



**Town of Gorham**  
**PLANNING BOARD WORKSHOP NOTES**  
**February 2, 2009**

A workshop meeting of the Gorham Planning Board was held on Monday, January 12, 2009 at 6:30 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

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

**1. APPROVAL OF THE JANUARY 12, 2009, WORKSHOP NOTES.**

There were no comments or corrections to the January 12, 2009 Workshop Notes.

---

**2. CHAIRMAN'S REPORT**

Ms. Robie said she would report on the various committees during the regular Board meeting.

---

**3. DISCUSSION OF DEVELOPMENT GUIDELINES FOR DEVELOPERS**

Discussion of development guidelines for developers proposing cluster subdivisions and for subdivisions proceeding under the Transfer of Development Ordinance.

Ms. Robie said that there is a project pending before the Board that is proceeding under the Development Transfer Overlay District ordinance, and it is clear that more direction is needed to clarify the ordinance's intent on how to create livable neighborhoods. She introduced Mark Eyerman, author of the Overlay District, and thanked staff for providing information from the Maine State Planning Office Guide's *The Great American Neighborhood*.

Mr. Hughes noted that it would be useful to create a bullet-type informational document that could be provided to developers in advance to outline what the Board would expect to see in an application under the Overlay District ordinance, such as describing how and what open space should be used, how the houses should be laid out, and other aspects of the ordinance. Such a document would save both the developer and the Board a great of time.

Ms. Robie outlined the issues to be discussed as follows:

- Open space that has a structured purpose, as opposed to the informal open space in clustered developments; that is, active vs. passive, with some suggestions by the Board being school bus stops and pocket parks. She noted that the developer whose project is currently under review thought to put a trail all around the site's open space to include a pond, without impacting the wetlands unduly.
- Roads. The Public Works Director would justifiably prefer roads that are easy to plow, easy to turn corners; however, this comes into conflict with the prospect of on-street parking and corners that need to be navigated. While the Public Works Director has the "last word" on the classification of road that has to be built, on-street parking, streets that turn corners and traffic calming ideas are still possible within a development.
- The houses. The lots are long and narrow, they have build-to lines, and there must be variety in the orientation of the houses. However, the developer proposed identical houses placed in exactly the same place on every lot, and the Board needs to see something that shows the promise of having the houses at different setbacks and with variations in the orientations, even though the Board recognizes that the developer will want to build what a buyer wants.

- Lighting. Ms. Robie said she doesn't believe the development under review proposes lighting which creates a neighborhood atmosphere.

Ms. Robie commented that there is a conflict in the developer's plans between the placement of street trees, the proposed 9-foot esplanade and underground power. She said there should be guidelines in the variation of species plantings. Benches could be placed as well. Granite curbing should also be required. Mr. Parker suggested the language of "supplemental" on-street parking; Ms. Robie suggested that the developer should take some of the 9-foot esplanade and use it for parking on one side of the street with "neck in" areas for traffic calming as well. Ms. Robie said also to be discouraged are double-width driveways that will take up the entire front yard.

The Board discussed connectivity with the adjacent neighborhood as a positive feature for both neighborhoods, and none of the Board members felt that there would be any significant traffic from outside these neighborhoods circulating through them to get from Route 202 to Libby Ave. It is felt, however, that residents of each neighborhood will use the streets in the other neighborhood to get to the direction they are going.

Mr. Eyerman said he believes that the Board's comments and concerns are right on target. He commented that it will be necessary to find the line between guidance and regulation; when the ordinance was developed it was decided to hold back on design requirements. He said that he believes the Planning Board could present its ideas on how what is in the ordinance translates into the kind of development the Town is looking for. Ms. Robie pointed out that at the time the ordinance was developed, there was, nevertheless, concern expressed that "cookie cutter" housing not be the end result of the ordinance. Mr. Eyerman said he believed that the then-Council felt that the Planning Board could be persuasive enough to make things come out well. Mr. Parker said the Board could list the outcomes that it would expect to see, such as some of the purposes of developed open space, so that if the developer does not have the right elements, the project does not conform to the intent of the ordinance. Ms. Robie quoted from the Land Use Code that "The purpose of the Development Transfer Overlay District is to create livable, walkable neighborhoods in areas of the community where public sewerage is available or planned while minimizing development in order areas of the community where intensive development is not desired. This will be accomplished by allowing well-planned, higher density residential development..."

