



Town of Gorham
PLANNING BOARD WORKSHOP NOTES
July 20, 2009

A workshop meeting of the Gorham Planning Board was held on Monday, July 20, 2009 at 6:15 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

In attendance were Chairperson Susan Robie, 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 JUNE 22, 2009 WORKSHOP NOTES

There were no comments or corrections to the June 22, 2009 Workshop Notes.

2. Chairman's Report

Ms. Robie read a letter she had received from the Town Council, dated June 24, 2009, as follows:

“Dear Mrs. Robie:

The Town Council is writing to convey to the Planning Board the Council's strong desire to have water and sewer infrastructure extended down South Street (Route 114) as opportunity may arise.

The Council would like the Planning Board to accomplish this and when reviewing both applications for development and when reviewing the Town's Land Use and Development Code.

Thank you for considering the Town Council's effort.”

The letter is signed by all of the members of the Town Council.

Ms. Robie said she believes that the first paragraph refers to a proposed TDR development off South Street where it is proposed that public water and sewer will be run down South Street. She said it would appear that the second sentence implies that the Planning Board should amend the sewer extension ordinance to require that it be run in main roads and in South Street in particular. She suggested that it be discussed at an Ordinance subcommittee meeting.

Ms. Robie said that buffering was discussed three times in the proposed Bed and Breakfast Ordinance, and in two instances the Board added the statement that buffers must be functional upon installation between a bed and breakfast and residences, but the statement was not added in the third instance. A poll of the Board showed unanimous agreement that the statement be added.

3. Discussion of proposed amendments to the Shoreland Zoning Map and Ordinance.

Ms. Fossum explained the requirement for consistency by communities with the State's revised model ordinance. Changes that will be required are basically updates to wetlands mapping, additional notice requirements and discussion on the statewide timber harvesting option. The Planning staff and Town Attorney recommend adoption of the minimum required changes to the text, along with an updated map with state required revisions to the wetlands and the latest 100 year flood plain mapping added, and some wetlands mapping could be removed from some properties, as some of the 1990 mappings are considered low value wetlands. In some locations high value wading bird habitats would be added that have been identified by the IF&W in the past few years. She said that any property added into the Resource Protection area requires special notices, even if there is only one parcel. Two weeks' notice must be given to any

property owners in that category that the Planning Board is going to hold a meeting to set a public hearing date.

In response to Mr. Stelmack, Ms. Fossum said that the Town Attorney has drafted the changes before the Board this evening.

Ms. Robie and Ms. Fossum discussed how the horizontal distance from the normal high water line of a water body, tributary or wetland is determined, with Ms. Fossum reading from the definitions on the first page of the ordinance that the normal high-water line is "That line which is apparent from visible markings, changes in the character of the soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land." Ms. Fossum said that surveyors determine that line professionally and is determined from the high water line.

Ms. Robie suggested that any Board member who has noted typographic errors or would like to make suggested changes should forward that information to the Planning Department.

4. Status Report and Update on Zoning Amendments and Special Projects

Ms. Fossum said that it is hoped that the proposed Bed and Breakfast ordinance will go to the Manager this week so it can go on the August Town Council meeting agenda. Language on street interconnections had been forwarded to the Council, was discussed by the Council earlier this month and has been referred back to the Planning Board. The Board Clerk has transcribed the Council members' comments on the proposed language. Staff is working on language dealing with deadend road length, language dealing with expiration of approved plans, and conditional agreement language. Insofar as the impact fee ordinances are concerned that the Council had referred to the Planning Board last fall, the school impact fee was repealed, but the recreation facilities and open space impact fee appears to be in limbo with no inclination on the Council's part to move it forward. There is a project on industrial district permitted uses on which Planning Staff is working with the Council Ordinance Committee to see if there is a potential for expanding those uses. The noise ordinance changes have been approved and distributed, as have been the changes to non-conforming signs and site plan exemption. Additional sign ordinance amendments are being worked on. Several requests have been received for the Town to look at rezoning in South Gorham; staff has been asked to put together information for a presentation to the Town Council, tentatively scheduled for August 11, at a workshop to which Planning Board members will be invited to attend. The Council also is interested in adopting an ordinance on wind turbines, which will ultimately be forwarded to the Planning Board. There have been discussions at staff level about an ordinance that will allow for building renovations to commence prior to finalization of site plan review and for removal of the requirement for certification of private way construction.

