



## Town of Gorham

### PLANNING BOARD WORKSHOP NOTES

May 4, 2009

A workshop meeting of the Gorham Planning Board was held on Monday, May 4, 2009 at 6:15 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

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

#### **1. APPROVAL OF THE APRIL 6, 2009 WORKSHOP NOTES**

There were no comments or corrections to the April 6, 2009 Workshop Notes.

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#### **2. CHAIRMAN'S REPORT**

Ms. Robie referred to the spread sheet showing the status of all pending applications. She commented that Plan-It Recycling has its screen up. In response to a query from Mr. Stelmack, Ms. Robie said that the Board at its regular meeting will discuss a request of Mr. Daniel Shaw to have a second meeting in May to consider aspects of the Brickyard Quarry hydrogeological study.

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#### **3. DISCUSSION OF PROPOSED AMENDMENTS CONCERNING THE PROVISION OF RIGHTS-OF-WAY TO ADJACENT UNDEVELOPED LAND AND THE INTERCONNECTION OF ROADWAYS BETWEEN SUBDIVISIONS WHEN ROWS TO ADJACENT LAND HAVE BEEN PROVIDED**

Ms. Robie read the current language with minor revisions under consideration in Chapter II, General Standards of Performance, Section V, Minimum Standards for the Design and Construction of Streets and Ways, Access to Adjoining Land," as follows: "The Planning Board shall provide for road continuation, to limit unnecessary curb cuts and/or to provide for street access to adjoining property by dedication on a subdivision plan, of a fifty foot wide right of way to the boundary of adjacent property, unless the Planning Board determines it is not in the public interest to require access to adjoining land or the topography is not suitable for access to adjoining land or the project is surrounded by wetlands and no suitable land is available for continuation." Additional language has been proposed as follows: "Access to adjoining developed land shall be provided by the dedication of a 50 foot right-of-way on a subdivision plan connecting to previously dedicated rights-of-way, Road connections are to be fully constructed at the time of development unless the Planning Board determines for reasons of 1) safety or 2) cut-through traffic that fully constructing the road connection is not in the public interest."

The Board recommended changing the word "property" to "properties" in the existing text and adding a comma after "adjoining land." In the proposed new text, the consensus was to add the word "public" before "safety" and "potential" before "cut-through" and deleting the numbers "1)" and "2)."

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Ms. Robie suggested taking up Item 5 next, as follows:

#### **5. DISCUSSION OF PROPOSED AMENDMENTS EXEMPTING PUMP STATION LOTS LOCATED WITHIN SUBDIVISIONS AND SMALL PARCELS OF LAND LOCATED WITHIN DEVELOPMENT TRANSFER SUBDIVISIONS FROM HAVING TO MEET MINIMUM LOT SIZE REQUIREMENTS**

Ms. Robie explained that this item is to allow smaller than the minimum lot sizes required by the Ordinance for two specific reasons: one is for providing acreage for sewage pumping stations, and the second is for the purpose of allowing for pieces of land in open space in Development Transfer developments that are smaller than the required lot size.

The text for utility lots is as follows: "Notwithstanding the provisions of this subsection D, a lot used for the purpose of providing a sewage pumping station need not meet the minimum lot size of street frontage requirements of this district so long as the lot is subject to either an easement or deed restriction limiting its use or development solely to the construction of a sewage pumping station. Buildings must meet setbacks and additional screening and buffering can be requested by the Planning Board"

The Board suggested changing the last sentence as follows: "Buildings must meet setback requirements. Additional screening and buffering can be requested by the Planning Board."

No text was provided for the open space pieces of land in Development Transfer developments and it was agreed that both pieces should be discussed at a later time and forwarded together to the Council.

