



Town of Gorham
PLANNING BOARD WORKSHOP NOTES
September 8, 2008

A workshop meeting of the Gorham Planning Board was held on Monday, September 8, 2008, at 6:00 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

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

1. Review and Approval of the August 11, 2008 Workshop Meeting Notes.

There were no comments or changes to the August 11, 2008 workshop meeting notes.

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

Ms. Robie said that there has not been an Ordinance Committee meeting since the Planning Board last met. She said that a member of the Ordinance Committee has asked that the spreadsheet detailing current projects for Planning Board review be placed on the Town's website.

3 Discussion of proposed amendments to the Noise Ordinance in the Land Use and Development Code, Chapter II, General Standards of Performance and Chapter IV, Site Plan Review.

Ms. Robie noted that the proposed amendments to the Noise Ordinance are scheduled for public hearing at the Board's regularly scheduled meeting this evening.

Ms. Robie explained what the Board had done during its workshop on the proposed amendments on June 2, 2008. The first change occurred in Table 1, dealing with the district classification of a lot that "The district classification of a lot is determined by that lot's zoning classification. Where two lots of differing district classifications abut, the residential sound level limit shall apply." The Board concurred with this definition.

Ms. Robie said that on June 2, when the Board last discussed the topic, it was determined that the issue of "short duration repetitive sounds" needed to be clarified by the drafter of the language. A definition of short duration repetitive sounds is that they "...are a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than 10 seconds in duration, and which are inherent to the process of operation of the development and are foreseeable." The proposed language reads that "(I) For short duration repetitive sounds, 5 dBA shall be added to each of the observed levels of the short duration repetitive sounds per hour that result from routine operation of the development for the purposes of determining compliance with the above sound level limits. The resultant adjusted A-weighted hourly equivalent sound shall not exceed the sound level limit (dBA) permitted in the district as established by Table 1." Ms. Robie explained that for a short duration repetitive sound to occur, it is a sound that repeats itself, 5 dBA is added to each of its occurrences, and the average is recalculated.

Ms. Robie explained that for short duration repetitive sounds that are particularly annoying, such as scrap metal, drop forge and metal fabrication operations, which the Board will determine, there is an additional measurement, which involves adding 5 dBA to each spike of repetitive sound, and if any one exceeds the limits in paragraph (a) or (b), it is in violation. This calculation is not an average, it is an increase in the decibel level permitted.

Ms. Robie explained that the new language describing “protected location” is defined in the Maine statute, which should be added to the amendment. The activities excluded from sound level limits in this section have been moved to Chapter II, General Standards of Performance, Section I – Environmental, H. Noise Abatement, as a new section 3). The only exception left under Chapter IV, Site Plan Review, is “The noise levels established by this section will not apply at lot lines where the abutting property owner has granted a noise easement to the applicant.” In addition, the method of measurement is to be changed to “an hourly A-weighted equivalent sound level ...” for consistency throughout the ordinance.

Ms. Robie explained that under Chapter IV, Site Plan Review, Section II – Applicability, there is a list of reasons on page 181 in the Code why a site plan that might be minor in nature because of its size becomes major. A new section “g” has been added, which will exempt the new use from site plan review, as follows: “g. The new non-residential use will not generate more noise than the current use and the current use does not exceed the noise limits under the site plan review standards.”

Under Chapter II: General Standards of Performance, Section I – Environmental – C. Mineral Exploration Excavation and Gravel Pits. Additionally, under Chapter IV, Site Plan Review, Section IX, Approval Criteria and Standards, “Item T – Noise Abatement. Where there is a conflict between those noise requirements and the standards of this section, the more restrictive requirements shall govern” should be applied to the plan review of new and existing gravel pits in Chapter II, C. Mineral Exploration and Excavation and Gravel Pits. If this is done, then 5) Operational Requirements for New and Existing Pits, a) 4) (a) should be deleted in its entirety.

Ms. Robie noted that the Town Council’s Ordinance Committee has asked that the Board’s additional items be presented separately from its clarification items in the proposed ordinance language.

Ms. Robie said that what has been discussed in the workshop will be presented during the public hearing to follow later this evening, and if appropriate, additional changes may be made to the proposed noise ordinance based on comments received during the public hearing.

The workshop adjourned at 7:00 p.m. in order to proceed to the regularly scheduled Planning Board meeting.

Respectfully submitted,

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