

**Town of Gorham
 Planning Board Meeting
 January 9, 2023**

ITEM 5 – Pre-Application Discussion – Subdivision - Shirley Newton, LLC – a request for approval of a 13-lot residential subdivision on 38 acres off Shirley Lane and an extension of Shirley Lane. Zoned, R. Map 8, Lot 10. The applicant is represented by Charles Burnham, P.E.

The property totals approximately 39.26 acres and a study needs to be provided that includes potential wetlands and vernal pool. The current property owner is PTG Investment Trust, Paul T. Gore as Trustee. The applicant is Shirley Newtown, LLC, Andrew Earle, Principal. The applicant is represented by Charles Burnham, P.E.

The applicant proposes a road designed for 25 lots individual domestic wells and subsurface septic systems. The applicant has provided a proposed conventional layout for the Board’s review.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		June 7, 2021 December 6, 2021 January 9, 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 third time this application has come before the Planning Board. The previous meeting was December 6, 2021.

The applicant is represented by Charles Burnham, P.E.

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.

Comprehensive Plan

- The zoning is recommended to be changed to Village Expansion.
- Location – The Village Expansion Area includes the area on the fringe of Little Falls Village and extending along the Gray Road corridor toward Gorham Village. It also includes an area to the south of Gorham Village extending from the Village bypass to the New Portland Road area. Most of this area is currently included in the Development Transfer Overlay District.
- Allowed Uses – The allowed uses in the Village Expansion Area should include the same general types of uses allowed in the Village Residential Area. This includes a range of residential uses (single-family, two-family, and multi-family), accessory apartments, retirement housing and elderly-care facilities, municipal and community uses, institutional uses, and bed and breakfast establishments.
- Development Standards – The development standards in the Village Expansion Area should allow for moderate-density residential development as well as higher density-residential development through the use of the development transfer provisions. The base density for residential development should be set at two units per net acre with public sewerage and one unit per net acre with on-site sewage disposal. The standards should allow a density of up to eight units per net acre with development transfer provided that the development uses public sewerage. In addition, the variable density provisions for small units should apply (see Section C.7. Small Dwelling Units). The base minimum lot size requirements should be 20,000 SF with public sewerage and 40,000 SF with on-site sewage disposal. The minimum lot size with development transfer can be reduced to 6,000 SF. The base minimum lot frontage requirement should be 100 feet with public sewerage and 150 feet with on-site disposal. If development transfer is utilized, the minimum lot frontage should be reduced to 60 feet. In addition to the space and bulk standards, developments utilizing development transfer should be required to meet additional design standards to assure that the overall development and individual homes are designed with a “village character”.

