



Town of Gorham
August 4, 2014

PLANNING BOARD MINUTES

LOCATION: Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine 04038

Members Present

EDWARD ZELMANOW, CHAIRMAN
MELINDA SHAIN, VICE CHAIRMAN
JAMES ANDERSON
GEORGE FOX
SCOTT HERRICK
THOMAS HUGHES
RACHEL SUNNELL

Staff Present:

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

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that all members were present..

APPROVAL OF THE JULY 21, 2014 MINUTES

The minutes were not available.

COMMITTEE REPORTS

A. Ordinance Review Committee. Mr. Zelmanow reported that the Committee has elected a chairman, Scott Herrick. Mr. Herrick reported that the Committee met prior to this evening's meeting to discuss the airstrip amendment language; there will be another committee meeting later this month.

B. Streets and Ways Subcommittee - Ms. Shain reported that this Subcommittee has not met since the Board's last meeting.

CHAIRMAN'S REPORT – No report.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that Champagne's Energy has submitted revised plans which are currently under review. The applicant for the 198 Main Street project is reviewing his proposal, and PineCrest Bed and Breakfast has submitted a plan for review as well.

ITEM 1 PRELIMINARY SUBDIVISION REVIEW – Longfellow Woods – Normand Berube – request for preliminary approval of a 10-lot subdivision with a 1,500 foot roadway built to the Town’s public road standards on 21.83 acres, located at 101 Longfellow Road, Map 11, Lot 22.001, Rural-Manufactured Housing zoning district.

Mr. Poirier reported that this item was discussed as a pre-application on May 5, 2014. Since that time a full submission has been submitted, and staff has identified some items of note that the Board may wish to discuss with the applicant regarding open space, access to abutting land, and sewer extensions. Mr. Poirier replied to a query from Mr. Zelmanow that the project will also need to be approved by the City of Westbrook Planning Board, even though only a small portion of land is involved that will not have a building on it. Mr. Poirier said that Westbrook gives one approval, while Gorham gives two, so a vote will have to be taken that the meetings will be held separately and not as a joint meeting with Westbrook.

Walter Pelkey, BH2M Engineers, appeared on behalf of the applicant and explained that the project is a 10-lot conventional subdivision on 22 acres on Longfellow Road, with 3 acres± of open space to the rear of the property. The property will be serviced by onsite septic systems, public water from a 12” main in Longfellow Road, and underground electric service.

Mr. Anderson asked about the sewer extension. Mr. Pelkey said the sewer is on the Westbrook side of the line and is about 1,500 feet away. Mr. Zelmanow said the Code says that it is either 500 feet to connect or that it can be connected without undue hardship. Mr. Pelkey said they would like to proceed with not having to extend it, as there are decent soils and test pits on site. Mr. Poirier advised Ms. Shain that the calculation formula in the ordinance applies to the extension of water and not sewer. Mr. Zelmanow said that in this instance “undue hardship” is determined by the Planning Board, and said the Board would need information to show why it would be a hardship, such as the financial impact of what it would cost to extend the sewer 1,500 feet, assuming there is capacity in the sewer system. Mr. Poirier said he would check on the capacity. Mr. Herrick asked about another proposal before the Board in the same area and if that proposal would impact the distance for sewer for this project; Mr. Zelmanow replied that that Board cannot look at what is currently not in place yet.

Mr. Zelmanow commented that this application is now for a conventional subdivision, so the open space requirements are no longer pertinent. A discussion of sidewalks resulted in a request to Mr. Pelkey to consider internal sidewalks, as opposed to sidewalks outside the development, which would be more challenging due to stormwater requirements along Longfellow Road. Ms. Sunnell and Mr. Pelkey discussed the driveway for lot 2 crossing a portion of a wetland; Mr. Pelkey said that the driveway for lot 2 will be incorporated into the proposed stream crossing.

