

**Town of Gorham
 Planning Board Meeting
 June 5, 2023**

ITEM 4 - Discussion – Contract Zone - Chicoine, Ryan – 239 County Road – a request for approval of a contract zone to allow for a recreational, agricultural, educational and social gatherings facility. M15 L25-1, 24-203. Zoned, R-MH. The applicant is represented by Andrew Morrell, P.E., with BH2M.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		June 5, 2023
Site Walk		
Public Hearing		

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and may not be all inclusive of project requirements. Staff notes are review comments and recommendations prepared by the Town Planner and, if applicable, the Town’s peer review consultant, regarding applicability to The Gorham Land Use 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 non-committal and all final decisions are those of the Planning Board and not Town Staff.

Jim Anderson, Chair, Gorham Planning Board

1. OVERVIEW

This is the first time this application has come before the Planning Board.

The applicant is proposing agricultural uses including Christmas trees, pumpkins, hops, blueberries, honey, maple syrup, and flowers as well as recreational uses including disc golf, trails, cross country skiing, curling, pickleball. Educational uses will include beekeeping, tree cultivation, and wreath making. Social gatherings will include community events in an event center, craft fairs, dances, weddings, corn hole tournaments, sleigh rides/hayrides, food trucks, restaurants, and fire pits. In addition the applicant proposes a 5 lot subdivision for residential units, seasonal store, general store/farm stand, and maintenance garage.

The applicant is represented by Andrew Morrell, P.E. with BH2M.

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.

Contract Zone, Subdivision, and Site Plan Reviews

- Community Development staff recommends that the applicant start the contract zone process first through the Planning Board. When the contract zone process is about 80% through the process then the applicant might want to consider submitting for site plan/ subdivision review. This is due to the uses and spaces standards for the development outlined in the contract zone will affect the form and function of the subdivision/ site plans.
- To help facilitate the review of the contract zone process the Planning Board might want to forward the contract zone application to one of the Planning Board’s sub-committees: PLBD Ordinance Committee or PLBD Comp Plan Implementation.

Comprehensive Plan

- The comprehensive plan calls for the entirety of parcels M15, L25-1 & M24-L203 to be included in the “Rural” zone.
- The uses allowed are proposed to include different housing options including single family.
- The Future Land Use Plan states “– These are areas that are predominantly undeveloped, have large contiguous areas of open land with some commercial agriculture and forestry activity, and are not serviced or likely to be serviced by public water and/ or sewage in the foreseeable future. Therefore these areas are considered appropriate for natural resourced-based activities including farming and forestry which accommodating small-scale, very low-density development that is compatible with the rural landscape”. The comp plan also calls identifies: “Promote a working rural landscape including a wide range of agricultural and forester activities in the designated growth areas while discouraging significant development to preserve the rural nature of these parts of the community....”

- Community Goals & Policies: The Comprehensive Plan identifies the following local objectives for K. Agricultural and Forestry Resources.
 - To safeguard lands identified as prime farmland or capable of supporting commercial fishery.
 - To support farming and forestry and encourage their economic viability.

Zoning, Site Plan, and Subdivision

- The site plan and subdivision ordinances will apply to this proposal.
- The northern portion of lot 15-25-1 is located in the Stream Protection Overlay district.
- The use of the site will be in line with the permitted use of Agritourism Activity. Some of the standards under Agritourism Activity might be relevant for the proposed use of the site and others might not be required due to the size and isolation of the parcel from abutting residential properties. Agritourism Activity Performance standards under the Rural District, Section 1-8, G, are listed below:

G. PERFORMANCE STANDARDS FOR AGRITOURISM ACTIVITY

- 1) The farm must be an existing and operating working farm.
- 2) Agritourism activity must be incidental to the agricultural use of the property.
 - a) Events that have under 100 (100) attendees or less at any one time are required to have ten (10) acres under continuous ownership or leased farmland uses for the location where the agritourism activity will occur.
 - b) Events that have one hundred (100) to two hundred and fifty (250) attendees at any one time are required to have twenty (20) acres or more under continuous ownership or leased farmland areas for the location where the agritourism activity will occur.
- 3) Permits: Events under this section are exempt from site plan review. Events with more than one hundred (100) attendees at any one time are required to get an Agritourism Event Permit from the Code Office for each event. The applicant will identify how the event will comply with standards outlined in this section.
- 4) Applicants, vendors, and owners are required to obtain all required local, state and federal permits for each agritourism activity.
- 5) The attendance at any such event shall be limited to two hundred and fifty (250) attendees at any one time. The number of events with over one hundred (100) attendees at any one time shall be limited to 10 events in a calendar year with no more than 3 events occurring in a calendar month. Events that occur over multiple days shall constitute a separate event for each day the event occurs.

