



Town of Gorham
March 23, 2009
PLANNING BOARD MINUTES

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

Members Present:

SUSAN ROBIE, Chairwoman
DOUGLAS BOYCE, Vice Chairman
THOMAS FICKETT
THOMAS HUGHES
MICHAEL PARKER
MARK STELMACK
EDWARD ZELMANOW

Staff Present:

DEBORAH FOSSUM, Dir. of Planning & Zoning
THOMAS POIRIER, Assistant Planner
NATALIE BURNS, Town Attorney
MARK EYERMAN, Planning Decisions
BARBARA SKINNER, Clerk of the Board

The Chairwoman called the meeting to order at 7:00 p.m. and read the Agenda. The Clerk called the roll, noting that everyone was present.

1. APPROVAL OF THE MARCH 9, 2009 MINUTES

Michael Parker MOVED and Thomas Fickett SECONDED a motion to approve the minutes of March 23, 2009 as written and distributed. Motion CARRIED, 7 ayes. [7:05 p.m.]

**2. PUBLIC HEARING: Proposed Amendments to the Gorham Land Use and Development Code, Chapter II, Section III, Signs relating to the replacement of non-conforming signs
POSTPONED FROM MARCH 9, 2009 MEETING**

Proposed amendments to the Sign Ordinance relating to the replacement of non-conforming signs.

Ms. Robie explained that the issue under consideration is how to deal with a non-conforming sign which must be replaced under Chapter II, Section III – Signs, Subsection K 3), “Discontinuation/Replacement of Nonconforming Signs.” She read from the Code the provisions dealing with the continued use of legally nonconforming signs and the discontinuation/replacement of nonconforming signs. She said that the Planning Board’s Ordinance Subcommittee initially proposed language to add to item 3) of Subsection K a provision whereby the Planning Board shall approve the replacement of a nonconforming sign with a less nonconforming sign pursuant to certain criteria. Subsequently that language has been simplified and both versions are before the Board for consideration this evening.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

After Ms. Robie outlined the proposed language of the simplified version, Mr. Eyerman confirmed that in substance both versions accomplish the same thing. By poll, the Board concurred in focussing their review on the simplified version.

After considerable discussion, the Board determined that the simplified version should be forwarded to the Town Council with the following proposed revisions:

“The Planning Board *shall* ~~may~~ approve the replacement of a nonconforming sign with a less than nonconforming sign. This replacement *is available only* ~~may be granted~~ one time for each nonconforming sign.”

Additionally, the Board suggested certain punctuation changes, such as adding semicolons after each item in a series with the word “and” before the last item.

Michael Parker MOVED and Thomas Hughes SECONDED a motion to recommend adoption of the simplified version, as amended this evening, of the proposed amendments to the Land Use and Development Code, Chapter II, Section III Signs, relating to the replacement of non-conforming signs. Motion CARRIED, 7 ayes. [8:00 p.m.]

Ten Minute Break

3. PUBLIC HEARING: Proposed Amendments to the Gorham Land Use and Development Code, relating to the adoption of sunset provisions for various applications and development approvals. POSTPONED FROM MARCH 9, 2009 MEETING

Proposed amendments to the Land Use and Development Code relating to sunset provisions for various Planning Board applications and development approvals.

Ms. Robie explained that under consideration is specific proposed language to be inserted in certain sections of the Code to provide for expiration provisions for various applications and development approvals. She noted that all of the changes initially suggested by letter to the Council on June 13, 2008 have not yet been addressed, and the Board should decide if what has been suggested is adequate and appropriate for recommendation to the Town Council.

Ms. Robie read the first inserted language, to be included in Chapter I, Zoning Regulations, Section IV – Board of Appeals, E. Special Exception Standards: “A special exception permit granted by the Planning Board shall expire if the use does not commence within one year of the date of the Planning Board approval. The Planning Board may extend the one-year approval for one additional year upon request filed by the applicant prior to the expiration of the initial one-year period if the applicant can demonstrate that the use cannot be commenced within the required period of time because other required permits have not been issued or because the special exception approval has been appealed.”

Ms. Burns commented that while a quarry does utilize some of the special exception standards, it is not a special exception except in the suburban residential district and is a permitted use in the industrial and rural districts. Mineral extraction in the suburban district is included in the above proposed Special Exception language. After considerable discussion, it was agreed that expiration language should be included as well in the appropriate mineral extraction section in Chapter II, with a specific definition developed for what a significant undertaking of that use would include.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

The Board then discussed the proposed language in Chapter II, General Standards of Performance, H. Standards for Private Ways, “If work authorized under the private way approval is not commenced within one year or completed within two years of the date of the Planning Board approval, the approval shall become null and void and no further work shall be done on the private way unless a new approval is acquired from the Planning Board.” The Board agreed that this language is satisfactory.

The two proposed expiration language additions for Subdivision and Site Plan were discussed at length by the Board, with particular emphasis placed on how to define “commencement of work” as a benchmark standard and what criteria should be used in such a determination, such as a preconstruction meeting.

Ultimately, the Board concurred that these proposed amendments should be considered in a workshop meeting at a later date, with the Town Attorney to develop more fully the proposed language for these

sections of the Code. Ms. Burns referred the Board's attention to another municipality's ordinance wherein an application expires if an applicant has not provided information which has been requested by the Board beyond that required to have a complete application. The Board generally concurred that it would like to consider language on that issue, and a period of 12 months was established as the time frame for additional information to be provided beyond that required for a complete application. Consideration will also need to be given to subdivisions which are proposed to have phased approvals.

Michael Parker MOVED and Thomas Hughes SECONDED a motion to postpone the item indefinitely. Motion CARRIED, 7 ayes. [9:19 p.m.]

4. ADJOURNMENT

Michael Parker MOVED and Douglas Boyce SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:21 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
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