A discussion ensued concerning access to abutting land. In reply to Mr. Zelmanow, Mr. Poirier said that generally it is the Board’s determination as to whether a 50-foot right-of-way access to adjoining land is in the public’s best interest or if the requirement can be waived because the topography is not suitable for access, or the project is surrounded by wetlands and no suitable land is available for continuation. Ms. Shain and Mr. Hughes concurred that the topography

does not seem to be well suited to access; Mr. Fox agreed that such access seems impractical due to the topography.

Edward Zelmanow MOVED and Melinda Shain SECONDED a motion to waive the 50-foot right-of-way requirement to abutting undeveloped land with the finding that the topography is not suitable for access to abutting undeveloped land. Motion CARRIED, 7 ayes. [7:24 p.m.]

In reply to Mr. Zelmanow, Mr. Poirier said that high intensity soil surveys are required as part of the net residential calculations; it appears from the submission that a medium intensity soil survey was done, so additional test pits may be required to move the survey to the high intensity level. Mr. Pelkey confirmed that a nitrate analysis waiver would be required should the project stay with private sewers. Mr. Poirier said that the development will require a homeowners' association to maintain the stormwater pond.

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

The Board agreed that a site walk is not necessary.

ITEM 2 PRELIMINARY SUBDIVISION REVIEW – Lilac Lane Subdivision – Bauer & Gilman Construction, LLC – request for preliminary approval of a 9-lot subdivision on 17.77 acres with a paved private way (Lilac Lane), located at 91 North Gorham Road, Map 92, Lot 17, Suburban Residential-Manufactured Housing zoning district.

Mr. Poirier advised the Board that the application had been discussed in workshop on June 2, 2014, at which time the Board had indicated that it would like to have a sitewalk for the project. The Board should identify what items should be flagged for the sitewalk. Mr. Poirier said the applicant is proposing the project under the Clustered Residential Development standards; the Board should discuss the design with the applicant and decide if clustered is the best form of development for the site. He also said that as the applicant is proposing a private way constructed to the Town's 7 to 10 standards, the requirement for right-of-way continuation to abutting properties is not required.

Tom Farmer, Wright-Pierce, gave a slide presentation of the site and the proposed subdivision, in which he pointed out various aspects of the site, including an historic stone wall, the stream and wetlands on site, the DEP setbacks required, proposed detention ponds, forested areas of the site, proposed shared garden space, walking trails, and schematic drawings of both a conventional and a clustered subdivision. He said that the proposed 4 detention basins would meet pre-development stormwater levels.

The Board discussed the conventional and clustered designs with Mr. Farmer, with the Board's consensus being that the clustered design is the best one for the site. Mr. Anderson said he believes the site lends itself best to the clustered design; Mr. Hughes and Ms. Shain said they

were satisfied with the proposed trails meeting the open space clustered requirement. Mr. Zelmanow noted that the wetlands cannot be used as part of the usable open space for the clustered design.

Mr. Poirier replied to a question from Mr. Zelmanow that because a private way is being proposed, no right-of-way continuation to abutting land is required. However, should the homeowners want to upgrade the road and make it a public road, they would have to provide a connection to abutting property. In reply to Mr. Hughes, Mr. Farmer said the road will be 20 feet of paved surface with 2 foot gravel shoulders.

Mr. Anderson said he would like to see well exclusion zones shown on the next submittal. Board members said the items they would like to see flagged for the site walk are the center line of the road, the stream buffer zone, the open space, and the trail locations.

PUBLIC COMMENT PERIOD OPENED: Charles Doughty, 105 North Gorham Road, expressed concern about water flowing across his property. Mr. Farmer replied to a question from Mr. Anderson that the project will not trigger a DEP second tier review, which is over an acre of new impervious surface, and will not include the driveways and new house lots. Mr. Farmer said one aspect of the site is that there is a break in the contours, so everything within the 75 or 100 foot buffer from the stream is protected draining to the stream; the new lot development will not drain directly to the stream, it will go through the wetlands and forested buffers and the detention ponds first.

