



**Town of Gorham
January 3, 2011
PLANNING BOARD MINUTES**

LOCATION: Municipal Center Council Chambers, 75 South Street, Gorham, Maine

Members Present:

**EDWARD ZELMANOW, Chairman
THOMAS HUGHES, Vice Chairman
THOMAS FICKETT
GEORGE FOX
CHRISTOPHER HICKEY
ANDREW MCCULLOUGH**

Members Absent:

LAUREN CARRIER

Staff Present:

**THOMAS POIRIER, Town Planner
BARBARA SKINNER, Clerk of the Board**

Edward Zelmanow, Chairman, called the meeting to order at 7:01 p.m.. The Clerk called the roll, noting that Lauren Carrier was absent.

APPROVAL OF THE DECEMBER 6, 2010 MINUTES

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to approve the minutes of December 6, 2010 as written and distributed. Motion CARRIED, 6 ayes (Lauren Carrier absent). [7:05 p.m.]

COMMITTEE REPORTS

A. Ordinance Review Committee - Mr. McCullough reported that the Committee met earlier this evening and discussed the issues of expiration of applications and bed and breakfast parking buffering.

B. Streets and Ways Sub-Committee – Mr. Hughes stated that this Committee has not met and there is no report.

CHAIRMAN’S REPORT – Mr. Zelmanow said there was no Chairman’s Report.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that there is one new Administrative Review project, that of Flagship Holdings, LLC, for locating a landscape shop and storage area off Bartlett Road, which will be served by the Flagship Holdings, LLC, private way. The Board will consider Flagship’s private way application to give the lot street frontage, and the Administrative Review Committee will review the proposal for locating the shop and storage area. In response to a question from Mr. Zelmanow, Mr. Poirier said that the two applications can be reviewed concurrently.

In response to Mr. Zelmanow, Mr. Poirier noted that the Sawyer Estates project is still involved in sewer discussions.

ITEM 1 – PUBLIC HEARING – Amendments to the Gorham Land Use and Development Code Relating to Street Frontage; CHAPTER II – Section V, DEFINITIONS – Street Frontage and Restricted Road Access.

Mr. Poirier noted that due to a notice error this item was not held as originally scheduled in December and is therefore on this evening's agenda for public hearing. There are two versions that the Board has considered, Version A is that of the Town Council, and Version B is that of the Planning Board. The purpose of the amendment is to eliminate taking legal street frontage from what the Maine Department of Transportation identifies as controlled access highways, which in Gorham is the Bernard P. Rines Highway or the Gorham By-pass.

PUBLIC COMMENT PERIOD OPENED: Diana Libby, Bartlett Road, asked if the amendment impacted her property on the corner of New Portland and Bartlett. Mr. Poirier told Ms. Libby that it will not impact her at all.

PUBLIC COMMENT PERIOD ENDED.

Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to recommend adoption of the proposed ordinance amendment to CHAPTER I, ZONING REGULATIONS, Section V – Definitions – as amended by the Planning Board. Motion CARRIED, 6 ayes (Lauren Carrier absent). [7:15 p.m.]

ITEM 2 – PUBLIC HEARING – Amendments to the Gorham Land Use and Development Code Relating to Keeping of Farm Animals in the Urban Residential District and Suburban Residential Districts - CHAPTER I – ZONING REGULATIONS, Section VI – Urban Residential District, B. Permitted Uses and C. Special Exceptions; and Section VII – Suburban Residential District, C. Special Exceptions; and CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, Section XII – Keeping of Urban Farm Animals

Mr. Poirier said that this zoning amendment was forwarded by the Town Council as Version A, and the Board has revised the amendment as Version B. Basically, the proposed amendment allows for the accessory keeping of farm animals for a single family dwelling unit, it does not affect any of the permitted uses or special exceptions uses, and simply allows homeowners an additional ability to keep farm animals for their own use within the confines of the language proposed by the Board. Mr. Poirier said that the Town Attorney is satisfied that the language meets legal requirements.

PUBLIC HEARING OPENED: Michael D. Andrew, 64 Flaggy Meadow, confirmed that Version B is the Board's proposed language and commented that the language seems quite restrictive. He said he has 22 horses, 36 sheep and about 40 chickens on his property, which he would not be able to maintain if he understands the proposed ordinance correctly and asked for whose benefit the ordinance is being proposed, inasmuch as there are provisions already in the Code for the keeping of animals.

Mr. Zelmanow explained that the Town Council felt that there was a need to have an ordinance regulating both small and large farm animals in the suburban and residential districts, and questions about the Council's intentions should be directed to the Council. Mr. Poirier told Mr. Andrew that his property is located in the Suburban Residential district, and the only special exception review required would be for the keeping of poultry and the keeping of pigs, that it would apply to large animals only in the urban district. Mr. Andrew replied that he is keeping poultry. Mr. Poirier said that currently the keeping of pigs and poultry in the SR district is subject to special exception review by the Planning Board for that use; this allows the keeping of pigs and poultry without going through special exception review so long as the criteria identified in Section XII, Keeping of Farm Animals, is met. Mr. Zelmanow said that most of the ordinance applies to the Urban Residential District. Mr. Poirier said that Mr. Andrew does not have to meet the space standards under the accessory keeping of urban animals if he were to come before the Board for special exception review; all that would be necessary would be to prove that the criteria under special exception review could be met for perhaps keeping 100 chickens.

