

**Town of Gorham  
Planning Board CPIC Workshop  
November 1, 2021**

**ITEM 1- Land Use and Development Code – Discussion** – proposed amendment regarding the Village Expansion District.

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**AMENDMENT TRACKING**

DESCRIPTION	COMMENTS	STATUS
<b>Town Council Meeting</b>	The Town Council forwarded the item to the Planning Board for a public hearing and recommendations. (7 ayes)	<b>March 2, 2021</b>
<b>Planning Board Meeting Discussion</b>	The item was forward to the Planning Board's Comprehensive Plan Implementation Committee, CPIC, 7 yeas.	<b>April 5, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee did not have time to take up the item.	<b>May 3, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee was going to review the proposed new zoning district and provide any recommended changes to staff. No edits have been proposed by any committee member.	<b>June 7, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee requested the following information: formula to calculate financial hardship for the road network, bigger maps with road names, current and proposed standards, as well as subdivision size.	<b>August 2, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee wanted to add a requirement that dead end roads are required to be a cul-de-sac design, look at adding a fee if the Planning Board allowed only one point of access into a development,	<b>September 13, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee discussed the hardship criteria for providing points of connection and requested staff bring a per a per foot costs for street/private way construction.	<b>October 4, 2021</b>
<b>PLBD CPIC Workshop</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.

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### 1. Overview

The committee reviewed the draft language at the October 4 workshop regarding financial hardship for developers to meet in order to allow a single point of access into a development. Below is information staff has put together for the committee's review.

The committee should review the proposed language and identify any other recommended changes to the proposed ordinance. The proposed changes to the ordinance based on the committee's review to date is shown in black and underlined.

The committee requested that staff bring back an estimate for the per foot costs for the construction of roads and private ways. Staff reached out to the Town's Public Works Director and he estimates that the road construction costs for an Urban Access Road or a 25 lot/dwelling unit urban private way between \$400- \$600. This is just the costs for road construction and drainage and does not include any utility costs. Staff has also requested an estimate from Wright Pierce on the construction costs for roads and staff will provide those once staff has received the numbers. For the committee discussion on what the waiver costs for 2 points of connection should be, the waiver costs identified in the Land Use Code for off-site sidewalks is \$5,000.00.

Staff has also added an exemption to the 2 points of connection for 1 lot private ways as well as identified that requests for waiver are required to submit 2 plans as part of the waiver request. The plans would be the basis for identifying the waiver costs between the 2 designs. The new proposed staff language is shown in **black, underlined, and bolded**.

*Below language shown in italics is information provided to the Planning Board as part of past workshop agenda notes.*

#### Financial Hardship

*The committee requested that staff look into providing some specific language regarding financial hardship. After discussion with the Town Attorney, the current language for financial hardship would require that the developer prove they could not to get a reasonable rate of return on the project should the project be approved with 2 points of connection.*

*Layout of a road network shall be completed in a grid style to ensure 2 points of connection on roads. The Planning Board may waive the 2 points of connection for a portion of the development if the Planning Board finds that no other alternate road network is possible with 2 points of connection and it would be a financial hardship to make the 2<sup>nd</sup> road connection.*

*Another option available would be to identify an amount per lot that the Planning Board is comfortable identifying for financial hardship. The Planning Board should identify a number that they feel comfortable requiring. Staff has not requested the Town Attorney's opinion about the below proposal.*

*The Planning Board may waive the 2 points of connection for a portion of development if the Planning Board finds no other alternate road network is possible with 2 points of connection and it would exceed a costs of \$\_\_\_\_\_ per dwelling unit. The number of dwelling units used in the calculation shall be based on the maximum number of dwelling units allowed on the parcel as identified under the Urban Residential Expansion Space standards.*

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### Comparison

The committee requested that a comparison be provided showing the differences between the residential zones. Below is a breakdown showing the differences between the 4 residential zones: proposed Urban Residential Expansion District (URE), Urban Residential District (UR), Suburban Residential District (SR), and Rural District (R).

	<b>URE</b>	<b>UR</b>	<b>SR</b>	<b>R</b>
<i>Lots Size (sq.ft.)</i>				
Public Sewer	<b>20,000</b>	10,000	60,000*	60,000
Private Sewer	<b>40,000</b>	20,000	60,000	60,000
<i>Minimum Area (sq.ft.) per Dwelling Unit</i>				
Public Sewer	<b>20,000</b>	10,000	40,000*	60,000
Private Sewer	<b>40,000</b>	20,000	40,000	60,000
<i>Road Frontage (feet)</i>				
Public Sewer	<b>100</b>	80	200*	200
Private Sewer	<b>150</b>	80	200	200
<i>Front Setbacks (feet)</i>				
Local Road	<b>25</b>	25	50	50
Collector/ Arterial	<b>25</b>	25	70	70
<i>Side &amp; Rear Setbacks (feet)</i>	<b>15</b>	15	20	20
<i>Maximum Building Coverage</i>	<b>25%</b>	25%	None	None
<i>Maximum Building Height</i>	<b>None</b>	None	None	None

