



Town of Gorham

PLANNING BOARD WORKSHOP NOTES

July 14, 2008

A workshop meeting of the Gorham Planning Board was held on Monday, July 14, 2008, at 6:00 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

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

1. Review and Approval of the June 2, 2008 Workshop Meeting Notes.

There were no comments or corrections to the June 2, 2008 Workshop Meeting Notes.

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

Ms. Robie noted that the Board needs to meet in a workshop prior to holding a public hearing on the proposed noise ordinance. She said that the Town Council Ordinance Committee had no objections to any of the Board's clarification changes, and the Committee would like the Board to make two proposals: one with modifications to the noise ordinance as it stands for site plan and then a proposal consisting of the other items the Board feels needs to be changed in order to make the ordinance consistent.

3. Discussion on Development Transfer Ordinance Requirements.

Ms. Robie said that as a result of the Board's initial review of the Libby Avenue application of Risbara Brothers as the first one to be considered by the Planning Board under the Development Transfer Overlay District provisions, Mr. Mark Eyerman of Planning Decisions would give an overview of the ordinance provisions. Also present were Rocco Risbara, Lee Allen and Matthew O'Brien, Northeast Civil Solutions.

Mr. Eyerman began his comments by noting the background of the District as a residential growth management tool to enable higher density development to occur as good development and a positive addition to the community by creating livable, walkable neighborhoods. The District is also intended to minimize development in outlying areas by allowing money to accumulate in a fund through the payment of fees to be used for buying land in return for allowing higher density in designated overlay districts or growth areas in the two Villages and along the Gray Road corridor where public sewer is available.

Mr. Eyerman noted that both the Council and the Planning Board were concerned that as lots get smaller, more attention needs to be given to the details of how development occurs both at the project level and the lot level. He said that the Overlay District attempts to create a "Village model," which encompasses streets, lot layouts, pedestrian facilities and open space. He discussed the "Village street" concept of interconnected streets, limited or no dead end streets, relatively narrow streets or streets with provisions for on-street parking, tighter curve radii, almost right angles, rather than sweeping curves to slow down traffic and to provide lot frontage.

He described a Village pattern under the ordinance of lot development with lots that are relatively narrow and deep, houses located close to the street with small front yards with 15 to 25 foot setbacks and more useable backyard space, streets with on-street parking, and garages not as major features of the front of the house. Mr. Eyerman stressed the importance of creating a walkable, pedestrian friendly neighborhood with streets and lots laid out with interconnections, short blocks, narrow lots, connections to neighborhood centers and to Village sidewalk systems.

Mr. Eyerman discussed the requirement for neighborhood open space, with the ordinance requiring at least 10% of the total parcel to be set aside as open space, and of that 10%, 5% of the parcel must be usable open space. He said that 50% of usable land in the open space must be developed as formal spaces or recreation facilities.

He said that the open space was intended to be usable areas, part of the design of the development and would be integrated into the development and not simply be wasteland wetlands.

Mr. Eyerman concluded his presentation with depictions of a development in Portland where some of the concepts of the Overlay District have been followed.

Mr. Eyerman replied to a query from Mr. Stelmack that Section 5, Open Space, of the Code dealing with the Overlay District, requires that overall, 10% of the total area of the parcel has to go into open space, and that open space can be used for formal open spaces such as greens, commons and parks or passive recreation areas or natural resource or conservation areas. However, at least 5% of the net acreage of the parcel has to be open space must be usable land. Mr. Eyerman said that Section 5 also allows the Board to waive or reduce this requirement in those circumstances when the project is so small that the open space is so small that it would not be practical.

Ms. Robie asked Mr. Eyerman to indicate how the open space requirements in the clustered residential development provisions of the Ordinance differ from those of the Transfer Overlay District. Ms. Robie read from Section 5, Chapter II, Section IV, Residential, A. Clustered Residential Development: "Residual open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. Such dedications may include private covenants or arrangements to preserve the integrity of open spaces and their use for agricultural or conservation purposes.

The common open space shall be accessible to the residents of the project. At a minimum, this use may include such activities as walking, picnicking, fishing, swimming, cross country skiing, and other low intensity recreational uses unless otherwise provided for in the Planning Board approval."

Ms. Robie noted that this is the other way in the ordinance that house lots get smaller, and this section also talks about building orientation respecting scenic vistas and natural features, vehicular and pedestrian uses.

