

**Land Use and Development Code Amendment: Phasing of Subdivision**

**Town of Gorham  
Planning Board Ordinance Committee  
November 1, 2021**

**ITEM 1 - Land Use and Development Code – Discussion:** – Phasing of Subdivisions – Proposed amendment to the Land Use & Development

Code to require phase build outs of subdivisions.

INDEX OF PACKET ENCLOSURES	
DESCRIPTION	PAGE NUMBER
1. Overview	2

**AMENDMENT TRACKING**

DESCRIPTION	COMMENTS	STATUS
<b>Town Council Meeting</b>	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	<b>August 3, 2021</b>
<b>Planning Board - Meeting Discussion</b>	The Item was forward to the PLBD Ordinance Committee for review and recommendations.	<b>September 13, 2021</b>
<b>PLBD Ordinance Committee</b>	The committee requested information on larger subdivisions and proposed phasing sizes and wanted to allow a waiver for an additional 5 lots in any given phase.	<b>October 4, 2021</b>
<b>PLBD Ordinance Committee</b>		<b>November 1, 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: Phasing of Subdivision

### 1. Overview

The committee requested that staff add a waiver provision to allow for additional lots that proposed waiver provision is shown in **black, underlined, and bolded**. The committee also requested that staff provide a list of the larger subdivision approved in Gorham identifying the phase sizes in each of the developments.

Gateway Commons Subdivision: The approval was for 76 lots granted in 4 distinct phases:

- Phase 1 – 24 lots
- Phase 2 – 24 lots
- Phase 3 – 9 lots
- Phase 4 -19 lots

Gordon Farms Subdivision: Gordon Farms was approved for 39 lots in 2 distinct phases:

- Phase 1 – 14 lots
- Phase 2 – 25 lots

Heartwood Subdivision: Heartwood Subdivision was approved with 77 lots and phased to only allow 43 building permits in the first year with the remaining 34 permits available after. No phasing lines are identified on the plan.

Stonefield Subdivision: The approval was for 72 lots granted in 4 distinct phases with phase 4 also broken into 3 distinct sub-phases.

- Phase 1 – 14 lots
- Phase 2 – 10 lots
- Phase 3 – 12 lots
- Phase 4, Sub- Phase 4-A - 10 lots
  - Sub- Phase 4-B-1 - 8 Lots
  - Sub- Phase 4-B-2 - 18 Lots

Wagner Farms Subdivision: The approval was for 42 lots granted in 2 distinct phases:

- Phase 1 – 28 lots
- Phase 2 – 14 lots

Proposed Sawyer Estates Subdivision: The applicant last proposed 119 lots in 2 distinct phases:

- Phase 1 – 58 lots
- Phase 2 – 61 lots

The Town Council has forwarded the drafted ordinance amendment identified below with proposed changes shown as underlined. The Town Attorney has reviewed and provided edits to the proposed ordinance which have been incorporated.

## Land Use and Development Code Amendment: Phasing of Subdivision

### Proposed Amendment:

#### CHAPTER 3: SUBDIVISION SECTION 3-5 - POST APPROVAL ACTIVITIES

##### A. Performance Guarantee:

- 7) Phasing of Development: The Planning Board may approve plans to develop a subdivision in separate and distinct phases. If the subdivision has 50 lots or more, subdivision phases shall be limited so no more than 25 lots are allowed in an individual phase. Only 1 phase is allowed to be under construction at a time until at least 90% of the occupancy permits have been issued in the prior phase and all required improvements have been completed other than finish paving of streets. No subdivision is allowed to have more than 2 phases under construction at one time. **The Planning Board may allow up to an additional 5 lots in any one phase if the developer can prove to the Planning Board's satisfaction that doing so provides for a better form of development in the overall design of the subdivision.** The phases must be designed so that they can be recorded at the Registry of Deeds as separate and distinct plans. No phased plans will be released for recording in the Registry of Deeds until the performance guarantee for that phase has been established as required under this section.

**PLANNING BOARD  
ORDINANCE REVIEW COMMITTEE  
OCTOBER 4, 2021  
6:00 p.m.**

### WORKSHOP NOTES

#### Committee Members Present

VINCENT GRASSI, CHAIRMAN  
SCOTT FIRMIN  
SUSAN DURST  
THOMAS HUGHES

#### Members of the Public Present

CHARLIE AND LINDA PEARSON

#### Staff Present

THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
CAROL EYERMAN, TOWN PLANNER

### AGENDA

- ITEM 1 Phasing of Subdivisions** – Proposed amendments to the Land Use and Development Code to require phased build outs of subdivisions

Mr. Poirier explained this item was sent by the Town Council to the Planning Board to establish a phasing build out for larger subdivisions of 50 lots or more, requiring that a subdivision phase shall be limited to no more than 25 lots allowed in an individual phase. only one phase allowed in construction

## **Land Use and Development Code Amendment: Phasing of Subdivision**

at a time. No subdivision would be allowed to have more than 2 phases under construction at one time. Mr. Poirier said he believes that with this amendment, the Council is looking to manage growth.

Mr. Poirier suggested that plans for Heartwood, Pheasant Knoll and Gateway Commons could be provided for the committee's review. The group discussed adding a waiver for a phase of more than 25 lots, such as a developer being within 5 units to provide some "wobble room." It was suggested that the Board would have to grant such a waiver.

### **ITEM 2      Agritourism – Proposed amendments to the Land Use and Development Code to allow for agricultural event centers and agricultural tourism**

Mr. Poirier opened the workshop explaining that the Council is looking to provide a way for farms to have accessory events, giving an active farm the opportunity to have people experience the farm, as well as some other way to generate revenue for the farms. Originally a similar item had been under review for "agricultural event centers," but that proposed amendment was not adopted. The Town Council sent the Planning Board the current draft under review, with the addition of a number of events that a farm could have. The proposal is to add definitions and performance standards. Mr. Poirier said this amendment would permit a one-day event accessory to the farm use.

Mr. and Mrs. Charlie Pearson spoke, expressing concerns about what constitutes an event, the number of events to be allowed, the appropriate number of attendees, parking, traffic, noise and the need for specific standards as compared to what is allowed under Maine state statutes. Mr. Pearson suggested modifying the Town's large outdoors event ordinance to craft an agritourism sub ordinance based on it.

Mr. Poirier said that it will not be easy to find a middle ground to protect farmers' abilities to create income and to protect the land from development if a farm fails. Mr. Poirier said he will take a look at some additional performance standards for the committee to consider.

Respectfully submitted,

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Barbara C. Skinner

Clerk of the Board