Mr. Zelmanow and Ms. Shain advised Mr. Doughty that the developer cannot increase the flow over what it was pre-development, and said that a stormwater management plan to handle runoff will be provided by the developer. Mr. Hughes noted that Mr. Doughty expressed a common concern of many abutters and said that in at least two instances a developer's stormwater management plan actually decreased the amount of flow.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow directed staff to schedule a site walk.

ITEM 3 NONCONFORMING SIGN – TNT Quickstop, LLC – request for approval to replace a nonconforming sign with a less nonconforming sign, located at 601 Main Street, Map 32, Lot 14, Roadside Commercial zoning district.

Mr. Poirier explained that when the Town's Sign Ordinance was updated, a provision was made that allows a legally permitted sign under the old standards a one-time exemption to cut in half the size of what was allowed then and what is allowed now. TNT Quickstop has a legally permitted free-standing sign which is 21' in height, a sign area of 95.30 sq.ft., and is internally illuminated. TNT now seeks approval of a less nonconforming free-standing sign which will be 18' in height, a sign area of 47 sq.ft., and be internally illuminated. So long as the sign meets the current criteria, it should be approved by the Board. Mr. Poirier said that Planning and Code Enforcement staff have reviewed the proposed sign and agree that it conforms to the requirements of the Sign Ordinance.

Mr. Zelmanow said that this provision was a compromise added to the ordinance by the Town Council so that local businesses would not have to endure financial costs of changing their signs, and if a proposed sign meets the criteria, the Board has to approve it.

Bill Clark of New Hampshire Signs came to the podium to answer any Board questions.

Ms. Shain confirmed that there are no moving parts to the sign.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Clark confirmed that the applicant has no issues with the Conditions of Approval.

Melinda Shain MOVED and Thomas Hughes SECONDED a motion to grant TNT Quickstop, LLC's request for approval of a less nonconforming sign of 18 feet in height and 47 square feet of sign area, located on Map 32, Lot 14, in the Roadside Commercial zoning district based on the Findings of Fact and with Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes. [7:58 p.m.]

Ten-minute Recess

Tom Farmer, Wright-Pierce, asked the Board if there would be a vote on preliminary approval taken on Item 2, the North Gorham Road Subdivision. Mr. Zelmanow replied that there are many missing items so preliminary approval is not appropriate at this time. Mr. Hughes noted that an applicant can request preliminary and final approval at the same meeting. Mr. Farmer said that would work.

ITEM 4 PRE-APPLICATION DISCUSSION – Shaws Mill Road Subdivision - Bauer & Gilman Construction, LLC – request for approval of an 11-lot clustered subdivision on 17 acres with a 950' paved private way, located at 100 Shaws Mill Road, Map 80, Lot 31, Suburban Residential-Manufactured Housing zoning district.

Mr. Poirier said this pre-application discussion is between the Board and the applicant, the item has not yet been reviewed by staff. He said that the proposed subdivision is the other half of a proposed lot split on a subdivision also going through review, the Gould subdivision on Shaws Mill Road which has been granted preliminary approval. Mr. Poirier said each lot in a conventional subdivision in the Suburban Residential zoning district is required to have a minimum of 60,000 square feet and 200 feet of road frontage; a clustered design would be based on the number of lots the applicant could get with the conventional plan. The applicant is proposing 11 lots in a clustered subdivision with a private way; however, private ways can only serve a maximum of 10 lots.

Mr. Farmer presented a slide show showing the site, which he said is almost perfectly flat, mostly sand and no wetlands. Mr. Farmer said that wells will be into bedrock and leach fields can be designed so that there will be hardly any plumes associated with the fields.

