

**REPORT OF THE SPECIAL MEETING OF THE GORHAM TOWN COUNCIL
May 19, 2009 - 7:00 p.m.**

Chairman Robinson opened the meeting at 7:02 pm.

Roll Call: Present: Chairman Robinson, Councilors; Caldwell, Csoros, Loveitt, Miner, Moulton & Phinney, Town Manager, David Cole and Town Clerk, Christina Silberman.

New Business

Public Hearing #1 Chairman Robinson opened the public hearing to consider approval for a Special Amusement Permit for Sebago Brewing Company. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7717 Moved by Councilor Phinney, seconded by Councilor Moulton and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a Special Amusement Permit for Sebago Brewing Company. **7 yeas.**

Public Hearing #2 Chairman Robinson opened the public hearing on a proposal to amend the Land Use and Development Code, Chapter II, Section III to allow the replacement of non-conforming signs. Matt Mattingly, Pine Crest Bed & Breakfast, commended the Town Council for bringing this back for review. Mr. Mattingly's recent sign permit application was denied because of an issue with the font and he urged the Town Council to review other parts of the ordinance as well. Chairman Robinson closed the public hearing.

Item #7718 Moved by Councilor Phinney, seconded by Councilor Loveitt and **VOTED** to waive the reading of the proposed order. **7 yeas.** The proposed order was moved by Councilor Phinney, seconded by Councilor Loveitt and voted.

WHEREAS, the Town adopted a new sign ordinance on August 5, 2008; and,

WHEREAS, since implementing the new ordinance, a problem with the replacement of existing non-conforming signs has become apparent and the Town wishes to provide some flexibility to allow reasonable adjustments,

NOW THEREFORE BE IT ORDAINED that the Land Use and Development Code, Chapter II, Section III be amended as presented. **6 yeas, 1 nay (Moulton).**

Amendment to Gorham Land Use and Development Code Chapter II, Section III - SIGNS, Sub Section K, Continuation and Termination of Nonconforming Signs. (Note: Additions are underlined and deletions ~~struck-out~~.)

K. CONTINUATION AND TERMINATION OF NONCONFORMING SIGNS

1) **Removal of Illegal Signs:** Signs that were previously installed without a permit from the Town or that are not legally nonconforming must be removed within ninety (90) days of the adoption of this provision.

2) **Continued Use of Legally Nonconforming Signs:** Legally existing nonconforming signs may continue to be used in accordance with this sub-section except as provided for below and in 3). Nonconforming signs may be repaired but the sign may not be otherwise altered, enlarged, or relocated, ~~or replaced~~. A nonconforming sign that is damaged to an extent that repair of the sign exceeds ninety percent (90%) of the cost of

replacing the sign with a conforming sign or that is destroyed by wind, fire, or other casualty or that needs to be replaced for any reason must be replaced by a sign that conforms to the requirements of this Section for new signs except as provided for in 3.

3) ***Discontinuation/Replacement of Nonconforming Signs:*** Any legally existing nonconforming sign as of the date of adoption of this section shall be removed or brought into conformance with the applicable provisions of this Section:

- a) Prior to the issuance of a certificate of occupancy for a building or premises that is substantially changed or altered in a manner that requires major site plan review,
- b) Within thirty (30) days of a change of the occupant of the building or space,
- c) Within thirty (30) days if a building is demolished, destroyed, or moved from the parcel, or
- d) Within thirty (30) days if the sign is demolished, destroyed, or moved from the parcel,
- ~~e) Whenever the existing sign is changed in any way.~~

The Planning Board shall approve the replacement of a nonconforming sign with a less nonconforming sign. This replacement is available only one time for each nonconforming sign. The definition of less nonconforming is as follows:

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;

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; and

c) If the nonconforming sign is a wall sign and the area of all wall 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 wall signs.

In all other respects including sign type, illumination, sign placement, and any other characteristic not specifically addressed in a, b, or c above, the replacement sign must meet the requirements for a conforming sign for the sign environment in which the nonconforming sign is located.

The request for Planning Board approval must be accompanied by the following:

a) Full description of the existing nonconforming sign with drawings or photos identifying its type, size, height, and method of illumination;

b) An analysis detailing how the existing sign does not conform to the current requirements;

c) A full description of the proposed replacement sign with drawings or photos identifying

its type, size, height, and method of illumination; and

d) An analysis of how the proposed sign complies with the definition of less nonconforming set forth above.

Public Hearing #3 Chairman Robinson opened the public hearing on a proposal to amend the Land Use and Development Code, Chapter IV, Sec. II, to exempt new structures that are less than 250 square feet from Site Plan Review in all zoning districts except the Village Center and Urban Commercial Districts. The Town Clerk read an e-

mail from attorney Sarah McDaniel, 129 Huston Road, representing Jennine Cannizzo and Richard Obrey, 54 Eagle Cove Road, requesting that the Town Council consider additional amendments to the proposed order. Chairman Robinson closed the public hearing.

Item #7719 Moved by Councilor Phinney, seconded by Councilor Loveitt and **VOTED** to waive the reading of the proposed order. **7 yeas**. The proposed order was moved by Councilor Phinney, seconded by Councilor Miner and voted.

WHEREAS, the Town regulates development, in part by Site Plan review for many projects; and,

WHEREAS, the review process can be expensive and time consuming; and,

WHEREAS, the Town wants a balanced regulatory process that is fair and efficient and protects the community; and,

WHEREAS, small structures that are less than 250 square feet and not located in the Village Center District or the Urban Commercial District are not significant development but still consume a lot of time for applicants and Town staff and require considerable expense,

NOW THEREFORE BE IT ORDAINED that the Land Use and Development Code, Chapter IV, Section II, be amended as presented. **6 yeas, 1 nay (Miner)**.

Amendment to Gorham Land Use and Development Code Chapter IV, Site Plan Review, Section II, (A)(1) and (2) (Note: Additions are underlined and deletions ~~struck out~~.)

SECTION II – APPLICABILITY

A. The requirements of this section shall apply to the following:

1) The construction of any new, nonresidential building or structure, except for nonresidential structures that are less than 250 square feet in area and that meet the following requirements:

a. The proposed structure meets all applicable dimensional requirements for the zoning district in which it is located;

b. The proposed structure will not be located in any area designated on an approved site plan or subdivision plan as open space, buffering, or drainage;

c. The proposed structure will not be located in the Urban Commercial or Village Centers Districts; and

d. All other state and local permits required for the construction of the proposed structure have been secured.

2) The expansion of an existing nonresidential building or structure, except for additions to nonresidential structures that are less than 250 square feet in addition area cumulatively over a 5-year period and that meet the following requirements:

a. The proposed addition meets all applicable dimensional requirements for the zoning district in which it is located;

b. The proposed addition will not be located in any area designated on an approved site plan or subdivision plan as open space, buffering, or drainage;

c. The proposed addition will not be located in the Urban Commercial or Village Centers Districts; and

d. All other state and local permits required for the construction for the proposed addition have been secured.

Item #7720 Moved by Councilor Phinney, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled forward a proposal to amend the shoreland zoning regulations of the Land Use and Development Code, Chapters I and II, as presented, to the Planning Board for public hearing and their recommendations. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Miner and **VOTED** to adjourn the meeting to a budget workshop with the School Department. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk