

**Town of Gorham
 Planning Board Meeting
 March 4, 2024**

ITEM 6 - Pre-Application/sketch Discussion – Subdivision and Site Plan – Nick Troiano – The Residences at Gorham Country Club – a request for approval of a mixed-use development. The development would consist of townhouses, apartments, commercial, clubhouse/pool as well as public utilities and associated infrastructure on McLellan Road. Map 7, Lot 18. Zoned South Gorham Crossroads (SGXR). The applicant is represented by Daniel Riley, P.E of Sebago Technics.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		March 4, 2024
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.

Vincent Grassi, Chair, Gorham Planning Board

1. OVERVIEW

This is the first time this application has come before the Planning Board. The applicant is Nick Troiano and he is represented by Daniel Riley, P.E of Sebago Technics.

The site is approximately 38 acres of rolling terrain of a former golf course. There is a mix of canopy trees and understory as well as a man-made pond.

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 comprehensive plan calls for the entirety of the parcel to be included in the “South Gorham Crossroads” zone.
- The uses section states “Since the Crossroads Area will potentially be served by the continuation of the East-West connector or related improvements and is potentially serviceable by public water and sewerage, new residential uses in this designation should be limited to multi-family residential and residential units in mixed-use buildings. Single-family and two-family dwellings should not be allowed in this area. In addition to residential uses, a range of non-residential uses should be allowed as part of a planned, mixed-use development including business and professional offices, retail and service uses, fully enclosed light industrial uses, and community and public uses. These new non-residential uses should be integrated into an overall project or support new residential development by building at a neighborhood or community scale, as opposed to highway oriented commercial strip development, big box stores, or the large commercial only projects like industrial or office parks.”
- The Future Land Use Plan states “The development standards in the Crossroads Area are intended to require a high-intensity pattern of development. The maximum density for residential uses should be twelve to fifteen units per net acre with provisions for variable density for small units. In addition, the standards should require a minimum overall density of not less than five units per net acre for any individual residential project. The standards for development should require that new buildings be located with access off internal streets when feasible. All development should maintain an attractive roadside appearance with a landscaped buffer strip along the edge of both existing and new streets. The location of large parking lots between buildings and existing streets should be restricted. New development master planning should account for open space and recreational trails. The Stroudwater River is an important natural resource in South Gorham, and the town should consider additional protections that go beyond those afforded through existing Shoreland Zoning Standards. To assure that the vision for this area is attained, all development proposals on lots that had at least ten acres as of April 1, 2013 must be done in accordance with an approved development plan for the entire parcel.

This plan must establish, in conceptual terms, the overall use and development of the parcel including provisions for roads and other infrastructure. The plan should also include development and design standards to guide building-by-building development. This plan must be approved by the Planning Board prior to any development on the parcel and, once approved; all projects must substantially conform to the development plan.”

Zoning, Site Plan, and Subdivision

- The site plan and subdivision ordinances apply to this proposal.
- The zoning is as recommended by the Comprehensive Plan and is Gorham Crossroads District. (see Chapter 1 Section 1-27)
- Underground utilities are required.

Historic Preservation & Natural Resource Protection

The Town of Gorham GIS map and the State Beginning with Habitat maps both show that the site does not contain any rare wildlife, plant communities, or other critical habitat. They also do not indicate the presence of wetlands or vernal pools. The applicant should do a site assessment to determine potential vernal pool resources on the site.

3. AERIAL PHOTOGRAPH

Town of Gorham GIS Imagery





4. STAFF COMMENTS

Assessing Department: No comments.

Code Division: 02/21/2024

I am interested in the clustered septic design and the future sewer. With a clustered engineered SSWW design installed in the first few phases prior to public sewer reaching this area, I would assume we will require sewer hookup once the engineered design fails in the future.

Director of Community Development: No comments.

Economic Development Division: No comments.

Fire Department: 02/21/2024

MAP 7 Block Lot 18

I have reviewed the Plans dated Feb. 12, 2024

1. 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 Department 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. Gas Protection needed at Meters.
5. Lock Boxes may be needed in Building with NFPA 13 Sprinkler Systems.
6. Gas Station – Suppression System Required
7. This development will have public Water. We will require ? # of Hydrants to be installed. More information needed.
8. Hammer Head by the pond area, needs to be 20" wide and 50' deep.
9. No parking signs at the hammer head x 2 signs.
10. Will need to be sure our ladder truck can drive through the development. More needed on this part.
11. Will be more requirements as this goes through planning process.

