

**Land Use and Development Code Amendment: Mosher Corner Mixed-Use District**

**Town of Gorham  
Planning Board CPIC Workshop  
September 13, 2021**

**ITEM 1 - Land Use and Development Code – Public Hearing:** Proposed amendments regarding Mosher’s Corner Mixed Use Development zone.

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**AMENDMENT TRACKING**

| <b>DESCRIPTION</b>                             | <b>COMMENTS</b>   | <b>STATUS</b>             |
|--|---|---------------------------|
| <b>Town Council Meeting</b>                    | The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)   | <b>February 2, 2021</b>   |
| <b>Planning Board Meeting Discussion</b>       | Referred to Board’s CPIC for workshop review and recommendations  | <b>March 1, 2021</b>      |
| <b>Planning Board CPIC Workshop</b>            |   | <b>March 22, 2021</b>     |
| <b>Planning Board CPIC Workshop</b>            | The committee reviewed the proposal and made changes to the following sections: performance standards, lot layout, landscape requirements, access management, and off-site sidewalks. | <b>May 3, 2021</b>        |
| <b>Planning Board CPIC Workshop</b>            | The committee reviewed the proposed language and forwarded the item   | <b>June 7, 2021</b>       |
| <b>Planning Board CPIC Workshop</b>            | The CPIC forwarded the item to the next available meeting for a public hearing.   | <b>July 19, 2021</b>      |
| <b>Planning Board Meeting – Public Hearing</b> |   | <b>September 13, 2021</b> |

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.

# Land Use and Development Code Amendment: Mosher Corner Mixed-Use District

## 1. Overview

This item is on for a public hearing with the Planning Board. The Planning Board's CPIC Committee reviewed the item three times. The CPIC's committee changes are shown in **black, bolded, struck through and underlined** with the Town Council changes shown in **black, struck through and underlined**. Staff has also provided a draft zoning map for the committee to review showing the changes to the Mosher Corner Mixed-Use, Suburban Residential, and Urban Residential Districts boundaries to make the draft zoning map consistent with the Future Land Use Map in the Mosher Corner area. The map amendment will also need to be part of the recommendation to the Town Council.

The CPIC committee conducted a public input process prior to moving forward with a recommendation to the Planning Board. The Community Development: Planning Division mailed all the proposed lots to be rezoned with a postcard on June 29, 2021 about the July 19, 2021 public meeting to hear comments on the proposed rezoning.

Information below in italics is information included in earlier staff notes.

*The Town Council is looking to move forward with adoption of the Mosher Corner Mixed-Use Area as outlined by the Town's Comprehensive Plan. Below is information regarding the Mosher Corner Mixed-Use Area from the Town's Comprehensive Plan.*

### ***Mosher Corner Mixed-Use Area***

- ***Location*** – *This designation includes the land on the northerly side of Main Street from Gateway Commons to Mosher Road including land on both sides of the transmission line.*
- ***Allowed Uses*** – *The allowed uses in the Mosher Corner Mixed-Use Area should include a wide range of residential uses as well as business and professional offices, business and personal services, and community uses.*
- ***Development Standards*** – *Residential development in this designation should be governed by the standards of the Village Expansion designation including development transfer. The standards for non-residential development should require that new buildings maintain an attractive roadside appearance with a landscaped buffer strip along the edge of the street. Non-residential buildings should be sited to create a business/office park environment with access off internal streets when feasible. The location of large parking lots between buildings and Main Street should be restricted.*

*The density recommended for the Mosher Corner Mixed-Use Area is the same density identified under the Village Expansion Area and Development Transfer Overlay standards. To assist the Board in density discussion, highlighted in yellow are the relevant density development standards from the Village Expansion Area. As a reminder the Town recently extended the Development Transfer Overlay District boundary to encompass a large portion of the area identified to be the Mosher Corner Mixed-Use Area.*

