

**Town of Gorham
Planning Board Meeting
February 5, 2024**

ITEM 2 – Preliminary Subdivision Plan – KV Enterprises, LLC. – Robie Street

Subdivision - a request for preliminary plan approval to create 44 single-family residential lots, accessed by proposed connection of Robie Street and Bramblewood Lane, as an initial subdivision phase with future potential phases to include both single family lots and multifamily developments based on a potential Contract Zone. M24/L19, 20 and M25/L8, M27/L20. Zoned, UR/UREXP. The applicant is represented by Shawn M. Frank, P.E. and Owens McCollough, P.E. with Sebago Technics.

| INDEX OF PACKET ENCLOSURES | |
|---|--------------------|
| DESCRIPTION | PAGE NUMBER |
| 1. Overview | 2 |
| 2. Items of Note | 2-3 |
| 3. Photographs | 3-8 |
| 4. Staff Review | 8-30 |
| 5. Abutter Comments | 30-37 |
| 6. Findings of Fact, Conditions of Approval, Motions | 38-46 |

PROJECT TRACKING

| DESCRIPTION | COMMENTS | STATUS |
|---------------------------------------|-----------------|--|
| Pre-application Discussion | | September 12, 2022 |
| Preliminary Subdivision Review | | September 11, 2023 December 4, 2023 February 5, 2024 |
| Site Walk | | September 28, 2023 |

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and Development Code and standard engineering practices.

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

Vincent Grassi, Chair, Gorham Planning Board

1. OVERVIEW

The applicant submitted an initial proposal for pre-application review for the September 2022 Planning Board meeting. The proposal before the Board at this time is for 44 single family homes, the first phase of what is envisioned to be a larger multi-phase subdivision.

The total acreage of all parcels is 131.1. There is a mixed canopy of trees and understory. The parcels have been logged within the past 10 -15 years. The applicant is represented by Shawn M. Frank, P.E. and Owens McCollough, P.E. with Sebago Technics, Inc.

2. ITEMS OF NOTE

The applicant has submitted a number of responses to comments received at the September and December 2023 Planning Board meetings and included in the staff notes prepared for that meeting. The remaining items of note reflect outstanding issues that remain that the Board will need to review with the applicant.

- Subdivision Review: Phase 1 - Subdivision Review: The Planning Board is reviewing the proposed subdivision to the standards in the Land Use and Development Code under Chapter 1: Section 1-18 Development Transfer Overlay District, Chapter 2: Section 2-5 Minimum Standards for the Design and Construction of Streets and Ways, and Chapter 3: Subdivision.

The Planning Board cannot review the 1st phase approval of the subdivision under the requirements of a contract zone currently under the review process. This is due to the fact that those requirements have yet to be adopted by the Town Council and there is no assurance that they will be adopted by the elected officials.

- Pedestrian Connections: Off-site sidewalk connections are required to serve the development. The applicant proposes to connect the sidewalks within the development to the existing sidewalk along Bramblewood Lane and to the existing sidewalk on Robie Street, which currently ends at the intersection with Lincoln Street. An existing conditions survey of Robie Street is being performed to allow for a meeting with Town Staff to discuss the most appropriate proposed location of the sidewalk along Robie Street such that a design plan of the sidewalk can be produced for review and comment.
- Open Space Requirements: Development Transfer Overlay Subdivisions are required to set aside a portion of the subdivision for open space both for passive and active recreational opportunities. This open space requirement is in addition to payment of the recreational and open space impact fee. The Planning Board should discuss the open space improvements proposed as part of phase 1 with the applicant. See below language for the specific open space requirements from the Development Transfer Overlay District.

“A portion of any new subdivision or project with more than ten lots or units must be set aside within the development and permanently protected as open space to serve the residents of the project. This requirement is in addition to any requirement for the payment of recreational facilities or open space impact fee. The total combined area of the open space set aside within the subdivision shall be a minimum of ten percent (10%) of the gross area of the parcel. This open space must include an area of usable land as defined by the net acreage provision that is at least five percent (5%) of the total net acreage of the parcel (For example, if the net acreage of the parcel is twenty acres then at least 5% or one acre of the open space must be usable land).

The required open space within the subdivision or project may be used for the following types of uses: - formal open spaces such as greens, commons, and parks
- passive recreation areas - natural resource or conservation areas.

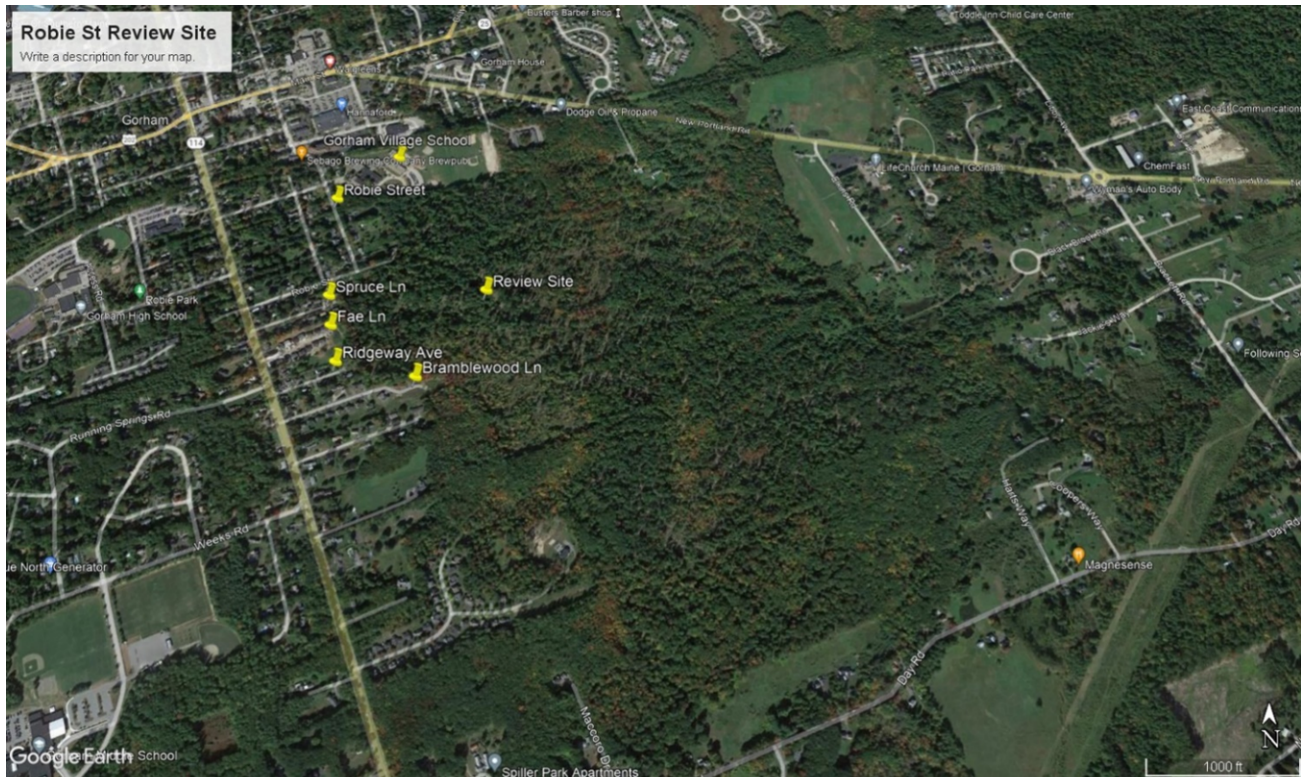
At least fifty percent (50%) of the required usable land within the open space shall be developed for formal spaces or recreation facilities. The Planning Board may waive or reduce this requirement if it finds that, due to the scale of the development, compliance with this requirement will not result in usable open space.

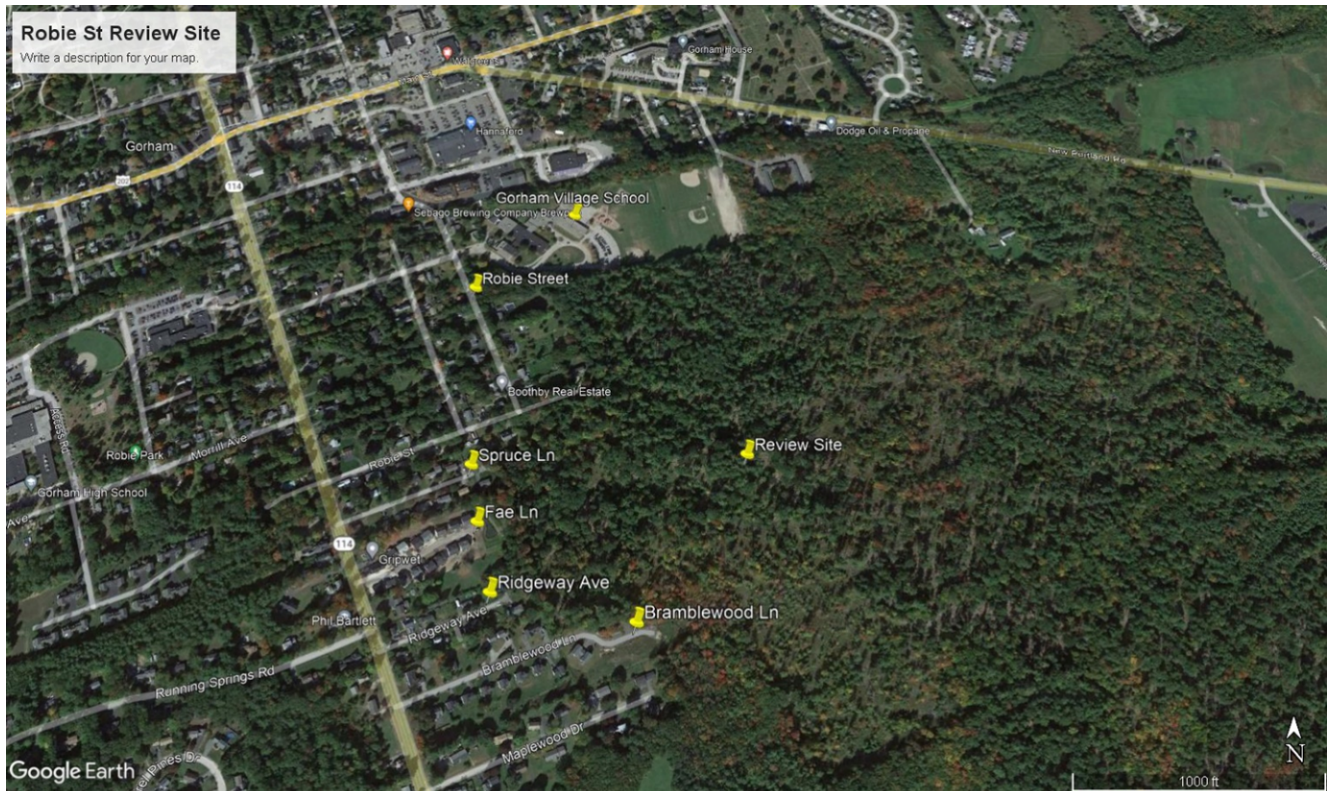
The setting aside of less-than-lot-sized pieces of land for specific formal spaces or recreation facilities is only permitted in a Development Transfer Overlay District approved subdivision. These areas can be aggregated to meet the 50% of the required usable open space and shall be developed for formal recreation facilities use. Formal recreation facilities shall include, but not be limited to, school bus stops with waiting shelters and/or benches or structures of any type, public monuments, small parks or gardens with structures such as benches or fountains, playground sets, basketball courts, trail heads with amenities, picnic tables, etc., and may occupy less than-lot sized areas within the development.”

- Development Transfer Density - Density calculations have been provided by the applicant for the project as a whole as well as for the initial 44 single family dwelling units proposed in the initial phase. The net residential density is listed as 234 units under conventional zoning. Any dwelling units above 234 units the applicant will be required to pay the development transfer fee of \$16,500.00 per dwelling unit. Phase 1 is below the allowed density in the underlying zoning district, so no payment of bonus units is required as part of the 1st phase approval.

3. PHOTOGRAPHS

Google earth images





Robie St Review Site - looking north



Bramblewood - looking east



Robie St Review Site - looking west



Ridgeway Ave - looking east





4. STAFF REVIEWS

Assessing Department: No comments received

Code Department: No comments received.

Fire Department: 08/23/2023, 01/22/2024

Please see the Applicant's Response to Comments submission regarding how these comments are being addressed.

08/23/2023

MAP 24 Block Lot 19-20, MAP 25 Block Lot 8, MAP 27 Block Lot 20,

I have revived the Plans dated August 21, 2023

1. The hammer head width needs to be 20' wide and 50' deep (Please Show on Plans the Measurements) I assume the hammer head will go away in future phases of this project?
2. Their shall be "No Parking - Tow Away Zone" or "No Parking - Fire Lane" signs added to the hammer head. Please show on the Plans
3. All buildings will meet all applicable sections of NFPA 1 *Fire Code* and NFPA 101 *Life Safety Code*. Building plans shall be submitted to the Fire Department for review.

4. The buildings shall be protected under the Fire Suppression Systems Ordinance as applicable. The sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting. The plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system. Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued.
5. The buildings shall be properly numbered in accordance with E911 standards including height, color and location. Numbers that cant been seen from the street shall require additional numbers at the street.
6. We will require 3 Fire Hydrant installed in this project. (Subject to Add when next set of plans are submitted for future build out.)
7. All Gas meters (if any) shall be properly protected from vehicle impact.
8. The fire hydrant(s) shall have a final height of not less than 2 inches and no greater than 4 inches from break away flange to grade and no obstruction shall be located within 10 feet of the perimeter. The initial installation of the fire hydrant(s) shall be inspected and accepted/ approved by the GFD AHJ. And the Portland Water District. The hydrant(s) shall be inspected for final compliance and flow tested by the Portland Water District prior to street acceptance by the town or prior to issuance of the final Certificate of Subdivision completion. Occupancy whichever occurs first.
9. It shall be the Owners responsibility to have a service winter Maintained contract on the new hydrant as it will be private hydrants, unless the town accepts the Streets. .
10. On Road Parking? Will need to discuss this, as the plans do not show the roads width's

Fire Department may have more or less requirements as this progresses through the Planning Process.

