

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

**ITEM 7 - Discussion – Site Plan Pre-Application – Calito Development Group – Dry Goods Retail Store** – a request to construct a dry goods retail store and associated infrastructure on the corner of Ossipee Trail and Dingley Springs Road. Map 77, Lot 5. Zoned RC. The applicant is represented by Stephen J. Haight, P.E., with Civilworks New England.

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**PROJECT TRACKING**

<b>DESCRIPTION</b>	<b>COMMENTS</b>	<b>STATUS</b>
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 is a 1.98 acres lot divided from the larger parcel (M77 L5). This is part of a division that was approved last year during the review of a self-storage facility. It is in the Roadside Commercial (RC) Zoning District which allows for retail sales. The property does not contain any mapped wetlands and is not near a significant waterbody.

The owner is shown as All Purpose Storage Gorham, LLC and the applicant is Calito Development Group who is represented by Stephen Haight, P.E. of Civil works New England.

## 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

- Corridor Commercial zoning is proposed for this parcel.
- The allowed use in the Corridor Commercial Area should be similar to the current Roadside Commercial zone including retail, service, office, auto related, small light industrial (<10,000 square feet), and community uses as well as hotels, inns and B&Bs. Residential uses should be limited to existing single-family homes. New residential development should not be allowed in this designation.
- The Future Land Use Plan states “The existing residential uses should be subject to the standards of the Suburban Residential designation. The development standards should be somewhat similar to the current standards in the Roadside Commercial zone but should require improved site design. Buildings should be required to be setback between 25 and 90 feet from the road with not more than one double-loaded row of parking between the building and the street. A landscaped buffer strip at least 20 feet wide should be required along the street. Vehicular access to lots should be carefully managed. Access from side streets rather than Route 25 should be required if feasible and driveways limited to one per 400 feet of road frontage. The use of shared driveways and interconnected parking should be required to minimize the number of curb cuts. In addition, there should be additional requirements in areas over a sand and gravel aquifer. These provisions should require a high level of stormwater management and careful handling and storage of potential groundwater contaminants.

### Zoning, Site Plan, and Subdivision

- The site plan ordinance apply to this proposal.
- The parcel is not located within the Shoreland Zoning Overlay.
- The parcel is not located within the Manufactured Housing Overlay Zone.

### Historic Preservation & Natural Resource Protection

Wetlands are not shown on the site in the Gorham GIS inventory, on the Beginning with Habitat maps provided by Maine Inland Forestry and Wildlife, or on the sketch plan provided with the submission. No critical wildlife habitat was shown on the site in data inventories.

The site is shown as part of the 10-50 gallons per minute aquifer area.

It does not appear that historic resources are on this site.

### Other Items of Note

- The parcel where the proposed development is to be located is a section of an area flagged as a future development parcel in for a Self-storage facility which received Site Plan approval in October, 2023. It should be noted that this plan has not yet been recorded. Additionally, the Plan was approved under “Patriot Holdings, LLC” but the owner of that parcel is now identified as All Purpose Storage Gorham, LLC. This plan will need to be recorded and updated to reflect the new ownership before the Site Plan for the “Dry Goods Store” can be further reviewed by the Planning Board.
- The name of the applicant does not match the name on the deed. Right, Title, and Interest for the parcel will need to be clarified before the proposal can be further reviewed by the Board.
- The applicant will need to comply with the access management standards in Land Use and Development Code Chapter 1, Section 1-11, e, 1 which reads that “Entrances and uses in this district shall be combined to the maximum extent possible. Developments must allow for pedestrian and vehicular access into the lot’s driveway”

### **3. AERIAL PHOTOGRAPH**

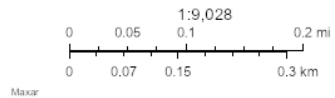
Town of Gorham GIS Imagery

Town of Gorham Public Map Viewer



12/29/2022, 3:27:04 PM

— Roadways    □ Parcels  
 □ Parcel Labels



Public User  
 Town of Gorham

**4. STAFF COMMENTS**

**Assessing Department:** No comments received

**Town Attorney:** 02/15/2024

1. The Ordinance is a little confusing about the failure to record a site plan in the Registry. Sec. 4-10. A.1 states that it is supposed to be recorded within 30 days of the issuance of the approval letter. However, that section does not establish that the failure to do so. Subsection A.3 states that an approved site plan or decision document will not be released for recording until any required performance guarantee has been posted. That section establishes that the approval becomes null and void if it is not recorded within one year of the date of the original approval. As such, the October 2023 approval has not expired under the terms of the LUDC due to the failure to record.