Zoning and Subdivision

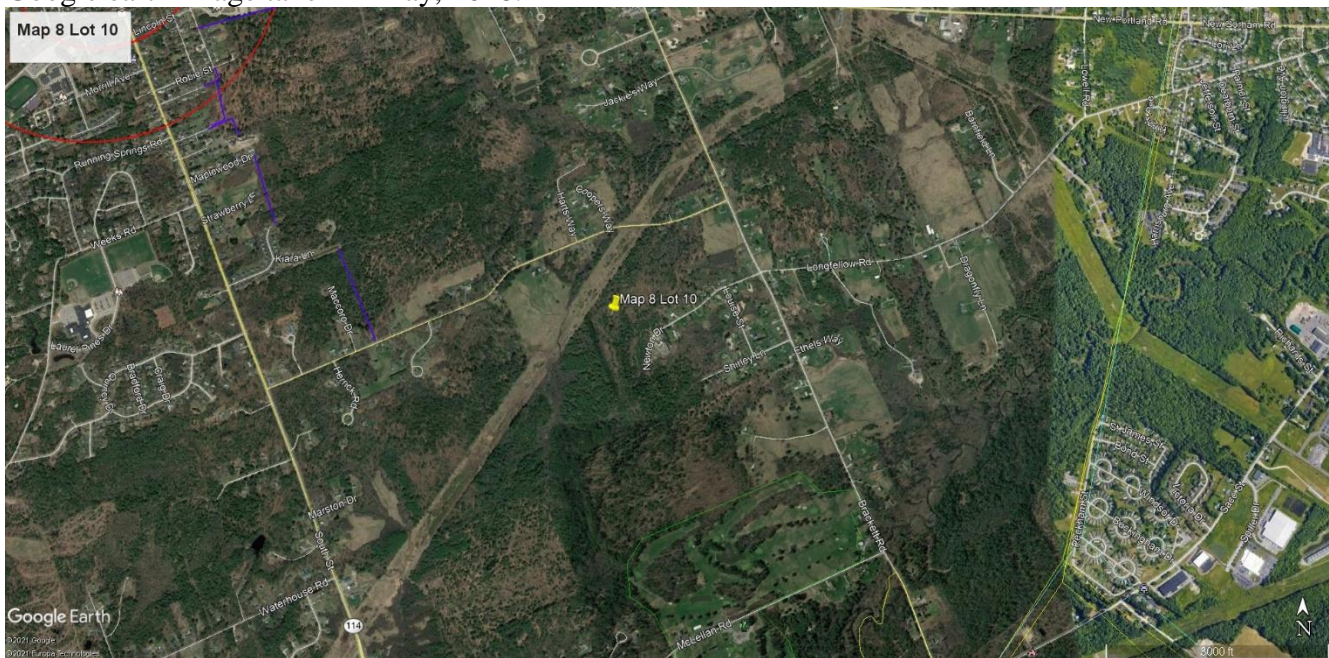
- The zoning was amended to Urban Residential Expansion (UR EXP) in compliance with the Comprehensive Plan. It allows for several types of residential housing, including but not limited to single family.
- Clustered residential development is allowed in this zoning district and shall follow the standards in Chapter 2 Section 2-4 General Performance Standards.
- Conventional subdivision is allowed in this zoning district. If the applicant chooses conventional subdivision, the lot sizes are required to be 20,000 sq. ft. for public sewered lots and 40,000 sq. ft. for private septic.
- The net residential density identified under Section 1-5, Definitions, shall be used to calculate the maximum number of dwelling units that can be placed on a parcel. Each lot in a subdivision shall have the minimum area per dwelling unit for the number of dwelling units proposed to be on a given lot.
- There are specific performance standards in Chapter 1 Section 1-24 subsection E for street layout, underground utilities, and architecture.

Historic Preservation/Natural Resources

- The Comprehensive Plan does not indicate any known historic, archaeological, or significant sites within this area.

3. AERIAL PHOTOGRAPH

Google earth image taken in May, 2018.



4. STAFF COMMENTS

Planning Division: 06/01/2021, 11/24/2021, 12/29/2022

June 1, 2021; November 24, 2021

- Current Zoning – Suburban Residential (SR). The application states that it is Rural, which is incorrect.
- The Village Expansion area implementation is underway by the Town Council and Planning Board. The Planning Board Comprehensive Plan Implementation Committee reviewed the proposed zoning language on October 4, 2021. The draft language as presented to the Planning Board CPIC is attached.
- No public water or sewer; Applicants would provide water or sewer, public or private. It is their choice. The Town does not intend to provide it.
- Wetland and vernal pool locations should be determined
- Trail connections or proposed should be shown on site plan.
- This area is not located in the Development Transfer area at this time.
- Cluster Residential Development, allowed in this zoning district, is a form of development which allows a developer to create smaller lots than required by the applicable zoning district regulations in the Rural and Suburban Residential Districts in return for setting aside a portion of the tract as permanent open space.
- The number of dwelling units permitted on the site shall be determined by dividing the net residential acreage by the minimum lot area required per dwelling unit.

December 29, 2022

- The zoning has been changed to Urban Residential Expansion.
- Wetlands (and vernal pools) need to be surveyed.
- Ordinances (and specific sections) to review for applicability:
 - Chapter 1 - Zoning regulations
 - Chapter 2 - General Standards of Performance
 - Chapter 3 - Floodplain Management (if applicable)
 - Chapter 7 - Impact Fees Recreational and Open Space, Middle School will apply.
 - Historic Preservation Ordinance (if applicable)
 - Sidewalk Construction (if applicable)
 - Solid Waste Flow Control
 - Stormwater
 - Wastewater
- Chapter 2 Section 2-5 C. ACCESS TO ADJOINING LAND 1. The Planning Board shall provide for road continuation, to limit unnecessary curb cuts and/or to provide for street access to adjoining properties by dedication on a subdivision plan, of a fifty-foot wide right-of-way to the boundary of adjacent properties, unless the Planning Board determines it is not in the public interest to require access to adjoining land, the topography is not suitable for access to adjoining land, or the project is surrounded by wetlands and no suitable land is available for

continuation. Access to adjacent developed land shall be provided by the dedication on a subdivision plan of a 50-foot right-of-way connecting to previously dedicated rights-of-way.