01/22/2024

MAP 24 Block Lot 19-20, MAP 25 Block Lot 8, MAP 27 Block Lot 20,

I have revived the Plans dated Jan. 15, 2024 – 1 phase of the project. 44 Lots.

1. Fire Hydrant located at lot's 8-9 please move to intersection of Lot # 1

Previous Memo.

2. We will require 3 Fire Hydrant installed in this project. So far 2 of 3 are shown. (Subject to Add when next set of plans are submitted for future build out.)

Fire Department may have more or less requirements as this progresses through the Planning Process in phases.

Planning Department: 09/06/2023; 11/28/2023; 12/18/2023, 01/29/2024

- Plan Review
 - A note has been added on the plan adjacent to Whispering Pines Lane is designated to be conveyed to Abutters Jock and Susan Robie.

- An updated boundary survey has been provided. It does not include a surveyor's stamp, although one was included on the previous version of the survey dated 8/10/22. The provided boundary survey does not show all lots. 2 lots are shown, 4 lots are indicated in the proposal narrative.
- Sheet 3 of 29 – the zoning is incorrect in the General Notes; White Birch Lane is shown as Birch Street.
- Sheet 4 - – the zoning is incorrect in the General Notes; Plant schedule – native plantings are required.
- Sheet 5 and as well as other plan sheets show the creation of 44 single family lots, however the plan notes and other documentation state that 43 lots will be created. These numbers should be consistent throughout the submittal materials.
- Zoning – Urban Residential and Urban Residential Expansion
 - The applicant has provided net density calculations of the proposed development site under both conventional zoning and the Development Transfer Overlay provisions.
 - Project is located within the Development Transfer Overlay District
 - Chapter 1 Section 1-18 Development Transfer Overlay District requirements include: fee calculation, building design, lot design, access limitations, open space, and parking lot locations. As is required by “New buildings constructed in existing neighborhoods shall be located in such a manner as to maintain the established relationship of existing neighboring structures to the side setbacks. Where no such relationship exists, the minimum setback shall be identified per use type.”
 - Under the Development Transfer Ordinance, Land Use Code Chapter 1, Section 1-18 the minimum acreage per dwelling unit is 5,000 sf.
 - The minimum lot size for single family dwelling is 8,500 sf.
 - The zoning district requires at least 60 feet of street frontage. 78 feet is provided.
- Natural Resources
 - Site is within the Narragansett Game Sanctuary, which does not allow trapping or hunting of any “wild animal or wild bird” according to MRS Chapter 925 subchapter 1 section 12707 1-A.
 - Indian Camp Brook and associated wetlands are located near the eastern portion of the property.
 - The applicant has been working with the Presumpscot Regional Land Trust for the preservation of open space. According to Chapter 1 Section 1-18 E 5, the minimum open space to be preserved is 10% of the total or approximately 13 acres. The applicant is providing 51 acres or approximately 39%.
- Transportation
 - The Board should consider an additional right of way running to the parcel off Toppan Drive off New Portland Road.
 - The Planning Board could discuss whether there are provisions that might reduce impacts due to construction traffic.
 - The Planning Board could discuss traffic calming measures for residential areas such as stop signs, bump-outs, and street trees.
 - The design of the connection from the site to Baxter Lane and Bramblewood lane will require amendment to the subdivision plan for Baxter Lane, Map 25 Lot 7-1.

A requirement that this be completed prior to issuance of building permits for lots on the southern portion of the parcel has been added to the suggested conditions of approval as follows: “A private way and subdivision amendment Planning Board review for Baxter Lane is required prior to issuance of building permits for Lots 19 through 31.”

- Robie Street Subdivision Required Open Space:
 - Total Area of the parcels - 131.1 acres
 - Total combined open space requirement- **13.11 acres**
 - Amount of usable open space requirement- **3.60 acres** (see the net acreage definition for what is consider usable open space)
 - Usable open space shall to be developed as formal open spaces requirement: **1.80 acres**. This is the amount of land that needs some type of formal recreation facilities which may be school bus stops with waiting shelters and/or benches or structures of any type, public monuments, small parks or gardens with structures such as benches or fountains, playground sets, basketball courts, trail heads with amenities, picnic tables, etc., and may occupy less than-lot sized areas within the development.
 - Below is the ordinance language from the Development Transfer Ordinance pertaining to open space.
 - 5. “Open Space A portion of any new subdivision or project with more than ten lots or units must be set aside within the development and permanently protected as open space to serve the residents of the project. This requirement is in addition to any requirement for the payment of a recreational facilities or open space impact fee. The total combined area of the open space set aside within the subdivision shall be a minimum of ten percent (10%) of the gross area of the parcel. This open space must include an area of usable land as defined by the net acreage provision that is at least five percent (5%) of the total net acreage of the parcel (For example, if the net acreage of the parcel is twenty acres then at least 5% or one acre of the open space must be usable land).
 - The required open space within the subdivision or project may be used for the following types of uses:
 - - formal open spaces such as greens, commons, and parks
 - - passive recreation areas
 - - natural resource or conservation areas
 - At least fifty percent (50%) of the required usable land within the open space shall be developed for formal spaces or recreation facilities. The Planning Board may waive or reduce this requirement if it finds that, due to the scale of the development, compliance with this requirement will not result in usable open space.
 - The setting aside of less-than-lot-sized pieces of land for specific formal spaces or recreation facilities is only permitted in a Development Transfer Overlay District approved subdivision. These areas can be aggregated to meet the 50% of the required usable open space and shall be developed for formal recreation facilities use. Formal recreation facilities shall include, but not be limited to, school bus stops with waiting shelters and/or benches or structures of any type, public monuments, small parks or gardens with structures such as benches or fountains,

playground sets, basketball courts, trail heads with amenities, picnic tables, etc., and may occupy less than-lot sized areas within the development.

- Where appropriate the Planning Board may require buffering or screening from adjoining residential properties.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

- **No parcels less than required lot size may be set aside for any other open space requirements prescribed in the Development Transfer Overlay District standards such as passive recreation areas, or natural resource or conservation areas.”**



Example of a bump-out in a residential area from Ludlow St. and Sonnet Ln. in Portland, Maine. Image from Google Street View.

- Ordinances (and specific sections) that apply to this proposal:
 - Chapter 1 - Zoning District and Development Transfer Overlay District regulations
 - Chapter 2 - General Standards of Performance
 - Chapter 3 – Subdivision
 - Chapter 5 - Floodplain Management
 - Chapter 7 - Impact Fees = Recreational and Open Space and Middle School will apply.
 - Stormwater
 - Wastewater
 - Growth Management

Police Department – No comments received.

Public Works Department: 08/22/2023

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

The only comment I have is that from the start of this project I have been concerned with drainage from Spruce Ln, which does not show on these plans. The developer needs to deal with the storm water that has gone across this property for years or it will become an issue for both Spruce Ln and some houses on Robie St.

Applicant Response: The existing drainage from Spruce Lane will be intercepted by a proposed storm drain inlet connected to the storm drain system within the roadway as shown on the plan and profile sheets.

What is the status of Bramblewood ln? It is currently private.

Applicant Response: The proposed roadway connection to Bramblewood Lane occurs at the end of the existing public way and will be extended as a public way.

Town Engineer: 01/29/2024

No additional comments from Engineering/Facilities.

Thanks,

Chuck
Charles E. Norton, P.E.

Stormwater: 11/20/2023

Stormwater comments for this project are as follows:

1. While not a requirement, the Town would like the applicant to consider utilizing Low Impact Development techniques. If the applicant chooses not to implement LID practices, please show why this is not feasible for this project.
2. A reminder that the Winter Construction season has begun, **and runs through May 1st**. Winter Construction erosion and sedimentation controls / BMP's have a different set of standards than the rest of the year. Please refer to the Maine DEP's Erosion and Sediment Control Practices Field Guide for Contractors for specific requirements during winter construction.

Recreation Department: 12/18/2023, 01/29/2024

12/18/2023

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**



Consider the space for active recreation to include a picnic pavilion for activity, shade, gathering, shelter from weather in this part of town. Wrap that space with a playground for 2–5-year-olds that has poured in place surfacing, creative fencing allowing for kids to roam freely without getting into danger areas, parent/grandparent seating surrounding the space. Shade canopies over parts of the play structure and seating are paramount in our warmer summer climate. Pack a picnic and come to this family friendly play space that is not attached to any school, you can visit by day or evening and feel safe in this environment. The space can be complemented by a meandering path throughout the site from parking to playground to pavilion.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

In the grand scheme of things here, what will our assurances be that the parking area and a clear delineation of the roadway and the parking lot at the two ball fields will be improved according to this plan? Am I just missing something obvious here? People will be exiting a parking area onto a road now...not just a wide open lot. Has this been addressed?

Cindy Hazelton

Cindy Hazelton, CPRP, Director
Gorham Parks & Recreation Department

Barton & Loguidice: 09/04/2023

We have reviewed the Applicant's submission dated 8/8/23, from Sebago Technics and offer the following comments:

1. Trip Generation - We are in agreement with trip generation calculations and that the proposed 43 lot residential subdivision will not require a Maine DOT Traffic Movement Permit, as it does not generate the minimum of 100 new peak hour trips.
2. Traffic Volumes and Trip Assignment – It is still our opinion the that trip distribution should be weighted more towards population centers and employment centers which tend to be east of Gorham with primary routes to/from the east via Main Street (Route 25/202) and to/from the South via South Street (Route 114). However, at the currently proposed trip generation level this does not significantly change actual trip assignment on the area roadway network. It is recommended that when the next phase of this project is proposed this topic be revisited and confirmed. No further action is required by Sebago Technics, at this time.
3. Crash Data Review - We are in agreement with Sebago Technic's review of crash data in the vicinity of the project, and have no further comment.
4. Sight Distance – We agree with Sebago Technic's review of sight distances, however, after construction of proposed "Road A" we would request they review the sight distance again at its intersection with Bramblewood Lane and Whispering Pine's Lane to ensure there are no obstructions from trees and vegetation within the R.O.W.
5. Sidewalks - Please confirm proposed sidewalks connections to existing nearby sidewalk networks and/or schools. Since the nearby Village School is a likely destination for children living in the proposed subdivision, what ADA compliant pedestrian infrastructure is being proposed to connect "Road A" to Robie Street.

Applicant Response: sidewalk connection is proposed to Bramblewood Lane and will be extended along Robie Street to the intersection with Lincoln Street. The plan with the proposed sidewalk extension is currently being prepared based upon an existing conditions survey being completed along Robie Street.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Portland Water District: 08/10/2023, 11/17/2023, 01/19/2024, 01/23/2024

08/10/2023

After reviewing the request internally PWD does not see reducing the peaking factor as an option to reduce the size of the pump station.

There are two options as the 8” line in Robie Street is a known pinch point.

1. Upsize the roughly 200 feet of 8” main to match the 10” main on the other side.
2. Run the FM terminus to Manhole GOC-MNH01320

Thanks,
Charlene
Wastewater Chief Operator – Systems

11/17/2023

We are working with the development team on the water and sewer design. We have sent our first round of comments and are now waiting on a revised set of plans with comments incorporated.

Thanks,

ROBERT BARTELS
Senior Project Engineer

01/19/2024

Thank you for sending this over. We will have comments and generally with a project of this scale our comments could take longer than the 11 days provided below. Please use this email as evidence that we will have comments. I will work with the engineering team directly on my comments.

Thanks,

ROBERT BARTELS, P.E.
Senior Project Engineer

01/23/2024

Dylan,

I have comments for you on the latest set of plans. I will need to drop them off as they are too large to scan/send. I will drop off comments by the end of the week to the Sebago Technics front desk, Attn: Dylan Stuart.

Thanks,

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

ROBERT BARTELS, P.E.
Senior Project Engineer

Wright-Pierce: 08/23/2023, 08/31/2023, 11/22/2023, 01/29/2024

8/23/2023

Thank you for sending this along. A few initial comments:

- We had an existing Task Order for Robie Street Subdivision for Traffic Only (when Barton & Loguidice was a sub to us). Since B&L is no longer subbing to us, I will open a new Task Order for the subdivision peer review, which will not include review of traffic. I trust if you want traffic reviewed, you will coordinate directly with B&L.
- For Stormwater (Exhibit 7), it indicates, “This section includes the stormwater report narrative. A complete copy of the Stormwater Permit application, including calculations, will be submitted to the Town for the public record when submitted to MDEP.” I didn’t see a narrative attached to Exhibit 7. Not sure if there is supposed to more to Exhibit 7 other than the one paragraph included.
- We will include the Development Transfer Overlay Performance Standards in our review, assuming they are opting to design to these standards. I saw in their application (B.1 DTO Responses, E.1) they indicate, “the application is not proposing bonus units to be transferred”. Doesn’t the use of the DTO standards result in “bonus units”?

Thank you,
Christine

8/31/2023

As requested, Wright-Pierce has reviewed the Preliminary Subdivision Application for the proposed Robie Street Subdivision project. The Applicant, KV Enterprises, LLC, is proposing a 43 single-family home residential subdivision accessed by two roads, which are proposed to connect to Robie Street and Bramblewood Lane. A contract zone is proposed for the development of the overall property, but the applicant is proceeding with permitting the first phase of development within the existing zoning rules.

