

**Town of Gorham
Planning Board Meeting
March 6, 2023**

ITEM 5 - Public Hearing – Special Exception – Creative Explorations – a request for special exception to locate a daycare center at 341 Main Street. Zoned OR, Map 108, Lot 33. The applicant is represented by David Willis, with Willis Real Estate.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Special Exception Review		March 6, 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, Pre-K, K-2 before and after care, and Grade 3-5 before and after care at 341 Main Street. The proposed facility would be located in a building that was formerly the location of a real estate business. The proposed center would serve a total of 65 students daily. Hours of operation would be 7:00 am – 5:30 pm Monday - Friday.

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

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

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.

- Trails
 - The applicant has stated that programming will include outdoor recreation on trails south of the site (including the Cross Town Trail) which can be accessed via Joseph Drive, which is a public street with a sidewalk on one side. A trail entrance is located at the terminus of Joseph Drive. Children would need to walk on a short stretch of Maine Street in order to access the sidewalk on Joseph Drive since no direct connection is provided.
 - A plan for pedestrian access to and from the location has not been provided at this time.
 - Would the applicant work with the town to create a connection to the Joseph Drive sidewalk?
- Parking
 - The applicant has provided a schedule for pick up and drop off for the site, however, information about the existing number of parking spots designated for staff parking and for pickup/drop-off parking has not been provided. Information about traffic movements within the site has not been provided.
 - No specific ordinance requirement is listed for parking for this specific land use
 - Requirements from ordinances
 - 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 9 required spots.
 - For Nursery Schools, the requirement is 1 space for each 2 rooms used as nursery rooms. While the number of rooms is not specified, based on the program descriptions list at least 4 rooms, requiring at least 8 spaces.
 - 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 65 children, this yields a requirement for 16 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 21 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 14 expected vehicles and or suitable queuing should be shown by the applicant.
 - 6 employees 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 20 spaces.**
- Provision
 - The applicant has not specified the amount of available parking on the site.
 - Staff parking for 6 employees is planned for the south side of the parking area. Staff arrivals will be staggered to reduce conflicts with pickup/drop-off times for children.
- Planning staff recommend that the applicant provide additional information regarding parking provisions and traffic management.
- The applicant needs to provide the company they will contract for solid waste/trash disposal.

Comprehensive Plan:

- The parcel is located in the Office Residential zone. The Future Plan Use Plan calls for Village Approach zoning for this parcel.
- The allowed use in the Village Approach 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 development standards should allow for both new development and the reuse of existing buildings in a manner which maintains this area as an attractive entrance to Gorham Village. The standards should require that buildings be located within reasonable proximity to the street with a landscaped buffer strip along the edge of the street and not more than one, double-row of parking between the building and the street. Off street parking should be encouraged to be located at the side and/or rear of the building for non-residential uses. New or expanded buildings should be required to conform to good site and building design standards that assure that the project has a “village character” and contributes to an attractive entrance to the Village. The creation of vehicular accesses should be carefully managed and the interconnection of uses encouraged. Residential development should conform to the density and development standards for the Village Residential designation including the provisions for development transfer and variable density for small units.”

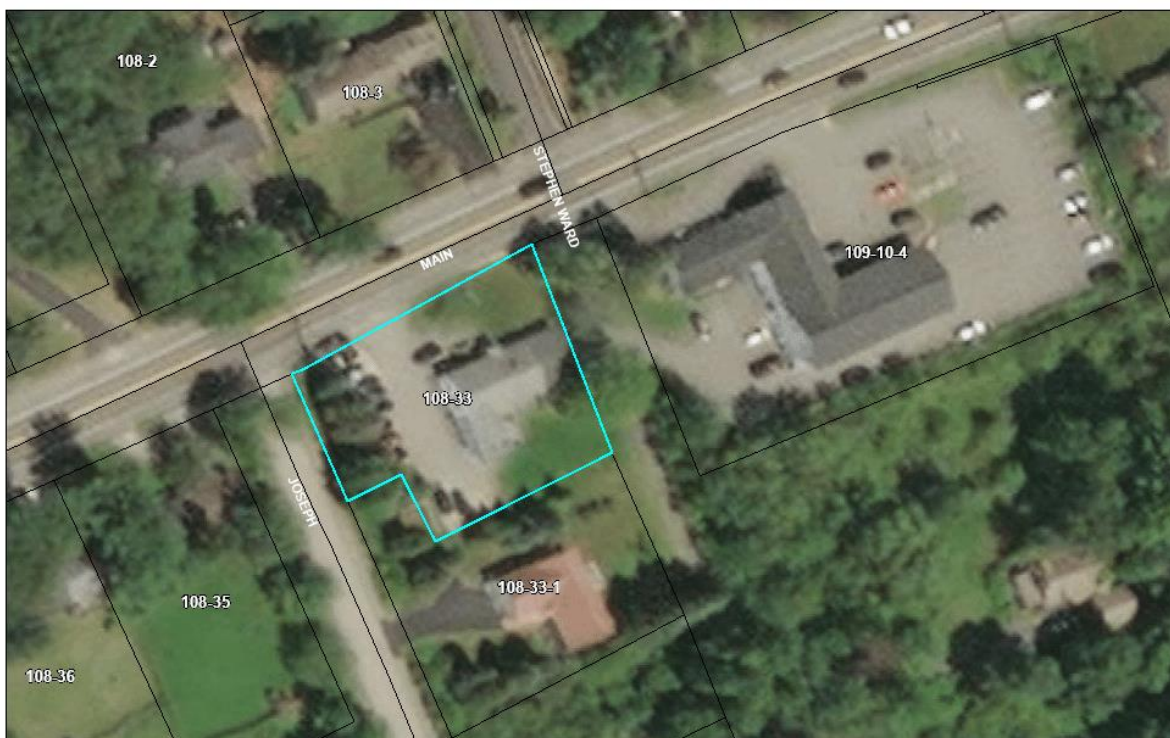
Zoning:

