

Land Use and Development Code Amendment: Agricultural Industrial (Mosher Corner Planned Development Area)

**Town of Gorham
Planning Board Meeting
February 6, 2023**

ITEM 1- Land Use and Development Code and Zoning Map Amendment – Public Hearing: proposed amendment to the Land Use and Development Code and Zoning Map, to implement the Comprehensive Plan, by revising the zoning from Rural, Industrial and Agricultural Industrial to Mosher Corner Planned Development Area.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council	Item forwarded to the PB for review and Public Hearing (7 yeas)	November 1, 2022
Planning Board - Discussion	The PLBD forward the item to the next available CPIC for review and recommendations. (5 ayes, 1 absent, 1 vacant)	December 7, 2022
CPIC - Discussion	The committee reviewed the proposed map and changes to the district and recommend the item be put on the next available PLBD meeting for a Public Hearing.	January 9, 2023
Planning Board – Public Hearing		February 6, 2022

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Thomas Poirier, Director of Community Development.

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1. OVERVIEW

The CPIC reviewed the proposed language amendments and proposed map amendments and recommend the item be forwarded to the next available meeting for a public hearing. Below information in italics is information provided to the Planning Board as part of previous staff notes.

As a reminder, Town Council is looking to amend the Town's zoning map to rezone the area between Mosher Road/Main Street to the Presumpscot River to the existing Agricultural/Industrial District. The proposed zoning amendment for this area is to make zoning consistent with the Town's Comprehensive Plan. Staff also recommended that the Planning Board review the existing zoning district for Agricultural/Industrial to ensure no amendments are required. On pages 4 through 7 of the staff notes is the existing zoning district and requirements for the Agricultural/Industrial District with staff proposed changes shown in black, underlined, and ~~struck through~~.

The Agricultural/Industrial District was created to meet the requirements of the Comprehensive Plan when Sebago Brewery on lot 32-12 and Cherry Hill on lot 33-1 were developed with a mix of commercial and rural uses. Staff recommends that the proposed map amendment include all the lots shown on the future land use map under the name Mosher Corner Planned Development with the exception of the Olde Canal Business District lots and the lots located on the west side of Mosher Road because these lots already have industrial/commercial uses on them. Those lots should remain either in the Olde Canal Industrial District or the Industrial District.

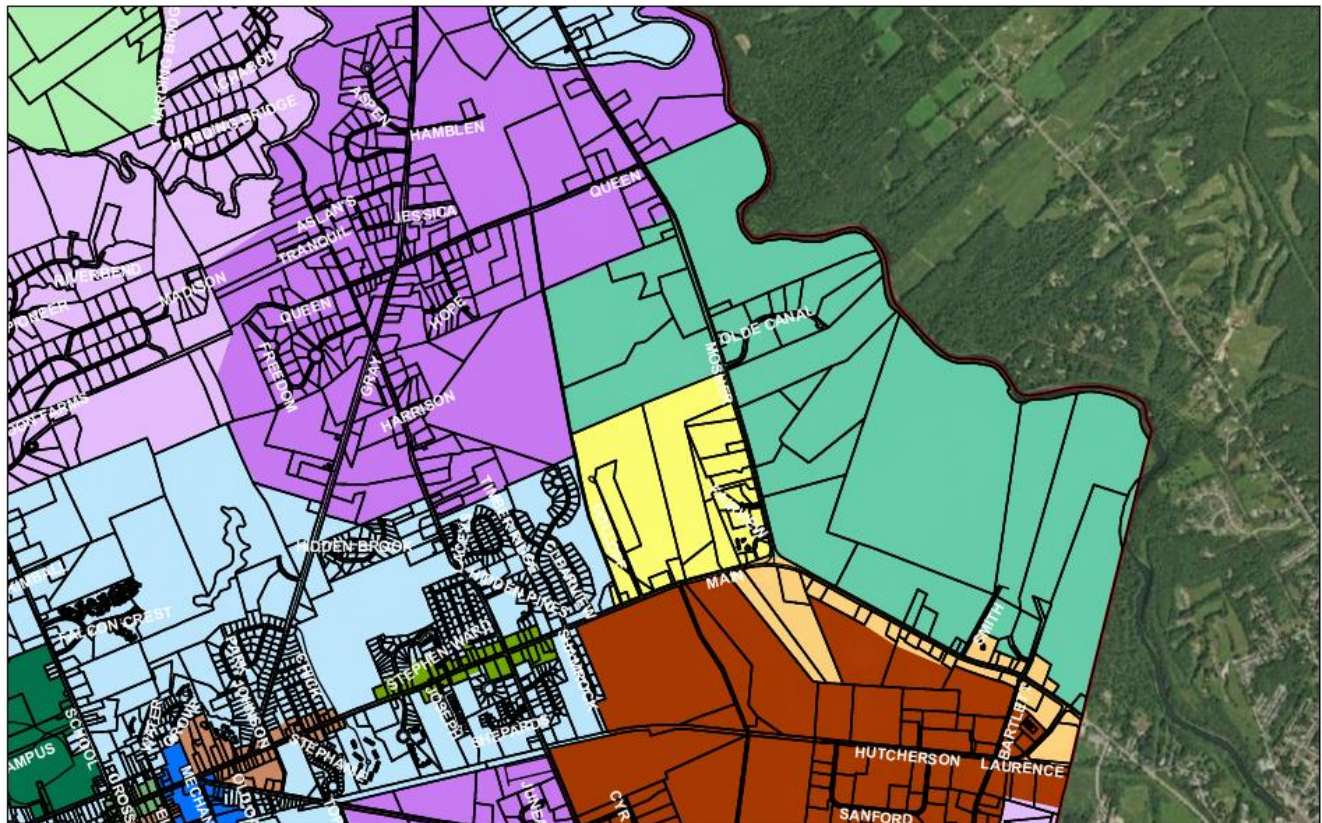
Below is information from the Town's Comprehensive Plan regarding the Mosher Corner Planned Development Area.