*\*Suburban Residential District has a density bonus for subdivisions for projects utilizing either public water or public water and sewer. If public sewer or water is utilized in the development then one additional dwelling unit may be constructed for each 3 acres of net acreage with lot sizes and frontages reduced to 45,000 sq. ft. and 150'. If both public sewer and water is utilized in the development, then one additional dwelling unit may be constructed for each 1.5 acres of net acreage with lot sizes and frontages reduced to 30,000 sq. ft. and 100'.*

The Town Council has forwarded to the Planning Board a request to review the Village Expansion Area per the Town's 2016 Comprehensive Plan and make a recommendation back to the Town Council. Below is excerpt information from the Town's adopted Comprehensive Plan regarding the Village Expansion Area which outlines density, uses, and standards.

- **Village Expansion Area**

- **Location** – The Village Expansion Area includes the area on the fringe of Little Falls Village and extending along the Gray Road corridor toward Gorham Village. It also includes an

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area to the south of Gorham Village extending from the village bypass to the New Portland Road area. Most of this area is currently included in the Development Transfer Overlay District.

- **Allowed Uses** – The allowed uses in the Village Expansion Area should include the same general types of uses allowed in the Village Residential Area. This includes a range of residential uses (single-family, two-family, and multi-family), accessory apartments, retirement housing and elderly-care facilities, municipal and community uses, institutional uses, and bed and breakfast establishments.
  
- **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 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.

In addition to the space and bulk standards, developments utilizing development transfer should be required to meet additional design standards to assure that the overall development and individual homes are designed with a “village character”.

The proposed creation of the Village Expansion area is a rather large rezone encompassing about 800 +/- parcels in 2 areas: the area around Gorham Little Falls and the area around South Street near the Gorham By-pass and the CMP electrical transmission corridor. See the map below with four different colors showing the area to be rezoned.

To keep the public process manageable for the proposed rezone due to the large number of parcels being converted to the new district, Town staff recommended and the Town Council has agreed that the proposed rezone be completed in 4 sections. Section 1 – Area to the North and West of Gorham Little Falls (blue), Section 2 – Area to the East of South Street toward New Portland Road (orange), Section 3 – The area South of the Little River (green), and Section 4 – The area to the West of South Street toward the By-pass (brown).

Below is a draft zoning district staff put together to meet the comprehensive vision as outlined in the Comprehensive Plan. Staff is recommending a slight change in title from Village Expansion District to the Urban Residential Expansion District. This type of change is allowed under State rules for Comprehensive Plan implementation as long as the overall location, allowed uses, and development standards conform to the Future Land Use Plan.

### **Proposed Amendment:**

## **CHAPTER 1: ZONING REGULATIONS**

### **SECTION 1-24 – URBAN RESIDENTIAL EXPANSION DISTRICT**

#### **A. PURPOSE**

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To expand and add to the physical, aesthetic and social quality of Gorham's urban area, consistent with the Comprehensive Plan's goals of providing a location for a variety of residential and service uses in accordance with the standards of this chapter. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter 1, Section 1-18, of this Code.

### **B. PERMITTED USES**

- 1) One or two-family dwellings, exclusive of mobile homes and exclusive of trailers.
- 2) Nursing home, home for the aged.
- 3) Municipal building or use.
- 4) Municipally owned parks and playgrounds.
- 5) Accessory residential uses, including home occupations.
- 6) Manufactured housing units on single-family residential lots.
- 7) Rooming house, apartment building or multifamily housing, except fraternity housing.
- 8) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- 9) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization, or social nature which is not used for residential or commercial purposes, which has less than two thousand (2,000) square feet of floor area and generates less than two hundred (200) vehicle trips during any twenty-four hour period, except fraternity houses.
- 10) Accessory Apartments
- 11) Bed and Breakfast Establishments

### **C. SPECIAL EXCEPTIONS**

- 1) School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential purposes and has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.
- 2) Bed and Breakfast Establishment with public dining as an accessory use.

### **D. SPACE STANDARDS**

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	<u>Sewered</u>	<u>Unsewered</u>
Minimum lot size for residential lots which are not a part of a subdivision	20,000 sq.ft.	40,000 sq.ft.
Minimum lot area per dwelling unit for a Subdivision, or multi- family housing*	20,000 sq.ft.	40,000 sq.ft.
Minimum street frontage	100 ft.	150 ft.
Minimum front yard	25 ft.	25 ft.
Minimum rear and side yards	15 ft.	15 ft.