- 6) The use of any structure for agritourism activities is required to meet all local state and/or federal codes including but not limited to building and fire codes.
- 7) Adequate bathroom facilities, either portable or permanent, shall be provided to accommodate all attendees.
- 8) Any service, sale or consumption of alcoholic beverages shall be in compliance with state law.
- 9) Such events may include the provision of goods and services by third-party vendors, including but not limited to catered food preparation and serving and musical performances or other entertainment. Third-party vendors are required to obtain all required local, state and federal permits for the events they are participating in.
- 10) Agritourism activities are required to meet the Town's noise standards under Chapter 2, Performance Standards Section 2-1 Environmental, H. Noise Abatement.
- 11) Signage may be used as prescribed by Chapter 2, Section 2-3.
- 12) Hours of event operations are limited to:
 - a) Sunday through Thursday, 8:00 a.m. to 8:00 p.m.
 - b) Friday through Saturday, 8:00 a.m. to 10:00 p.m.
 - c) Setup and take down for an event is considered to be separate from the hours of operation of the event and shall not be considered part of the event itself. Setup or take down shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
- 13) Events that do not conform to the standards above may be considered under Contract Zoning, Chapter 1, Section 1-1.
- 14) Vehicular access into the agritourism activity will provide for safe and convenient access.
- 15) None of the agritourism activity shall be located in any required, side, rear or front setbacks.
- 16) Maine State sponsored events shall be exempt from obtaining a permit.

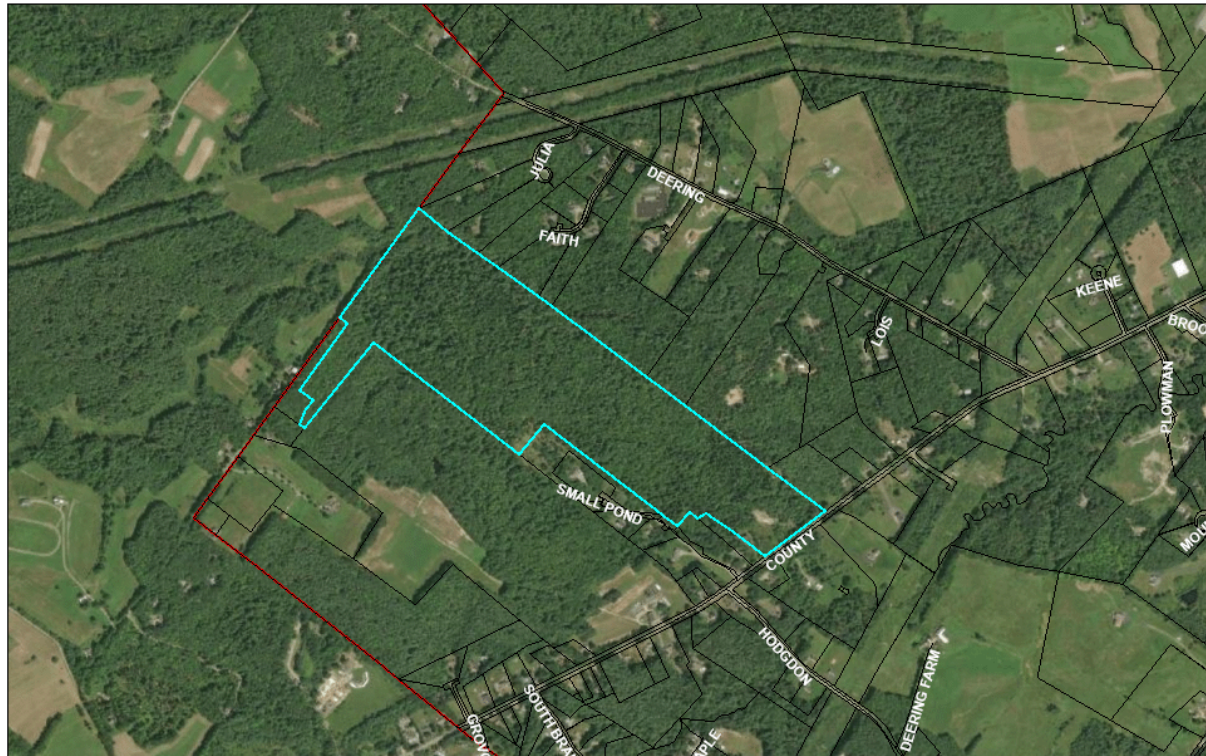
Historic Preservation & Natural Resource Protection

Town of Gorham's GIS data and the State Beginning with Habitat maps both show the presence of sensitive natural resources on the parcel. The Stroudwater River flows through the northern portion of the parcel, and an unnamed tributary of the South Branch of the Stroudwater River flows through the southern portion of the parcel. Wetlands are indicated on the parcel in several locations in the public

data inventory as well as in the site plans provided by the applicant. The southern portion of the site is located on a mapped 10-50 gallon per minute sand and gravel aquifer. The Beginning with Habitat inventory shows that the site contains an area of “endangered, threatened, and special concern species occurrences and habitat buffers” due to the presence of Great Blue Heron habitat.