Mr. Farmer showed both the both the clustered and conventional subdivision designs; there is not yet an official boundary topo map so the designs could change, but 10 lots would be the maximum on a private way. He said that if there is enough land area to accommodate 11 lots, the road would be public and there would be a need to provide a 50 foot right-of-way to connect to abutting undeveloped land. Mr. Farmer, Mr. Zelmanow and Mr. Poirier discussed the proposed looped part of the roadway, with Mr. Farmer saying they would look at the standards to see if the looped road is necessary.

Mr. Farmer told Ms. Shain that there would be trails proposed. Mr. Zelmanow asked about existing trails and recommended that the designs work around them to preserve them.

PUBLIC COMMENT PERIOD OPENED: Daniel Caron, 128 Shaws Mill Road, described the existing trail network. He expressed concerns about impacts of the development on his dug well and surrounding groundwater. Mr. Zelmanow confirmed that no building can take place on the open space and that the phrase “manufactured housing” refers to the zoning district, not what the applicant is proposing.

Gordon Reichert, Reichert’s Auto Body, said that he lives at 112 Shaws Mill Road and has been operating a duly licensed active auto body shop and salvage yard there for 44 years. He has concerns about abutting property owners in the development complaining about the activities of his businesses, including noise, lights in the salvage yard, headlights, etc. Regardless of which form the development takes, conventional or clustered, he would like to see large buffers between his property and the proposed lots, and buffers for his neighbors as well. He said he would prefer the clustered version, but is concerned about where homes would be built. Mr. Zelmanow reassured Mr. Reichert that the only areas where development can occur are the designated lots, not the open space. Mr. Reichert also expressed concern about future maintenance of the undeveloped areas of the project. Mr. Zelmanow said that a revised plan will also take buffering and screening of adjoining properties into account.

PUBLIC COMMENT PERIOD ENDED

Mr. Zelmanow noted that a site walk will be scheduled after an official application has been submitted. Ms. Shain and Mr. Hughes concurred that more information will be needed before determining whether cluster or conventional is the best development for the site. Based on comments from the abutters, Mr. Farmer said they would look at pushing the lots further back in the clustered.

ITEM 5 PRE-APPLICATION DISCUSSION – St. Anthony’s Woods Subdivision – Roger St. Pierre – request for approval of an 11-lot subdivision on 23.39 acres, located on New Portland Road and Longfellow Road, Map 11, Lot 1, Rural-Manufactured Housing zoning district.

Mr. Poirier noted that the applicant has requested that this item be tabled.

Melinda Shain MOVED and James Anderson SECONDED a motion to table item #5 to a future meeting. Motion CARRIED, 7 ayes. [8:42 p.m.]

Mr. Hughes noted that he served on the Planning Board with Richard Shiers for many years.

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to allow Mr. Hughes to participate in the discussion of the item. Motion CARRIED, 6 ayes (Thomas Hughes abstaining). [8:40 p.m.]

ITEM 6 PRE-APPLICATION DISCUSSION – Shiers Meadows Subdivision Amendment – Anthony Fernandez – request for approval of a subdivision amendment to upgrade Shiers Meadows Drive to public road standards, located off County Road, Map 4, Lot 4.001, Rural zoning district.

Mr. Poirier said that this is a pre-application discussion between the Board and the applicant. The applicant wants to upgrade Shiers Meadows Drive from a gravel private way to a Rural Access road and wanted feedback from the Board about supporting a possible waiver of a design standard of a 90 degree minimum street angle for the first 60 feet of road. However, in a discussion with the Public Works Director about the standards, Mr. Poirier said it appears that the applicant does not need a waiver from that standard; it is not 90 degrees for a Rural Access road, it is 70 degrees and the applicant's angle is 75 degrees. Mr. Poirier said this will be a two-tier review: the road the applicant wants to upgrade, Shiers Meadows Drive, is in an old approved subdivision called Shiers Meadows, and the land in the back is remaining Shiers land which did not go through subdivision review. This remaining Shiers parcel will now be proposed as a new subdivision, located within the Rural zoning district, which will require the applicant to provide a net residential density plan to identify the number of dwelling units allowed on the parcel.