- ***Mosher Corner Planned Development Area***
 - ***Location*** – *The Mosher Corner Planned Development Area includes most the area on the river side of lower Main Street and the Mosher Road from the town line almost to the Little River as well as land on the westerly side of the Mosher Road that is currently zoned industrial.*
 - ***Allowed Uses*** – *The objective for this designation is to allow the landowners the option of being subject to the Rural requirements until such time as they choose to be governed by the development standards of this designation. Therefore the basic allowed uses should be those allowed in the Rural District including traditional rural and agricultural uses including the reuse of agricultural buildings, sawmills, and veterinary and animal services as well as uses such as agri-tourism related activities. If the property owners choses the development option, the allowed uses in the Mosher Corner Planned Development Area should be expanded to include a wide-range of non-residential uses including business and professional offices, business services, manufacturing, wholesale and distribution facilities, hotels, community uses, and mineral extraction. Limited retail activity should be allowed only if it is accessory to another use. New residential development should not be allowed in this designation.*
 - ***Development Standards*** – *Since this designation is intended to be a transition district, the land use regulations should allow property owners the option of being subject to the Rural requirements until such time as they chose to be governed by the development standards of this designation. Once the property owner chooses the development option, the development standards for this designation should require that new development have*

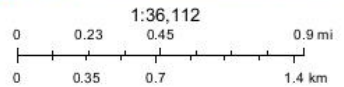
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a planned development character with access off internal streets when feasible. The standards should require that new buildings maintain an attractive roadside appearance with a landscaped buffer strip along the edge of Main Street and Mosher Road as well as a significant buffer where development abuts a residential area. All development should be sited so that green space is retained along the river to protect water quality and provide opportunities for recreational use. Non-residential buildings should be sited to create a business/office park environment. The location of large parking lots between buildings and existing streets should be restricted.

To assure that the vision for this area is attained, all development proposals on lots that had at least ten acres as of April 1, 2013 must be done in accordance with an approved development plan for the entire parcel. This plan must establish, in conceptual terms, the overall use and development of the parcel including provisions for roads and other infrastructure. The plan should also include development and design standards to guide building-by-building development. This plan must be approved by the Planning Board prior to any development on the parcel and, once approved; all projects must substantially conform to the development plan.



11/29/2022, 2:39:12 PM



2. ABUTTERS COMMENTS

2023/01/24, D. Rines; 01/31/2023, A. Mosher

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3. PROPOSED AMENDMENT LANGUAGE TO AGRICULTURAL/INDUSTRIAL DISTRICT:

SECTION 1-22- AGRICULTURAL/INDUSTRIAL DISTRICT

A. PURPOSE

To provide areas within the Town of Gorham for agricultural uses to occur in close proximity to manufacturing, processing, treatment, research, warehousing and distribution and to which end all the performance standards set forth in this Code shall apply.

B. PERMITTED USES

- 1) Manufacturing, processing and treatment.
- 2) Warehousing
- 3) Road and rail distribution facilities.
- 4) Research facilities.
- 5) Wholesale businesses and wholesale business establishments, but excluding junk yards.
- 6) Accessory uses and buildings, including retail and service uses accessory to another permitted use and also including a caretaker unit for residential use provided that there shall be no more than one residential unit on a property and such unit shall be resided in by an owner of the property, an employee of the industrial operation, or a person who serves as a security person. In the event that the principal industrial use or other permitted use terminates, than the accessory residential use shall also terminate.
- 7) Municipal and governmental uses.
- 8) Public utility facilities including substations, pumping stations and sewage treatment plants.
- 9) Agricultural buildings and uses.
- 10) Facilities for the processing of agriculture products.
- 11) Agriculturally related business uses, including machinery sales and service, seed and fertilizer sales, and similar uses.
- 12) Food Processing, less than 12,000 sq. feet.
- 13) Retail Stores less than 12,000 sq. feet.
- 14) Park and Playground
- 15) Mobile Vending Units
- 16) Office of Contractor or Tradesman

C. SPECIAL EXCEPTIONS

- 1) (Reserved)

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D. SPACE STANDARDS

Minimum area of lot	40,000 sq. ft.
Minimum street frontage	100 <u>feet</u>
Minimum front yards	30 feet except where the front yard abuts a residential use or district, in which case a minimum of 50 feet shall be provided.
Minimum side and rear yards	20 feet* except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential use or district in which case a minimum of 30 feet or 50% of the building or outdoor stored material height, whichever is greater, shall be required.