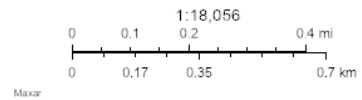
3. AERIAL PHOTOGRAPH

Town of Gorham Public Map Viewer



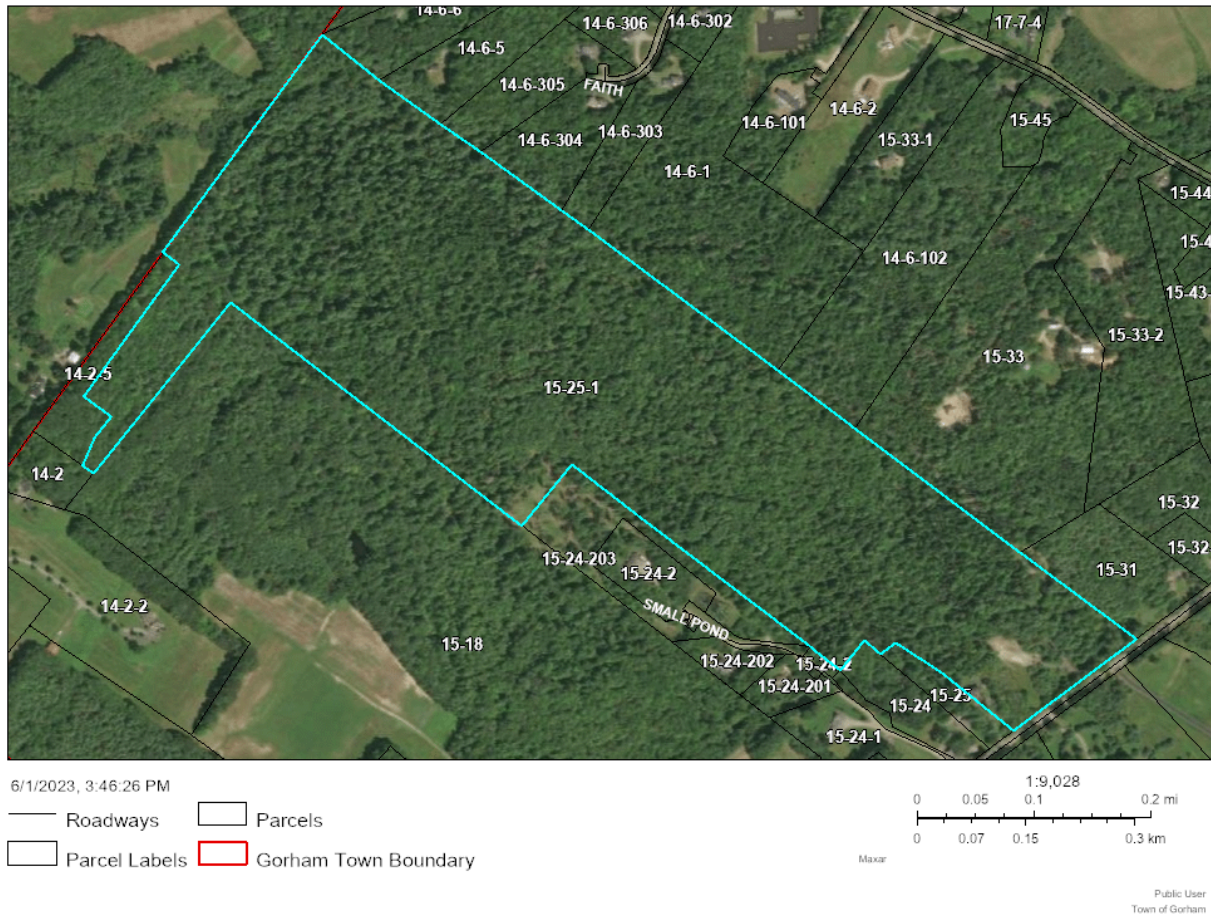
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— Roadways Gorham Town Boundary
 Parcels



Public User
Town of Gorham

Town of Gorham Public Map Viewer



4. STAFF COMMENTS

Assessing Department: No comments.

Code Division: No comments.

Director of Community Development: No comments.

Economic Development Division: No comments.

Fire Department: 05/19/2023

239 County Road Private way Ryan Chicoine

I have reviewed the plans (May 15, 2023) and have the list of comments below

1. The 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 Inspector for review.

2. 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.
3. 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.
4. The hammer head width needs to be 20' wide and 50' deep. Please show measurements on the plans. No drive ways will be allowed off the Hammer Head. Please show driveway's on future plans.
5. A "No Parking - Tow Away Zone" or "No Parking - Fire Lane" sign should be added to the hammer head.
6. Street names need to be approved by Police and Fire Chief as well as be properly posted.
7. Event Center – Have no comments yet. AS I will need more information on that part.
8. Road work throughout the Complex – Need more information.
9. **Past history has repeatedly shown that private ways/drives are very poorly maintained, and wintertime poses a very serious issue of emergency vehicle access, with very little enforcement available to the Town. I would state for the record and make notice that the Fire Department cannot and will not be held responsible for incidents where we cannot gain access to buildings or incidents on these private ways/drives that are not properly maintained.**

As this goes through the process I may have more requirements.

Planning Division: 06/01/2023

The design of Small Pond Road and the new private way will need to be designed to handle the anticipated traffic of the residential development.

The driveway will need to be designed to handle the anticipated traffic of the forestry, farming, and agricultural uses.

Police Department: No comments.

Public Works Department: No comments.

Recreation Department: No comments.

Abutter Comments: No comments.