

**Town of Gorham
Planning Board Meeting
July 10, 2023**

ITEM 3 - Public Hearing – Special Exception – Creative Explorations – a request for special exception to locate a daycare center at 645 Main Street. Zoned RC, Map 34, Lot 4. The applicant is represented by David Willis, with Willis Real Estate.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Special Exception Review		July 10, 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 shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

James Anderson, Chair, Gorham Planning Board

1. OVERVIEW

The applicant is requesting special exception review to locate a daycare center with Pre-School for children ages 3-5 and before and after care for grades K-5 at 645 Main Street. The proposed facility would be located in a building that was formerly the location of a rug retailer. The proposed center would serve a total of 85-100 students daily. Hours of operation would be 7:00 am – 5:00 pm Monday - Friday.

The applicant is represented by David Willis of Willis Real Estate.

This is the first time this proposal has come before the Planning Board. The applicant received approval for a similar proposal by the Planning Board for a site at 341 Main Street in March, 2023 which did not move forward.

2. ITEMS OF NOTE

Below are topics the Planning Board may want to discuss with the applicant. The discussion topics are written as a guide for the Planning Board. It should be noted that the discussion topics are noncommittal and all decisions on relevant discussion topics are those of the Planning Board.

- Additional site work to install a new playground, fencing, and pathway is planned. These efforts are anticipated to be addressed by the Planning Division through the de-minimis change process.
- A new septic system is being installed on site. The site is on public water.
- Transportation management
 - Traffic Movement
 - The applicant has stated that pick up and drop offs will be staggered between 7am-10am and 3pm-5pm
 - Transportation for some students will be via school bus. Improved school bus signage will be coordinated with the town
 - The existing driveway has good site distances. Per comment from the Gorham Town Engineer, additional capacity may be required to serve the proposed needs for the facility.
 - Parking
 - The existing parking lot is unstriped. The applicant has submitted materials showing a potential striping configuration with up to 22 spaces, including stacked staff parking in the rear.
 - The applicant has provided a schedule for pick up and drop off for the site, as well as number of employees. The materials show that, at the 30-minute drop-off and pick-up increments used, the amount of parking may be insufficient.
 - No specific ordinance requirement is listed for parking for this specific land use
 - The Town’s ordinances (Section 2.2, subsection A.2) call for provision of one parking space per employee plus 3 parking spaces for “elementary schools”, which yields a total of 13 required spots.

- Requirement from the Institute of Transportation Engineer’s Parking Generation Manual. The manual lists a rate of 0.24 spaces per student under “Day Care Center, Land Use Code 565”. Based on attendance of 100 children, this yields a requirement for 24 parking spaces.
- Program-based parking need estimates
 - The applicant has provided a schedule for pickup and drop offs, showing that these will be staggered throughout the morning and evening. A review of the pickup/drop-off schedule shows that a maximum of 30 children will be picked up or dropped off at any particular 30 minute interval, with some vehicles transporting multiple children. Therefore, a pickup/drop-off parking area accommodating 20 expected vehicles and or suitable queuing should be shown by the applicant.
 - 10 employees, maximum, are expected to be on-site during business hours.
 - **The total parking needed based on the number of employees and maximum 30-minute vehicle drop off interval is at least 30 spaces.**
- Provision
 - The applicant has submitted a striping plan showing 22 spaces, including the potential for staff parking in the rear to be stacked.
 - Snow hauling will be contracted to maintain parking area in winter. Snow storage is planned for the back left area of the lot.
- Planning staff recommend that the applicant provide additional information regarding parking provisions and traffic management.

Comprehensive Plan:

- The parcel is located in the Roadside Commercial zone. The Future Plan Use Plan calls for Commercial Corridor zoning for this parcel.
- The allowed use in the Commercial Corridor should include “a wide range of residential uses together with a limited range of non-residential uses including small-scale retail uses, restaurants without drive-thru service, offices, personal and business services, and B&Bs. Larger, more-intensive commercial uses should not be allowed in this portion of the corridor”.
- The Future Land Use Plan states “The allowed use in the Corridor Commercial Area should be similar to the current Roadside Commercial zone including retail, service, office, auto related, small light industrial (<10,000 square feet), and community uses as well as hotels, inns and B&Bs. Residential uses should be limited to existing single-family homes. New residential development should not be allowed in this designation.”