Mr. Andrew commented that the ordinance may restrict property owners in unintended ways, and the proposed ordinance errs on the side of being too specific. Mr. Zelmanow encouraged Mr. Andrew to attend the Council's public hearing on the matter and make his concerns known. Mr. Hickey said that he believes the proposed ordinance affords more latitude given to property owners for keeping of farm animals than there was previously. Mr. Hughes asked if, when the ordinance becomes effective, it will be retroactive to Mr. Andrew's property; Mr. Poirier replied that it would not.

Donald Mayo, 348 New Portland, asked if the proposed language will contain a grandfather clause. Mr. Zelmanow said there was no such clause when the language was forwarded from the Council, that it would have an immediate effect, and suggested that this be discussed with the Town Council at their public hearing on the language.

PUBLIC HEARING ENDED.

George Fox MOVED and Thomas Hughes SECONDED a motion to recommend adoption of the proposed ordinance amendments to CHAPTER 1, ZONING REGULATIONS, Sections VI and VII, and CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, Section XII, Keeping of Farm Animals, as amended by the Planning Board. Motion CARRIED, 5 ayes, 1 nay (Thomas Fickett) and 1 absence (Lauren Carrier). [7:29]

ITEM 3 – PRE-APPLICATION CONFERENCE – Private Way Application – Flagship Holdings, LLC – Albert Way - A request for a 2-6 lot private way off Bartlett Road. Zoned R (M12, L7 & 10).

Thomas Hughes advised the Board that he is well acquainted with the applicant but believes that he can participate impartially in discussions on this application.

Thomas Fickett MOVED and George Fox SECONDED a motion to allow Mr. Hughes to participate in discussions on this item. Motion CARRIED, 5 ayes (Thomas Hughes abstaining, Lauren Carrier absent). [7:31 p.m.]

Mr. Poirier explained that pre-application conferences are between the Board and the applicant. The plan has not yet been submitted to staff for review; it is a chance for the Board to identify any concerns it may have and any issues the Board wishes to see addressed. The Streets and Ways subcommittee might want to indicate to the applicant if there is a need for a sitewalk for this particular project.

Bill Thompson, BH2M Engineers, appeared on behalf of the applicant and owners of the property Paul Gore, Barbara Esposito and Patrick Shannon. Mr. Thompson introduced Mr. Flagg and gave an overview of the proposal, saying that basically the private way will come in off Bartlett Road and bisect the front piece of property to create frontage for some ten acres in the rear of the parcel and 4-1/2 acres in the front piece. The private way will come in at about mid-point of the property and run some 600 feet long with a t-turnaround to the left. Mr. Flagg intends to relocate his landscaping business, which will be reviewed by the Administrative Review Committee as previously noted by Mr. Poirier. The private way sight distance is 460 feet to the north and 520 feet to the south, and will be built to the 2-6 lot private way standard, 18 feet wide with 2 foot shoulders, and underground electric. Mr. Thompson said that the land drains down from west to east, the parcel is fairly densely wooded but access would be available should a sitewalk be required.

Mr. Hughes confirmed that the Planning Board is only reviewing the private way approval and not any lots that might be involved at a later time. In response to Mr. Zelmanow, Mr. Thompson said that

wetlands are being mapped now, and identification will be made of any wetland fills that need to be permitted. Mr. Hickey and Mr. Thompson discussed the right of way going across the lot to the south.

PUBLIC COMMENT PERIOD OPENED: Diana Libby, Bartlett Road, asked about drainage from the site to her property across Bartlett Road, the drainage problems along her property already, and how her land will be impacted by the private way. Mr. Thompson again said that stormwater drainage is from west to east, and there is a culvert under the road, so anything from the private way will not impact Ms. Libby's property.

Ms. Libby asked about possible traffic flow of a 2-6 lot private way. Mr. Flagg described his landscaping business as employing 10 to 12 employees, with 7 or 8 landscaping vehicles, small one-ton dump trucks, with minimal deliveries, hours of 7 to 5, Monday through Friday, and no weekends and no night work. Mr. Zelmanow explained what a "2-6 lot private way" means and reiterated that the Board is looking only at the private way and that the lots will be reviewed during the administrative review process.

Donald Mayo, 348 New Portland Road, abutter to the parcel, expressed concerns about the wetlands and a culvert going across the right of way, saying that his septic system is at the end of the road. Mr. Zelmanow said that drainage issues will come up during the administrative review and encouraged Mr. Mayo to become involved in that review
PUBLIC COMMENT PERIOD ENDED.

OTHER BUSINESS - NONE

ANNOUNCEMENTS – NONE

ADJOURNMENT

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Lauren Carrier absent). [7:50 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2011