Documents Reviewed by Wright-Pierce

- Preliminary Robie Street Subdivision Application – Prepared by Sebago Technics (August 21, 2023)
- Robie Street Subdivision Plan Set – Prepared by Sebago Technics (August 21, 2023)

Review Comments

Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

General/Completeness

1. A waiver of the requirement for a Class A soil survey in Chapter 3, Section 3-3, B(11) is requested. The current edition of the Land Use and Development Code (LUDC) no longer contains the statement that this may be waived for a Class B soil survey if there is a public water supply to serve the lots. Given past history, this waiver appears reasonable.
2. Please submit Financial Capacity information during final plan submission.
3. Please provide Maine Department of Environmental Protection (DEP) Stormwater Management Law, Natural Resources Protection Act (NRPA), and Army Corps of Engineers approval/permits to the Town when received.
4. Text overlaps on the overall subdivision plan making lot numbers and lengths illegible.
5. As noted by the Applicant, the Portland Water District will review the proposed water and sewer design, including the proposed pump station; however, during our review we noticed the minimum cover of the gravity sewer was not indicated on the plans. Consider indicating the minimum cover for gravity sewer, and proposing and show insulation to be installed where there is less than the required minimum cover over sewer and water mains.
6. It should be confirmed whether an easement for the drainage swale behind the lots is provided. EL58 is located in this area; however, no other easement lines or easement curves appear to be associated with the swale.
7. A detail is referenced on the plans for the wet pond maintenance access drive; however, it could not be located.

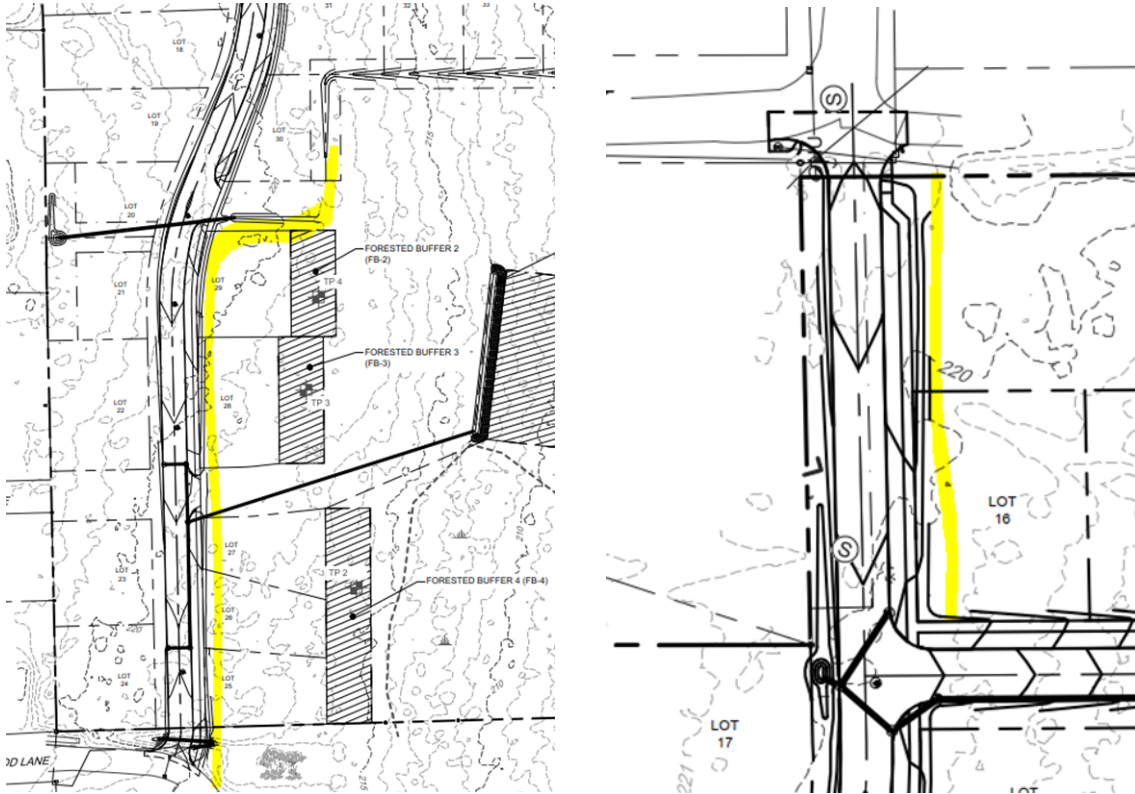
Development Transfer Overlay District Performance Standards

1. Please confirm that the design meets the requirement for at least 80% of lots within the subdivision to have an average lot depth at least 140% of the lot width. Refer to Chapter 1, Section 1-18, E(3) of the LUDC.
2. Please provide an open space calculation to demonstrate the design meets the Open Space requirements of the Development Transfer Overlay District. Refer to Chapter 1, Section 1-18, E(5) of the LUDC.

General Standards of Performance

3. Environmental
 - a. The project is not within the Shoreland Overlay District, FEMA floodplain, MS4 Urbanized Area, or other known regulated area.
 - b. A stabilized construction entrance at the Bramblewood Lane intersection in addition to the one proposed to/from Robie Street should be provided.
 - c. Filter barrier is proposed at the wet pond, but should also be proposed downslope of the rest of the disturbances. For example, filter barrier should be downslope of the proposed level spreaders discharging to the forested buffers while they are being constructed. It also appears runoff from the intersection at Station 213+41 and connected grassed access drive will leave the work area and flow northeast off-site without being interrupted by erosion and sedimentation controls. Filter barrier should also be on the eastern side of Robie Street (approximately as shown below) to contain sediment that would otherwise flow to the forested buffers and other off-site areas. This is not an all-inclusive list of areas needing erosion and sedimentation controls. Please review the site and propose controls downslope of all disturbances.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**



- d. Stone check dams should be constructed in the swales/ditches during construction since they will be transporting sediment from upslope disturbances.
- e. Erosion and sedimentation controls will be required for any construction on the individual lots, but are not necessary to be shown for subdivision approval.
- f. A double row of filter barrier should be proposed in areas within 75 feet of wetlands in preparation for Maine DEP over-winter protection requirements.
- 4. Traffic
 - a. Traffic was previously reviewed by Barton & Loguidice. Town to coordinate directly with Baton & Loguidice if there are traffic concerns.

Roadway Requirements

- 1. The road is intended to meet the requirements of an urban subcollector roadway, except for the length of tangents between reverse curves. Please provide a tangent length table and justification for why this requirement cannot be met.
- 2. Center line radius CL5 is 32 feet, and the required minimum is 230 feet. This is the first curve entering Robie Street from Bramblewood Lane in the access easement from separate private property owner. It also appears that this intersection does not meet the requirement to have a minimum intersection angle of 70 degrees for 60 feet from the intersection. Please provide comment.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

3. The maximum grade at intersections within 60 feet of intersection per the Table 1 Street Classification & Design Standards in the LUDC is 2%; however, it appears that this maximum grade is exceeded for Road B on Sheet 9.
4. Curb radii at intersections are not labeled. Please label curb radii.
5. The Urban Sub Collector Street Cross-Section appears to meet the intent of the Town's Urban Subcollector Standard typical section. It is assumed a 4-foot shoulder per the Town's Urban Subcollector Standard typical section is not necessary, since both sides of the road are curbed. Town to confirm.
6. The curb with on the Urban Sub Collector Street Cross-Section detail should be updated to match the Slipform Curb-Section. Additionally, both the 9.5 mm and 19.0 mm pavement courses on the Urban Sub Collector Street Cross-Section detail are labeled as Surface Course.
7. The Pavement Joint detail shows pavement and aggregate depths and types that do not match the Urban Sub Collector Street Cross-Section detail. The Pavement Joint detail should be updated.

Subdivision Requirements

1. All monuments on a right-of-way should be 5-inch granite or concrete squares. See the Gorham Land Use and Development Code for more information. All other lot corners should be marked with iron pipe or rod not less than ¾-inch diameter and 36-inch-long set flush to finish grade.

Stormwater Management

1. Exhibit 7: Stormwater generally describes what stormwater practices are proposed, which includes catch basins, storm drain, wet pond, and forested buffers. The Exhibit states a stormwater report narrative is included in this section, but one could not be found. The Exhibit also states that the Stormwater Permit and application, including calculations, will be submitted to the Town when submitted to Maine DEP. Although design of the stormwater practices will ultimately be reviewed by Maine DEP, Wright-Pierce would like an opportunity to review as well to perform a cursory review of the design calculations and peak runoff rate calculations to check they meet Town requirements. An inspection and maintenance plan should be included as well.

11/22/2023

As requested, Wright-Pierce has reviewed the Preliminary Subdivision Application resubmission for the proposed Robie Street Subdivision project. The Applicant, KV Enterprises, LLC, is proposing a 43 single-family home residential subdivision accessed by two roads, which are proposed to connect to Robie Street and Bramblewood Lane. A contract zone is proposed for the development of the overall property, but the applicant is proceeding with permitting the first phase of development within the existing zoning rules.

Documents Reviewed by Wright-Pierce

- Comment Response Letter – Prepared by Sebago Technics (November 13, 2023)
- Robie Street Subdivision Plan Set – Prepared by Sebago Technics (Revised November 13, 2023)

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Review Comments

Wright-Pierce’s original comments are in standard text, followed by the applicant’s response in italics, and our follow-up response in bold. Comments from the previous review memo that did not require a response or clarification or that were addressed are not listed. Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

General/Completeness

1. **WP Original Comment 3:** Please provide Maine Department of Environmental Protection (DEP) Stormwater Management Law, Natural Resources Protection Act (NRPA), and Army Corps of Engineers approval/permits to the Town when received.
Applicant Response: Maine DEP and USACE permits will be provided to the Town upon receipt. The applications will be submitted upon resolution of the proposed roadway connection to White Birch Lane.
WP Follow Up Response: Acknowledged. Submit approved permits when available.
2. **WP Original Comment 5:** As noted by the Applicant, the Portland Water District will review the proposed water and sewer design, including the proposed pump station; however, during our review we noticed the minimum cover of the gravity sewer was not indicated on the plans. Consider indicating the minimum cover for gravity sewer, and proposing and show insulation to be installed where there is less than the required minimum cover over sewer and water mains.
Applicant Response: Minimum cover is now shown on the plans.
WP Follow Up Response: Plan view of the plan and profile sheets notes a minimum cover of 4 feet for sewer services; consider providing insulation over sewers with less than 5 feet of cover. We could not locate a note about the minimum cover of the gravity sewer main; however, it appears adequate cover is proposed based on a review of sewer inverts and rim elevations. Notes specifying minimum cover over the force main vary throughout the plan set. For example, the pressure sewer trench detail and various profile notes specify a minimum cover of 5.5 feet; however, the profile on Sheet 6 notes 5.0 feet of cover over the force main. Please revise to match.
3. **WP New Comment:** There is a reference to “Gravel Access to Treatment Pond” on Sheet 5, which should be revised accordingly. Also, consider clarifying the extent of the gravel access road to the pump station on the plan and profile sheets or adding the stationing to the gravel road section.

Development Transfer Overlay District Performance Standards

1. **WP Original Comment 2:** Please provide an open space calculation to demonstrate the design meets the Open Space requirements of the Development Transfer Overlay District. Refer to Chapter 1, Section 1-18, E(5) of the LUDC.
Applicant Response: As this development is for 43 lots with a great deal of remaining land and as the final determination of open space will be based on the future development, an open space calculation will be based upon the overall project design.
WP Follow Up Response: Town to confirm this is an acceptable approach.

General Standards of Performance

No further comment.

Roadway Requirements

1. WP Original Comment 1: The road is intended to meet the requirements of an urban subcollector roadway, except for the length of tangents between reverse curves. Please provide a tangent length table and justification for why this requirement cannot be met.

Applicant Response: The width of the travel way has been reduced to 22-feet and the centerline tangent length between reverse curves have been reduced in coordination with Town Staff to be more in alignment with adjoining streets.

WP Follow Up Response: Town to confirm the modifications to the road and variances from the urban subcollector standards are what was discussed and acceptable. Our understanding from other portions of the response letter is the tangents lengths and travel lane widths were reduced as speed-reducing measures. We concur that these variances would help reduce travel speed through the subdivision.

2. WP Original Comment 2: Center line radius CL5 is 32 feet, and the required minimum is 230 feet. This is the first curve entering Robie Street from Bramblewood Lane in the access easement from separate private property owner. It also appears that this intersection does not meet the requirement to have a minimum intersection angle of 70 degrees for 60 feet from the intersection. Please provide comment.

Applicant Response: The roadway connection to Bramblewood Lane has been modified in coordination with Town Staff to provide a connection at the terminus of the existing public right of way.

WP Follow Up Response: The modification to the intersection appears to be an improvement to the safety of the intersection. CL5 has increased from 32 feet to 120 feet; however, this is still less than the 230 feet requirement. Town to confirm the modifications are what was discussed and acceptable.

3. WP Original Comment 4: Curb radii at intersections are not labeled. Please label curb radii.

Applicant Response: Curb radii at intersections are labeled.

WP Follow Up Response: Radii at the intersection with Baxter Lane are 10 feet, which does not meet the standard. We recommend meeting or exceeding the required radii, especially since the intersection is a tight turn for someone turning right off of Baxter Lane onto the proposed road.

Subdivision Requirements

1. WP Original Comment 1: All monuments on a right-of-way should be 5-inch granite or concrete squares. See the Gorham Land Use and Development Code for more information. All other lot corners should be marked with iron pipe or rod not less than 3/4-inch diameter and 36-inch-long set flush to finish grade.

Applicant Response: Acknowledged.

WP Follow Up Response: It does not appear that proposed monumentation is shown. Please show all monumentation and the applicable material per the Gorham Land Use and Development Code.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Stormwater Management

1. WP Original Comment 1: Exhibit 7: Stormwater generally describes what stormwater practices are proposed, which includes catch basins, storm drain, wet pond, and forested buffers. The Exhibit states a stormwater report narrative is included in this section, but one could not be found. The Exhibit also states that the Stormwater Permit and application, including calculations, will be submitted to the Town when submitted to Maine DEP. Although design of the stormwater practices will ultimately be reviewed by Maine DEP, Wright-Pierce would like an opportunity to review as well to perform a cursory review of the design calculations and peak runoff rate calculations to check they meet Town requirements. An inspection and maintenance plan should be included as well.

Applicant Response: An inspection and maintenance plan will be provided.