Zoning:

The zoning is currently Roadside Commercial (RC), which allows for a “Day Care Center” as a special exception.

3. AERIAL PHOTOGRAPH

Staff has included an aerial photograph for the Planning Board’s review of the project. The aerial photograph is from the town’s public map viewer.

Town of Gorham Public Map Viewer



6/22/2023, 2:24:32 PM

— Roadways □ Parcels
□ Parcel Labels □ Gorham Town Boundary

1:1,128
0 0.01 0.01 0.02 mi
0 0.01 0.02 0.04 km
Maxar, Microsoft

Public User
Town of Gorham

4. STAFF REVIEWS

Assessing Department: No comments

Code Department: No comments related to land use

Fire Department: 6/23/23

MAP 32 Lot 4

I have reviewed the Special Exception application for Day Care Center

1. The buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1. All buildings shall be properly numbered in accordance with E911 standards including height, color and location.
2. All the Gas Meters and or Propane Tanks (If used) will require protection. Please provide what the plan is for AHJ prior approval before installing.

3. The commercial Building needs to have State Building Permit from the State of Maine. A stamped approved set of plans (All Pages Stamped approved) submitted to the Fire Chief's Office prior to start of Construction.
4. If required by NFPA 72 Compliant Fire Alarm System in Commercial Building. Plans submitted to GFD for approval 2 weeks before start of work on the system.

No other requirements at this time.

Planning Department: 6/22/23

Additional information is required to show that the applicants meet the requirements specified in the special exception standards as follows:

“Requirement 1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;”

- Information regarding parking needs to be provided.
- The applicant should provide information demonstrating that traffic movement within the site will be accommodated safely.
- The applicant has not shown how pedestrian traffic will be accommodated, both within the site and to the site. Pedestrian access to and from Main Street should be accommodated.
- Additional site improvements are planned to install a playground, fence, and walkway. It is anticipated these can be reviewed as de minimis changes.
- No cannabis-related businesses are known to be located within 1000 feet of the proposed daycare facility
- The applicant is intending to install a temporary sign prior to commencing operations, and then a permanent sign in accordance with Town Ordinances

Police Department: No comments

Public Works Department: 6/29/2023

Good Morning,

I performed a site visit to the subject location and would like to provide the following comment for the applicant:

15' of pavement was measured for the existing driveway. It is my opinion that the proposed use of this property will generate a significant occurrence of bi-directional traffic on the driveway. For this reason, I would suggest widening the driveway to at least 20 feet to be able to safely accommodate the two-way traffic.

Let me know if I need to include anyone additional.

Thanks,

Chuck
Charles E. Norton, P.E.
Town Engineer
Town of Gorham
80 Huston Road
Gorham, ME 04038
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cnorton@gorham.me.us

**PLANNING BOARD
SPECIAL EXCEPTION REVIEW
AND FINDINGS OF FACT
For
CREATIVE EXPLORATIONS – 645 MAIN STREET**

July 10, 2023

Applicant: The applicant is Tabitha Cummings with Creative Explorations, 5 Pioneer Circle, Gorham, ME 04038.

Property Owner: The property owner is Enredom, LLC, 91 Nash Rd. Windham, ME04062

Property: The lot is identified as Tax Map 32, Lot 4, and is located at 645 Main Street.

Consultants: David Willis, Willis Real Estate, 347 Main Street Suite D, Gorham, ME 04038

Project Description: The applicant is proposing a daycare for preschool age children and before and after care for school age children.

Site Description: The lot is 0.92 acres in size. It is developed, including a commercial building with 7,367 square feet of leased space and associated parking.

