



Town of Gorham
PLANNING BOARD WORKSHOP NOTES
AUGUST 2, 2010

A workshop meeting of the Gorham Planning Board was held on Monday, August 2, 2010, at 6:00 p.m. in the Municipal Center Council Chambers, 75 South Street, Gorham, Maine.

The Clerk of the Board called the roll, noting that in attendance were Edward Zelmanow, Chairman, Lauren Carrier, Thomas Fickett, George Fox, Christopher Hickey, and Andrew McCullough. Thomas Hughes was absent. Also present were Town Planner Thomas Poirier and Planning Board Clerk Barbara Skinner.

REVIEW JULY 12, 2010 WORKSHOP NOTES

There were no comments or corrections to the workshop notes of July 12, 2010.

Chairman's Report – Mr. Zelmanow reported that there is nothing new to report.

Mr. Poirier noted that the Sappi/Mallison Street Administrative Review project is going to be shifted to review by the Planning Board, so a site walk will be required fairly quickly. The project is in the Shoreland Area; it is proposed that a driveway be located only so far from the river because of the lot size, and therefore the Planning Board's determination is required that that is the only feasible location on the site.

In response to Mr. Hickey, Mr. Poirier said that staff needs to get together with the Town Manager to talk about policy involved in the sewer study, and the Sawyer Estates applicant has not yet come forward. It is not yet decided whether that applicant will be allowed to proceed with low pressure or gravity sewers.

1. CHAPTER II-GENERAL STANDARDS OF PERFORMANCE, SECTION V-MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS, F. STREET DESIGN STANDARDS – PUBLIC WAYS, 4). Dead End Streets and Streets Providing Sole Vehicular Access.

Mr. Poirier noted that the Fire Chief had questions regarding measurement of the street and suggested the use of the word "cumulative" and deletion of the phrase "from the ROW line of the intersecting town way." The Board agreed that the word "buildings" should be replaced with "dwelling units," and the following language is to be presented in public hearing at the Board's regular meeting this evening:

"Dead end streets, whether public or private, except for those built to an industrial, commercial, or service street standard that serves as the sole vehicular access, shall not exceed in length a cumulative distance of fifteen hundred (1500) feet, as measured along the proposed streets' centerlines to the furthest centerline point of a turning circle or loop road or the terminus of the hammerhead.

The Planning Board may extend the 1,500' maximum dead end length requirement to a maximum cumulative length of 2,500' if it finds that the proposed street satisfies the following criteria and is the best road design for the site:

- 1) Dwelling units served by the proposed street are sprinkled per the Town of Gorham's Sprinkler System Ordinance. An extension to an existing dead end street requires that only those dwelling units served by said extension are required to be sprinkled per the Town of Gorham's Sprinkler System Ordinance.

- 2) Road connections are not required per Chapter II, Section V, C. Access to Adjoining Land, 1)-4).”

Ms. Carrier asked staff to provide her with a copy of the Fire Chief’s video regarding the difficulty of fire equipment navigating private ways.

2. **CHAPTER I - ZONING REGULATIONS, SECTION VI-URBAN RESIDENTIAL DISTRICT, Subsection B. PERMITTED USES** relating to the keeping of farm animals:

Mr. Poirier explained that the current ordinance provides for a special exception use in the Urban Residential District if there is a minimum lot area of six acres in one parcel, and a resident would like less than that. He said that staff has some concerns that changing the keeping of livestock to a permitted use in the Urban Residential District will promote inconsistency in other parts of the ordinance such as that dealing with the Suburban Residential District, where piggery or the raising of poultry are special exception uses. The Code Enforcement Officer has some significant concerns with enforcement of the current proposed language. Mr. Poirier suggested that staff review the Code to achieve a comprehensive change regarding the keeping of farm animals.

The Board concurred with tabling this item to a future workshop for additional discussion.

3. **CHAPTER 1 - ZONING REGULATIONS, SECTION V-DEFINITIONS** and **CHAPTER I ZONING REGULATIONS, PERMITTED USES** and **SPECIAL EXCEPTIONS** relating to fraternal organizations and fraternity housing.

Mr. Zelmanow said he believes this proposed language should be discussed again in the Board’s ordinance review committee, suggesting for example that the definition of fraternity house is so overly broad that it would preclude dormitories being permitted in Gorham. Other issues could involve a house of non-fraternity students or perhaps a house with mostly but not all fraternity members, or non – organized groups of athletes. Mr. Zelmanow said a complete ban should only be as a last resort with no other choices available.