WP Follow Up Response: In response to WP initial comments provided to the Town via email on August 23, 2023, the Applicant has indicated a roadway connection to White Birch Lane is now being considered as a requirement for this development and will need to be included in the stormwater management of the project. Our original comment stands.

01/29/2024

As requested, Wright-Pierce has reviewed the Preliminary Subdivision Application resubmission for the proposed Robie Street Subdivision project. The Applicant, KV Enterprises, LLC, is proposing a 43 single-family home residential subdivision, which are proposed to connect to Robie Street, Bramblewood Lane, and White Birch Lane. A contract zone is proposed for the development of the overall property, but the applicant is proceeding with permitting the first phase of development within the existing zoning rules.

Documents Reviewed by Wright-Pierce

- Comment Response Letter – Prepared by Sebago Technics (January 11, 2024)
- Robie Street Subdivision Plan Set – Prepared by Sebago Technics (Revised December 21, 2023)
- Stormwater Management Report for Robie Street Subdivision – Prepared by Sebago Technics (December 2023)

Review Comments

Wright-Pierce’s original comments are in standard text, followed by the applicant’s response in italics, and our follow-up response in bold. Comments from the previous review memo that did not require a response or clarification or that were addressed are not listed. Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

General/Completeness

2. WP Original Comment 3: Please provide Maine Department of Environmental Protection (DEP) Stormwater Management Law, Natural Resources Protection Act (NRPA), and Army Corps of Engineers approval/permits to the Town when received.

Applicant Response: Maine DEP and USACE permits will be provided to the Town upon receipt. The applications will be submitted upon resolution of the proposed roadway connection to White Birch Lane.

WP Follow Up Response: Acknowledged. Submit approved permits when available.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Applicant 1/11/2024 Response: Maine DEP and USACE permits will be provided to the Town upon receipt. The applications are being finalized based upon the design of the proposed roadway connection to White Birch Lane.

WP Follow Up Response: No further comment.

3. **WP Original Comment 5:** As noted by the Applicant, the Portland Water District will review the proposed water and sewer design, including the proposed pump station; however, during our review we noticed the minimum cover of the gravity sewer was not indicated on the plans. Consider indicating the minimum cover for gravity sewer, and proposing and show insulation to be installed where there is less than the required minimum cover over sewer and water mains.

Applicant Response: Minimum cover is now shown on the plans.

WP Follow Up Response: Plan view of the plan and profile sheets notes a minimum cover of 4 feet for sewer services; consider providing insulation over sewers with less than 5 feet of cover. We could not locate a note about the minimum cover of the gravity sewer main; however, it appears adequate cover is proposed based on a review of sewer inverts and rim elevations. Notes specifying minimum cover over the force main vary throughout the plan set. For example, the pressure sewer trench detail and various profile notes specify a minimum cover of 5.5 feet; however, the profile on Sheet 6 notes 5.0 feet of cover over the force main. Please revise to match.

Applicant 1/11/2024 Response: The plans have been updated for consistent notation regarding cover.

WP Follow Up Response: We continue to recommend insulation be provided over sewers with less than 5 feet of cover.

4. **WP New Comment:** There is a reference to “Gravel Access to Treatment Pond” on Sheet 5. Other locations, such as Sheet 18, refer to this as a grassed access drive. Revise to be consistent throughout the plans. Also, consider clarifying the extent of the gravel access road to the pump station on the plan and profile sheets or adding the stationing to the gravel road section.

Applicant 1/11/2024 Response: No response.

WP Follow Up Comment: It does not appear our previous comment has been addressed. Additionally, if the access to the treatment pond is to be grassed, a detail should be provided.

Development Transfer Overlay District Performance Standards

5. **WP Original Comment 2:** Please provide an open space calculation to demonstrate the design meets the Open Space requirements of the Development Transfer Overlay District. Refer to Chapter 1, Section 1-18, E(5) of the LUDC.

Applicant Response: As this development is for 43 lots with a great deal of remaining land and as the final determination of open space will be based on the future development, an open space calculation will be based upon the overall project design.

WP Follow Up Response: Town to confirm this is an acceptable approach.

Applicant 1/11/2024 Response: The applicant and Town staff have agreed that the total parcel of land will require 13.1 acres of open space with 1.8 acres of improvements. An overall open space plan is being prepared by the applicant for presentation and discussion with the Board.

WP Follow Up Response: Acknowledged.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

**General Standards of Performance
No further comment.**

Roadway Requirements

6. WP Original Comment 1: The road is intended to meet the requirements of an urban subcollector roadway, except for the length of tangents between reverse curves. Please provide a tangent length table and justification for why this requirement cannot be met.

Applicant Response: The width of the travel way has been reduced to 22-feet and the centerline tangent length between reverse curves have been reduced in coordination with Town Staff to be more in alignment with adjoining streets.

WP Follow Up Response: Town to confirm the modifications to the road and variances from the urban subcollector standards are what was discussed and acceptable. Our understanding from other portions of the response letter is the tangents lengths and travel lane widths were reduced as speed-reducing measures. We concur that these variances would help reduce travel speed through the subdivision.

Applicant 1/11/2024 Response: The Town Engineer and Public Works Director were consulted for approval prior to adjusting the tangent lengths and pavement widths.

WP Follow Up Response: Acknowledged.

7. WP Original Comment 2: Center line radius CL5 is 32 feet, and the required minimum is 230 feet. This is the first curve entering Robie Street from Bramblewood Lane in the access easement from separate private property owner. It also appears that this intersection does not meet the requirement to have a minimum intersection angle of 70 degrees for 60 feet from the intersection. Please provide comment.

Applicant Response: The roadway connection to Bramblewood Lane has been modified in coordination with Town Staff to provide a connection at the terminus of the existing public right of way.

WP Follow Up Response: The modification to the intersection appears to be an improvement to the safety of the intersection. CL5 has increased from 32 feet to 120 feet; however, this is still less than the 230 feet requirement. Town to confirm the modifications are what was discussed and acceptable.

Applicant 1/11/2024 Response: The centerline radius and tangent length shown at this connection have been reviewed with the Town Engineer and Public Works Director.

WP Follow Up Response: Acknowledged.

Subdivision Requirements

8. WP Original Comment 1: All monuments on a right-of-way should be 5-inch granite or concrete squares. See the Gorham Land Use and Development Code for more information. All other lot corners should be marked with iron pipe or rod not less than ¾-inch diameter and 36-inch-long set flush to finish grade.

Applicant Response: Acknowledged.

WP Follow Up Response: It does not appear that proposed monumentation is shown. Please show all monumentation and the applicable material per the Gorham Land Use and Development Code.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Applicant 1/11/2024 Response: All proposed monumentation will be clearly depicted on the final subdivision plan. The applicant has been revising road and lot layout in coordination with Town staff and the Board and will add the monumentation to the preliminary plan.

WP Follow Up Response: Acknowledged.

Stormwater Management

9. **WP Original Comment 1:** Exhibit 7: Stormwater generally describes what stormwater practices are proposed, which includes catch basins, storm drain, wet pond, and forested buffers. The Exhibit states a stormwater report narrative is included in this section, but one could not be found. The Exhibit also states that the Stormwater Permit and application, including calculations, will be submitted to the Town when submitted to Maine DEP. Although design of the stormwater practices will ultimately be reviewed by Maine DEP, Wright-Pierce would like an opportunity to review as well to perform a cursory review of the design calculations and peak runoff rate calculations to check they meet Town requirements. An inspection and maintenance plan should be included as well.

Applicant Response: An inspection and maintenance plan will be provided.

WP Follow Up Response: In response to WP initial comments provided to the Town via email on August 23, 2023, the Applicant has indicated a roadway connection to White Birch Lane is now being considered as a requirement for this development and will need to be included in the stormwater management of the project. Our original comment stands.

Applicant 1/11/2024 Response: No response was provided under this comment in the Applicant’s response letter, however, the following was provided in the 1/11/2024 response under WP initial comments provided to the Town via email on August 23: The initial stormwater design has been completed to size the storm drains in the roadway and the wet pond for treatment and detention. The design plan for roadway connection to White Birch Lane is now included in the plan set. The stormwater model and report have been updated to include this roadway and is submitted to the Town of Gorham for review as well as MDEP in association with a stormwater permit application. 1/2024 Response: The stormwater law application was submitted to Maine DEP in late December 2023. A hard copy and digital copy of the submittal was given to the Town, as required by Maine DEP.

WP Follow Up Response:

- a. **An Inspection, Maintenance, and Housekeeping Plan was submitted as an Appendix to the Stormwater Management Report. We provide the following comments:**
- i. **It is recommended a reference to the May 1 deadline for submission of the annual certification be included in the Plan as well inclusion of the annual certification form to be used or a reference to the form (refer to Appendix 1 of the Post Construction Stormwater Ordinance, titled “Annual Stormwater Management Facilities Certification”).**
 - ii. **Although the Post-Construction Stormwater Ordinance does allow the inspections to be completed by the owner or operator or a qualified post construction stormwater inspector, it is recommended inspections are completed by a qualified post-construction stormwater inspector.**
 - iii. **Additionally, the Post Construction Stormwater Management Ordinance was amended in 2023 in regard to a timeline of when corrective actions need to be**

taken. It is recommended the Inspection, Maintenance, and Housekeeping Plan be updated to reflect that if a post-construction BMP requires maintenance, the owner or operator will provide a record of deficiency and corrective action(s) taken no later than 60 days following the date the deficiency was identified.

- b. See new comments below based on review of the Stormwater Management Report.
10. **WP New Comment 1:** The drawings submitted to DEP propose 43 single-family house lots, while the drawings submitted in this application to the Town propose 44. The stormwater management plan submitted to DEP also references 43 lots. The impervious area from this additional single-family house should be considered in the stormwater analysis and treatment calculations.
 11. **WP New Comment 2:** The Wet Pond Section/Safety Bench/Gravel Filter & Outlet Detail shows a 4” groundwater relief underdrain along the inlet side of the pond and below the bottom of the pond (pond bottom is 168”). Plan view on BMP Plan 1 – Wet Pond (sheet 22) shows a 4” underdrain on the outlet side of the pond and up higher at elevation 171.50’. This 4” underdrain is at the same elevation as the 6” underdrain in the gravel bench and they cross each other so they would be in conflict.
 12. **WP New Comment 3:** The HydroCAD model submitted to DEP for the Stormwater Management Law permitting does not model the cross culverts or storm drains within the proposed roadway. The HydroCAD model directly routes runoff from upstream subcatchments to the proposed stormwater treatment practices such as buffers, level spreaders, or the wet pond. This is an acceptable and conservative approach to sizing the treatment practices. Were the cross culverts and storm drain within the roadway modelled separately to design them for a specific storm event?

Conservation Commission: 08/28/2023, 08/31/2023, 11/27/2023, 01/29/2024

8/28/2023 – 8:53pm

Hi Tom, Carol and Damon,

It's very encouraging to see that there could be a conservation easement for the parcel abutting New Portland Rd. However, even with Exhibit B in the Purchase and Sale Agreement and the Cover Map, it's hard to tell exactly what area the easement will cover. Do you have a better map showing what would be in that easement, or is that TBD later?

Thanks,

Bill

8/28/2023 – 9:10pm

Scratch that last email question about the easement.

I found a better map in the initial project proposal:

https://drive.google.com/file/d/1PbcyU65BmxcgQrQiLtM9OUASuHRZNAuu/view?usp=drive_link

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

8/31/2023

Dear Carol and Planning Board Members,

The Conservation Commission has reviewed the sketch plans for Robie Street forwarded to us on 23 August 2023. While many of our comments and questions from the original sketch plan remain, we do have additional feedback specific to this proposal:

1. Will subsequent phases match the scope of the original sketch plan or will building out in phases require changes to that plan as well?
2. While it is encouraging to see the project broken into smaller phases, could building in phases:
 - a. Increase chances for potential negative impacts on the wetland areas?
 - b. Delay the construction of trails on the conserved land or access to it?
3. Does the 51 acre conservation easement remain the same or change as part of the overall project?
4. Does the overall density of all phases when completed put the wetland area at greater risk for negative impacts?

We realize that this plan may be subject to revisions and we look forward to addressing any questions or comments you may have for us. Thank you for the opportunity to comment on this project.

On Behalf of the Commission,

Bill Moreno
Chair, Gorham Conservation Commission

11/27/2023

Dear Carol and Planning Board Members,

The Conservation Commission was asked to review an updated proposal regarding the development of 43 single family units for the Robie Street Subdivision project. We do have additional feedback specific to this application. In particular:

1. Will a traffic study for just the 43-unit development be adequate or should the traffic study encompass the larger development and its phases to make sure roads are properly sized and designed?

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

2. Regarding access via White Birch Lane:
 - a. Will this access be for construction access only initially or will this be built for permanent access?
 - b. What will be done to ensure safe public access to and parking at the ball fields?
 - c. Will there be hours (or days) when construction vehicles will not be permitted to use this access point (or when the general public cannot use the access point)?
 - d. How will dust be controlled?
 - e. Will the developer help maintain/repair any damage to White Birch Lane caused by the increased construction traffic?
 - f. Will the developer be required to build a sidewalk connection to New Portland Road?

3. Will the sewage pump station be sized for just the 43 units or for the full development?
 - a. If just sized for the 43 units, what are the potential impacts later on if/when more phases are added?

4. Conservation Easement
 - a. While we understand its exact perimeter cannot be determined yet, it would be helpful to have it demarcated more clearly on the project maps.
 - b. Would like to see access points and parking to conserved land and trails marked on the map (even if approximations).
 - c. What will the developer do (or contribute) to help design and create trails, especially where boardwalks and foot bridges may be needed?

5. Privacy for existing home abutters
 - a. Will a strip of the existing forest be left in place to provide a privacy screen between existing homes and the backs of the new lots being proposed?
 - b. If forest can't be left, or is already excessively thinned out, can a privacy screen of trees be planted along the back edge of the new lots?

On Behalf of the Commission,

Bill Moreno
Chair, Gorham Conservation Commission

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

01/29/2024

With the exception of George's question regarding a generator for the sewage pump, we don't have any further questions or comments regarding the Robie Development.