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#### **4. CONTINUED DISCUSSION OF PROPOSED AMENDMENTS TO ADD "BED AND BREAKFASTS WITH DINING FACILITIES" AS ALLOWED USES IN VARIOUS DISTRICTS**

The Board discussed the Summary Chart and noted the following changes: to change the word "compatible" to "consistent," to add the word "district" in the three columns dealing with architectural requirements, and the language at the triple asterisks should read "Added fire escapes must not be placed on the front walls of the building facing the primary street." The changes to the proposed ordinance are significant and are the result of discussing the previous draft with the Council's ordinance committee. In summary, the major change was to write the ordinance so it did not preclude a bed and breakfast use in zoning districts that already allow it by their permitted uses, which are basically rooming houses and retail businesses. In the view of the ordinance committee, making those districts restricted to buildings built previous to the enactment of this ordinance would not be appropriate. The second major change is that the ordinance committee would like it if someone wants to put money into an expansion that was architecturally consistent as peer reviewed by an architect with experience with historic or older buildings. Therefore the restriction to 10% expansion is only in the matter of review: 10% expansion would be permissible by the Code Officer, so long as it was architecturally consistent; anything over 10% would come back before the Board with appropriate architectural review. Another change is that rooms to accommodate temporary staff would not be counted, and in bed and breakfast establishments with public dining facilities, dining would be permitted up to 5 nights per week. Ms. Robie said language was added to permit more than one building to be used, provided that the owner is in residence in the main building.

An inconsistency was pointed out in the definitions section on page 6, at "Bed and Breakfast Establishment with Public Dining." Mr. Stelmack suggested moving the comma on the top of the second page from after "retail" to after the word "houses." Mr. Stelmack also suggested using the complete Code citation on page 2 of "Chapter I, Zoning Regulations, Section IX, Village Center District, Subsection 2, E"

It was noted that the ordinance is going back to the Council ordinance committee on May 13, 2009.

**PUBLIC COMMENT PERIOD OPENED:** Matt Mattingly, owner of the Pinecrest Bed and Breakfast in Gorham, came to the podium and noted some aspects of the language which are of concern to him. He said he believes that an ordinance like this should promote growth and development of a business that has the capacity to bring a lot to the Town. Ms. Robie asked if there was something that has not been included which would promote the bed and breakfast industry in Gorham. Mr. Mattingly said that the 10% review process requirement could impact a B&B trying to meet State ADA requirements, and in some towns ADA

compliance is exempt from expansion issues, especially when properties have exceeded or are at the capacity for expansion within the confines of their lots. It could be that setbacks are waived with ADA compliance. Mr. Parker noted that the only restrictions on the lot itself, so long as it isn't waterfront, are the setbacks. Ms. Robie noted that where shoreland zoning is involved, there are limitations on the setbacks, but basically there is no limitation now on expansion. Ms. Robie asked Mr. Mattingly what in the ordinance would restrict the operations of a B&B. He replied that he does not see that the number of seats should be restricted because that is determined by the fire code. Ms. Robie said the limitation is designed to confine a business in residential areas (urban residential, suburban residential and rural) to a true B&B so that the proportion of lodging to dining resembles a B&B rather than a token for mostly a restaurant. Mr. Mattingly suggested that on page 2, under "a," the number of persons should be changed from 21 to 27. Ms. Robie encouraged Mr. Mattingly to let the Planner know if after he reviews the proposal he sees any other areas of concern.

PUBLIC COMMENT PERIOD ENDED.

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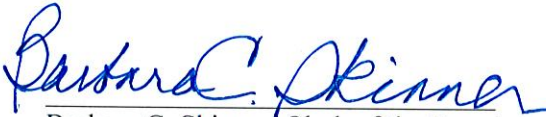
**6. CONTINUED DISCUSSION OF PROPOSED AMENDMENTS CONCERNING THE EXPIRATION OF PLANNING BOARD APPROVALS AND PENDING APPLICATIONS.**

Postponed at the request of the Planning Director.

**8. ADJOURNMENT**

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

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
*May 4*, 2009