Ms. Fossum suggested that the Board's guideline could be perhaps 4 or 5 pages with *The Great American Neighborhood* material as a reference, to be a general guide line with perhaps some reference made to what the Board does not want to see. Ms. Robie asked Mr. Eyerman to draft such a document, with perhaps some small diagrams to show the desirable variation of houses and lots and another diagram to show in contrast the undesirable identical positioning of identical houses. Mr. Eyerman said that a simplified version of *The Great American Neighborhood* could be adopted in the Board's guideline.

Mr. Eyerman spoke of the conflict of goals between Public Works that has to maintain things and the Planning Board in terms of a desirable community; this needs to be clarified and worked through the ordinance. He said he believes the most difficult item is the issue of who will take care of the formal open space, whose responsibility it would be, because in order for the formal open spaces to work, they require regular ongoing maintenance. He asked if these spaces would be given to the Town to be mowed and taken care of, or is a homeowners' association to be created whose only function is to maintain the space. The Board concurred that there has to be some form of homeowners' association, and initially there must be one because of the required road maintenance. Ms. Robie said that the documents can be written so that the association continues to take care of the open space if the roads are accepted. Ms. Fossum noted that subdividers are being required to form homeowners' associations to maintain stormwater facilities. It is up to the homeowners to enforce the maintenance of the open space.

Mr. Hughes spoke about the house designs in the development in which he lives. Ms. Fossum said that a condition of approval was written to allow that developer flexibility in marketing of the designs, but in the end there was one particular model that was preferred. She said that the Code Office was supposed to keep track of the house styles as they issued building permits.

Ms. Robie read the language from the Code dealing with open space in the Transfer Overlay District as follows:

“5. Open Space

A portion of any new subdivision or project with more than ten lots or units must be set aside within the development and permanently protected as open space to serve the residents of the project. This requirement is in addition to the requirement for the payment of a recreational facilities or open space impact fee. The total combined area of the open space set aside within the subdivision shall be a minimum of ten percent (10%) of the gross area of the parcel. This open space must include an area of usable land as defined by the net acreage provision that is at least five percent (5%) of the total net acreage of the parcel. (For example, if the net acreage of the parcel is twenty acres then at least 5% or one acre of the open space must be usable land).

The required open space within the subdivision or project may be used for the following types of uses:

- formal open spaces such as greens, commons, and parks
- passive recreation areas
- natural resource or conservation areas

At least fifty percent (50%) of the required usable land within the open space shall be developed for formal spaces or recreational facilities. The Planning Board may waive or reduce this requirement if it finds that, due to the scale of the development, compliance with this requirement will not result in usable open space.”

As a contrast, Ms. Robie then read the language from the Code dealing with open space in the Clustered Residential Development section as follows:

“5. 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.

6. The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal:

- a) Orientation: buildings and other improvements shall respect scenic vistas and natural features.

\* \* \*”

Ms. Robie said that in cluster developments, the open space usually consists of all of the wetlands, all the inaccessible land, and if the Board is persistent, a path or a trail is proposed.

Mr. Eyerman suggested that the Board think about open space in 3 different ways, which may be appropriate in different situations: the first is "amenity space," which Mr. Eyerman defined in the Overlay District as open space which serves a purpose to benefit the residents of the development, such as providing gathering spaces, formal spaces, recreation, etc. The second kind of open space alluded to in the Cluster Development section is to preserve agricultural land. The third kind of open space is to preserve significant continuous pieces of land to conserve natural features, habitat, etc.

Ms. Robie noted that there is no requirement in the Cluster section of the Code for formal uses in the open space, as opposed to the requirements of the Transfer Overlay district, which requires that 50% be formal or recreational. Mr. Stelmack said that the open space requirement of the Overlay district is more formulaic and would therefore be easier to enforce than the requirement in Cluster.

Ms. Robie suggested that the guideline include the addition of examples of what can be done in open space, such as school bus stops and benches. Mr. Stelmack asked how the Board can know what is a natural conservation area in a project site. Mr. Boyce suggested that most all development parcels require that a wetlands scientist examine the parcel, and many of those experts are also ecological and wildlife consultants as well, and should be fully qualified to make those kinds of judgments. Mr. Eyerman said there are people from the various State natural resource agencies, such as IF&W, who will opine as to the value from their perspective of certain areas. Mr. Stelmack said he believes that the Board could profit from some interpretation help from outside natural resource and conservation expertise.

The Board adjourned the workshop to proceed to its regularly scheduled meeting.

Respectfully submitted,

---

Barbara C. Skinner, Clerk of the Planning Board  
\_\_\_\_\_, 2009