



Town of Gorham
PLANNING BOARD WORKSHOP NOTES
September 17, 2007

A workshop meeting of the Gorham Planning Board was held on Monday, September 17, 2007, at 6:00 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

In attendance were Susan Robie, Chairperson, Thomas Fickett, Thomas Hughes, Michael Parker, and Edward Zelmanow. Board members Douglas Boyce and Mark Stelmack were absent. Also present were Town Planner Deborah Fossum, Assistant Planner Tom Poirier, and Clerk of the Board Barbara Skinner.

1. Notes of July 31, August 6, and August 20, 2007 Workshop Meetings.

There were no comments or corrections to the July 31, August 6 and August 20, 2007 Workshop Meeting Notes.

2. Chairman's Report of Town Council Ordinance Committee Meeting.

Ms. Robie reported that she had attended the Town Council meeting on September 4, 2007, when the Town Council voted on the Planning Board's recommendations to the proposed Mineral Extraction ordinance revisions. She said that the Council passed the Planning Board's recommendations with the exception of anything to do with noise and noise easements. She said her understanding is that the Council is developing a noise ordinance for the Town and has asked Charles Wallace and Scott Bodwell, the consultants who advised the Planning Board, to draft an ordinance which will then be taken up by the Council Ordinance Committee. Ms. Robie said she believes that part of the Council's reasoning for not approving the Planning Board's recommendation on noise is that what the Board has proposed was not all-encompassing enough in that it did not include nighttime and daytime levels, did not address all kinds of noise, and because whatever was passed, if stricter than the current ordinance, could not be applied to any current application. Therefore, in the Council's opinion, there is time to develop a more complete ordinance. The proposed ordinance would then go to the Town Council, who will vote on whether to move it forward; if it is moved forward at that point by law it must come back before the Planning Board for review and a public hearing. Ms. Robie replied to a question from Mr. Fickett that this will be a noise ordinance for the entire Town. Ms. Robie noted that the Town Council voted to accept its own modification of the noise ordinance.

Ms. Robie confirmed to Mr. Parker that Shaw Brothers has agreed to abide by the DEP "no adverse impact law" with respect to noise, all of the noise requirements for the site location law. She said that those noise requirements can be included by the Board as a condition of approval and therefore can be enforced at the local level, and if there is testing, there is something that is "testable" because it has a measurable sound.

3. Draft Sign Ordinance Amendments.

Ms. Robie said that the purpose of the workshop is to work through the current draft to let the rest of the Planning Board feel comfortable recommending sending it back to the Town Council's Ordinance Committee. Once the Planning Board is ready to send it back to the Council's Ordinance Committee, there will be a joint workshop meeting of the Council and the Planning Board to have Mark Eyerman, Planning Decisions, go through the background development of the proposed ordinance in preparation for the Ordinance Committee making any final modifications and bringing it before the Town Council. A proposed date for that joint meeting has been tentatively set for a Tuesday night in November.

Mark Eyerman then gave an overview of the history of proposed amendments as of September 13, 2007. He noted that major changes since the Planning Board last looked at the amendment include the amount of allowable signage and size of individual signs being increased significantly in many case by 50%, the Narragansett development district was moved to the roadside "environment," gasoline price signs were deleted, the provision for the illumination of signs have been changed to allow "roof art," and a provision was added dealing with the use of electronic message LED type of readerboard signs. The September 13 version maintains the three different environments, roadside, Village, and business industrial park, to provide separate sign

provisions in those areas. In the business industrial park, it significantly increases both the amount of signage and the size of wall signs; and in the roadside environment, it significantly increases the size of wall signs permitted for larger buildings.

Michael Parker and Mr. Eyerman discussed certain definitions such as “luminous” as opposed to “reflective,” the difference between a “Sign, building,” as opposed to a wall sign; the definition of the term “constructed sign,” and the word “area” on a sign face. Mr. Parker also asked if the borders or frame of a sign are included in the “Area of Wall Signs” computation section.

Mr. Parker then asked about the definition of the word “occupant” in the section dealing with more than one business or entity occupying only one separate and identifiable space, which the Board discussed in detail with Mr. Eyerman. It was concluded that the definition of “occupant” needs to be clarified.

Mr. Parker asked if the Planning Board wants to review individual signs in the section dealing with Signs with Moving or Rotating Pieces or Parts. Ms. Robie confirmed that where things seem to be both infrequent and problematic, it appears reasonable to have Planning Board input.

Ms. Fossum reported that the Town Attorney has a concern that the section on Advisory Review of Signs may violate the “Right to Know” law with the use of a 3-member subcommittee, with her suggestion being that the Code Officer can ask for advisory input from two members of the Planning Board which would go through the Town Planner, and the Planner may solicit advisory comments from the Board Chairperson or Sign Ordinance Subcommittee chairperson. The Attorney suggested that this section be worked on further. The Town Attorney also suggested that the term “nits” be defined in the section discussing LEDs.

PUBLIC COMMENT PERIOD OPENED:

Trish Moulton, Dance Studio of Maine, made the following comments: The Village Center should be considered separately and not grouped with office residential, urban residential, or urban commercial districts. She also commented that the ordinance currently is written for the single-occupant buildings but not multiple tenant buildings. She noted that Village Center businesses are generally not able to do ground mounted or pole mounted signs. Ms. Moulton said that the single occupant is allowed an additional 24 square feet over the permitted 36 square feet if it does not have a pole or ground mounted sign, whereas there is no such provision for multi-tenant buildings. A single tenant does not have to conform to a master plan, while the multi tenants do; however, finding landlords to do a master plan will be difficult for many landlords. Ms. Moulton said that a single occupant building could have a larger readerboard sign than those in multi-tenant buildings, and an 18-foot readerboard is too small. She believes that businesses should be able to use readerboards for advertising. In response to Ms. Moulton’s query, Mr. Eyerman said that a sandwich board can be put on private property under the current ordinance, and the proposed ordinance provides the opportunity to ask the Town Council to be allowed to have sandwich board signs on public property.

Ms. Moulton referred the Board to comments from her husband and also delivered a letter from Jason Beaver, C.E. Carll Insurance Agency.

The workshop was adjourned at 7:05 p.m. to proceed to the regularly scheduled Planning Board meeting.

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
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