\* The net residential density identified under Section 1-5 Definitions shall be used to calculate the maximum number of dwelling units that can be placed on a parcel. Each lot in a subdivision shall have the minimum area per dwelling unit for the number of dwelling units proposed to be on a given lot.

Maximum building height	None	None
Maximum building coverage	25%	25%

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size, building coverage, 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**

- 1) The performance standards contained in Chapter 2 of this Code shall be fully observed.
- 2) Non-residential developments and uses shall be developed to meet the following requirements:
  - a. All non-residential uses shall be served by underground utilities.
  - b. 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.
- 3) Residential developments shall be developed to meet the following requirements:
  - a. All residential uses shall be served by underground utilities.
  - b. Layout of a road network shall be completed in a grid style to ensure 2 points of connection on roads. The Planning Board may waive the 2 points of connection for a portion of the development if the Planning Board finds that no other alternate road network is possible with 2 points of connection **due to the configuration of the parcel(s)** and it would be a financial hardship to make the 2<sup>nd</sup> road connection. The Planning Board may waive the 2 points of connection for a portion of development if the Planning Board finds no other alternate road network is possible with 2 points of connection and it would exceed a costs of \$ \_\_\_\_\_ per dwelling unit. The number of dwelling units used in the calculation shall be based on the maximum number of dwelling units allowed on

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the parcel as identified under the Urban Residential Expansion Space standards. **The request for waiver shall include 2 plans. One plan shall show a street/private way layout having 2 points of connection, and the other plan shall show a street/private way layout with a dead end street/private way. The road layouts shown on both plans shall meet the approval of the Planning Board.**

Should the Planning Board grant a waiver for the 2 points of connection requirement for dead end streets or private ways providing access to more than 4 lots and/or dwelling units, the street or private way shall be of a cul-de-sac design meeting all the relevant requirements under Chapter 2, Section 2-5 Minimum Standards for the Design and Construction of Streets and Ways.

**One lot/dwelling unit private ways are exempt from the requirement for 2 points of connection.**

- c. Principal single-family, two-family, and multi-family buildings and structures shall be of a traditional New England design to be compatible with the predominant scale and character of the existing Gorham Village architecture.

**PLANNING BOARD  
COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE  
OCTOBER 4, 2021  
6:30 p.m.**

**WORKSHOP**

**Committee Members Present**  
**JAMES ANDERSON, CHAIRMAN**  
**MOLLY BUTLER-BAILEY**  
**GEORGE FOX**  
**SUSAN DURST**  
**SCOTT FIRMIN**

**Staff Present**  
**THOMAS POIRIER, DIRECTOR OF**  
**COMMUNITY DEVELOPMENT**  
**CAROL EYERMAN, TOWN PLANNER**

**AGENDA**

**ITEM 1**      **Amendment to the Land Use and Development Code** – a proposed amendment regarding the Village Expansion District

Mr. Anderson opened the workshop by saying that this evening the committee will revisit the question of two access points from subdivision, discussing how to address a possible financial hardship of providing two access points, as well as a possible alternative of a cul-de-sac instead of a hammerhead.

Mr. Poirier said he had a conversation with the Town's Attorney about a fee in lieu of, to be paid if a developer asks for a waiver of the two access points requirement. He said the Town Attorney said no, that is not possible, but a traffic impact fee could be instituted where subdivisions with one point of access would be required to pay more of an impact fee, but everyone would be required to pay because

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of adding traffic capacity to a road. Staff drafted language regarding a cul-de-sac, “Dead end streets or private ways providing access to more than 4 lots/or dwelling units shall be of a cul-de-sac design meeting all the relevant requirements under Chapter 2, Section 2-5 Minimum Standards for the Design and Construction of Streets and Ways.” In addition, Mr. Poirier also read proposed language that “The Planning Board may waive the two points of connection for a portion of development if the Planning Board finds no other alternative road network is possible with two points of connection and it would exceed a cost of \_\_\_\_\_.”

Mr. Anderson confirmed with Mr. Poirier that in this Village Expansion District this language would apply to either a public road or a private way in order to achieve more connectivity. Mr. Fox asked if there is an expectation that at some time in the future, it could be rolled out it broader than that; Mr. Poirier replied that the Council could look to that. Mr. Anderson confirmed that the idea is to go with the two points of connection, and if that can’t happen via financial hardship, then the cul-de-sac proviso comes into play. Mr. Poirier replied that it if is under 4 lots, then a hammerhead would be permitted; if it is over 4 lots, then it could be a cul-de-sac.

Mr. Poirier said he could provide the committee with the cost to construct one foot of road based on current codes. Due to the various complex components of road construction, Mr. Anderson suggested coming up with a dollar figure per lot.

Respectfully submitted,

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Barbara C. Skinner  
Clerk of the Board