Walter Pelkey, BH2M Engineers, said that initially it was thought that a waiver of the street angle would be required before the applicant could move forward with a purchase agreement with Mr. Shiers. Mr. Fernandez is looking for 5 to 7 lots, whatever will be supported by the net residential density calculations.

Mr. Hughes confirmed with Mr. Pelkey that the upgraded Shiers Meadow Drive would be a public road, requiring a 50-foot right-of-way to undeveloped land. Mr. Pelkey told Ms. Shain that they have not yet determined whether it will be a clustered or a conventional design. Mr. Poirier said that with the stream crossings on both sides and some of the slopes, it may lend itself to cluster. Mr. Pelkey told Mr. Zelmanow that the private way is built, they will hold the existing roadway centerline and just upgrade to the Rural Access standards. Mr. Pelkey asked about sidewalks; Ms. Shain suggested looking at internal sidewalks if they can be added without sacrificing open space. Ms. Sunnell recommended some street trees at a minimum to break up the area and help define the lots.


OTHER BUSINESS **NONE**

ANNOUNCEMENTS Mr. Zelmanow noted that due to Labor Day falling on the first Monday in September, the Board's September meeting will be on September 8, 2014.

ADJOURNMENT

**Thomas Hughes MOVED and James Anderson SECONDED a motion to adjourn.
Motion CARRIED, 7 ayes. [8:58 p.m.]**

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
August 4, 2014

ITEM 3 NONCONFORMING SIGN – TNT Quickstop, LLC

FINDINGS OF FACT

CHAPTER II - SECTION III – SIGNS , K. CONTINUATION AND TERMINATION OF NONCONFORMING SIGNS,

The Planning Board, following review of the Non-conforming Sign Application, makes these findings based on the criteria found in Chapter II, Section III – Signs K. Continuation and Termination of Nonconforming signs, 3) Approval Criteria and Standards.

- a) The replacement sign may be greater in area and height than the maximum allowed for a conforming sign by up to fifty percent (50%) of the difference between the existing nonconforming sign and a conforming sign.

The Roadside Sign Environment allows free standing signs to be 16' in height. The current sign located on the site is 21' in height.

The Roadside Sign Environment allows free standing signs to have 36 square feet of sign area. The current sign located on the site has 95.30 square feet.

The allowed replacement nonconforming sign height is 18.5' with the allowed sign area being 65.65 square feet. The proposed replacement sign is 18' in height with 47 square feet of sign area. The proposed replacement of a nonconforming sign with a less nonconforming sign meets the fifty percent criteria.

The signs will be internally illuminated.

The approval of a less nonconforming sign is the only one-time exemption allowed for the freestanding sign located within the landscaped island on the northern edge of the parcel. Any future replacements to the sign will need to conform to the requirements of a sign ordinance.

- b) If a readerboard exists in the nonconforming sign that is not integrated into the sign, a replacement readerboard must be integrated into the new sign but may not be more than 75% of the area of the replacement sign.

The gas station price signs are considered as readerboard signage. The gas station price signs total 18 sq.ft. and makes up 38% of the area of the replacement sign.

- c). If the nonconforming sign is a wall sign and the area of all signs is greater than the maximum conforming area allowed, the replacement wall sign must reduce the nonconformance of the total wall sign area by at least half of the difference between the existing nonconforming total area and the maximum conforming area for the wall signs.

Not applicable.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the replacement of the nonconforming sign, the applicant is responsible for obtaining a sign permit from the Code Enforcement Office;
3. That this approval for a less conforming sign is the only one-time exemption allowed for the free standing sign located in the landscaped island on the western most edge of the parcel, and any future replacements to the sign will need to conform to the sign ordinance;
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
5. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of the sign permit or commencement of any improvements on the site.