- The proposed right of way should be adjusted so that it meets the property line in a location that has the possibility of extending through to the abutting parcel. The current location meets the property line where a wetland/pond is located. The intent of this ordinance requirement is to allow for through roads and connections.
- SECTION 2-10 – THE PROVISION OF PUBLIC WATER SUPPLY
 - Conditional Provision of Public Water Supply Unless exempted by the Planning Board in accordance with D. below, any new principal building for nonresidential or residential use (or group of buildings that is part of the same project) for which a building permit is issued after November 10, 2004, that has a design sewage flow based upon the Maine State Plumbing Code of more than two thousand (2000) gallons per day or that is required to be provided with a fire protection sprinkler system in accordance with fire protection codes or town ordinances, or any subdivision approved after November 10, 2004 and that had not had substantive Planning Board review as of November 10, 2004, that will allow for the construction of six (6) or more dwelling units or one or more principal buildings requiring site plan review, shall be connected to, and shall utilize, the public water system, if the parcel upon which the development is located is within three thousand (3000) feet of a Portland Water District water main as measured along existing or proposed public rights-of-way from the existing main to the nearest corner of the parcel, and the parcel is located, in whole or in part, in any of the following zoning districts: 1. The Suburban Residential District 2. The Roadside Commercial District 3. The Commercial-Office District 4. The Industrial District 5. The Rural District
 - D. Exemption from Public Water Supply Requirements The Planning Board shall, by formal vote, exempt a development from the requirement to extend and/or use public water supply if it finds that any one of the following conditions is met:
 - 1. That the Portland Water District has certified, in writing, that the District’s water system cannot provide adequate service for the project including provisions for fire protection sprinkler systems without a major investment in the District’s facilities that the District is not prepared to make in a timely fashion, or
 - 2. That the cost of providing public water service for the project is unreasonable given the anticipated benefit. The cost of providing public water service for a residential use or subdivision shall be deemed to be unreasonable if the Public Water Cost per Unit (PWCU) exceeds the Maximum Private Water Cost per Unit (MPWCU) based upon the methodology set forth in subsection E. The cost for providing public water service for a non-residential use or subdivision shall be deemed to be unreasonable if the estimated cost is more than twice the cost of an equivalent private water supply system including provisions for fire protection water supplies based upon the methodology set forth in subsection E, or
 - 3. That the special provisions for utilizing private ground water supply in the Black Brook and Brackett Road Special Protection District will be met.
 - E. Determination of Unreasonable Cost
 - If a property owner or developer requests an exemption from the requirement to provide public water supply based upon the cost of providing public water supply, he/she shall submit an analysis of the estimated cost of providing public water service versus the

cost of providing private water supplies. The analysis shall be based upon the proposed development scenario as if the entire lot or parcel will be developed/subdivided and there is no potential for future additional development. The Planning Board may require that the analysis be based upon a full build-out scenario for the parcel that assumes that the entire parcel will be developed based upon the allowed zoning density with public water and cluster development, if appropriate, taking into consideration site constraints and town regulations. If only a portion of the lot or parcel is being proposed to be developed/subdivided, the analysis shall be based upon a full build-out scenario for the parcel that assumes that the entire parcel will be developed and that the area not currently proposed for development will be developed based upon the allowed zoning density with public water and cluster development, if appropriate, taking into consideration site constraints and town regulations. The development scenario shall be submitted to the Town Planner and shall be subject to the Planner's and Planning Board's approval as a reasonable development scenario for the parcel.