- ***Development Standards*** – *The development standards in the Village Expansion Area should allow for moderate-density residential development as well as higher density-residential development through the use of the development transfer provisions. The base density for residential development should be set at two units per net acre with public sewerage and one unit per net acre with on-site sewage disposal. The*

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*standards should allow a density of up to eight units per net acre with development transfer provided that the development uses public sewerage. In addition, the variable density provisions for small units should apply (see Section C.7. Small Dwelling Units).*

*The base minimum lot size requirements should be 20,000 SF with public sewerage and 40,000 SF with on-site sewage disposal. The minimum lot size with development transfer can be reduced to 6,000 SF. The base minimum lot frontage requirement should be 100 feet with public sewerage and 150 feet with on-site disposal. If development transfer is utilized, the minimum lot frontage should be reduced to 60 feet.*

*The Mosher Corner Mix-use District is proposed to encompass some areas currently in the Suburban Residential District. The proposed mixed-use district boundary is the area shown in the red lined box. Community Development Staff recommends that all the owners within the red lined area be notified by mail for the Planning Board’s public hearing.*

**Proposed Amendments:**

**SECTION 1-13 - COMMERCIAL/OFFICE MOSHER CORNER MIXED- USE DISTRICT**

**A. PURPOSE**

To provide areas in the Town of Gorham which accommodate a suitable mix of retail commercial businesses and professional offices in a manner which maintains the attractiveness of the major entrances to Gorham, protects the physical environment, maintains the traffic capacity of existing major roads and protects abutting property owners.

**B. PERMITTED USES**

- 1) Retail Stores
- 2) Business Services establishments
- 3) Personal services
- 4) Business and professional offices and professional out-patient clinics
- ~~5) Shopping centers~~
- 6) Municipal office buildings or uses
- 7) Park or playground
- 8) Rooming house, excluding fraternity housing.
- 9) Funeral home

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- 10) Places of public assembly, including indoor theaters **which has less than two thousand (2,000) square feet of floor area.**
- 11) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization or social nature which is not used for residential purposes, which has less than two thousand (2,000) square feet of floor area and generates less than two hundred (200) vehicles trips during any twenty-four hour period.
- 12) Public and private utility facilities, including substations, **and** pumping station(s) **and treatment facilities.**
- 13) Drive-through service which is accessory to a permitted use
- 14) Accessory buildings and uses
- 15) Residential uses, including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing
- 16) Day Care Homes as Home Occupations
- 17) Bed and Breakfast Establishment
- 18) Bed and Breakfast Establishment with public dining as an accessory use
- 19) Inn
- 20) Offices for executive, administrative, and data processing activities
- 21) Commercial Schools **which has less than two thousand (2,000) square feet of floor area.**
- 22) Medical or quick care facilities
- ~~23) Office of a contractor or tradesman~~

### C. **SPECIAL EXCEPTIONS**

- 1) Day Care Centers
- 2) School, hospital, church or any other institution of educational, religious, philanthropic, fraternal organization or social nature which is not used for residential occupancy which has two thousand (2,000) or more square feet of floor area or which generates two hundred (200) or more vehicle trips during any twenty-four hour period.

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**3) Places of public assembly, including indoor theaters which has more than two thousand (2,000) square feet of floor area.**

**4) Commercial Schools which has more than two thousand (2,000) square feet of floor area.**

**D. SPACE STANDARDS**

1) Residential Uses

|                                | <u>Sewered</u> | <u>Unsewered</u> |
|--------------------------------|----------------|------------------|
| Minimum Lot Size               | 20,000 sq.ft   | 40,000 sq.ft     |
| Minimum area per dwelling unit | 20,000 sq.ft   | 40,000 sq.ft.    |
| Street frontage                | 100'           | 150'             |
| Front setbacks                 |                |                  |
| MDOT numbered routes           | 80'            | 80'              |
| Local Roads                    | 25'            | 25'              |
| Side/ Rear setbacks            | 15'            | 15'              |