I added Carol and Damon to this as they may be able to address the sewage pump question. Carol and Damon here's the question from George:

Since the development will have PWD water, which will normally flow even during power outages, will the Town or PWD require the sewage pump station be equipped with a standby power generator?

Thanks,
Bill

Abutter Comments: 09/07/2023, 09/11/2023, 09/21/2023, 10/17/2023, 10/18/2023, 10/25/2023, 10/26/2023, 10/31/2023, 11/20/202, 12/04/2023, 12/12/2023, 12/21/2023

Comment 1

Susan Robie, 34 Robie Street

My husband and I are abutters on the North side of the proposed KVM development.

Approximately 2 years ago we were approached by Bruce Robie, a cousin, and KVM to request a right-of-way across the eastern part of our land to the Ball Field parking area. After a lot of deliberation, we accepted that the land would be developed, and this development would significantly affect the Robie Street neighborhood as the land in question was zoned for Village Growth as required by Gorham's Comprehensive Plan.

We agreed to trade an equal amount of buffer land along our private way for a 50 foot- right-of-way that could be used to create a new road to the New Portland Road and share the burden of traffic with Robie Street. At the time of agreement and today the only existing road into the development is Robie Street.

"The traffic" being that generated by those who ultimately live in the development and the construction traffic generated by development. It seems that there are ultimately going to be four roads all through long established neighborhoods that will be significantly impacted by this development. The traffic study that I have seen divides traffic among them to dilute impact, my request is the same should be considered for construction traffic.

As the comprehensive plan also requires "protection of existing neighborhoods" I am asking that the council include in the contract zone language that KVM will be permitted to use the 50 foot

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

right-of-way across the eastern part of our land during the first phase of this development to share the burden of construction traffic. Thank you.

Comment 2

Hi Tom I tried to send the following to the town council members, but when I included it in the form on the town website there was no formatting so it was very hard to read. I did send it that way to Lee and also ended up sending it my individual email Seven Siegel and Lee Pratt. If you think it is worth while for them to see prior to the meeting could you send this to the remaining councilors or send it to someone who could. Thanks Sue

Hi Mr. Pratt

Just before the Holiday weekend I tried to reach out to you by phone unsuccessfully. So I wrote up my thoughts so that you might be able to review them before the contract zone vote on Tuesday.

Susan Robie

(It is OK with me if you wish to share with fellow councilors, I am a novice at communicating with the Town Council.)

KVM Contract Zone

My husband and I are the major abutters on the North side of this development and have watched carefully all the changes and proposals associated with this development. When this project came before the planning board in September of 2022 I wrote a letter describing issues I had with the project. Most of the issues remain. After the first presentation to the planning board the Growth Management Ordinance intervened.

When the contract zone proposal came before the council I saw it as an opportunity for the town to have more control over some issues of concern that are in addition to the major stated issue of residential growth rate in Gorham and its impact on the town and on the school system .

Issues

- 1) Storm water management in a area with a great deal of wet land.
- 2) increased traffic volume through the existing neighborhoods,
- 3) Construction traffic and disruption through the existing neighborhoods,
- 4) Impact on the physical character of the existing neighborhoods by potential removal of the shade canopies by street widening and sidewalk installation and for the same reason--
- 5) Impact of reducing distance to the street for homes that already are very close to the street (because they predate zoning)
- 6) Cut through traffic driven by the current design.

The size of the development and its location conform with the rezoning driven by the comprehensive plan. I agree that the concept that high density near the center of the Village makes sense. Unfortunately, as it stands, the land in question is a "land block" with only one legal entrance and that is to Robie Street going north and west. Robie Street to the west is a two rod road, Robie Street to the north is a 3 rod road. This development, as currently designed, will inevitability

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

impact four roads and neighborhoods: White Birch Lane, Robie Street, Ridgeway and Bramblewood. Some of these issues identified can be mitigated through the contract zone process.

The Comprehensive Plan has statements a variety of statements that support protection of the existing Village neighborhoods from the impacts of development. Many of these impacts can be considered in the contract zone process.

Currently KVM has a project on the planning board agenda of September 11 to develop a first portion of the development consisting of 43 single family homes. This project will be reviewed for storm water but is not big enough to trigger DEP review. I view this a large negative. A second phase would trigger DEP review. However, any finding of environmental issues at that point may have been comprised by first phase. Similarly the traffic issues may be addressed with the 43 homes not the impact of the whole project.

It seems that with or without the contract zone the intent is that the whole project will be built.

I think it makes sense to address the whole project with the latitude conveyed by the contract zoning process rather than approving a partial project. The planning board has no latitude to reject a project if it meets existing ordinances.

Finally I believe that one of the driving forces for this development for the town was the construction of multi-family homes. There are no multi-family homes in the first phase.

Thanks for considering these points.
Susan Robie

9/11/2023 – Tina M Ruel

From: Tina M. Ruel, 13 Joseph Dr., Gorham ME 04038. 207-839-7614

Subject: Preliminary Subdivision Plan—Robie Street

I realize growth is inevitable in any town, and demand for housing is not letting up anytime soon, but given what we know about the current climate realities and especially the importance of trees for carbon removal—why is it that towns allow large tracks of forested land to be clearcut for housing?

I have seen the clearcut on the parcel of land at the end of Shirley Road and I am heartsick to think this could be the same fate for the forested land on Robie Street. I walked some of the land this winter and took photos of many of the largest trees. Some are filled with holes—the work of woodpeckers finding food and creating "housing" for other critters; mother nature working in balance.

I also enjoyed the sounds of the many birds on my foray into these woods. Teeming with life...this has value, does it not?

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Can we take a page from mother nature and become more balanced as a community? I believe we should be more respectful of the Earth—it is screaming to get our attention! Just because our state is not experiencing extreme temperatures and wildfires, it does not mean we should continue with business as usual in terms of housing development. We cannot continue to cut down every tree, pave the land and construct buildings the same way and move on—we can and should demand better sensitivity to the land and the natural life it supports.

I propose the Town of Gorham adopt stricter land use/development ordinances for housing developments. Some sort of regulation needs to be developed and implemented to stop outright clearcutting.

Can the Gorham Conservation Commission be more involved in this matter?

Also, am I correct in understanding this land may have upwards of over 300 homes built over time? How much forest will be left, if any?

Would it be possible to have a meeting on clearcutting in Gorham; have a few experts give a presentation on alternatives to this practice?

Thank you for listening as always and I look forward to any feedback.

Sincerely,
Tina M. Ruel

09/21/2023 – Evan Johnson

For obvious reasons I believe the Robie St. housing development would be a terrible and disastrous idea if allowed to proceed. The last thing the town needs is another crammed, cookie cutter 300+ residential subdivision smack in the center of town. All this will do is further increase the already outrageous tax burden of the citizens of Gorham. This development will only serve to put a huge burden on the already strained schools, fire, police, and public works departments. Please use common sense when you and the planning board consider this development. No more huge housing developments in Gorham should be permitted until more of the tax burden can be shifted onto industry (which Gorham is severely lacking). Please stop letting huge developers make millions off of over inflated property values then walk away while the tax burden is placed directly on the residents. Gorham needs a residential building pause or per-year cap until these issues can be sorted. Thank you.

10/17/2023 – Paula Green

I am writing to you all today to express my sincere displeasure at the prospect of the new project planned for Robie St. After what our town went through this summer with the school budget, it is baffling to me how we can even consider adding such a large population of students to our already crowded schools. This project will permanently change the character of our lovely town...all while the developer makes a huge bundle from this project. Why are we letting an "out of town" company make such a huge financial gain, at the expense of taxpayers, (more infrastructure, more teachers, new schools, etc.) By that time, the developer has moved on to other projects, while we are stuck with horrific traffic, overcrowded schools, and the loss of wildlife in that area. All while he "laughs

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

his way to the bank". Please listen to the residents of Gorham and do NOT approve this project.
Thank you

10/17/2023- Karen Sprague

I am very concerned about the impact of the new housing development under consideration will have on our schools. Our schools are outdated and overcrowded. How will the addition of new students effect that, without raising our taxes? My child is a freshman, and due to limited space, has a study hall at the municipal building. More students sounds like more shuffling of classrooms like this. And sounds like more taxes, which we cannot afford.

10/18/2023 – Cheryl Eling

I was unable to attend Monday's meeting but I would urge you to carefully weigh the enormous impact of this proposed development. The terrible burden this would place on our excellent schools would be staggering.. We have so recently had such a difficult time passing a budget for the students we already have, it is not difficult to imagine what the future holds for supporting any future budget with the influx of more students! The strain on roads, traffic and infrastructure is too much. Please reconsider this huge project.

10/25/2023 – Ian Laughlin

Hello - As a resident I've seen signs and heard rumblings from neighbors about a new 391 home development in the Village. Some of what I've heard is that there will be higher taxes, school overcrowding, not enough parking, etc. However, when I've asked, none of them have been able to point me to an independent economic feasibility/impact study that addresses all of these concerns. I'm assuming the Planning Department or another department has this information. Could you please point me to where I'd find the economic study addressing these concerns. Thank You!!! Ian

10/26/2023 – Scott Brydon

I oppose the proposed development of 350 plus homes. Why is this allowed on the game preserve?ed on the game preserve. It will lead to higher taxes when more taxes, and ruin the chracter of the town. Input a building mor now! otorium the game preserve?

10/31/2023 – Pollyanna Hardy

In regards to the Robie street big development, please get a very comprehensive traffic study done, and go to Robie and get an idea of what the residents are truly saying, it is an old neighborhood, with very narrow streets, with houses that already sit very close to the street, with lots of kids, walking to Village school from many surrounding neighborhoods. This decision to put Robie street as a pass through for this huge development will severely impact their quality of life, our daughter lives there with her five year old, it is already very busy, the street is very narrow and there is no room for sidewalks, many driveways are tiny like hers and if we visit we park on the street, if you try to put in sidewalks as Lincoln said, it would be even more detrimental, an emergency only roadway actually is a good idea, eliminating what will surely be like a mini highway cut through. The developer should not be able to develop such a huge parcel without new roads that can handle the traffic, they shouldn't be allowed to completely destroy the beauty and their quality of life to promote a new neighborhood that does not have access. Look at lower Robie near Junction, a few of those houses are now sitting perilously close to the road. They don't have access to New Portland Rd? Thank you for taking time to look at all teh

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

info before approving this monster neighborhood, we know growth is inevitable, but it shouldn't be done on the backs of our old charming neighborhoods, and yes I've live here my whole life, and our kids and grandchildren are here. Please be careful and mindful of all that this is going to affect.

11/20/2023 – Lou Simms

Dear Gorham Planning Team,

In campaigning for town council these past few months, I have spoken with many Gorham residents living near the large housing development proposed behind Robie St. Based on those conversations, I'd like to offer the following input, which likely reiterates themes you've already heard from many concerned citizens. If you would also be willing to share this input with our planning board members, that would be greatly appreciated:

- 1) The initially proposed language for the contract zone gives the developer the option to build commercial space into the multi-unit building(s). One suggestion is to consider making a modest, reasonable amount of commercial space a REQUIREMENT as opposed to an option for those multi-unit(s); otherwise, it seems unlikely that any commercial space will materialize.
- 2) It appears that one of the parcels marked for the proposed development (Map 27 lot 20) cuts across New Portland Rd - thus, one suggestion that seems worthy of investigation is determining the feasibility of a new road built to connect the proposed development to New Portland Rd, east of Toppan Drive -- and how this new road may help alleviate concerns regarding increased traffic on our existing streets, and at what cost to our community & environment.
- 3) Lastly, (while this may seem a bit at odds with the above suggestion of more road-building) requiring some amount of communal green space would be ideal. If I understand correctly, the developer's current proposal conserves some amount of open space, but that mostly appears to be achieved by preserving a "Conservation Parcel" that presumably must be conserved regardless of any special contract zone language... so, it seems that requiring more green space also being built into the actual development area might produce a more pleasant environment...

Those are the primary points I'd like to convey. I saw that the 11/20 planning board workshop on the development was cancelled - presumably due to the holiday... can you please clarify for me the next step(s) in the timeline for this proposed development moving forward?

On a related note: I'd like to share that, over the course of the campaign, I've become a voracious consumer of articles & podcasts from the Strong Towns team, and so I am eager to work with our town council & staff to continue building a strong future for Gorham. I look forward to engaging with each of you in those efforts!

12/04/2023 – Sue Robie

Comments Regarding KVM 43 Unit Development Request for
Preliminary Approval Susan Robie Dec 4, 2023

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

1. A continuing concern is the issue of construction traffic. There has been no submittal of permit to use the proposed White Birch Lane entrance to the Development Property, although the Town Council approved such an entrance to reduce the impact on the neighboring Village Neighborhoods.

In addition, no attention has been given to the hours during which the neighboring small streets can be used/not used due to school hours or neighborhood disturbance, for instance can construction traffic start at 7 AM? I would like the planning board to require a specific set of times during which the neighborhoods will be quiet. This is a long project with the potential to make life for the neighborhoods involved difficult.

Further I would take issue with the westerly running part of Robie Street being wide enough for construction traffic, particularly in the winter.

2. A second continuing issue is cut-through traffic. Some additional curvature and road narrowing has been added to the plan, which is positive. However, as planning staff suggested several bump-outs would be an important addition.

The developer has added 30-foot passages through the second line of houses for pedestrian/ bicycle use. I would submit that these passages should be 50 feet for the insurance of adequate space for 'transecting roads' that may be required for a Village Type development. For this reason formulating the response of the Planning Board to the Town Council with respect to the contract zone prior to approving the 43 lot development is important.

0. My third comment is regarding tree cutting. I would propose that a condition of approval be the prohibition of cutting trees beyond that required by the installation of water, sewers and other infrastructure elements for this portion of the development. Further, in the planning of the roads and lots, trees of size and value would be identified and retained that would line the street, sidelines and backlines of the lot. This could in return for used for waiving the planting of small street trees retroactively. This strategy would enhance the finished development immeasurably. Further I would request that trees should be left for significant footage at the back of every lot.