Mr. Eyerman said that the provisions for the Development Transfer Overlay District say that they must comply with the requirements of Section A. 6). He said that the open space language of A. 5) does not directly apply in the Overlay District, but it is guidance for what open space is intended to be. Ms. Robie said that most open space is basically walkable woodlands that often are isolated from the parcel, and the developer provides a trail to it or through it. Mr. Eyerman noted that the Overlay District requirements include both passive or more formal spaces and that it could be either and meet the intention of the ordinance.

Mr. Parker spoke about roadways becoming constrictive and said that keeping the roads narrow and putting in wider driveways would leave no room to plant trees. Mr. Eyerman replied that street trees in the esplanade or on front lawns are a key element in the character in the neighborhood, but it is not necessary to plant a tree every 50 feet. Rather, something creative could be done, and the Board needs to look carefully with the developer as to how that can be done. Mr. Eyerman said that the streets have to be designed in accordance with the ordinance, and it would appear that in Mr. Risbara's project there would be enough street interconnection to accommodate emergency vehicles. Mr. Parker talked about width of the streets, with cars parked on both sides, and said this can create difficulties for emergency vehicles. Mr. Hughes said if you have a shorter setback, you have shorter driveways with less parking available in those driveways; therefore, you need a wider street for parking which works against the shorter driveway. Mr. Eyerman said this is not an easy situation in that there is clearly some potential for shortcutting, and the design needs to make it uncomfortable enough to do that.

Mr. Risbara said there are several issues involved with the project, one of them being the street acceptance ordinance. He said they need to have a subcollector to meet the street acceptance ordinance, which will be a

fairly wide street, entering the project, and yet there is a requirement for narrow streets in the Overlay District. He discussed the problems involved with widening the streets to provide off street parking. He said that the curve radii cannot be as tight on a subcollector. Mr. Poirier said that the street could be designed as a subcollector and if there was a tighter curve coming off it could come to a different standard. The Board discussed with Mr. Risbara various options of road configurations which will need to be considered, as well as the possibility of gating the access to Gateway Commons to restrict it to emergency vehicles, snow plows and school buses, which arose as a result of objections from abutters in Gateway that a bypass would be created between the two developments. Mr. Risbara said he would need an answer to that possibility early on, so Ms. Robie directed Ms. Fossum to set up a meeting with the Public Works Director to see if that option could be considered.

Mr. Risbara asked if the Board could accept trees being planted in back yards in order to meet the requirement of planting trees every 50 feet. Mr. Hughes asked if the utility boxes in yards will be screened; Mr. Risbara replied he will discuss the issue with CMP. Ms. Robie commented that the Board has discretion about the width of the esplanade.

Mr. Risbara said he would like to show the Board some building designs that are being considered, but he would like not to be restricted to a certain number or percentage of designs so that he could have the flexibility to be allowed to meet the needs of his customers. He said that some of the lots will have garages in the rear, some will have them beside the house, and some houses may not have garages to start with. Mr. Eyerman said that there is no implicit requirement in the ordinance on building style.

Mr. Risbara said they have the open space that meets the requirements of the Overlay District but have not shown any active use such as a playground. He asked how the Board would like to see that open space used. Mr. Parker said the Board may have some better ideas on that issue after a sitewalk. Ms. Robie said she is not ready to answer that question yet. Mr. Boyce said if there is an opportunity to create a ready access west of Libby Avenue to get to the Chick property, that would present the recreational component necessary and in his opinion would mean there is no need to put recreational facilities on the development. Ms. Robie said this would be another item to discuss with the Public Works Director. Mr. Stelmack asked if the usable open space shown on the plan is somewhat remote and perhaps should be closer; however, Ms. Robie said she believes that under Mr. Eyerman's definition of the criteria, it met the requirements so long as there is good access to it and it is usable space. Mr. Eyerman said it will be a judgment call to determine if it will benefit the people who are likely to live there, that it not be "leftover" land, and does it work or not.

Mr. O'Brien asked if a Cape Cod berm, a slanted curve, would be permitted to allow cars to pull off the pavement and use the esplanade to provide on-street parking. Ms. Fossum said this would be another question for the Public Works Director and that the curbing would have to be granite.

Mr. Eyerman said there is increasing interest on the part of DEP to handle stormwater in other than closed drainage, and as a result there might be an alternative street that would not be curbed that would allow the esplanade area to be used as a recharge area to get rid of some of the stormwater which might be able to meet all of the requirements. Mr. Risbara said he would talk to the Public Works Director about it.

The workshop was adjourned at 7:10 p.m. to proceed to the regular Planning Board meeting.

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2008