greater Portland Landmark known as the Samuel Staples Tavern, circa 1792, which was moved from Elm Street to its current location on Main Street; the appearance of the neighborhood, its current green space; the historic Allen property at 308 Main Street, which could be diminished by the implementation of the proposed plan; stormwater management and drainage issues involving her property; buffering of the eastern boundary of her property; traffic issues on Main Street; the adverse impact on the neighborhood's character created by a tightly packed development proposed to have minimal lots and minimal green space; possible contamination of the entire site due to its past agricultural uses; and possible impact of the building demolition. Ms. Roberts said that her concerns about preserving the historical aspect and character of this area are consistent with the stated purpose in the ordinance of "preserving the physical, aesthetic and social quality of Gorham's urban area." A copy of Ms. Roberts' remarks is attached hereto and incorporated by reference.

Ms. Duchaine said she has always respects her abutters, asks for the same in return, and is doing what is allowed under the ordinance.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Hughes said that Ms. Roberts will be notified of any site walk scheduled for the site. Mr. Poirier said that an application has to be submitted, has to come before the Board, and discussion of a site walk is held after that. In response to a query from the audience, Mr. Zelmanow replied that site walks are not guaranteed for every application; if the Board does not feel the need for one or has no questions, then a site walk is not scheduled. Mr. Zelmanow said that the public is always invited to comment on any application, even if the application is not advertised as a public hearing.

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**OTHER BUSINESS - NONE**

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**ANNOUNCEMENTS - NONE**

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**ADJOURNMENT**

**Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Lauren Carrier absent). [10:00 p.m.]**

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board

February 7, 2011

To: Town of Gorham Planning Board

From: Doralyn R. Roberts, 296 Main Street, Gorham, ME 04038

Re: Pre-application Submission – Allen Acres Subdivision off Main Street – by Design Dwellings, Inc., Item 6 on the February 7, 2010 meeting agenda

Date: February 7, 2011

Summary of discussion:

1. Location and history of our property:

Circa 1962: Katherine Mills (then wife of S. Peter Mills, Jr.) saves the **Samuel Staples House, 1792**, known back then as the Samuel Staples Tavern, from demolition.

1967: the house is moved from the corner of Elm Street and Main Street to its present location on a one acre lot by Mr. and Mrs. Paul Larrabee.

1970's: A previous owner researched the history and specifications required to certify this house as a **Greater Portland Landmark**.

January 16, 1998: **Joseph S. Roberts** and **Doralyn R. Roberts** purchased this historic home.

2. Experience of the town and the neighborhood.

Main Street's invitation into town

We value the landscape and the precedent:

Open green space: Churches, school and town buildings, 3 large condominium complexes set deep and surrounded with deliberately planned green space.

Tightly packed development on minimal lots and with minimal green space **changes the character of the neighborhood.**

**I want to maintain the appearance, the generous green space, and the lot sizes and homes similar to what we have today.** I believe this is consistent with the opening line of the purpose stated in the town ordinance, Sec. IV (Urban Residential District) which states as a part of its PURPOSE:

**"To preserve the physical, aesthetic and social quality of Gorham's urban area..."**

3. The Allen residence at 308 Main Street is **also an historic house.**

According to Paul Allen, the Cape portion which faces the Street is circa 1860.

It is a Gorham landmark. It is a **distinctive feature of this neighborhood.**

It is diminished by the proposed scheme in two ways.

The longstanding and proportionately appropriate set-back is eliminated.

The large house and pool are put into a proportionately tiny irregular puzzle-piece of a lot, and a house is placed in front of it on another weirdly shaped lot.

This configuration is totally **inconsistent** with the opening line of the purpose stated in Sec. IV (Urban Residential District) of the town ordinance which states as a part of its PURPOSE:

"To preserve the physical, aesthetic and social quality of Gorham's urban area..."

**I want this historic home preserved with its present setback and adequate spacing around the sides and back.**

#### 4. The storm water management pond

There are current water issues on our property connected to the upland properties.

We are mostly below this parcel.

I do not want the water to seep down and reappear on our property. I want a geological evaluation done so that water is not diverted to us, and I want the collected water piped out to the road and put into a new catch basin and into the town waste system without impacting our property.

#### 5. Our entire east side boundary is contiguous with that of this proposed development. This, plus the fact that it is all on a downward slope, raises several issues.

I want the trees within 10 to 12 feet on both sides of this line preserved, **including their root systems** to control erosion.

I want to be consulted on on any **changes to the topography** of the land in this area which might affect my property.

I want the creation of some sort of **buffer/screening/barrier** at the property line where we feel it is needed in the final plans. The most desirable would be a green, living piece, like a hedge or row of evergreens. Other options like fencing might be used for special purposes but would need to be selected by our mutual agreement.

#### 6. Most of the current area has been used over the recent decades for agricultural purposes, possibly involving fertilizers, other chemicals, and pesticides. The area beyond the current buildings is primarily treeless in aerial photographs which show it to be barren, without green growth, and light or grayish in color.

What will be done to assure the neighbors and future residents it is not contaminated and is safe both to breathe the construction dust/air and to live there.

What are the procedures for the rest of the area where the buildings will be demolished? I am asking the same environmental questions about this area as above.

I want to know that it will be done right.

I am not questioning the development, but the nature of the development. I want to preserve the neighborhood. I want to see larger lots, I want to see generously planned green space, and I want the historic home on the property sitting on a much larger lot with the current set-back intact.