



**Town of Gorham  
March 4, 2013  
PLANNING BOARD MINUTES**

LOCATION: Burleigh H. Loveitt Council Chambers, 75 South Street, Gorham, Maine

**Members Present:**

**EDWARD ZELMANOW, Chairman  
JAMES ANDERSON  
GEORGE FOX  
THOMAS HUGHES  
MELINDA SHAIN**

**Members Absent**

**CHRISTOPHER HICKEY, Vice-Chairman  
COREY THERIAULT**

**Staff Present:**

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

Edward Zelmanow, Chairman, called the meeting to order at 7:04 p.m. The Clerk called the roll, noting that Christopher Hickey and Corey Theriault were absent.

**APPROVAL OF THE FEBRUARY 4, 2013 MINUTES**

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of February 4, 2013 as written and distributed. Motion CARRIED, 4 ayes (Thomas Hughes abstaining as not having been present at the meeting; Christopher Hickey and Corey Theriault absent). [7:06 p.m.]**

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**COMMITTEE REPORTS** – Mr. Zelmanow noted that the Ordinance Review Committee has not met since the Board’s last meeting. Ms. Shain reported that the Streets and Ways Subcommittee has not met.

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**CHAIRMAN’S REPORT** – Mr. Zelmanow said that the Town is soliciting applications for various boards and committees, and if interested, please contact the Town Clerk’s office.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that Carl Phillips’ minor site plan has been approved and the applicant is moving forward with constructing the new storage area at his facility.

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**ITEM 1      CONSENT AGENDA –ABBA Realty Investment, LLC, Kevin Gagnon, Member – Sign Plan Amendment for the Village Mall**

Request for approval to the Master Sign Plan for the Village Mall, 94 Main Street, Map 102/L114, in the Urban Commercial zoning district.

There being no one from the Board or the public wishing to take the item off the Consent Agenda and with the applicant satisfied with the Conditions of Approval,

**Thomas Hughes MOVED and Melinda Shain SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 5 ayes (Christopher Hickey and Corey Theriault absent). [7:08 p.m.]**

**ITEM 2 PUBLIC HEARING – Amendments to the Land Use and Development Code, Chapter I, Section XII – Industrial District**

Proposed amendments to the Industrial zoning district setback requirements for industrial lots abutting other industrial lots.

Mr. Poirier explained that the item was referred by the Town Council and is an amendment to the Industrial district’s Space Standards, and is designed to reduce minimum front, rear and side yards for industrial lots abutting other industrial lots or commercial uses. In the proposed language, if an industrial lot abuts another industrial lot, the minimum front yard setback is reduced from 50 feet to 30 feet, and the minimum side and rear setbacks are reduced from 30 to 20 feet, as shown below. Mr. Zelmanow corrected a typographic error to remove the word “yards” where it appears as “where the front yard *yards* abuts...” For industrial lots that abut residential uses or districts, the front yard setback remains at 50 feet, and the minimum side and rear yards setbacks remain at 30 feet. Mr. Poirier said that the Board should open the public hearing, and then forward a recommendation to the Town Council.

**“SECTION XII - INDUSTRIAL DISTRICT**

**D. SPACE STANDARDS**

Minimum area of lot	None*
Minimum area per dwelling unit	*
Minimum street frontage	None*
Minimum front yards	<u>50 30 feet except where the front yard abuts a residential use or district in which case a minimum of 50 feet shall be provided.</u>
Minimum side and rear yards	<u>30 20</u> ft.* except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential <u>use or</u> district in which case a minimum of 30 ft. or 50% of the building or outdoor stored material height, whichever is greater, shall be required.
Maximum building height	None
Maximum building coverage	None*

\*Except that space standards for residential uses shall be the same as for the Suburban Residential and Rural Districts.”

