



Town of Gorham
PLANNING BOARD WORKSHOP NOTES
March 9, 2009

A workshop meeting of the Gorham Planning Board was held on Monday, March 9, 2009 (rescheduled from March 2, 2009 due to inclement weather) at 6:00 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, Mark Stelmack, and Edward Zelmanow. Also present were Town Planner Deborah Fossum, Assistant Planner Thomas Poirier, Town Attorney Natalie Burns, and Planning Board Clerk Barbara Skinner.

1. APPROVAL OF THE FEBRUARY 2, 2009, WORKSHOP NOTES.

There were no comments or corrections to the February 2, 2009 Workshop Notes.

2. CHAIRMAN'S REPORT

Ms. Fossum confirmed that Spiller's "Spring Farm" subdivision has been withdrawn.

Ms. Robie reported on the Town Council's Ordinance Committee meeting, noting that an animal control ordinance was discussed, as well as sidewalks and streets and ways policies. A second meeting of that Committee was held to discuss the impact of the noise ordinance at the boundaries of residential and industrial zones because concerns have been expressed by two industrial facilities. Discussed was how the Town's noise ordinance compares to that of the State, with Charlie Wallace of RSE stating that they are just about identical.

3. Continuing discussion on proposed amendments to the Land Use and Development Code pertaining to Bed and Breakfast Establishments and Inns, with and without public dining facilities.

Ms. Robie provided the Board with copies of a chart summarizing the definitions of different bed and breakfast facilities and what is proposed to be permitted in each. After discussion, the category entitled "Where Allowed" for all definitions was amended to state "except the Industrial District;" and the category entitled "Dining 11 A.M.-10 P.M." in the "B&B Establishment with Public Dining" category was changed from "3 *evenings* per week" to "3 *days* per week" and in the Inn category to "7 *days* per week." It was agreed that all categories except an inn have to be owner-occupied. To be considered is adding a definition for "transient" and adding the per diem language ("...accommodates paying guests for a limited duration with sleeping and dining facilities, payable on a per diem basis; ...") to the definition of an inn.

The Board discussed at length how to establish a method of what percentage to use and how to calculate the expansion of a building is to be limited, whether by footprint or volume or square footage or gross floor area, with no conclusions being reached.

It was agreed that the proposed language should be forwarded with the above-noted changes to the Town Council's Ordinance Committee.

4. Discussion on proposed amendments to the Land Use and Development Code pertaining to the development of sunset provisions for various applications and developments approvals.

The Board reviewed the proposed language provided by the Town Attorney, with Ms. Robie asking if any provision has been made for the “in lieu” portion of the ordinance. Ms. Burns said consideration has to be given to a case where some work has been done in a subdivision before a performance guarantee is posted, and the statute provides that the Code Enforcement Officer cannot issue a building permit until the approval is in place and the plat presumably is recorded. Ms. Burns referred to language in the June 2008 letter to the Town Council discussing “in lieu conditional agreement” as a performance guarantee, but that does not deal with what happens to the recording plat. Ms. Burns said that it may be necessary to tie the “in lieu” to the same language dealing with the recording plat, which language could be included in a decision document.

Ms. Robie noted that the June 2008 letter proposed that if a subdivision is sold, the “in lieu” must be converted into a non-conditional form of performance agreement. Ms. Burns said that if the plat is going to become null and void within a certain period of time, that will happen regardless of who owns it, so if it is not recorded within a specified period of time, a transfer from one owner to another does not necessarily have independent significance.

Ms. Robie noted that the public hearing scheduled for later this evening during the Board’s regular meeting may have to be postponed until the “in lieu” question is resolved. The question of “re-setting the clock” after a transfer of ownership should also be addressed.

Mr. Hughes asked Ms. Burns what notifications are required to be shown on a plan. Ms. Burns replied that the only the thing required by the ordinance to be shown on a plan is a road project which has reached a certain level in the planning phase. She said that sometimes the Board has required that a developer show on the plans the adjacency of a certain type of use, such as a subdivision next to an industrial park, and certain municipalities have required that working farms be shown, as there is a state statute that protects working farms.

5. Review status of other pending amendments.

6. Other Business

7. Adjournment

The workshop was adjourned at 6:55 p.m. to proceed to the regular Planning Board meeting.

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2009