



**Town of Gorham**  
**PLANNING BOARD WORKSHOP NOTES**  
**AUGUST 22, 2011**

A workshop meeting of the Gorham Planning Board was held on Monday, August 22, 2011, at 6:00 p.m. in the Burleigh H. Loveitt Council Chambers, 75 South Street, Gorham, Maine.

The Clerk called the roll, noting that all Board members were in attendance: Chairman, Edward Zelmanow, Vice Chairman, Christopher Hickey, Thomas Fickett, George Fox, Andrew McCullough and Corey Theriault. Also present were Town Planner Thomas Poirier and Planning Board Clerk Barbara Skinner.

### **REVIEW AUGUST 1, 2011 WORKSHOP NOTES**

There were no comments or corrections to the August 1, 2011 Workshop Notes.

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#### **Item 1 Discussion - Hans Hansen Contract Zone**

Hans Hansen is requesting a Contract Zone in order to develop a business park on his parcel in South Gorham. The property is located at the intersection of Routes 22 & 114 on Map 3 Lots 22.401, .402, .403, .404, .502, .503, .504, .505, .506, and .507 in the Rural/ Suburban Residential (R/SR) zoning districts.

Mr. Poirier said that this item was last before the Board on August 1, 2011, when the Board referred it to workshop this evening. Staff has provided the Board with workshop notes consisting of the permitted uses and limitations identified in a memorandum from the Town Manager and revised by the Town Council. Mr. Poirier explained what is shown on the aerial map. He said that the Board will need to decide what will be permitted in the way of signage on site.

Mr. Poirier said that the workshop is scheduled for an hour before the regular Board meeting; if all of the items have not been completed at the end of that hour, staff recommends continuing the workshop after the regular meeting is over in order to get the item on for public hearing September 12.

Thomas Greer, Pinkham & Greer, appeared on behalf of the applicant and said that the items listed in the Town Manager's memo are acceptable as part of the Contract Zone. As far as signage is concerned, it is up to the Board to decide what is appropriate, and it is anticipated that as clients come forward for businesses in the Contract Zone, they will come before the Board to amend any sign specifics they have issues with.

Mr. Hickey asked for further confirmation of what is shown on the aerial map and what a curtilage lot is. Tenants of this parcel would come under the multi-occupant sign ordinance regulations. Mercy Hospital's sign has 4 panels in its sign to accommodate the 4 curtilage lots. Mr. Greer said the lot lines should be viewed as flexible; if a prospective tenant needed more or less land, his needs would be accommodated. Mr. Zelmanow commented that the Mercy sign would be the only ground-mounted sign for the 4 curtilage lots, but each one of those lots would be allowed a sign mounted on its building. Mr. Poirier replied to a question from Mr. Theriault that when a lot is split by one zone, the zone can be extended 50 feet to encompass a majority of the lot. Mr. Poirier recommended that the Board select one sign environment to use as a base for the Contract Zone, with whatever restrictions it wants to impose.

After discussion, the Board agreed that the Roadside environment is the most appropriate sign environment for the Contract Zone, with a directory sign at the entrance to Blue Ledge Road and all of the businesses having a piece it. That would be the only sign permitted on County Road, and all other signage would be interior to the site. Each business could have its own sign on its own property at its own entrance and a building sign. It was agreed that the directory sign should be in accordance with the multiple occupancy standard in the code.

Mr. Theriault raised the issue of buffers abutting residential properties. Mr. Greer said that currently there is a 100 foot setback along the property line, part of which is a wetland area, with some gaps such as along lot 5. Mr. Poirier noted that the Board can also add that to the Contract Zone to protect abutting properties. Mr. Greer

said it is reasonable to include it so as to avoid any future discussions about changing it. Mr. Zelmanow said that the currently existing buffers should be made part of the Contract Zone. Mr. Greer said that as each individual lot comes before the Board, the proposed usage could determine whether more or less buffering is required.

Mr. Greer and Mr. Hickey discussed the possibility that the stormwater management plan could change, based on potential users, so the need for a 100 foot buffer for stormwater management could disappear. Mr. Zelmanow said that the 100 foot buffer cannot be reduced or amended now as it was part of the original subdivision approval.

**PUBLIC COMMENT PERIOD OPENED:** Al Frick, 95 County Road, came to the podium and suggested that while he is in favor of the contract zone, more work is needed to make the plan more comprehensive, referring to the study proposed by the Council in 2009. He said there are other neighbors who would like to be included in a broader zone, such as himself and the Ordways, and suggested that to avoid spot zoning abutting residential more research needs to be done to make this a broader zone. Mr. Frick asked what zone is most comparable to this contract zone, which seems to be a hybrid. Mr. Frick suggested that some of the setbacks are not in harmony with the performance standards.