Mr. Fox asked how this standard aligns with other municipalities; Mr. Poirier said he believes that Scarborough has less restrictive requirements for their industrial properties. Ms. Shain said she is glad to see the phrase “residential use or district” in the proposed language.

PUBLIC HEARING OPENED: None offered.  
PUBLIC HEARING ENDED.

**Melinda Shain MOVED and Thomas Hughes SECONDED a motion to recommend adoption by the Town Council of the proposed Ordinance Amendment to Chapter I, Zoning Regulations, Section XII, Industrial District, Subsection D, Space Standards. Motion carried, 5 ayes (Christopher Hickey and Corey Theriault absent). [7:15 p.m.]**

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### **ITEM 3 SUBDIVISION AMENDMENT – Christopher and Lynette Wheeler**

Mr. Zelmanow recused himself from participating in the discussion of this item as the applicants are his neighbors. Mr. Zelmanow asked Mr. Hughes to take over the chairmanship of the Board for this application review.

Request for approval of the 2<sup>nd</sup> Amendment to the Reinhard Farm Subdivision to remove a 50-foot right-of-way connecting Allison Lane and Bear Run which runs across the applicants’ lot at 37 Allison Lane, M87/L16.005, Suburban Residential/Manufactured Housing zoning districts.

Mr. Poirier advised the Board that there are no physical changes being proposed on the plan and the only change is the removal of the right-of-way that was a requirement of the first amendment of the Reinhard Farm Subdivision. As there are no physical changes proposed, the Board will see that some of the Findings of Fact are shown as “not applicable.” Mr. Poirier noted that from the time of the last amendment to this proposed amendment, the Ordinance has changed regarding connections to abutting parcels, and there is no longer a requirement for private ways to provide connections to both existing rights-of-way as well as undeveloped parcels. If the homeowners were ever to upgrade Allison Lane to a public road standard, the road connection to the Bear Run right-of-way would most likely need to be included as part of the road acceptance process.

Andy Morrill, BH2M, representing Christopher and Lynette Wheeler, said that the lot in question, 16.005, was created in 2001 when 7 lots were created with a 600 foot extension of Allison Lane. The Board at that time required connection to abutting property, which was provided both at the end of Allison Lane to “land of Barstow” and across lot 16.005 to Bear Run. The applicants are interested in building a garage on their property, and the right-of-way provides certain setback issues with doing that. The Wheelers would like to remove the paper right-of-way and have secured the agreement and understanding of the Allison Lane abutters.

Mr. Morrill and Ms. Shane discussed the location of the right-of-way in question. Mr. Hughes pointed out the other right-of-way across Lot 7 which Mr. Morrill said will remain there. Ms. Shain confirmed that the abutters are in accord with the removal of the right-of-way and that the removal

will make it less likely that Allison Lane will become a public road, due to the cost involved in the upgrading of Allison Lane that would be required.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

**Melinda Shain MOVED and James Anderson SECONDED a motion to grant Christopher and Lynette Wheeler's request for subdivision amendment approval to the Reinhard Farm Subdivision located on Map 87, Lot 16.005, in the Suburban Residential – Manufactured Housing zoning districts based on Findings of Fact and conditions of approval as written by the Town Planner. Motion CARRIED, 4 ayes (Edward Zelmanow abstaining, Christopher Hickey and Corey Theriault absent). [7:25 p.m.]**

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Mr. Zelmanow returned to the podium.

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**OTHER BUSINESS**            **None.**

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**ANNOUNCEMENTS**            Mr. Hughes commended Public Works on their snow removal during the recent storms.

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**ADJOURNMENT**

**Melinda Shain MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Christopher Hickey and Corey Theriault absent). [7:26 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board

**ITEM 1 CONSENT AGENDA –ABBA REALTY INVESTMENT, LLC, KEVIN GAGNON, MEMBER – Sign Plan Amendment for the Village Mall**

**FINDINGS OF FACT**

**CHAPTER II – GENERAL STANDARDS OF PERFORMANCE, SECTION III - SIGNS**

The Planning Board, following review of the Master Sign Plan Application, makes these findings based on the Subdivision Amendment Review criteria found in Chapter II, Subdivision, Section II – Signs, E. 9).

