



Town of Gorham

PLANNING BOARD WORKSHOP NOTES

August 10, 2009

A workshop meeting of the Gorham Planning Board was held on Monday, August 10, 2009, at 6:30 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, Michael Parker, Mark Stelmack, and Edward Zelmanow. Also present were Town Planner Deborah Fossum and Planning Board Clerk Barbara Skinner. Board member Thomas Hughes and Assistant Planner Thomas Poirier were absent.

1. APPROVAL OF THE JULY 20, 2009 WORKSHOP NOTES

There were no comments or corrections to the July 20, 2009 Workshop Notes.

2. Chairman's Report

Ms. Robie noted that the Chairman's Report is contained in the list of projects provided to the Board. She said that the list of zoning amendments under review is considerable.

Ms. Robie reported that Susan Duchaine, Design Dwellings, called her about the Hawkes Farm application, asking why that application was not on tonight's agenda. Ms. Robie said it is clear that Ms. Duchaine feels she has accommodated the wishes of the Board, which has slowed down the review of her project. Ms. Robie said she agreed to try to set up a second meeting in August to consider Design Dwellings' Hawkes Farm application. Ms. Robie said that second meeting would be for the Hawkes Farm item only; as decided by a majority of the Board at one of the sitewalks on August 5, the date of August 24 has been selected as the Board's second meeting in August.

3. Update on Zoning Project

Ms. Robie said that the Board will also discuss the proposed ordinance change involving Access to Adjoining Land, and said there are two alternatives for the Board to consider. This item has been discussed by the Ordinance Subcommittee of the Planning Board, as well as with the Ordinance Committee of the Town Council.

Ms. Fossum gave the zoning project update, commenting that the most important project under review is the proposed Shoreland Zoning amendments and map. At one point, only one parcel had been identified which would require extra notification; however, it now appears that the Assistant Planner feels, after talking with the DEP, there may be more parcels along the Presumpscot River. It is anticipated that an announcement will be made at the meeting on August 24 that a public hearing will be held on Shoreland Zoning in September. Before the meeting is advertised, two weeks' notice is required to be given to those lot owners whose lots are now part of Resource Protection. Ms. Fossum noted other proposed ordinance amendments that are pending as well, such as the proposed changes to the sign ordinance, a modification to the ordinance for the Village Centers requirements to require that the principal building be at the front of the lot, and a provision on street lengths that would double the length of deadend roads to 3000 feet if all the residential structures on that street are sprinkled.

Ms. Fossum referred the Board's attention to the two versions of the proposed Access to Adjoining Land included in their packets, Alternative A, which was first sent to the Town Council, and Alternative B, which contains revisions from the Town Attorney. The Board concurred in deciding to discuss Alternative B. Ms. Robie explained that Alternative B is designed to restrict the requirement to build road connections to those areas of the Town where high density housing is desired.

Alternative B is as follows:

ALTERNATIVE B

**PROPOSED AMENDMENT TO
GORHAM LAND USE CODE**

BE IT ORDAINED by the Town Council of the Town of Gorham, Maine, in Town Council assembled, that Chapter II, General Standards of Performance, Section V. Minimum Standards for the Design and Construction of Streets and Ways, C. Access to Adjoining Land, of the Gorham Land Use and Development Code be amended as follows:

(Note: Additions are underlined and deletions are ~~struck out~~.)

SECTION V-MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS¹

A. **PURPOSE**

The purpose of this section is to set uniform standards for the design of streets and ways in the Town of Gorham in order to provide for safe vehicular and pedestrian travel and appropriate service to adjacent land.

B. **GENERAL**

No street or way shall be laid out and accepted as a public street or way by the Town of Gorham, Maine except in accordance with the provisions of this Section of the Land Use and Development Code.

C. **ACCESS TO ADJOINING LAND**

The Planning Board shall provide for road continuation to limit unnecessary curb cuts and/or to provide for street access to ~~undeveloped adjoining property~~ properties by dedication on a subdivision plan, of a fifty-foot wide right-of-way to the boundary of adjacent ~~property~~ properties, unless the Planning Board determines it is not in the public interest to require access to adjoining land ~~and~~ or ~~(1)~~ the topography is not suitable for access to adjoining land, or ~~(2)~~ the project is surrounded by wetlands and no suitable land is available for continuation. Access to adjacent developed land shall be provided by the dedication on a subdivision plan of a 50-foot right-of-way connecting to previously dedicated rights-of-way.

Road connections to adjacent developed land are to be fully constructed at the time of development in subdivisions that are located wholly or partly in the Development Transfer Overlay District, the Urban Residential District or the Village Centers Districts unless the Planning Board determines that fully constructing the road connection is not in the public interest because (1) the road connection will create an unsafe situation for residents of the subdivision or existing neighborhoods due to a substantial increase in traffic volume or speed, or (2) the road connection will result in motor vehicles using the connection as a cut-through to avoid either waits at nearby signalized intersections or the use of neighboring arterial or connector streets.

In a subdivision that has proposed private ways as well as streets that are proposed to be dedicated to the Town for acceptance, the future road connection right of way shall be established from streets proposed to be dedicated to the Town for acceptance.

In subdivisions where only private ways are proposed, the requirement for the dedication of a right of way is not required. In the event that a street approved as a private way in the subdivision is later presented to the Town for acceptance as a public street, the road connection right of way must be dedicated to the Town for acceptance at the same time as the street and if the subdivision is located wholly or partly in the Development Transfer Overlay District, the Urban Residential District or the Village Centers Districts, the road connection must be fully constructed prior to street acceptance.

A road connection right of way may not be established in open space in a cluster development unless no other option is available. If a road connection right of way must pass through designated open space the design must minimize the impact on the open space area and must be subtracted from the open space acreage for purposes of calculation of open space requirements.

After agreeing to eliminate the last paragraph dealing with rights of way in cluster developments, the Board concentrated most of its discussion during the workshop on the paragraph dealing with private ways. There being insufficient time to conclude its discussion, the Board agreed to continue its review of Alternative B during the regular meeting, inasmuch as a public hearing on the subject appears as Agenda Item 4.

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

Respectfully submitted,

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