Sherry Benner asked the Board how many of the lots proposed will be commercial. Mr. Zelmanow said that the lots have already been created by the approved subdivision plan, and the Board is presently considering what limitations can be imposed on the uses of those lots, which will all be commercial uses. The residential lots being discussed are those which abut the parcel. The parcel is currently zoned Rural and Suburban Residential.  
**PUBLIC COMMENT PERIOD ENDED**

Mr. Zelmanow said that the buffering issues can be addressed with the site plan reviews as each lot comes before the Board, and the Board can put into the Contract Zone the minimum setbacks on any lot bordering on a residential use. The Board discussed the minimum setbacks as set forth in the Town Manager's memo, ultimately concurring with 10 minimum setbacks except for 20 foot setbacks along residential properties. In addition to the setbacks, buffering along residential properties will meet the requirements of the Planning Board. Setbacks are measured from the property lines. Parking is allowed in the rear setback with appropriate screening. There is a minimum setback from County Road of 75 feet, and the Council has specified that it be buffered.

The workshop adjourned at 7:00 p.m. to proceed to the regularly scheduled meeting, with the understanding that the workshop would resume at the conclusion of the regular meeting.

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The workshop resumed at 8:00 p.m., following the conclusion of the regular meeting.

The Board concurred that hours of operation will be decided as the individual site plan applications come before the Board for review.

Mr. Greer suggested that having parking in the front would provide more protection to abutting residential lots than having the parking in the rear. The use in the building would come into play as well. Mr. Poirier said that the Town Council wants this consistent with a traditional New England character with buildings pushed to the front of the lot and parking in the back. Mr. Poirier said that the Council is possibly looking at implementing form-based zoning in this area to create more of a neighborhood center district which will allow commercial and residential mixed uses, with this area being a prototype in the new South Gorham zoning study.

**PUBLIC COMMENT OPENED:** Sherry Benner returned to the podium and asked for an explanation of the difference between buffers and setbacks and which one better protects an abutter. Mr. Poirier explained that in the Code, setbacks refer to setbacks from structures, so a front yard setback of 25 feet and a side setback of 10

feet means that no building can be located within 25 feet of the front of the lot line or 10 feet from the side and rear lot lines. However, parking can be located in those setbacks. Mr. Poirier explained that buffering probably offers the most protection for residential properties as no parking is allowed, and typically nothing other than landscaping is there, or existing trees and shrubs which cannot be cut or removed unless diseased. He told Ms. Benner that the Board has put a 20 foot setback along residential properties, and will require buffering along residential properties to meet the requirements of the Board when the projects come in for site plan review. Mr. Zelmanow said that the Board will determine on a case-by-case basis what each use will have to do to buffer abutting residential properties. Mr. Zelmanow told Ms. Benner that lighting also will be considered on a case-by-case basis, with photometric studies being required by the Board as necessary.

Darcy Nicely, 8 Rustic Ridge, asked what is proposed for the lots, the impact on water, and how will it affect the value of abutting properties, will a traffic study be done, and complained about the Mercy sign. Mr. Zelmanow explained that there is no definite information on particular proposed uses and how those uses may impact surrounding areas is not within the Board's purview this evening. Mr. Zelmanow suggested that Ms. Nicely speak to the Code Officer about Mercy's sign. Mr. Zelmanow said that a traffic study was done and the improvements were completed as part of the original subdivision approval.

Barry King, 44 County Road, asked about land Mr. Hansen was supposed to give to the cemetery; Mr. Zelmanow said that if there are any questions or issues about the conditions of the original approval, they should be directed to the Code Officer. Mr. King asked about the proposed gas station and its impact on the aquifer; Mr. Zelmanow said that the Board has no information at this time about proposed uses and explained why the Board is reviewing the proposed Contract Zone at this time. Mr. King said more people should be advised of what is proposed for the parcel. In response to Mr. King, Mr. Zelmanow said that the Town Council has to deal with the overall rezoning changes for the Route 114 corridor.  
PUBLIC COMMENT PERIOD ENDED.

The Board returned to a discussion of the setbacks, in particular the minimum front yard setback of 25 feet as recommended in the Manager's memo. Mr. Poirier said the Board could impose a minimum front yard build-to line of 10 feet with a maximum front yard build line of 20 feet. Mr. Greer said that build-to lines would not work for some of the lots. Mr. Poirier said that the Contract Zone needs to be consistent with the Comprehensive Plan, which calls for this area of Gorham to be a neighborhood with a center comprised of shops and businesses. The Board concurred with a minimum front yard setback of 10 feet with sidewalks along Blue Ledge Road.

Mr. Poirier explained that performance guarantees for site improvements are required for all projects being reviewed under the provisions of Chapter II of the Code.

Mr. Poirier said he will pull together the Board's recommendations and changes for review by legal counsel and formalize the Contract Zone process.

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## ADJOURNMENT

The workshop adjourned at 8:45 p.m.

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
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