**E. PERFORMANCE STANDARDS**

- 9) For a new multi-occupant, non-residential building or the renovation or expansion of an existing multi-occupant building that requires major or minor site plan review, the owner shall submit a master sign plan as part of the application for site plan review. The master sign plan shall identify the proposed location and size of signs to be allowed on the site including provisions for how individual business signs will be treated. The master sign plan should demonstrate how the signs on the property will be coordinated in conformance with the requirements of this section to create a harmonious visual environment. This plan must specify any conditions or limits that will be applied to future signs or changes in signs to conform to these requirements. Once a master sign plan has been approved for a building, all future signs including the replacement of existing signs, shall conform to the approved plan. The approved master sign plan may be revised with the approval of the Planning Board.

*Finding: The proposed amendment to the master sign plan meets the requirements of the Village Sign Environment in the Land Use Code and is coordinated in conformance with this section to create a harmonious visual environment.*

**Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That all relevant conditions of approval from the original Master Sign Approval shall remain in effect;
3. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
5. That these conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board’s approval, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to issuance of a sign permit.

**ITEM 3        SUBDIVISION AMENDMENT – CHRISTOPHER AND LYNETTE  
                 WHEELER – REINHARD FARM SUBDIVISION**

**FINDINGS OF FACT**

**CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN**

The Planning Board, following review of the Subdivision Amendment Application, makes these findings based on the Subdivision Amendment Review criteria found in Chapter III, Subdivision, Section III – C. Preliminary Plan Review, and Section IV – D. Final Plan Review.

Because no physical changes are proposed with this amendment, most of the Standards are not applicable, as indicated below.

**C. PRELIMINARY PLAN REVIEW**

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

Lot 16.005 meets the minimum lot size and street frontage requirements in the Suburban Residential District. No changes to the lot size or street frontage requirements are proposed as part of the subdivision amendment.

*Finding: The proposed subdivision amendment to the Reinhard Farm Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.*

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

The right-of-way connection between Allison Lane and Bear Run was not necessary to meet this standard. No additional traffic into the subdivision is proposed as part of the subdivision amendment.

*Finding: The proposed subdivision amendment will not cause congestion or unsafe conditions with respect to use of public roads existing or proposed on or off the site.*

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

No changes are proposed to the subdivision lots' utilities, waste removal, or fire protection requirements.

*Finding: Not applicable.*

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

No changes to the approved subdivision's water supply are proposed.

*Finding: Not applicable.*

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

No changes to the approved subdivision's sewage waste disposal are proposed.

*Finding: Not applicable.*

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

No changes are proposed to the approved subdivisions regarding the impact on surficial or ground waters are proposed.

*Finding: Not applicable.*

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

No changes are proposed to the approved subdivision regarding the capacity of the land to hold water.

*Finding: Not applicable.*

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

The subdivision is not located in the Town's Shoreland Overlay District.

*Finding: Not applicable.*

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

No changes are proposed to the approved subdivision regarding the impacts to the scenic or natural beauty of the area.

The lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

*Finding: Not applicable.*

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter VIII.

*Finding: Not applicable.*

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
- a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
  - b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

*Finding: Not applicable.*

### **CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW**

#### **D. FINAL PLAN REVIEW**

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

*Finding: This is an amendment to an approved plan and requires only a subdivision amendment approval.*

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

*Finding: This is an amendment to an approved plan and requires only a subdivision amendment approval.*

#### **Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;



2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That all relevant conditions of approval from the original subdivision and subdivision amendment approvals shall remain in effect;
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
5. That these conditions of approval must be added to the subdivision plan and the subdivision plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the subdivision plan shall be returned to the Town Planner.