1. Heating methods. Given climate change as a basis for thinking about heating I am curious as to why natural gas is not being installed in the development. The natural gas line is as close as the Village school. There were many offers to buy this land from the Frederick Robies for Solar farming. It seems a unique opportunity to encourage solar use in combination with mini-splits to heat and cool homes. To this end management of the home site and structure to take advantage of solar power should be a stated priority of the development (This point is of particular importance

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

to the future multistory structures). And since it is Maine a back up heat source is always wise and one of the best we have is natural gas. This is a big question mark for me?

Lastly, an aside, on the question of important natural and historical structures; Frederic Robie, an uncle of my husband to whom this land belonged identified the land he wanted to be set aside for conservation. This land specifically included Indian Camp Brook and the remnants of the Indian camp along the brook in the conserved parcel. Further he wanted a trail from this area to terminate at the Village School fields so that the children could easily hike to this spot where arrowheads still can be found. In my husband's fathers' lifetime sea trout came up the Stroudwater River through the Indian Camp Brook and spawned in the large marshy area on the other side of the New Portland Road (which has subsequently been drained to form a pond). To this day brook trout spawn in the railroad brook which drains into Indian Camp Brook.

12/11/2023 – Ruth Kelly

Thank you for the information. I am still not sure what can be decided tonight. But I want to stress how White Birch Lane is a quiet residential dead end street with no sidewalks that leads to a ball park and a low income housing unit. Children, bicyclists, people with wheel chairs from the Low Income Housing Unit, dog walkers and other pedestrians frequently use this road to get home or to the ball fields. New Portland Rd is a traffic nightmare, and right now, White Birch Lane is not used much for traffic. The possible use of White Birch Lane as a conduit to the new subdivision and downtown Gorham from New Portland Rd and vice versa would be danger to the quiet activities that take place there now. Please share this response with the Planning Board members.

Thank you.
Ruth Kelly

12/21/2023 – David Alexander

Glad to see your intense comments Monday. Needs more than a gazebo at the pond. The recently added 'crosswalks' could be enlarged to offer small playgrounds in the middle of the single homes. And the multis need play areas too, just because the units are small doesn't preclude children.

Your question as to access direct from New Portland Road is exactly what I think and a way to get better access for construction and future commuters. The fast talking engineer glossed over that and you must follow up. The proposed access over roads with existing homes will put the burden on those homeowners

David Alexander
Wison Road, Gorham.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

**PLANNING BOARD
FINDINGS OF FACT
For
KV ENTERPRISES ROBIE STREET SUBDIVISION**

February 5, 2024

WHEREAS KV Enterprises LLC seeks approval of a 44-lot subdivision with associated infrastructure and open space.

Pursuant to the Application:

A preliminary plan review was held on September 11, 2023, December 4, 2023, and February 5, 2024.

Property Description: The applicant is proposing a 44-lot subdivision with associated infrastructure and open space. The units will be served by public water and sewer and underground utilities. The four total parcels combined are approximately 133 acres in size with wetlands throughout. The vegetation on the parcel is a mix of canopy and understory trees as well as scrub shrub type brush.

The lot is identified as Tax Map 25, Lot 8; Map 24 Lot 20; Map 27 Lot 20 and Map 24 Lot 29 and is located along Robie Street and New Portland Road.

Consultants: Shawn Frank, P.E. and Owens McCollough, P.E., with Sebago Technics

Applicability: Subdivision Plan regulations identify the Planning Board as having review and approval authority.

Current Zoning: Urban Residential and Urban Residential Expansion District, B. Permitted Uses, 1) One or two-family dwellings.

Variances: None requested.

Waivers requested: A waiver from Ch. 3 Section 3-3 Subsection B (11) has been granted to allow a Class B soils survey instead of the required Class A soil survey.

Pursuant to the Application:

Preliminary Subdivision review was held on September 11, 2023, December 4, 2023, and February 5, 2024.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Sebago Technics Plans consist of the following:

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Sheet 1 of 29 – Cover Sheet: Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 2 of 29 – Notes & Legend; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 3 of 29 – Boundary Survey; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 4 of 29 – Overall Preliminary Subdivision Plan; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 5 of 29 – Preliminary Subdivision Plan; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 6 of 29 – Plan & Profile Road A – STA 99+80 – 104+00; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 7 of 29 – Plan & Profile Road A – STA 104+00 – 108+00; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 8 of 29 – Plan & Profile Road A – STA 108+00-112+00; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 9 of 29 Plan & Profile Road B – STA 200+00 – 204+50; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 10 of 29 – Plan & Profile Road B – STA 204+50-209+00; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 11 of 29 – Plan & Profile Road B – STA 209+00 – 213+41; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 12 of 29 – Plan & Profile of STA 500+00 – 504+50; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 13 of 29 – Plan & Profile of STA 504+50 – 508+55; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 14 of 29 – Plan & Profile Road D STA 488+71 – 493+71; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 15 of 29 – Plan & Profile Road D STA 488+71 – 493+71; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 16 of 29 – Plan & Profile Road D STA 497+71 – 500+00; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 1 of 1 – Plan & Profile Robie St STA 90+42 – 99+80; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 18 of 29 – Overall Grading Plan; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 19 of 29 – Grading Plan 1; Dated, 05/31/2022; Revised through, 11/13/2023; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 20 of 29 – Grading Plan 2; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 21 of 29 – Grading Plan 3; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

Sheet 22 of 29 – BMP Plan 1 – Wet Pond; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Sheet 23 of 29 – Erosion Control Notes; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.
Sheet 24 of 29 – Erosion Control Details; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.
Sheet 25 of 29 – Details 1; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.
Sheet 26 of 29 – Details 2; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.
Sheet 27 of 29 – Pump Station Details; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.
Sheet 28 of 29 – Pump Station Building Details; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024.
Sheet 29 of 29 – BMP Construction Details; Dated, 05/31/2022; Revised through, 12/21/2023; Received, 01/15/2024

Other documents submitted consist of the following:

Applicant response to staff notes from 9/11/2023 Planning Board meeting – 11/13/2023; 01/11/2024.
Preliminary Subdivision Application – 08/21/2023, 11/13/2023
Plans – 08/21/2023, 11/13/2023
Waiver Requests for High Intensity Soil Survey – 08/21/2023
Letter of Financial Capacity – received 1/15/2024.
Gorham Town Planner Comments – 09/06/2023; 11/28/2023; 12/18/2023, 01/29/2024
Gorham Assessor Comments – No comment
Gorham Fire Chief Comments – 08/23/2023, 01/23/2024
Gorham Public Works Comments – 08/22/2023
Gorham Town Engineer – 01/29/2024
Gorham Stormwater Comments – 11/20/2023
Gorham Code Enforcement Officer – No comment
Gorham Recreation – 12/18/2023, 01/29/2024
Portland Water District – 08/10/2023, 11/17/2023, 01/19/2024, 01/23/2024
Wright Pierce – 08/23/2023, 08/31/2023, 11/22/2023, 01/29/2024
Barton & Loguidice – 09/04/2023
Conservation Commission – 08/28/2023, 08/31/2023, 11/27/2023, 01/29/2024

NOW THEREFORE, based on the entire record before the Board and pursuant to the applicable standards set out in the Land Use and Development Code of the Town of Gorham, the Board makes the following factual findings:

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – C. Final Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

The applicant is required to obtain all local, state, and federal permits needed for the proposed development.

The Comprehensive Plan identifies this area as Village Residential and Village Expansion.

Finding: Robie Street subdivision shall be in conformity with the Comprehensive Plan of the Town and all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

At this time, access to Robie Street subdivision is via Robie Street and Bramblewood Lane. The 1st phase of the subdivision proposes a right-of-way connection to Ridgeway Lane. Future phases will require additional review of road connections.

Finding: Robie Street subdivision shall not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The lots within this subdivision will be served by public water and sewer, as well as other underground utilities. Waste removal will be provided by the town of Gorham. Recreation and school impact fees are required that offset the additional school and recreational needs created by a residential subdivision. Additional impact fees for the schools have been required proposed pending contract zone.

Finding: Robie Street subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

The subdivision will be served by public water main improvements. The extensions of an 8” Portland Water District water main into the subdivision if proposed from both Robie Street and Bramblewood Lane. *(The applicant is still working through the PWD design for the sewer improvements.)*

Finding: *Robie Street subdivision shall provide for adequate water supply for present and future needs.*

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The subdivision will be served by public sewer improvements. The lots will be served by a 10” gravity sewer that flows to a pump station in the center that will pump the sewerage to a gravity sewer line in Robie Street. The sewer infrastructure will be designed and constructed meeting the requirements of the Portland Water District. *(The applicant is still working through the PWD design for the sewer improvements.)*

Finding: *Robie Street subdivision shall provide adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

As shown on Sheet 18 of 25 and described in the written materials, stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of Environmental Protection’s and the Town of Gorham’s stormwater requirements.

Finding: *Robie Street subdivision shall not result in undue pollution of air, or surficial or ground water, either on or off the site.*

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

As shown on Sheets 18 through 26 and described in the written materials, erosion and sedimentation controls will be utilized meeting the Maine Department of Environmental Protection’s and the Town of Gorham’s requirements.

The proposed construction of the residential units within this phase will not impact wetlands or water bodies. There are some wetland impacts from construction of the wet pond and one street. The developer shall place erosion and sedimentation controls around the development site.

Finding: *Robie Street subdivision shall not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.*

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

There are no water bodies, as defined in the Zoning Ordinance, on this property.

Stormwater maintenance shall be designed in accordance with State, Federal, and local requirements prior to discharging into groundwater or into abutting wetland.

Finding: Robie Street subdivision shall not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The proposed construction of the streets for the residential units will impact a portion of the wetlands and no water bodies.

The applicant shall be preserving open space as part of the total project and as required within the Development Transfer Overlay requirements.

According to the Comprehensive Plan, there are no known historic sites, rare or irreplaceable natural or manmade assets located on the site.

Finding: Robie Street subdivision shall respect the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has submitted a letter dated December 8, 2023, showing financial capacity from Shawn R. Leger, Vice President, of Machias Savings Bank.

Finding: The applicant has adequate financial capacity to construct the proposed improvements.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

The applicant shall provide the required amount of active and passive area required for open space based on the total project acreage. The required amount of total acreage is approximately 13. The required amount of active space is approximately 1.8 acres.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits.

Finding: The applicant of Robie Street subdivision will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:

a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.

b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant shall provide the required amount of active and passive area required for open space based on the total project acreage. The required amount of total acreage is approximately 13. The required amount of active space is approximately 1.8 acres.

Finding: The applicant shall provide open space as part of the total project, in addition to the impact fee.

NOW THEREFORE, on February 5, 2024, the Gorham Planning Board adopts each of the foregoing Findings of Fact, and based on these Findings determines that KV Enterprises, LLC. request for approval of **Robie Street Subdivision** will have no significant detrimental impact, and the Gorham Planning Board hereby votes to grant preliminary plan approval to KV Enterprises, LLC. with the Conditions of Approval listed below.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. Any staff and peer review comments shall be addressed prior to the Board signing the plans.
3. That prior to the commencement of construction, the applicant is responsible for obtaining all required local, state and federal permits.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

4. That the applicant shall provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting.
5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill.
6. All waivers and variances shall be listed on the plan prior to recording.
7. That the new street names shall be approved by the Town Planner, Police and Fire Chiefs.
8. The map and lot numbers shall be listed in the bottom right corner of all pages of the plan set.
9. Recreational and Middle School Impact fees shall be paid prior to receiving a building permit.
10. All other additional impact or growth permit fees shall be paid prior to receiving a building permit.
11. That the Robie Street Subdivision Homeowners' Association is responsible for maintenance and compliance of the stormwater infrastructure meeting the requirements of the Town of Gorham Stormwater Ordinance, Chapter 2 Post-Construction Stormwater Management.
12. That prior to the commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief.
13. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application.
14. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board.
15. That the subdivision plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff.
16. That these conditions of approval must be added to the plan and the plan shall be recorded at the Cumberland County Registry of Deeds within one (1) year of the date of written notice of approval by the Planning Board or the plan becomes null and void, and a dated copy of the recorded plan shall be returned to the Town Planner prior to the pre-construction meeting.
17. If a plan has received phased approval, the first phase shall be recorded within one (1) year of the original approval and subsequent phases shall be recorded within five (5) years of the

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

original approval. If a phased plan is not recorded within those time periods, the phases that have not been recorded shall become null and void.

18. A Growth Permit is required for each dwelling unit in a residential subdivision.
19. A private way and subdivision amendment Planning Board review for Baxter Lane, Map 25 Lot 7-1, is required prior to issuance of building permits for Lots 19 through 31.

FOR PRELIMINARY SUBDIVISION APPROVAL:
Move to grant preliminary subdivision approval for Robie Street Subdivision, located on M24/L19, 20 and M25/L8, M27/L20 in the Urban Residential and Urban Residential Expansion zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

CONSENT AGENDA:
Move to place the Robie preliminary plan to the next available meeting under the Consent Agenda.

MINUTES OF SEPTEMBER 19, 2022

ITEM 3 Discussion – Site Plan and Subdivision Pre-Application – K/V Enterprises – Robie Street – a request for approval of a site and subdivision plan which includes residential units, streets, open space, recreational facilities and trail network, zoned UR/SR, Map 24, Lots 19 and 20, Map 25, Lot 8, and Map 27, Lot 20.

Ms. Eyerman explained that this application is provided based on the Development Transfer Overlay section of the ordinance. Zoning is both Urban Residential and Suburban Residential, which allow for single family and multi-family units. The site contains wetlands, aquifers and streams and is located within the Narragansett Game Sanctuary. The applicant has been working with the Presumpscot Regional Land Trust for preservation of open space in the area, which in the ordinance is required to be a minimum of 13 acres, based on the site’s acreage; however, the applicant is proposing 51 acres. The Development Transfer Overlay requires fee calculations, because for an increase in density, the applicant provides a fee to the Town, which is used by the Town to purchase open space in the Rural district. The section also requires building designs, lot designs, access limitations using internal roads and multiple connections. Ms. Eyerman commented that walkable areas are desired within the Village, and walkable block sizes are between 100 to 400 feet, so consideration could be given to shorter roads to provide pedestrian cut-throughs. An additional right of way may be able to be made off Toppan Drive. Specific parking lot locations are also required. Public water and sewer are located near this property.

