



**Town of Gorham**  
**PLANNING BOARD WORKSHOP NOTES**  
**NOVEMBER 1, 2010**

A workshop meeting of the Gorham Planning Board was held on Monday, November 1, 2010, at 6:30 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

The Clerk called the roll, noting that in attendance were Edward Zelmanow, Chairman, Thomas Hughes, Vice Chairman, Lauren Carrier, Thomas Fickett, and George Fox. Absent were Andrew McCullough and Christopher Hickey.. Also present were Town Planner Thomas Poirier, Public Works Director Bob Burns and Planning Board Clerk Barbara Skinner.

**REVIEW OCTOBER 4, 2010 WORKSHOP NOTES**

There were no comments or corrections to the October 4, 2010 Workshop Notes.

Noting the presence of the Public Works Director, Mr. Zelmanow announced that Item 2 would be discussed first.

2. Overview of the Town of Gorham's General Ordinance relating to Post-Construction Stormwater Management Ordinance.

Mr. Poirier explained that the Public Works Director is present this evening because Mr. Burns is a member of the Interlocal Stormwater Working Group, comprised of a number of communities in the Greater Portland area, including Portland, South Portland, Bangor and Brewer, Freeport, south to Old Orchard Beach and westerly to Windham, whose urban densities put them in the National Pollution Discharge Elimination System purview of the Maine DEP. This was triggered by the Clean Water Act of the 70s, and it has literally taken this long for the state to put together a program and implement it. Mr. Burns explained that Gorham needs to obtain a permit once a year from the DEP to be allowed the Town's stormwater into waters of the State.

Mr. Zelmanow asked how this Ordinance impacts the Planning Board and how it conducts its business. Mr. Burns said that some towns folded this ordinance into their land use code; however, Gorham chose to keep the Ordinance separate. It requires a developer or the end owner of a development to be responsible for the perpetual inspection and maintenance of the stormwater management system in the development. Mr. Hughes confirmed that this is why the ordinance is referred to as "post construction" and only applies in the "Urban" area as defined by the federal census and shown on the map accompanying the ordinance. If it is a residential development, once a year the homeowners' association will have to contract with an inspector to inspect the development's stormwater system to make sure it is acting as intended by the engineer, put together a quick report to be submitted to the Code office which eventually will go to the Public Works Director. A report is provided to the DEP. Mr. Burns noted that the ordinance may be amended with more restrictions from time to time by the DEP.

Basically, this ordinance will have to be referenced in the Conditions of Approval, effective as of October 1, 2009. The first development to fall under the ordinance has not yet been constructed, and the second is still under construction, as well as the Town's Chick Property stormwater pond which is not officially completed. Amendments or changes to subdivisions or other plans

approved in the past are also subject to the ordinance. Mr. Poirier noted that for new projects, the threshold of disturbance is one acre or greater, as established by DEP.

Mr. Hughes commented that homeowners' associations must be made aware very clearly of the obligations of this ordinance. Mr. Burns said that it has been the Town's policy in the past not to accept stormwater facilities.

1. Proposed Amendments to Gorham Land Use and Development Code relating to Small Wind Energy Systems. **CHAPTER II – GENERAL STANDARDS OF PERFORMANCE, Section XII – Small Wind Energy Systems; and CHAPTER IV – SITE PLAN REVIEW, SECTION VII, Section C. – Submission Requirements.**

Mr. Poirier noted that there are two versions before the Board for its review this evening, Version A being that of the Town Council and Version B is that of the Planning Board. He explained that staff reviewed the requirements for small wind energy systems of five municipalities: Yarmouth, Scarborough, Saco, Windham and Standish. Yarmouth has a requirement that any small wind energy systems (SWES) under 75 feet are reviewed under minor site plan application with SWES having a total height under 75' being reviewed under Minor Site Plan Application and SWES having a total height between 75' to 125' being reviewed by the Planning Board. In Scarborough, SWES are limited to a height of 175' from the finished grade to the highest point of the SWES and only require a building permit from the Code Enforcement Officer. Saco's: SWES are limited to 100' as measured from ground level to the center of the turbine, and only require a building permit from the Code Enforcement Officer. Windham's SWES having a generation capacity below 20kw and a system height of less than 100' are reviewed by the Code Enforcement Officer, and SWES having a rated generation capacity from 20kw to 120 kw and a system height between 100' to 120' are reviewed by the Planning Board. Standish's SWES require the review and approval of the Planning Board and have a maximum height of 120'.

Mr. Poirier suggested that any Board changes be made during the public hearing to follow the workshop, noting that there was a question of the adequacy of 100 feet maximum height.

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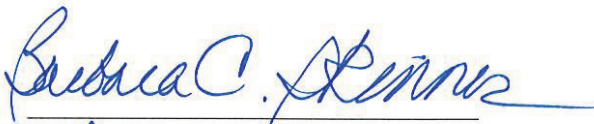
**Other Business.            None**

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**Adjournment.**

The workshop adjourned at 6:50 p.m. to proceed to the regularly scheduled meeting.

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
November 1, 2010