The Board discussed Mr. Hickey’s suggestion of a review process on a yearly basis or a review triggered by a certain number of complaints within a certain time frame. There was also discussion about a proposed disorderly house ordinance and whether the problem is a land use or a civil enforcement issue. Mr. Poirier said that Durham, New Hampshire, has a “conditional use permit,” similar to Gorham’s special exception review, wherein a new sorority or fraternity wanting to locate in downtown Gorham would be required to go through special exception or conditional use permit approval. However, Mr. Poirier said he believes that the thrust of this proposed language is to preclude any new fraternities or sororities from being permitted in the future. Mr. Poirier said that presently fraternities are permitted only in the Rural and Suburban Residential Districts, and if the Board feels there should be some sort of licensing process, it could make a recommendation that the Board will propose language in the future to allow special exception permitted uses in certain areas for the Council to consider.

Further discussions involved enforcement issues and the length of time required to trigger a review process for probationary status. Mr. Fox pointed out that there are two components involved: dealing with existing problems involving fraternities and dealing with future fraternities with some sort of overview process.

The Board concurred that this item should go back to the Board's Ordinance Subcommittee for further review either to recommend adopting the current language or perhaps to recommend alternative language to the Council.

4. **CHAPTER I – ZONING REGULATIONS, SECTION IV, BOARD OF APPEALS, E. SPECIAL EXCEPTION STANDARDS, CHAPTER III – SUBDIVISION, SECTION III- PRELIMINARY PLAN REVIEW, C, CHAPTER IV – SITE PLAN REVIEW, SECTION VII – PROCEDURES FOR ADMINISTRATIVE REVIEW, and CHAPTER IV, SITE PLAN REVIEW, SECTION VIII – PROCEDURES FOR MAJOR DEVELOPMENTS** relating to expiration limitations of certain applications and approvals.

Rather than declaring an application abandoned or null and void, it was agreed that due process should be accorded to an applicant by providing an opportunity for the Board to vote upon an application which has been inactive for a certain period of time. The Board concurred that the two options open to an applicant are that either the applicant will withdraw his application or that the Board will vote upon the application. Accordingly, the following language was proposed.

Under **ZONING REGULATIONS, SECTION IV – BOARD OF APPEALS, SPECIAL EXCEPTION STANDARDS:**

Add the following language:

“A special exception permit granted by the Planning Board shall expire if the use does not commence within two years of the date of the Planning Board approval. The Planning Board may extend the approval for one additional year upon request filed by the applicant prior to the expiration of the initial two-year period if the applicant can demonstrate that the use cannot be commenced within the initial period of time because other required permits have not been issued or because the special exception approval has been appealed. This provision shall not apply to mineral extraction uses, which shall be subject to the provisions of Chapter II, Section I(C)(3)(b).”

Under **CHAPTER III – SUBDIVISION, SECTION III – PRELIMINARY PLAN REVIEW:**

Add the following language:

“The applicant shall submit such additional required information within twelve (12) months after the Planning Board requests such information. Failure to submit such information within twelve (12) months of the date upon which the request was made shall cause the application to be placed upon the agenda of the next meeting of the Planning Board for final review.

If an applicant fails to appear at two or more scheduled meetings without having been excused by the Planning Board, the application shall be placed upon the agenda of the next meeting of the Planning Board for discussion.”

Under **CHAPTER IV – SITE PLAN REVIEW, SECTION VII – PROCEDURES FOR AN ADMINISTRATIVE REVIEW OF DEVELOPMENTS**

Add the following language:

“The applicant shall delineate on the plan or supply such other information, studies or reports from qualified professionals that may be requested by the Planning Director under this section when determined by the Planning Director to be reasonably necessary to make any of the determinations

required by this Chapter, or to impose or carry out conditions of approval. The applicant shall submit such additional required information within twelve (12) months after the Planning Director requests such information. Failure to submit such information within twelve (12) months of the date upon the request was made shall cause the application to be placed on the next agenda of the Site Plan Review Committee for final review.”

Under **CHAPTER IV – SITE PLAN REVIEW, SECTION VIII – PROCEDURES FOR MAJOR DEVELOPMENTS**

Add the following language:

“3a) Request for additional information by Planning Board and expiration of application – The Planning Board may request additional information, studies or reports from qualified professionals when the Planning Board determines that such information is necessary for the Planning Board to make any of the determinations required by this Chapter or to impose or carry out conditions of approval. The applicant shall submit such additional information within twelve (12) months after the Planning Board requests such information. Failure to submit such information within twelve (12) months of the date upon which the request was made shall cause the application to be placed upon the agenda of the next Planning Board meeting for final review.”

The workshop adjourned at 6:55 p.m. to proceed to the regularly scheduled meeting.

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2010