

PLANNING BOARD PROJECT REVIEW PROCESS GUIDE

The Planning Board has prepared this guide to explain what you, as an abutter to a proposed development project, or, perhaps, just a person interested in community planning in general or the public planning process for plan submission and the development process, can expect during the process of review of a proposed project. It is not intended to be a legal guide; it is intended to help you understand how to participate in hearings, get information, and best communicate any concerns you may have to the Board. To reach the Planning Board, please send an email prior to the meeting, to the Town Planner at ceyerman@gorham.me.us. The Planning Office is located on the upper level of Town Hall. The town staff will forward all correspondence to the Planning Board.

What is the Planning Board?

The Planning Board has five members. The Board has the responsibility to review proposed development projects and make decisions on them in accordance with state statute and local bylaws and ordinances. If a project adheres to the state and local laws and ordinances, then it can be approved. Local Ordinances can be found here... <https://www.gorham-me.org/codes-ordinances/pages/land-use-and-development-code>. The ordinances must be consistent with the Comprehensive Plan, which can be found here... https://www.gorham-me.org/sites/g/files/vyhlf4456/f/uploads/2021-03-02_adopted_gorham_comp_plan_doc.pdf.

The Board holds its meetings in the evenings. During these meetings, the Board considers both plan applications that are reviewed as business items and plan applications that require a hearing by statute and/or by local bylaws and ordinances. Board members have a variety of backgrounds and volunteer their time to serve on the Board. They are assisted by a professional staff that works in the Planning Division office during the day and also attends the Board's meetings.

How Can I Find out More about what is proposed?

Applications, plans, and supporting materials are on file in the Planning Division office. You are welcome to review this information and may pay for copies of any information you would like to keep. Our office is generally open on Monday through Thursday from 7:00 a.m. - 5:00 p.m.

Why and when will I Receive a Hearing Notice by Mail?

You will receive a hearing notice if you are an abutter (as defined by law) to a proposed development that will be reviewed by the Planning Board at a public hearing as part of a Planning Board meeting. The notice is required by statute to let you know that a public hearing is being held on the project. You will not receive a hearing notice if a proposed development does not require a public hearing and will be reviewed at a Planning Board meeting as a discussion item only.

Am I Required to Attend a Public Hearing if I Receive a Hearing Notice?

You are not required or mandated to attend a public hearing if you receive a hearing notice. The notice is only to inform you that a hearing is being held, in the event that you may wish to attend and/or make verbal and/or written comments on the application that is the subject of the hearing

What Should I Expect at a Public Hearing?

The notice you received in the mail tells you when the public hearing is scheduled. It is also published in the legal notice section of the Portland Press Herald.

At the first public hearing session, the applicant will present plans and explain what is proposed for the Board and the audience. Following the presentation, the Board will ask questions of the applicant, generally where clarification is needed about how a project meets the ordinances. Then there will be an opportunity for those in the audience to ask questions or offer opinions about how the project may or may not meet the ordinances. Comments may also be submitted in writing.

Since the Board often hears several projects in an evening, public hearings last a specified period of time. At the end of this time, the public hearing may either be closed or continued to a later date.

Occasionally, for simple projects, public hearings can be completed in one night and closed; meaning that no further testimony would be taken. More often, hearings will be continued with direction given by the Board to the applicant on revisions to the plans or additional information that is needed. Continued hearings may be several weeks or months in the future depending on how long it takes the applicant to gather the required information and on the Board's workload, and sometimes on the complexity of the proposed project.

Occasionally the hearing process is delayed due to inclement weather, the absence of a Board member, or at the applicant's request. The applicant has the right to request to continue a hearing for any reason. To verify that a hearing is being held on a scheduled date, you may call the Planning Division office; however, please note that a hearing cannot be officially continued until the Planning Board meeting time that has been established by the Board.

How Can I Make My Concerns Known if I Cannot Attend?

Comments may be submitted in writing to the Planning Division prior to the public hearing. These letters should be signed and include the name and address of the writer. Copies will be provided to the Planning Board members. As with all testimony, it is most helpful to raise concerns early in the process.

What Happens After the Hearing?

After the hearing is closed, no new information can be submitted. The Planning Board deliberates and generally either approves a plan with conditions or denies it if it does not meet town ordinances. Interested individuals are welcome to attend and listen, but may not make further comments.

What Issues Does the Board Consider?

The scope of issues that the Board can consider in reviewing projects is defined by state law and town ordinances. In presenting testimony (oral or written) it is most helpful to focus on issues as they relate to the town ordinances.

Can the Board vote a project down if it meets the ordinances?

No. The Planning Board reviews projects based on the current ordinances put in place by a vote of the Town Council. The ordinances are based on the recommendations within the current Comprehensive Plan. The Comprehensive Plan is in place through adoption of the Town Council. The Comprehensive Plan and its adoption process is based on years of research and input from the town's residents and business owners through multiple workshops and meetings.

How Can I Appeal?

Appeal of any actions taken by the Planning Board with respect to this Chapter shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

10 Suggestions for Presenting Testimony at Public Hearings:

1. You should stand and state your name and address for the record each time you speak;
2. Feel free to use the proposed plan to point out concerns you may have and try to stand so that the Board can see the area to which you are referring;
3. Try to state all of your questions or concerns at once and then allow the next person to speak;
4. Be polite and respectful of differing opinions;
5. While you may have questions for the applicant, you should address them to the Planning Board. The Planning Board may direct the applicant to keep a record of questions asked and answer them all at once;
6. Avoid personal attacks – stick to issues relating to the project and within the scope of the Board's review;
7. Don't ask to speak again until all have had an opportunity to be heard;
8. It is fine to just say "I agree with Mr. Smith about traffic" rather than restating the same concerns;
9. Comments made at a hearing need not be repeated at subsequent ones unless they have not been addressed;
10. Remember that you will not be notified by mail of continued hearings – if you are interested you should attend the initial public hearing or call the Planning Division Office to find out about continued hearings.

Local Ordinances can be found here... <https://www.gorham-me.org/codes-ordinances/pages/land-use-and-development-code>.

Comprehensive Plan can be found here...https://www.gorham-me.org/sites/g/files/vyhlf4456/f/uploads/2021-03-02_adopted_gorham_comp_plan_doc.pdf