

**Town of Gorham
 Planning Board Meeting
 March 7, 2022**

Item 5 – Pre-Application Discussion – Davenport, James - Private Way Review – a request for approval to create a private way for one lot with two dwelling units on Fort Hill Road. The parcel is currently zoned Rural (R). The lot is shown on Map 65, Lot 3-1. The property totals approximately 10.964 acres and currently contains wetlands, 100 year floodplain, potential vernal pools, open field, canopy trees and understory. The applicant is James Davenport. The owners are James and Michelle Davenport. The applicant is represented by Andrew Morrell, BH2M.

The applicant proposes to create a private way so that there is enough frontage for both dwelling units.

| INDEX OF PACKET ENCLOSURES | |
|----------------------------|-------------|
| DESCRIPTION | PAGE NUMBER |
| 1. Overview | 1 |
| 2. Items of Note | 2 |
| 3. Aerial Photo | 3 |
| 4. Staff Comments | 3-5 |

PROJECT TRACKING

| DESCRIPTION | COMMENTS | STATUS |
|-----------------------------------|----------|---------------|
| Pre-Application/Sketch (optional) | | March 7, 2022 |
| 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.

Molly Butler Bailey, Chair, Gorham Planning Board

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

The applicant is represented by Andrew Morrell, BH2M.

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.

Comprehensive Plan

- The zoning is proposed to continue as Rural.
- The uses allowed are proposed to include: “The allowed uses in the Rural Area should be similar to the current Rural zone. This includes farming and forestry as well as a range of residential uses (single-family, two-family, and multi-family), accessory apartments, municipal and community uses, institutional uses, rural entrepreneurial uses, and inns and bed and breakfast establishments. In addition it should accommodate traditional rural and agricultural uses including the reuse of agricultural buildings, sawmills, mineral extraction, and agriculturally related businesses including the processing and sales of agricultural products.”
- The Future Land Use Plan states “The development standards in the Rural Area should allow for the conduct of working rural activities including farming, forestry and mineral extraction and should not impose unreasonable standards on these uses. Low-density residential development with somewhat higher densities for residential developments that utilize conservation or open space subdivision design principles should be accommodated. The base density for residential developments should be set at 1 unit per 1.5 net acres. Conservation or open space subdivisions that preserve a substantial portion of the site as permanent open space should be allowed at the same base density. The base minimum lot size requirements should be 60,000 SF but individual lots in a conventional subdivision can be as small as 40,000 SF as long as the overall maximum density is met for the entire subdivision. Lots in a conservation or open space subdivision may be as small 20,000 SF as long as the density requirement is met. The base minimum lot frontage requirement should be 200 feet for lots that front on a state numbered highway or an identified major collector road (New Portland Road, Libby Ave/Brackett Road, Huston Road, and North Gorham Road) and 150 feet for lots that front on other streets. In conservation subdivisions, the minimum frontage on local streets should be reduced to 100 feet.”

Zoning and Subdivision

- The zoning is currently Rural (R), which allows for single family residential.
- The minimum lot size is 60,000 sq. ft. per dwelling unit and 200 feet of street frontage.

Historic Preservation

The applicant should check with the Historic Preservation Commission of Gorham to determine if the property has an historic, archaeological, or significant sites.

AERIAL PHOTOGRAPH

Google earth image.



STAFF COMMENTS

Assessing Department: No comments received

Code Division: No comments received

Director of Community Development: No comments received

Economic Development Division: No comments received

Fire Department: 02/23/2022

February 23, 2022

MAP 22 Lot 5 James and Michelle Davenport

I have reviewed the Plans dated Feb. 11, 2022

1. Street names (3) need to be submitted and 1 approved by Police and Fire Chief as well as be properly posted.
2. The 20' road width shall continue beyond the first dwelling unit, then the hammer head.
3.
4. The hammer head width needs to be 20' wide and 50' deep. No drive ways will be allowed off the Hammer Head.
5. 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 Inspector for review.
6. 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.
7. 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.
8. **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.**

Legal Review: Comments Pending

Planning Division: 02/28/2022

February 28, 2022

- Zoning = Rural; Shoreland Overlay
- FLUP = Rural
- H2O = public in street
- Sewer/septic = no public; onsite
- Wetlands and water body on parcel
- There is no construction allowed in the Shoreland Overlay Zone.
- The 1 lot gravel private way is for 1 lot with a single family house. It does not anticipate an additional dwelling unit. It is my opinion that the private way should be designed to the 2-6

lot standard unless the applicant can show that the unit in the garage meets the accessory apartment standards in Chapter 2 Section 2-4 Residential.

- The deed restriction was put in place by the lot owner at the time of subdivision creation and is still shown in the deed to the parcel. The answer may lie with the applicant.
 - Is the dwelling unit connected to the garage in compliance with the accessory apartment standards? If yes, then the deed restriction would appear to be upheld. If no, then the deed restriction is clear to me.

Police Department: No comments received

Public Works Department: No comments received

Recreation Department: No comments received