Planning Division: 02/20/2024

- A Master Site Development Plan is required for sites larger than 5 acres.
- The Town's Growth Management Ordinance currently caps the number of permits per common scheme of development at 10. The applicant is requesting that the Planning Board finds that the development qualifies as mixed-use development and thus would be exempt from the Growth Management Ordinance under Section 6 Exemptions. However, Section 7 g of the Growth Management Ordinance states – "Town Council exemptions. 1) A property owner or his/her representative may request that the Town Council exempt from the requirements of this Ordinance a dwelling unit(s) that meets the following criteria:
 - A. The dwelling unit(s) is located within a Growth Area of the Town, as designated by the Comprehensive Plan; and
 - B. The dwelling unit(s) is part of a mixed-use development or multifamily housing. 2) Exemptions under this subsection shall require the affirmative vote of at least two thirds of the Town Council members present and voting, but in no event less than four votes.."
- The definition of Mixed-Use Development is not consistent between the Growth Management Ordinance and the Zoning Ordinance.

- Definition of Mixed-Use Development in the Growth Management Ordinance: “A building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, entertainment, and light industrial, in a compact urban form.”
- Definition of Mixed-use Building in Zoning Ordinance: “A building or structure which accommodates, allows or includes a variety of complementary and integrated uses each of which is permitted in the underlying zoning district, such as, but not limited to, residential, office, services, manufacturing, retail, public, and recreation.
- Definition of Mixed-Use Development in Zoning Ordinance: “The development or proposed development of a neighborhood or tract of land with a variety of complementary and integrated uses each of which is permitted in the underlying zoning district, such as, but not limited to, residential, office, services, manufacturing, retail, public, and recreation.
- Master Plan approval is requested as this initial step in the overall review and approval process. The Board should determine if the criteria for Master Plan approval have been met.
- Residential gross floor area shall be at least 50% of the total gross floor area of a mixed-use structure or at least 60% of the gross floor area as part of a Mixed-use Development. The applicant should prove the calculation showing this has been met.
- The site is not served by public water and sewer utilities currently. The applicant is proposing to extend public water 5,500 linear feet as part of Phase 1 and public sewer as part of Phase 2.
- The applicant is seeking to do cluster septic systems, which is not allowed. The applicant seeks an amendment to the ordinance to allow this use.
- Traffic movement – A traffic review and movement permit is likely to be required as the applicant moves through the review process.

Town Attorney: 02/20/2024

The Town Attorney recommends that a commercial lot be included in Phase 1 to meet the growth management ordinance requirement.

Police Department: No comments.

Public Works Department: 02/16/2024, 2/20/2024

02/16/2024

DPW has no issues

02/20/2024

DPW would be looking for 1.5 inch overlay of McClellan road from Brackett to the west end pf the property.

Town Engineer: 02/22/2024

I would like to discuss the following topics with the applicant when they meet with the town:

- 1) Combined septic systems are not currently allowed in the Town of Gorham.
- 2) Since Phase 1 is a defined number of units, is it the intent of the developer to construct all of the public sewer infrastructure in parallel with the combined septic system during Phase 1?
- 3) If that is the case, I would suggest Phase 1 be connected to public sewer as soon as it has been brought to the site in Phase 2. If that is not the case, whose responsibility would it be to connect those 59 units to public sewer and what is the expected timeline between Phase 1 & Phase 6?

That is all at this time.

Thank You,
Chuck

Stormwater Compliance: 02/21/2024

Stormwater comments for this project are as follows:

1. While not a requirement, the Town would like the applicant to consider utilizing Low Impact Development techniques. If the applicant chooses not to implement LID practices, please show why this is not feasible for this project.
2. A reminder that the Winter Construction season has begun, **and runs through May 1st**. Winter Construction erosion and sedimentation controls / BMP's have a different set of standards than the rest of the year. Please refer to the Maine DEP's Erosion and Sediment Control Practices Field Guide for Contractors for specific requirements during winter construction.

Thank you,

Ethan Moskowitz
Stormwater Compliance Officer/ GIS Technician

Recreation Department: No comments.

Conservation Commission: 02/26/2024

After reviewing the site plan and subdivision pre-application for The Residences, we have some questions and comments regarding this project. We realize this is an early step in the process and we would like to be included for comments as the project progresses.