Owens McCullough, Sebago Technics. Mr. McCullough introduced Kendrick Ballantyne and Vincent Maietta of K/V Enterprises, and Henry Hess and Kylie Mason, landscape architects from Sebago Technics. Mr. McCullough said proposed are up to 105 single family housing units, and 240 multi-family housing units, tailored to fit into a designated Town growth area. Lots will be around 8,500 square feet. The project will require a Maine DEP Site Location of Development act

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

permit and an NRPA permit for some wetlands alterations, and a traffic movement permit will also be required from Maine DOT. A connection option could be to New Portland Road through the Village School, connection to Robie Street, and perhaps another connection to South Street. A future connection will also be provided on the south end of the property and up to the northern land. Mr. McCullough referred to the hunting restriction in the Narragansett Game Sanctuary.

Henry Hess came to the podium and told the Board this development is in close proximity to the schools here in Gorham with multiple points of access from Robie Street, as well as from Spruce and Bramblewood Lanes, as well as ultimately a connection to White Birch Lane. The parcel area, including the area to be preserved as conservation, is 133 acres in total. Of that the total development is proposed within approximately 82 acres, leaving 51 acres to be conserved. Preliminary conversations with Presumpscot Regional Land Trust have occurred and some of their suggestions have been shown on the plans. Mr. Hess spoke about the desirability of the development in providing a walkable neighborhood, as well as creating less of a strain on Town infrastructure due to the availability of sewer and water to the site and shorter roads. Mr. Hess anticipates at least a year of acquiring the various State and local permits that will be required.

Mr. Anderson asked about the construction timeline; Mr. Hess said this is going to be a phased project and will look to be around ten years. Mr. Hess confirmed that the proposed lot sizes are similar to those existing on the roads along South Street. Mr. Anderson noted the growth management ordinance recently passed by the Town Council which will impact the buildout of the project.

Ms. Durst and Mr. Hess discussed that the roadway connections to Ridgeway, Bramblewood and Spruce, providing multiple accesses. Mr. Hess replied to Ms. Durst that currently the multi-family units are proposed to be three story units. The availability of affordable housing units has not yet been determined. Mr. Grassi asked if any decision has been made about the phasing sequencing. Mr. Siegel confirmed with Mr. Hess that the new multi-family ordinance was not used in the density calculations, but it will be considered going forward. Senior housing can also be a consideration. Mr. Siegel recommended that the applicant talk to the Recreation Department about connecting with the cross-town trail which ends at New Portland Road. Mr. Hess advised Mr. Siegel that the applicant prefers mixed use housing, rather than all multi-family housing, and residential housing is preferred to a mix with commercial uses due to the proximity of the Village. Mr. Hess said two parking spaces per unit are presently proposed. Mr. Hess said a majority of the roads are proposed to be public roads, with potentially the multi-family drives remaining private.

Mr. Frank asked if construction will actually begin at Robie Street, or will approval for and construction of the other access roads be done first. Mr. Hess said that the phasing will be looked at going forward. Mr. Burrows asked if the development depends on the connection through White Birch Lane; Mr. Hess replied that it would be difficult to construct that without that access, given the points of access and connectability to the Village. This is something that will be discussed with the School Department. Mr. Burrows suggested lowering the number of houses and increasing the lot sizes to improve walkability and provide for more cross streets and more green space.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Mr. Anderson and Mr. Hess discussed shorter, walkable connections. Mr. Hess confirmed to Mr. Anderson that a traffic movement permit will be required, but no scoping meeting has been held yet with DOT.

Mr. Siegel commended the applicant for the size of the acreage being proposed for preservation.

Mr. Herrick asked if there is any additional plan or proposal to address walkability to Gorham center as opposed to within the subdivision, considering the relative narrowness of the roads to which the development is proposed to connect. Mr. Hess said that consideration of off-site improvements will be a part of the MDOT scoping discussion. Mr. Anderson noted that Robie Street does not have sidewalks until it nears the Village School.

Mr. Frank asked if there are current traffic numbers for Robie Street now. Mr. Hess said that at this time they do not have those count numbers, but going forward they will be doing those investigations and looking at those counts.

PUBLIC COMMENT PERIOD OPENED: Susan Robie, 34 Robie Street. Ms. Robie said they are direct abutters on the north, parties to a private way agreement for Whispering Pines Lane, and are committed to donate land at the east end of their property to the Presumpscot Regional Land Trust for the purpose of connecting land dedicated to conservation to the Village School. For the sole purpose of mitigating traffic on Robie Street if this development were to be approved, Ms. Robie and her husband agreed to trade a 50-foot right of way across part of their land to White Birch Lane. Her concerns are impact on the established neighborhood, especially as the Comprehensive Plan notes one of the goals of development being to minimize the impact of vehicular traffic on established residential neighborhoods. She spoke about construction disruption to Robie Street, noting the difficulty now to get large pieces of equipment into Robie Street from South Street. Other concerns involve traffic, traffic control, use of traffic calming methods, street trees on Robie and walkability. As part of the review for Station Square, a traffic study was done at the intersection of Robie and Lincoln Streets; those numbers are still available and should be used as a basis for the increase into this development. She suggested that the proposed right of way shown should connect to Day Road. Ms. Robie commented that the majority of stormwater now is sheet flow and noted that there is a drainage easement with the Town for stormwater from South Street into the woods on her property, but no more stormwater can be added to it from any source.

Phil Gagnon, Gordon Farms Road, commented on the potential creation of a cut-through based on the development's access points. He asked how this will impact the walkability pattern already in existence in the neighborhood.

Peggy Marchand, 150 South Street, at the corner of Ridgeway, spoke about the traffic buildup currently on South Street. She and her husband measured Ridgeway Street and said it is 19 feet by either 3 or 6 wide, and is not wide enough to accommodate two lanes of traffic. She said that school buses do not travel down Robie Street because it is too narrow. Ms. Marchand commented about development that has occurred, with resulting loss of open spaces and trees and the high water table in the area. She said she hopes the development will not come at the cost of her neighborhood.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Eric Burbank, 146 South Street, said he agrees with having density in the Village and hopes to see green space preserved. He commented that Ridgeway measures as narrow as 16 feet, it is currently a dead end with 8 houses, and using it as an access road will have an irreversible and detrimental effect on the neighborhood. He said he hopes the development can happen, but not at the expense of the Bramblewood, Ridgeway, Spruce and Robie neighborhoods.

Roger Brown, 52 Day Road, commended the applicant for the proposed large acreage to be put into conservation. Mr. Brown asked why the New Portland Road frontage of the site is not proposed to be used more for access instead of possibly destroying existing neighborhoods to access South Street. Mr. Day referred to the Comprehensive Plan’s goal to protect the state’s wildlife and fisheries habitats and a local goal to protect significant wildlife and fisheries habitat. He spoke about maintaining unfragmented habitat blocks and deer watering area to the south.
PUBLIC COMMENT PERIOD ENDED.

Mr. Hess said stormwater management for the project will be under review with staff and low impact stormwater design will be sought, as well as working through the DEP process. Traffic impact will be reviewed with both the Town and DOT. Discussions have been held with staff to provide multiple points of access, hopefully creating less congestion on any one street. Connection to White Birch Lane was a request by staff. Access from New Portland Road is complicated by the presence of streams and tributaries, with areas more appropriate to be conserved and used for walkability and trails.

Mr. Anderson commented that this application will be before the Board again, and the public will receive notice of any future public hearings.

[Recording from September 19, 2022 Planning Board Meeting](#)

Minutes of September 11, 2023 Planning Board Meeting

ITEM 6 **Preliminary Subdivision Plan – KV Enterprises, LLC. – Robie Street** – A request for approval to construct 43 single-family residential lots. M24/L20 and M25/L8. Zoned, UR/UREXP. The applicant is represented by Shawn M. Frank, P.E. with Sebago Technics.

Ms. Eyerman introduced the item for the Board. She noted that the staff have been working with the applicant for over two years on this item. The item was before the Board for sketch plan review in September 2022. The applicant is currently working with the Town Council on a contract zone for the site, and it is likely that this will be on the agenda for the next Planning Board meeting. That larger proposal is for 296 multi-family units and 95 single family homes. The proposal before the Board this evening is for 43 single family homes. The purpose is to move the project forward for benefit of the property seller.

Items of note include: Road connection opportunities; that the zoning has been changed for a portion of the site from Suburban Residential to Urban Residential Expansion; the boundary survey

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

doesn't show all four lots; ownership on sheet 1 needs to be updated; legends should be added to all plans sheets; project is to be served by public water and sewer; applicant answered yes on a question regarding Zoning Board of Appeals but this may be an oversight; applicant did not provide all information for the Development Transfer Ordinance Application; Site plan in the provided deed is illegible; Applicant has requested a waiver from the requirement for a Class A Soil Survey; Traffic assessment has been submitted for the entire project, but the 43 units before the Board do not trigger this requirement; A potential trail network can be created in the open space area created by the project; Multiple road connections are planned, but the first phase calls for connections at Robie St. and Bramblewood; There are extensive wetlands on the site and will be worked around, although some wetland disturbance is anticipated; additional smaller scale comments are flagged by staff.

Mr. Frank provided additional details regarding the proposal before the Board. He stated that the project has been underway for some time now and the existing landowner is becoming impatient for the sale to take place, which is the reason that this phase of the project is being moved forward. This is separate from the Contract Zone process.

Mr. Frank noted that a key discussion item with the Council is access to White Birch Lane to provide traffic and construction connections to New Portland Road.

Mr. Frank stated the project will be served by underground utilities, including public water and sewer. The gravity sewer collector will feed a pump station. The pump station will be located to serve the planned development as a whole. The stormwater system will consist of catch basins connected through storm pipes to a wet pond system, and will scale up as the project is built. The project requires a stormwater permit from Maine DEP. This requirement will trigger additional treatment measures, including landscaped buffers as shown on the plans.

Mr. Frank noted that the applicant is asking for a waiver from the high intensity soil survey because they are planning for public water and sewer. He also noted that the project's boundary as a whole is shown on the survey correctly, but this does not show the 4 individual tax map parcels. He stated they would like to schedule a site walk as soon as possible.

Mr. Frank stated that changes to the project are under consideration. This includes the connection to Bramblewood Ln. There are also some lot configuration changes to meet the requirements in the Development Transfer Overlay. Traffic calming devices may be added to the project to minimize cut through traffic. This includes all-way stops at intersections. They are also considering mid-block pedestrian access.

The Board discussed the item as follows:

- Mr. Anderson asked how this proposal relates to the Contract Zone under consideration.
 - Ms. Eyerman stated that this is Phase 1 of the project as a whole. There may be some requirements that differ, and may be above requirements in the current ordinances. The exception to this is the growth permit provisions, which the applicant is seeking to have reduced.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

- Mr. Frank noted that the existing growth permit requirements preclude multifamily development planned for the site. He also noted that the lot size is being reduced from 10,000 square feet to 8,500 square feet but this is allowed by the Development Transfer Overlay.
- Ms. Eyerman clarified that 10 growth permits are currently allowed per year per development. Mr. Frank stated that the applicant will ask this to be adjusted to 15 single family permits per year and 24 units of multifamily development for each 2 year period.
- Mr. Anderson asked what DEP approvals are needed for this phase of the project
 - Mr. Frank stated that this phase requires a Stormwater Permit, but not a Site Location of Development Permit. This will be submitted soon, pending discussion of the access road. Lead times are 120 days for Stormwater Permits and 225 for Site Location permits.
- Mr. Walsh asked about the goal for connection to White Birch Ln?
 - Mr. Frank stated that it is for ingress and egress. An issue is that they do not currently have right, title, and interest for this. As such, it is not currently shown on the plan. He understands this is of great interest to neighbors of the project. He also stated that a sidewalk connection is planned for Robie Street.
 - Ms. Eyerman added that White Birch Lane is a town-owned road which leads to the parking lot for the ball field for the school which is also owned by the town, and that abuts a property owned by another member of the Robie family.
 - Mr. Poirier stated that the Council has asked this connection take place as part of Phase 1, however no permission has been granted at this time. The process for doing so is to show this connection so that permission can be granted by the Council.
- Mr. Walsh asked about the break in lot layout to allow access. His preference is to see if it is possible and has seen this done well, such as with fencing and vegetative screening.
 - Ms. Eyerman added that this would help lean toward walkable blocks, which are not as long this. It would create a gridded street network.
- Mr. Anderson asked whether any open space is added with this phase of development.
 - Mr. Frank stated that as part of the sale of the lot 50 acres along New Portland Road is to be maintained as open space. They will work this out with staff.
 - Mr. Anderson asked what will happen with the other undeveloped space? Mr. Frank stated it is part of the area planned for future development.
- Mr. Burrows stated that it would be helpful to include future phases of the project.
 - Mr. Frank stated that they did not have that to present this evening but it would be presented as part of the Contract Zone Discussion at the next Planning Board meeting.

The Board Discussed the request for the waiver from the requirement for a Class A Soil Survey.

Vincent Grassi MOVED and SECONDED by David Walsh to grant a waiver to allow submission of a Class B instead of the required Class A soil survey. 7 AYES.