The zoning is currently Office Residential (OR), which allows for a “Day Care Center” as a special exception. The standards are below in the “Findings of Fact” section.

3. AERIAL PHOTOGRAPH

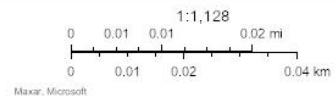
Staff has included an aerial photographs for the Planning Board’s review of the project. The aerial photograph is from the town’s public map viewer.

Town of Gorham Public Map Viewer



2/27/2023, 11:51:45 AM

- Roadways
- ▭ Parcel Labels
- ▭ Parcels
- ▭ Gorham Town Boundary
- ▭ Zoning - Development Transfer Overlay District



Public User
Town of Gorham

4. STAFF REVIEWS

Assessing Department: No Comments

Code Department: No Comments related to land use

Fire Department: 02/22/2023: (Verbal comments at project review meeting)

- Review by the State Fire Marshall is required

Planning Department: 03/02/2023

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. Because the program includes off site excursions to trails accessed via Joseph Drive (which abuts the site and has a sidewalk on one side) a connection from the site to Joseph Drive should be made. In addition, pedestrian access to and from Main Street should be accommodated.

Police Department: No Comments

Public Works Department: No Comments

**PLANNING BOARD
SPECIAL EXCEPTION REVIEW
AND FINDINGS OF FACT
For
CREATIVE EXPLORATIONS – 341 MAIN STREET**

March 6, 2023

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

Property Owner: The property owner is Trish Ngo, 2 Kennebago Drive, Scarborough, ME 04074.

Property: The lot is identified as Tax Map 108, Lot 33, and is located at 341 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 0.46 acres in size. It is developed, including a commercial building with 4,230 square feet of leased space and associated parking.

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

Zoning: Office Residential

Variances: None requested.

Waivers: None requested.

Pursuant to the Application:

Special Exception Review was held on March 6, 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 – 02/10/2023
- Special Exception Standards, Response –
- Gorham Town Planner Comments – 03/02/2023
- Gorham Assessor Comments – No Comments
- Gorham Fire Chief Comments – No Comments
- Gorham Public Works Director Comments – No Comments

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;

Applicant response “The current location has been used by businesses in the past and has established lighting on the premises. We will not alter the existing exterior site plan so drainage will remain unchanged. Pedestrian and vehicular traffic should remain similar to previous uses.

Parent pickups and drop offs are staggered between the hours of 7:00am-9:00am and 4:40pm-5:30pm to prevent congestion in and out of the facility as well as on Main Street.”

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;

Applicant response “We will be operating in the existing structure and not altering the above”

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;

Applicant response “As a daycare center, 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;

Applicant response “Creative Explorations will not create an added nuisance as the hours of operation will be during “typical” working hours, 7:00am-5:30pm Monday-Friday. We will be closed on all weekends and all federal holidays. Creative Explorations is also closed for a week in December, April, and July.

Creative Explorations will follow the town of Gorham noise ordinances.

We will install a fence and plant vegetation to mitigate noise and provide privacy for abutting neighbors”

The applicant will comply with Chapter 4, Section 9, T. Noise regarding noise.

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;

Applicant Response “We will use the existing waste disposal systems on site through public water/sewer. We will use _____ company for bi-weekly removal of trash and recycling. We hope to 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.

Applicant response: “There are not waterways or shoreland on the property and therefore will not affect such.”

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 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 decision document;
4. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
5. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
6. 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;
7. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
8. That Decision Document 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 Decision Document shall be returned to the Town Planner prior to the or issuance of a final Certificate of Occupancy.

SUGGESTED MOTIONS:

FOR SPECIAL EXECPTION APPROVAL:

Move to grant Creative Explorations request for special exception approval for 341 Main St., located on Map 108, Lot 33 in the Office Residential 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 341 Main St., located on Map 108, Lot 33 in the Office Residential zoning district, pending additional information to be provided as required by the Planning Board.