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

E. PERFORMANCE STANDARDS

The general performance standards contained in Chapter 2 of this Code shall be fully observed.

1. All land shall have a “perimeter setback” of one hundred feet (100’) along Main Street and/ or seventy-five feet (75’) along Mosher Road. The Planning Board may reduce the perimeter setback by up to 50% if it finds that doing so would result in a better plan of development for the project site.
 - a. No portion of the “perimeter setback” shall be used for storage of equipment or inventory, service and loading, parking or any buildings or structures. All access roads and utilities may cross the “perimeter setback” to provide access to and from a street but shall be designed to minimize the disruption of the “perimeter setback.” No direct access to parking stalls shall be provided from an access road located within the “perimeter setback.”
 - b. A landscaped buffer area, as provided in Subparagraph 1) c) below, shall be designed and maintained within the “perimeter setback.”
 - c. A detailed landscaping plan, prepared by a landscape architect, shall be prepared for the landscaped buffer area and submitted as part of Site Plan Review for all lots with a perimeter setback." The landscaped buffer area shall be designed to provide effective visual and auditory buffering from abutting residential properties, create an attractive appearance for the proposed new development and maintain an attractive gateway to Gorham

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consistent with the goals and objectives of the Town of Gorham Comprehensive Plan. Existing natural features and vegetation may be incorporated into the plan for the buffer area if they are found to create an effective visual and auditory buffer by the Planning Board. All such buffer areas shall be maintained for the life of the project.

2. Fencing, screening, landscaped berms, natural features or combination thereof, shall be utilized to shield from the view of abutting residential properties and public ways all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas.
3. Building and Other Structure Requirements: Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development.
 - a. Customer Entrances: The customer entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projection, raised corniced parapets over the door, arcades, arches, wing walls. Integral planter boxes are highly encouraged.
 - b. Roof Design: Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. The following design elements are highly encouraged: variations within one architectural style; visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground; and overhanging eaves, sloped roofs and multiple roof elements. Architectural methods shall be used to conceal flat roof tops.
 - c. Building and Other Structure Materials:
 - 1) The predominant exterior building materials shall be of high quality materials, including, but not limited to, brick, sandstone, wood, native stone and tinted/textured concrete masonry units and/or glass products. Simulated material may be substituted for any of the aforementioned building materials.
 - 2) At least three different building materials shall be used for the primary façade of a building facing the primary street the building fronts. The Planning Board may waive the building material to 2 different materials if it finds the building design has enough architectural detail to sufficiently break-up the massing of the building. Buildings on corner lots shall be considered to have 2 primary facades. Any side of the building facing Main Street shall also be considered a primary façade. Glass for use in windows and doors shall not be considered one of the required building materials.

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- 3) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T 1-11. Prefabricated steel panels are excluded unless they contain architectural details with intricate designs. Metal roof may be allowed if compatible with the overall architectural design of the building.
- d. Building and Other Structure Colors: Exterior colors shall be of low reflectance, subtle, neutral or muted earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent colors for the facade and/or roof of the building are prohibited except as approved for building trim.
- e. Mechanical Equipment, Outdoor Storage, and Service Areas. The location of loading docks, outdoor storage yards and all other service areas shall be located to the sides or rear of a building, except when a site abuts either Main Street/ State Route 25 or Mosher Road/ State Route 237, in which case the said areas shall be located to the sides of the building that do not face Main Street/State Route 25 or Mosher Road/ State Route 237.
 - 1) All outdoor storage yards, loading docks, service areas and mechanical equipment or vents larger than eight inches in diameter shall be concealed by screens at least as high as the equipment they hide, of a color and material matching or compatible with the dominant colors and materials found on the facades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.
 - 2) Equipment that would remain visible despite the screening, due to differences in topography (i.e., a site that is at a lower grade than surrounding roadways) shall be completely enclosed except for vents needed for air flow, in which event such vents shall occupy no more than 25% of the enclosure façade.
 - 3) The architectural design of the buildings shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.

4. PROPOSED MOTIONS:

Move to recommend adoption by the Town Council of the Zoning Amendment to the Land Use and Development Code regarding the Agricultural/ Industrial District and amendments to the zoning map regarding changes to the boundary of the Agricultural/ Industrial District and Urban Residential District as amended by the Planning Board.