The subject of a site walk was discussed:

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

- Mr. Walsh stated that it would be useful to review the condition of the feeder streets to the project, including Robie and Bramblewood to look at street width and capacity.
 - Ms. Eyerman noted that this has been a matter discussed by the Town Engineer and Public Works Director. Town Engineer Chuck Norton stated that the condition of these streets will be monitored during construction for any adverse effects.
 - Mr. Walsh asked about the design standards for the feeder streets. Mr. Norton and Mr. Poirier stated that Bramblewood is a new road and meets Urban Access standards, but Robie Street predates this. These questions will be evaluated as part of the traffic analysis. The goal will be protecting the neighborhood, and making those streets wider may allow faster speeds which would not protect the neighborhood character.
 - Mr. Walsh asked about the design for White Birch Lane. Mr. Poirier stated that it will get the same analysis.
- Mr. Benson asked for clarification about the differences between Contract Zone approval and Plan review. Is the Contract Zone review like review of a regular land use ordinance?
 - Ms. Eyerman clarified that yes, that is correct. Planning Board review of the contract zone is considered by the Council before voting on it. It is part of an open negotiation. In this case, the zoning is consistent with the Comprehensive Plan and not a lot of changes to the zoning are being proposed. The primary purpose of the Contract Zone is due to the Growth Ordinance.
 - Mr. Frank stated this is to allow for construction of multifamily buildings under the growth ordinance. This meets a need that has been identified by the Council.
- Mr. Benson asked about the provision of open space – Understanding that the large area to the east meets the requirements, will there be any within the neighborhoods themselves that is more usable and not just offsetting density?
 - Mr. Frank stated that this is a question that will come back to the Board as part of future discussion. He stated that the purpose of this meeting is to discuss Phase 1.
- Mr. Anderson asked about future sidewalk connectivity on Robie Street.
 - Mr. Frank stated that that is the most important connection due to the school. Considerations include whether it can be installed without cutting street trees.
- Mr. Anderson asked whether a bat study will be required?
 - Mr. Frank stated that if the Army Corp believed this could be an impact, there would be time limits in terms of tree clearing.

Mr. Frank stated that the project team will be working to address comments from staff and preparing for contract zone review at the next Planning Board meeting. They intend to resubmit for Phase 1 around that time. They will also participate in a site walk if scheduled.

Mr. Anderson stated that a site walk will be planned. The Board stated that it would prefer not to do two site walks on the same day.

Public Comment was Opened:

Peggy Marchand of the Corner of South St. and Ridgeway Ave. addressed the Board. She read a letter from Susan Robie into the record. A copy of this record is included in the project

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

documentation. Ms. Robie also submitted a conceptual drawing showing how “jogs” can be used to break up cut through traffic.

Ken Curtis of 118 South Street stated that he sees traffic generated by schools on Robie Street. It is difficult to cross the street at 730 in the morning. His home has a den that is 10’6” from Robie Street and he is concerned about street widening. He is concerned that trees, a stone wall, and other items would need to be removed to widen the street and that this be considered. Mr. Curtis asked whether the town was ever asked to purchase the lot. Mr. Poirier responded that the town was not. There was a previous request by the state to put the land in conservation made to a previous owner but it did not move forward.

Justin Early of 46 Robie Street expressed concerns regarding road widening on Robie Street. He stated that the road is not in good condition. He stated that there is not much space between the road and street trees. He expressed concern with traffic generated by the development, including to the grocery store. He said kids can’t play in the streets like they used to. He stated that the lots are too small. He is concerned that the builders are working to make as much money as possible. He stated a preference for putting access through Day Rd. He stated that families like Gorham and this would require rezoning. He is concerned that the conserved land is too far away to have access. He expressed concern that this is similar to a development on Spring Street in Westbrook which he thinks is ugly. He says that Gorham should not develop in this way, that Gorham is a Town and not a City. He said there was discussion of a desire to have multifamily units in Gorham and he does not agree with this. There should be units for families not for college graduates to rent out while they get a job.

Ryan Jones of Kiera Lane stated that he lives in a community that is a dead end and considers it a risk that they will be connected to this development. He stated that he and his neighbors enjoy being a dead end community. He suggests the Board to work to discourage cut through traffic. He stated he does not object to developers making money, but suggested ways to do less intense development. He stated that 8500 square foot lots are too small.

Peggy Marchand of Ridgeway and South Street made a comment on her own behalf. She discussed her feelings about how the project proposal does and does not fit the Comprehensive Plan. The project fits by offering diverse housing options. It does not fit in that it has negative impacts on existing neighborhoods. She urged the Board to pay attention and protect neighborhoods. She supports site walks. She asked whether landowner Fred Robie would have approved of this project since he didn’t add roads to access landlocked portions of it.

Public Comment was Closed

Mr. Frank expressed thanks to neighbors for providing public comment. He stated that the town has ordinances that allow for development and provide diversity of housing to the town. They have heard a directive to provide additional multifamily housing units. They look forward to working with town staff on ways to do traffic calming.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Mr. Anderson stated that it is important that the town get as much growth as possible in areas that can support it with water and sewer in order to protect farmland. He understands the concerns from abutters as well.

Mr. Frank stated that the plan will be amended and resubmitted to continue the discussion.

Vincent Grassi MOVED and David Burrows SECONDED to table preliminary subdivision approval pending responses to remaining issues. 7 AYES.

[Recording from September 11, 2023 Planning Board Meeting Item 6](#)

[Minutes of December 4, 2023 Planning Board Meeting](#)

ITEM 5 Discussion - Preliminary Subdivision Plan – KV Enterprises, LLC. – Robie Street – A request for approval to construct 43 single-family residential lots. M24/L20 and M25/L8. Zoned, UR/UREXP. The applicant is represented by Shawn M. Frank, P.E. with Sebago Technics.

Mr. Poirier introduced this item to the Board. He explained that the item was reviewed by the Board at its meeting September 11th and the Board conducted a Site Walk to review the proposal on September 28th. He clarified that the development should be reviewed under the Subdivision and Development Transfer Ordinance. The applicant is finalizing a design for off-site pedestrian improvements. He suggested the Board review open space requirements with the applicant, which are a requirement of the Development Transfer Ordinance. The applicant has also provided updated information on the density calculation, now using two zoning districts, Urban Residential and Urban Residential Expansion, which yields a maximum of 234 units under conventional subdivision. Any units above this would require the applicant to pay the development transfer fee.

Shawn Frank, PE of Sebago Technics provided an update on behalf of the applicant. He was joined by the applicants, Kendrick Ballantine and Vincent Maietta. He stated that there had been quite a few staff comments at the time of the last review and the applicant has been working to address them, and has prepared a response memo. Major updates included:

- Changed design of connection to Bramblewood
- Adjusted lot dimensions to meet Development Transfer standards, with corresponding adjustments to road location.
- Sidewalks will connect off site to Bramblewood and along Robie Street to Lincoln Street. The applicant is working with staff to develop a detailed plan for how this will be located
- Traffic calming measures are in development with staff, adding more tangent length between curves to add curvature and setting road width at 22 feet. The proposal also includes 4 4-way stops.
- The applicant is working on getting a connection to White Birth Lane both for construction and a future connection. They are coordinating with the Town and abutter. A plan for this is in development.
- At least 40% of the property is planned to remain open space, 51 out of 131 acres. The applicant is in discussions with Presumpscot Regional Land Trust. This exceeds the requirements for 10% of the area to be conserved. Up to 45-50% of the total area may be undeveloped at the end of the project. The plan would be to develop a trail network with trail heads for passive recreation.
- The wet pond could be used for skating, other options are also available for meeting active open space requirements.

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

Mr. Frank noted that the applicant is in receipt of the staff notes and will continue to work to address any remaining questions.

The Board discussed the proposal as follows:

- Mr. Benson asked staff for clarification about the open space requirements.
 - Mr. Poirier stated that open space set aside within the subdivision shall be a minimum of 10% of the gross area. It must include usable land that is at least 5% of the total net acreage of the parcel. For example, that cannot include steep slopes or floodplain. Additionally, 50% of the usable open space shall be developed for formal recreational facilities, trails or gazebos, benches, or other improvements.
 - Shawn Frank added that the open space is being conserved for the project as a whole, all 131 acres. Shawn Frank stated that the amount of usable land conserved would be greater than 50%, and noted that mid-block bike/ped connections have been added to the plans.
 - Mr. Poirier added that staff can reach out to the Presumpscot Regional Land Trust to get something in writing about what they wanted to see for open space.
 - Shawn Frank stated that additional active open space could be included as multifamily housing is built, such as basketball courts.
- Mr. Walsh asked about the connection to White Birch Lane
 - Shawn Frank explained that the applicant needed to get permission for access to White Birch from the Council. They have a survey crew working to get the information needed. When they finish the design they will get input from staff and the Robies.
 - Mr. Walsh asked about the expected next step for the project. Would it include the road connection?
 - Shawn Frank stated that it would.
- Mr. Hager asked for clarification about the position of the forest buffers.
 - Shawn Frank stated that this buffer is part of the stormwater system to meet DEP Chapter 500 requirements to treat 95% of the impervious area. The forest buffers are shown in locations that will eventually be developed to provide interim treatment of stormwater until additional infrastructure is added.
- Mr. Hager expressed that he was pleased to see that the roadway design has been improved. He also observed that the roadways on the west side of the project are narrow and has concerns about this. He also stated that he is happy to see the 30 foot wide pedestrian bicycle paths midblock.
- Mr. Hager asked why the project could not instead be phased to start on the opposite corner to reduce impacts on the residents over time.
 - Shawn Frank stated that this would be difficult to accomplish because a large amount of infrastructure is required to be installed underground which is expensive.
- Mr. Walsh asked whether small traffic circles can be considered at key intersections such as Road A and Road B.
 - Shawn Frank stated that this would not meet the Town's ordinances for road design. They are following the sub collector standard for this section, with a tightening to 22 feet of pavement and added curves. He stated that wider concerns worry people due to speeding. He stated that the applicant would be having additional discussions on traffic calming with staff.
- Mr. Benson asked about the next steps for the review. Mr. Poirier suggested the following:
 - The Planning Board would be to develop a letter to the Council requesting a connection between the project and White Birch Lane.
 - The Board should provide clarification about what open space considerations it

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

- would like to see.
- Additional review of pedestrian connections is needed.
- Additional public input is needed
- Mr. Walsh asked whether a connection to New Portland Road other than White Birch could be added.
 - Mr. Poirier stated that DEP would look at wetland impact minimization and this would have greater impact to wetlands and a stream.
 - Shawn Frank stated that unless the Town Council did not permit access via White Birch Lane they likely would not be able to add a connection to the east due to the wetland impacts.
 - Mr. Poirier stated that the additional connection is not make or break for phase 1 of the project, but the next phases would require a traffic movement permit. They will need to be mindful of this and make sure that the conserved areas don't preclude that access point.

Mr. Grassi noted that the project was not advertised as a public hearing, but that public comment would be opened up.

Public Comment Opened:

Rich Dyland, 9 Bramblewood Lane, stated that he didn't want the project connected to Bramblewood Lane due to impacts from 4 years of construction. He stated that 14 children live on the street, and that winter sidewalks are not cleared. He favored a pedestrian only connection to Bramblewood.

Susan Robie of 34 Robie Street distributed materials to the Board. She stated that Her husband's uncle, Frederick Robie, owned the whole site and wanted to put it all in conservation. His four sons decided to develop part of it with a specific area to be conserved – The land near the stream that runs from New Portland Road to Indian Camp Brook, which has active trout runs. The land also includes the “Indian camp” itself where arrowheads can be found. This would be an educational resource for kids in the Village School. They wish to provide access from the school to that area.

Ms. Robie also stated that there are issues of construction traffic, and has concerns with impacts on Robie St. She is also concerned about cut through traffic and appreciates progress on this issue. She also stated that she believes as many matures trees as possible should be conserved on the site. The land has been in tree growth since probably 1950. They purposely left some big trees in some spaces that were very nice. She stated that the applicant should work with landscape architects to preserve as many trees as possible. As a final point she stated that houses should be oriented so that solar panels can be installed on the rooftops.

Councilor Virginia Wilder Cross asked for clarification on the Contract Zoning process.

Mr. Poirier stated that the Planning Board is reviewing this item to meet the ordinances and has nothing to do with the Contract Zoning. The project would be reviewed under the Contract Zone if it is approved by the Council.

Ken Curtis of 180 South Street asked that Robie Street be left alone.

Public Comment Closed

Shawn Frank responded to comments as follows:

- He stated that roads which are currently dead ends are intended to also serve as rights of

**KV Enterprises, LLC. – Robie Street Subdivision
Preliminary Subdivision Review
M24 L 19, 20; M25 L8; M27 L20**

- way for future development.
- He stated that the applicant is willing to work to mitigate construction traffic and to retain mature trees as much as possible, although with smaller lots this is more difficult.
 - He stated that developers of the homes could consider solar.
 - Regarding impacts to Robie Street, he stated that connectivity is good planning, and South Street has traffic impacts because of poor connections.

The Board continued to discuss the project as follows:

- Mr. Walsh stated that it was good to see the clustering of development in one area and preservation of a large forested area on the other end of the site. He also stated that if yards are smaller, then the importance of active open space is greater, such as pocket parks.
- Next steps for the White Birch Lane connection were discussed. Shawn Frank stated that the applicant would like to have the initial draft reviewed by town staff before it goes to the Council. Mr. Poirier stated that, depending on what the Council decides, it may then be sent to the Planning Board for review, or it could be part of Site Plan review. A letter from the Planning Board can be sent to the Council in support of the connection.
- The Board discussed whether to move ahead with Preliminary Approval of the project. Mr. Poirier recommended that they should do this if they feel the project is 80%-90% complete so it can move to the Final Approval stage, where legal documents and final lot layout are addressed.
 - Mr. Burrows noted that if they approved the project now, it would not include additional traffic calming measures such as roundabouts that have been discussed.
 - Mr. Hager stated that approval now would be giving up ability to add more parks.
 - Mr. Walsh stated that he was not ready to grant Preliminary Approval

David Burrows MOVED to table further review of Robie Street Subdivision request for Preliminary Approval pending responses to remaining issues and finalizing revisions to the plan. 5 AYES, 1 VACANCY, 1 Not Voting (William Benson)

Link to video recording from December 4, 2023 Planning Board Meeting, Item 5:
<http://ec4.cc/vm439aeeb>