Ms. Fossum said she believes that Mark Eyerman is working on a Development Transfer guide started several months ago. In addition, Mr. Eyerman has been working on a proposed sign permit application. Ms. Fossum has been working on a "site review tip sheet" with the Town Manager and the Gorham Economic Development Corporation that will be added to the website. The street acceptance application form needs to be updated to indicate that the Planning Board is no longer involved in the street acceptance process. Ms. Fossum said that staff has also been involved in the by-pass study and has been putting information together for HNTB, the traffic engineering firm hired by the Maine DOT and the Maine Turnpike Authority to assess and analyze a route that would connect Gorham's new by-pass with the Maine Turnpike.

5. Summer Meeting Schedule

To be discussed at the beginning of the regular meeting.

6. Pre-Application Conference: "The Crossing" – located off Gray Road -- by MJF Development Group, LLC.

Pre-application conference on a proposed amendment to the subdivision plan for "The Crossing" to relocate the pump station and add up to 7 additional building lots and a private way. Zoned Urban Residential (Map30/Lot 18).

Ms. Fossum explained that the proposed amendment to the subdivision plan to relocate the pump station and add up to 7 additional building lots and a private way. The approved project included 29 lots with public water and sewer and proposed the construction of two new public streets. The original density calculations permitted a total of 36 lots, although the developer only proposed the 29 that were approved. The cost of the sewer extension and changes in the market in the past year or so have caused the developer to reassess his options, and he is now proposing to use the additional density permitted by adding 7 new lots. This would be accomplished by relocating the pump station to an easement in order to free up for development what was approved as a separate utility lot. By doing this he can reconfigure several of the larger lots and add a private way as well to create frontage for two additional lots. One of the things that has changed since the original approvals is that Portland Water District is now willing to accept easements where pump stations are located, whereas two years ago the District was insisting on fee ownership in the lot upon which the pump station would have been located. As an aside, Ms. Fossum noted, however, that work needs to continue on the ordinance amendment on utility lots, as fee ownership is still the preferred situation. She said that the developer would like constructive feedback from the Board on the concept plan that has been presented.


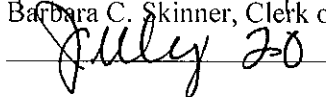
Michael Ferrante came to the podium and asked for the Board's advice on what direction he should pursue.

Ms. Robie asked if the applicant has had feedback from the Portland Water District on the adequacy of what is being proposed. Mr. Ferrante said Mr. Spugnardi of the PWD has confirmed that they are willing to make any adjustments possible to achieve another complete lot, so long as the District has easy access to the pump station. Mr. Ferrante said that in order to maintain costs, none of the infrastructure will be changed at all, except for the private way which will require sewer and water, and the access to the pump station will remain where it was originally sited to be. Mr. Ferrante responded to a query from Mr. Stelmack that the pump station will stay in its current location, with the lot sizes being adjusted to accommodate both the pump station and a buildable lot.

Mr. Ferrante confirmed that there is nothing in the ordinance to prohibit what is called a "flag lot." The Board discussed at length with the applicant the configuration of the proposed new lots, in particular lot 8, and the building envelopes that could be delineated on the new lots. The Board was in general agreement that there was no problem in the concept of adding more lots, but that Mr. Ferrante would need to show that the lot configurations are reasonable and that building envelopes meet all of the setbacks.

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

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
, 2009