



**Town of Gorham**  
**PLANNING BOARD WORKSHOP NOTES**  
**October 5, 2009**

A workshop meeting of the Gorham Planning Board was held on Monday, October 5, 2009, at 6:00 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

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

### **1. APPROVAL OF THE AUGUST 10, 2009 WORKSHOP NOTES**

There were no comments or corrections to the August 10, 2009 Workshop Notes.

---

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

Ms. Robie noted that several Board members had asked about the status of the application by Design Dwellings for the Hawkes Farm project. She said that some of the conditions of the Conditional Preliminary Approval granted by the Board have not as yet been fulfilled, and therefore the application cannot come before the Board again until those conditions have been met.

Mr. Zelmanow noted that the chronological status report provides a good aging report.

Ms. Robie reported that there have been no Planning Board subcommittee meetings. There has been one Town Council Ordinance Committee meeting since the Board last met in August. That Committee made changes to the Board's recommended language to the access to adjoining property proposed ordinance; one of the changes includes a condition that subdivisions that consist wholly of private ways will not be required to show road continuations on their plans, but should those private ways ever be offered to the Town as public roads, the process would have to be followed of identifying the roads, deeding them to the Town, and building the continuation. The second change by the Town Council Ordinance Committee was to add language to allow the Board to use its judgment on whether road continuations must be fully completed at the time of development to an adjacent developed property.

Ms. Robie said she would like to schedule a meeting of the Planning Board's ordinance subcommittee to discuss certain proposed ordinance changes that the subcommittee has been working on so that they can be forwarded either to the Town Council's Ordinance Committee or to the Town Council, as well as to bring the new Zoning Administrator, Sandra Mowery, up to date on what the Board's ordinance subcommittee has been working on for the past two to three years.

---

### **3. DISCUSS FORMAT OF NEW STAFF REPORT AND IMPLEMENTATION OF NEW REVIEW PROCEDURES**

Ms. Robie announced that the balance of the meeting will be devoted to a presentation by Ms. Mowery of the new review procedures and staff report format, with a decision to be made by the Board at the end of the workshop as to the timing of receipt of Board packets prior to meetings, as well as making a decision about accepting information received by the Planning staff after the packets have gone to Board members.

Ms. Mowery explained the various format plates being proposed for staff notes for each project and described how staff in its review of each project will build upon those plates. The plates are designed to create a tracking process, with a recordation of every submittal and what remains to be submitted. She described the formatting which will be used to indicate if projects meet ordinance requirements and what requirements still remain to be met. The staff notes will include verbatim peer reviews with the

applicable ordinance sections, the minutes of the last meeting at which the project was discussed, and applicable site walk notes. Staff notes will progress as new peer reviews are received and new minutes are available, with the previous reviews and minutes being dropped. Ms. Mowery noted that conditions of approval will be added at the end of the staff notes.

Mr. Stelmack commented that in the examples provided by Ms. Mowery there are three items that he would like to continue seeing in the staff notes: staff's recommendation on how the Board should proceed; a proposed motion ; and issues flagged for discussion by the Board. Ms. Mowery replied that she does not believe there should be a staff recommendation, as the staff notes should make it clear whether or not an application complies with the applicable ordinances. She also said that proposed motions will continue to be written for the Board in a format that the Board may choose to "approve/deny" the application if the Board so wishes. Ms. Mowery replied to Mr. Stelmack's third issue of flagging issues saying that these will be handled by yellow highlighting and in full caps in the staff notes and will stay that way until addressed by the Board. She said that this will also make it easier for the applicant to follow the process.

Mr. Hughes commented that in the business world, changing reports is always difficult, and asked what the reasons are for changing the current agenda review method. He said he is not aware of any instances where the Board has violated any ordinance and believes that the Board's meetings have been efficient. He said he is not sure what the new format is giving him as it was more difficult to assimilate the information in it, does not need the ordinances spelled out for him in a report, is reluctant to change and believes that the new staff notes are much less efficient than the previous reports. Only if it is easier for the Planning staff can he see any reason for changing and asked what will be accomplished by the new process: will it improve the Board's meetings, will it enable the Board to be more efficient in dealing with the applicants, will it prevent mistakes.

Ms. Mowery replied to Mr. Hughes that hopefully when the Board starts a project from scratch with the new method it will be more meaningful. She said that there have been complaints about Planning staff inefficiency from developers, and this process is as much for the developer as it for the Planners and the Board, to try to put everyone on the same track of moving forward.

Mr. Zelmanow noted that this could become the Planning Department's "bible" as a good tracking device in helping move an applicant forward through the whole process. While this might work for the Planning Department and the applicant, he does not see that this will help the Board as they will get mired down in the details. He said there is too much minutiae that does not need to come to the Board, such as comments about whether the plans are properly numbered with the engineer's seal, and administrative sections of the ordinances which the Board does not need to know. Ms. Mowery agreed with Mr. Zelmanow that there are certain technical details that do not need to be included. Mr. Zelmanow agreed that suggested motion language should be included.

Mr. Parker said the process was more cumbersome but perhaps the Board will adjust to this pattern in time. He said it certainly should leave no doubt in an applicant's mind about what has or has not been properly submitted.

Ms. Robie said she is concerned that the format of including suggested conditions of approval could persuade an applicant that a requirement can be conditioned, and asked if including conditions for every missing item is appropriate. Ms. Mowery said plan requirements should be on the plan, not as conditions of approval, but at no time should it appear that the Planner is trying to direct the Board.

Ms. Robie polled the Board members as to when they wish to receive their packets; all the members except Mr. Fickett said Friday night before a meeting is satisfactory, with Mr. Fickett wanting to receive the packet on Thursday night.

The Board discussed the question of accepting late material, with the consensus being that it should be a matter of staff's discretion, depending on what the material is. Mr. Zelmanow commented that accepting late material is disruptive to Planning staff. Ms. Mowery assured the Board that if an applicant misses a submittal deadline, it will be scheduled for the next Board meeting. However, if the applicant meets the submittal deadline, there may be some issues that can be fixed easily, but once the packets go out to the Board, no more plans can be accepted by the Planner. She said, however, that it is the Board's decision as to whether it will accept anything else the night of the Board meeting.

The workshop was adjourned to proceed to the regularly scheduled meeting, with a return to the workshop after the meeting is concluded.

---

The Board reconvened the workshop at 8:45. Ms. Mowery discussed specific points in the staff notes on the items discussed at the regular meeting, stressing that the notes can be made more concise, with less technical data. Mr. Hughes said it would be helpful if the suggested conditions of approval can be cross referenced by numbering the staff notes to make them more easily identifiable. It was stressed that suggested motions be written out in the affirmative.

The Board discussed the items that should be included in the packets for the Board's review.

The workshop was concluded at 9:05 p.m.

Respectfully submitted,

---

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