- 1. Residential Developments -- The cost of providing public water service for a residential use or subdivision shall be deemed to be unreasonable if the Public Water Cost Per Unit (PWCU) exceeds the Maximum Private Water Cost Per Unit (MPWCU) based upon the following methodology:
 - Step 1. Determine the PUBLIC WATER COST PER UNIT (PWCU) based upon the following formula: $PWCU = (((((SL \times \$75) + (NL \times \$40))/UN) + \$1,425) \times CCIF) + (((LDG) \times CCIF) + EX)/UN$ Where: SL = the lineal feet of new water main in an existing street, NL = the lineal feet of new water main in a proposed street or right-of way, UN = the number of units in the development to be served, CCIF = Construction Cost Inflation Factor LDG = the estimated current cost for ledge trench at \$20 per lineal foot times the estimated number of feet of ledge trench or other estimate of ledge removal cost approved by the Planning Board based upon field knowledge/documentation provided by the applicant EX = the estimated current cost for any extraordinary costs for the water service such as bridge crossings and \$75 is the typical cost per foot for a water main in an existing street, \$40 is the typical cost per foot for a water main in a new street or right-of-way, and \$1,425 is the typical average cost for a house service, and CCIF = ENR CCI Current/ENR CCI 5-04 where ENR CCI Current is the ENR Construction Cost Index for the month in which the calculation is made as published in ENR (Engineering News-Record) magazine and ENR CCI 5-04 is the ENR Construction Cost Index for May 2004
 - Step 2. Determine the MAXIMUM PRIVATE WATER COST PER UNIT (MPWCU) based upon the following formula $MPWCU = ((\$5,500 \times 2) + \$5,000) \times 1.1 \times CCIF$ Where: CCIF = Construction Cost Inflation Factor, and \$5,500 is the typical developer cost for a well and \$5000 is the typical cost for residential sprinkler system.
 - Step 3. Compare the calculated PWCU to the calculated MPWCU to determine if providing public water supply is reasonable.
 - The entire Calculation sheet for public water needs to be submitted for review to determine waiver necessity. It is found here...<https://www.gorham-me.org/planning-division/pages/estimator-water-supply-costs>.

- Sanitary Sewers: Sanitary sewers shall be required per the Town of Gorham Wastewater Ordinance and be designed and constructed to the requirements of the Superintendent of Sewers and the Portland Water District.

ARTICLE IX - SEWER EXTENSIONS

- SECTION 1 - NEW SUBDIVISIONS
 - Any person who subdivides land within the Town, of which any part either is located within 500 feet of a public sanitary sewer, or is located that it can be connected to such a public sanitary sewer without undue hardship, as determined by the Planning Board, shall, if such subdivision has not been finally approved before the effective date of this Ordinance, and assuming capacity exists in the sewer system as determined by the Town Council, will, at his own expense, construct for dedication to the Town a sanitary sewer extension to serve all structures within such subdivision which will require the disposal of wastewater. Such sanitary sewer shall be designed by a registered engineer, its design shall be approved by the Town and its design, construction and acceptance shall be in accordance with the provisions of Article IX, Section 3, 4 and 5.
- If the road is to be a private way, a private way plan needs to be submitted for review and approval that meets the standards found in Chapter 2 SECTION 2-5 - MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS
 - H. STANDARDS FOR PRIVATE WAYS The Planning Board may approve the use of private ways to provide access to individual lots of land provided that the following conditions are met:
 - 1) An approved private way may serve a combination of dwelling units/lots identified below:
 - 1 lot gravel private way – 1 lot with a single family house
 - 2-6 gravel private way – up to 6 lots, with no more that 6 total dwelling units served by the private way
 - 7-10 paved private way – up to 10 lots, with no more than 10 total dwelling units served by the private way
 - 25 dwelling unit paved private way – up to 25 lots, with no more than 25 total dwelling units served by the private way

Assessing Department: 11/09/2021, 01/03/2023

November 9, 2021

I would like to see a plan without the grading and topo
Map 8 lot 10
Also how many acres are being retained by owner.

January 3, 2023

Map 8 lot 10 Shirley Newton

In the December 2022 subdivision sketch plan application under project description it has 13 lots, other places has 20. Is it a 13 or 20 lot subdivision?

Where is lot 5 on plan?

Code Department: 11/17/2021

November 17, 2021 verbal

The lot size for this district is required to be 60,000 sq. ft. for single family units.

Fire Department: 05/18/2021, 12/23/2022

May 18, 2021

I have reviewed the Plans dated May 4, 2021 for Shirley Lane Subdivision

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 can't be 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 driveways 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. **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.**
8. We may have more requirements as this progresses through the planning process.

December 23, 2022

MAP 8 Block Lot 10 20 Lot subdivision

I have reviewed the Plans from the Goggle Doc's File 12-23-2022

1. The building will meet all applicable sections of NFPA 1 *Fire Code* and NFPA 101 *Life Safety Code*.

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. I prefer that the name be Shirley Lane or Newton Drive.
7. **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.**
8. We may have more requirements as this progresses through the planning process.

Public Works: 11/09/2021

November 9, 2021

If this is going to be a private way, we will require a turnaround, hammerhead at the end of the public way and off-site paving after construction. Not sure how well Newton drive will hold up to construction traffic and the paved width of existing roadway should be evaluated for increased traffic.

Abutter Comments:

Richard Foley, 09/27/2021