2) Non-Residential Uses

Standards for non-residential uses shall be as follows:

|   |  |
|---|--|
| Minimum lot size  | <del>6</del> <u>30,000</u> square feet                               |
| Minimum street frontage   | <del>2</del> <u>100</u> feet   |
| Minimum front yard - local or collector street  | 50 feet or two (2) times the building height, whichever is greater   |
| Minimum front yard - <del>arterial street</del><br><b>State Numbered Routes</b>                           | 80 feet or three (3) times the building height, whichever is greater |
| Minimum side and rear yard  | 50 feet or two (2) times the building height, whichever is greater   |
| <del>Maximum building height</del>  | <del>35</del> feet   |
| Maximum floor area Impervious Coverage ratio  | <del>0.35</del> <u>60</u>  |
| Minimum landscaped buffer on any side abutting an <del>arterial street</del> <b>State Numbered Routes</b> | 50 feet  |
| Minimum landscaped buffer on any side abutting <del>all other streets collector or local street</del>     | 25 feet  |

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

### E. PERFORMANCE STANDARDS

- 1) ~~The following performance standards shall apply in addition to the standards contained in Chapter 2 of this ordinance~~ Code shall be fully observed.
- 2) The following additional performance standards shall also apply.
  - a) Lot Layout
    1. For lots with frontage on Main Street no parking lots shall be located between any building façade facing Main Street and Main Street.
    2. All generators, storage areas, **electrical transformer pads, HVAC ground mounted units, above-ground propane tanks,** and dumpster pads shall be landscaped and located behind the buildings and structures so that they are not visible from any public street or residential properties. The Planning Board ~~may~~ **allow** may allow generators, storage areas, and dumpster pads to be located so they are not located behind the buildings if the Board finds that the proposed locations are required to provide for a better overall design of the lots/ development and that they are sufficiently buffered from public roads and residential properties.
  - b) Utilities
    1. All non-residential uses and subdivisions shall be supplied with public water service meeting the requirements of the Portland Water District.
    2. All non-residential uses and subdivisions shall connect to public sewer meeting the requirements of the Portland Water District and the Town of Gorham, which generate a design sewerage flow in accordance with the Maine State Plumbing Code of more than 3,000 gallons per day shall be serviced with public sewer.
      - a. The Planning Board may grant a waiver for the requirements of the extension of public sewer main extension if the lot is located greater than 200 feet from the nearest connection to a public sanitary sewer and the costs to connect into the system is greater than 3 times the costs for an onsite sewerage disposal system as identified by the Planning Board.
    3. All developments are required to have underground utilities.

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### c) Buffer yards and landscaping buffering shall conform to the following standards:

1. The required setback between any public road and/or any residential zoning district or property shall be designated as a buffer area unless it's part of a mixed-use project and the residential/ commercial uses are developed as part of an integrated development plan and provides an aesthetically pleasing environment.
2. A landscaped buffer area shall be designed and maintained to minimize the adverse impact on abutting properties and the public and to soften the appearance of the structure(s) and in particular, to minimize the adverse impact on any structures which exist on abutting lots located outside this district. ~~which structures exist as of the date of enactment of this zoning ordinance amendment on September 17, 1996.~~ **Landscaped buffers should include a mix of evergreen and deciduous trees, shrubs, and plants. Hardscape features such as, but not limited to, stonewalls and decorative metal or wooden fences are also encouraged in the buffer area to provide and shape the buffer area and balance the plantings.** No building, parking or service areas shall be located in the buffer area. Access roads may cross the buffer area to provide access to and from a street, but shall be designed to minimize the disruption of the buffer area. No direct access to parking stalls shall be provided from an access road located in a buffer area.
3. The landscaped buffer area shall require a plan to be prepared or reviewed by a registered landscape architect or qualified landscaping firm. The plan shall provide all the required submission requirements outlined under Chapter 3: Subdivision and/or Chapter 4: Site Plan Review. The name of the landscape professional and firm preparing the plan along with their credentials shall be provided with the landscape plan.
4. Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.