Regarding the development, we have some general comments and questions:

1. Does it use the whole parcel and/or abut the proposed turnpike connector corridor at all
2. Will the area around the pond and on the lower left side be open space? What is the acreage of those areas?
3. As part of the open space for this development, we would like to see a publicly accessible multi-use loop trail around the property's perimeter and possibly around the pond as well, if possible.

Further, if this development abuts the turnpike connector corridor,, we would like to see the potential to connect this loop with any trail that is built in the corridor as this could give residents easy access to it.

The comments below, while perhaps somewhat outside the role of the Conservation Commission, they were put together by one of our members and we felt they were worth passing along verbatim:

1. It would be nice to see if this parcel will be bounded by the property of the Turnpike authority and:
 1. If so, a potential connection to a bike/walking/running path along with the turnpike extension should be included in the turnpike’s plans.
 2. If not, TP property then the “emergency turnaround” should be identified as the possible future connection to adjacent property.
2. A traffic study needs to be included assessing the impact of traffic on McLellan Road and at the intersections of McLellan Road at Bracket Road and at Rt 114. McLellan Road receives significant traffic now especially at the morning and evening rush hours.
3. The development appears to be only viable if public water and sewer are extended to the site.
 1. The developer appears to be willing to pay that cost and has indicated that public water extension will be a benefit for the Town.
 2. However, the developer does not indicate how and where a sewer connection is viable and does not indicate how that sewer will be a benefit to the Town, raising the questions:
 1. what are they proposing for the sewer and
 2. will others along Bracket Road/McClellan Road/ and other roads be able to tie into it as a benefit to the Town?
 3. If the sewer is not going to be a reality, then Gorham will be stuck with a Cluster Septic System for years to come.
 4. The only way the developer will proceed is if they receive a waiver of the number of building permits per year. If only 10 units per year, it would take about 28 years to complete - not economically feasible.
4. A provision should be included stating each Phase must be accepted by the Town prior to providing authorization to start construction, including site clearing, of the following Phase.
5. Phase 1 appears to consist of 58 - 3 bedroom town house units. (*Not 59 as indicated on the site plant*).
 1. Therefore, there will be additional students to enroll in the Gorham School System.
 2. The septic system is stated to be constructed in Phase 1 - it must be for as planned the public sewer will not be available. We do not want Phase 1 or any of the development’s wastewater creating problems for the Town and polluting our town.
 3. The Phase 1 septic will be constructed as a “Cluster Septic System”, and as stated it would accommodate Phase 2. If approved, the cluster septic system should also need a licensed operator.

4. Although the table on the site plan indicates 2 parking spaces per Townhouse Unit, only one space per unit is shown. Is the other space being counted as a one car garage under the Townhouse? If so, then is the space directly in front of each garage (i.e. the driveway) being counted as the second space?
5. Seems like a very tight layout especially where the Townhouses are directly across from each other.
6. Any parking for visitors?
7. Appear very tight for clearing snow away from the road and driveways.
 0. The Pool and Club House should be part of Phase 1.
 1. Is the Club House, a Club House or a changing facility with showers for the pool?
6. Phase 2 is a commercial development - will a zoning change be necessary?
 1. The application indicates that the car wash is to obtain it's water from the public water line extension built as part of Phase 1. The Town should include a condition stating that the proposed car wash cannot be constructed until the wastewater from the car wash can be disposed of in the public sewer. We do not want the car wash contaminates in the septic system.
7. Phase 3 will contain 90 apartment units with no 3 bedroom units, 48 - 2 bedroom units and 42 one bedroom units. Many of the 48 bedroom units will have children enrolled in Gorham's schools.
8. Phase 4 is another commercial development. Usage unknown but there is a drive through window.
9. Phase 5 includes 75 apartment units, 40 are 2 bedroom units and 35 are one bedroom units. Therefore, the 2 bedroom units will add additional students to the Gorham School System.
10. Phase 6 includes 60 apartment units, 32 are 2 bedroom units and are 28 are one bedroom units. Therefore the 2 bedroom units will add additional students to the Gorham School System.
 1. Phase 6 also includes the club house and pool.
 2. As there will be a restriction on the number of units constructed each year, the club house and pool should be required to be constructed prior to the acceptance of Phase 1 by the Town (no later than at the end on Phase 1) so those owners will have what is promised to them, a club house and pool

Thank you.

Bill Moreno
Gorham Conservation Commission