Applicability: Special Exceptions regulations identify the Planning Board as having review and approval authority.

Zoning: Roadside Commercial

Variations: None requested.

Waivers: None requested.

Pursuant to the Application:

Special Exception Review was held on July 10, 2023.

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:

Special Exception Application – 6/12/2023
Special Exception Standards, Response – 6/12/2023
Gorham Town Planner Comments – 06/22/2023
Gorham Assessor Comments – No Comments
Gorham Fire Chief Comments – 06/23/23
Gorham Public Works Director Comments – No Comments

Gorham Town Engineer Comments – 06/29/2023
Gorham Code Enforcement Officer – No Comments

FINDINGS OF FACT

Chapter 1 Section 1-6 E. SPECIAL EXCEPTION STANDARDS

The Planning Board shall have the power and duty to approve, deny, or approve with conditions special exceptions only as expressly provided in the applicable zoning districts. The applicant shall have the burden of proving that his/her application is in compliance with the following standards. After the submission of a complete application, the Planning Board shall approve a special exception application or approve it with conditions only if it makes a positive finding based on the information presented that the proposed use, with any conditions attached, meets the following standards:

1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;

The applicant has submitted a traffic and parking analysis 6/26/2023 that shows provision of parking does not meet the expected demand. Additional information from the applicant, including adjustments to the plan, should be requested.

Finding: The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic.

2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results;

The applicant has stated in its response to Special Exception Requirements Response that it will be operating in the existing structure, not making any changes to impervious surfaces, and not generating any additional stormwater discharges or pollution.

Finding: The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.

3. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

The applicant has stated in its Special Exception Requirements Response that there will be no creation of the above airborne contaminants.

Finding: *The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.*

4. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties;

In its Special Exception Requirements Response the applicant has stated that it will follow the town of Gorham noise ordinances. Hours of operation will be Monday – Friday, 7:00am – 5:30pm with closures on holiday.

Finding: *The proposed building and use will not create nuisances to neighboring properties.*

5. The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use;

In its Special Exception Requirements Response the applicant has stated that it will have a new septic system designed and installed to accommodate the needs of a childcare center. It will use Mellen and Sons for bi-weekly removal of trash and recycling. It hopes to also compost using Garbage to Garden.

Finding: *The proposed waste disposal systems are adequate.*

6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

In its Special Exception Requirements Response the applicant has stated that there are not any waterways or shoreland on the property.

Finding: *The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.*

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 or Minor Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. Any staff and peer review comments shall be addressed prior to the Board signing the plans.
4. The map and lot numbers shall be listed in the bottom right corner of all pages of the plan set;
5. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
6. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
7. That no approved site plan or Decision Document shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted for offsite public improvements; prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 150% of the costs to complete any off – site construction and an escrow for field inspection meeting the approvals of Town Staff and the Town’s Attorney;
8. The applicant shall provide a performance guarantee for an amount adequate to cover 125% of the total construction costs of all remaining site improvements not completed prior to issuance of a temporary or final occupancy permit. The applicant shall complete all required improvements as soon as possible but the remaining improvements are required to be completed within a year from issuance of the temporary occupancy permit.
9. 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;
10. That the Planning Board Chair is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
11. That these conditions of approval must be added to the site plan or decision document and the site plan or decision shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded site plan or decision document shall be returned to the Town Planner prior to a Certificate of Occupancy.

12. If the approved plan or Decision Document is not recorded in the Registry of Deeds within one (1) year of the original approval, it shall be come null and void.

SUGGESTED MOTIONS:

FOR SPECIAL EXECPTION APPROVAL:

Move to grant Creative Explorations request for special exception approval for 645 Main St., located on Map 32, Lot 4 in the Roadside Commercial zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

Move to table Creative Explorations request for special exception approval for 645 Main St., located on Map 34, Lot 4 in the Roadside Commercial zoning district, pending additional information to be provided as required by the Planning Board.

Move to Consent Agenda of August 7, 2023