### d) Building Design Standards:

1. All principal buildings and structures for non-residential purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.
2. The predominate exterior building materials shall be on high quality materials, including but not limited to, wood or vinyl clap board siding, masonry units that replicate shake or clapboard siding, brick, sandstone, wood, native stone and tinted/ textured concrete masonry units and/ or glass products or metal or plastic

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roofing that simulates shake or shingle roofing. Simulated material may be substituted for any of the aforementioned building materials.

3. At least three different materials shall be used for the primary front façade for the building facing the primary street the building access and/ or Main Street/ Mosher Road. The Planning Board may waive the building material to two different materials if it finds the building design has enough architectural details to sufficiently break up the massing of the building. Glass for use in windows and doors shall not be considered one of the required building materials. All facades that have frontage on street or private way shall be considered a primary façade.

### e) Access Management

1. Projects involving more than one building and/ or lot shall provide an internal circulation system to minimize entrances to the project.
2. Entrances and uses in this district shall be combined to the maximum extent possible. Developments must allow for pedestrian and vehicular access into the lot's driveways, sidewalks, and/ or parking lots from the abutting properties.
3. For lots with frontage on Main Street, Mosher Road, and another street the access drives shall be located off the street of lower classification unless the Planning Board finds that no safe alternative exists.
4. A parcel that does not have frontage on Main Street or Mosher Road shall not be granted vehicular access from the street except in cases where:
  - a. Access will be provided through a combined entrance with another parcel which has frontage on the street.
5. Lots with access on Main Street or Mosher Road must have driveways located so that they are a minimum 400' from another driveway on the same side of the street unless:
  - a. The Planning Board finds that the distance would provide for unsafe circumstances.
  - b. The driveway's spacing to abutting properties driveways cannot be spaced to meet the 400' minimum requirement. The Planning Board shall provide for a driveway spacing to the greatest extent practical.
6. Lots with frontage on Mosher Road and/ or Main Street are required to install sidewalks for the lot frontage should sidewalks not be located along Mosher Road and/ or Main Street.
7. The internal pedestrian access shall connect to the sidewalks located on Mosher Road and/ or Main Street. **The requirement for off-site sidewalk extension shall be modified by the Planning Board or Site Plan Review Committee provided the following conditions are met:**



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- a. For projects under site plan review the costs for off-site sidewalks exceeds a cost of \$1,000 per 2,000 sq.ft. of gross commercial floor area or for projects proceeding under subdivision review the costs for off-site sidewalks exceeds a cost of \$10,000 per lot. Subdivision lots that have been reviewed under this provision are not required to be reviewed again under site plan review.
  - b. In place of a full sidewalk extension, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development:
    - i. For roads with existing closed drainage systems and curbing, the applicant shall extend the sidewalk 200' for each 5,000 sq.ft. of gross floor area under site plan review or 400' for each lot;
    - ii. For roads without existing closed drainage systems and curbing, the applicant shall extend the sidewalk 100' and close in the drainage system for each 5,000 sq.ft. of gross floor area under site plan review or 250' for each lot;
    - iii. For existing public roads with sidewalks in poor condition as determined by the Public Works Director or his designee, an applicant can request that half of the required extension be utilized to repair the existing sidewalk network on a foot by foot exchange. The lot is also subject to the connection of pedestrian improvements located off the lot as required under Chapters 2 and 4 of the Land Use Code.
- ~~5) — Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.~~
- ~~6) — The location of all entrances to a collector or arterial street shall meet the minimum sight distance requirements of the Maine Department of Transportation for the posted speed limit.~~
- ~~7) — All non-residential uses shall be served by underground utilities.~~
- ~~8) — All principal buildings and structures for non-residential purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.~~

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**PROPOSED MOTIONS:**

Move to recommendation adoption of the Mosher Corner Mixed-Use District and amendment of the Zoning Amendment Map (as amended by the Planning Board).