2. While it appears that the Patriot Holdings approval is still valid, a change in ownership will require an amendment to the site plan. Even if no other changes are proposed, the new applicant must demonstrate technical and financial capacity under Section 4-9. R. Of course, any changes to the actual site plan also require approval and from a quick look at the approved plan and the current proposal, there are many differences that require review, including the change in the proposed use. The amended site plan will then be subject to the recording timing requirements of the LUDC, which will run from the date of the amendment approval date.

3. As to the RTI question, the applicant must show its relationship to the property. If the name of the applicant doesn't match up with the name of the owner listed on the deed, then the applicant must show how it will control the property. There are many ways this can be done, including through a purchase and sale agreement, a lease or agreement to enter into a lease. In this case, it may be that the applicant is going to operate the facility and the land will be owned by the LLC for liability purposes. This is very common in real estate matters, but again the relationship between the property owner and the applicant must be demonstrated to show that the applicant has sufficient RTI to demonstrate administrative standing to pursue the application.

4. Because this is at the sketch plan phase, the applicant will have to clarify these issues to provide supporting documentation before this moves forward to the next phase of review. However, I don't see a reason why this can't go to the Planning Board for sketch plan review.

Thanks,

Natalie

**Natalie L. Burns, Esq.**  
Attorney

**Code Division: 02/21/2024**

I am looking into the trigger for state construction permits regarding total space. I thought it was 10,000 square feet but I am seeing some information where certain uses over 3,000 square feet require state permits and review.

**§4594-G. Standards for facilities constructed or altered after March 15, 2012**

**6. Mandatory plan review; certification.** A builder of a proposed public building shall submit plans to the Office of the State Fire Marshal prior to construction to ensure that the plans meet the standards of construction.

A. For purposes of this subsection, "public building" means any building or structure constructed, operated or maintained for use by the general public, including, but not limited to, all buildings or portions of buildings used for:

- (1) State, municipal or county purposes;
- (2) Education;

- (3) Health care, residential care nursing homes or any facility licensed by the Department of Health and Human Services;
- (4) Public assembly;
- (5) A hotel, motel, inn or rooming or lodging house;
- (6) A restaurant;
- (7) Business occupancy of more than 3,000 square feet or more than one story; or
- (8) Mercantile occupancy of more than 3,000 square feet or more than one story. [PL 2011, c. 322, §8 (NEW).]

B. The municipal authority having jurisdiction to issue building permits may not issue a building permit unless the Office of the State Fire Marshal approves the plans and certifies that the plans for the public building covered by this subsection meet the standards of construction. If the builder of a facility is required to obtain barrier-free certification, a permit for construction from the Office of the State Fire Marshal is also required. If no decision is rendered within 2 weeks of submission to the Office of the State Fire Marshal, the builder may submit the permit request directly to the municipality with an attestation from an architect or professional engineer licensed or registered to practice under [Title 32](#) that the plans meet the standards of construction.

**Fire Department: 02/21/2024**

**MAP 77 Lot 5**

I have reviewed the submitted plans for Storage Facility / Commercial Building **and** have the following requirements or Questions Plans stamped date of Feb. 12, 2024

1. The commercial Building does not state what is happening in that building, when we know this, other requirements may be needed.

No other requirements at this time.

**Planning Division: 2/24/2024**

- Ordinances (and specific sections) to review for applicability:
  - Chapter 1 - Zoning regulations
    - The applicant should be aware that there are specific performance standards for this district.
    - Since this lot abuts multiple streets, the building shall be oriented, so the front faces the street of lower classification, in this case Dingley Springs Rd.
    - A 35' native forest buffer is required, which meets screening requirements. The landscape buffer area will require a plan, prepared by a registered landscape architect or qualified landscaping firm, meeting standards outlined in Chapters 4-9. S and 2-1. J.
    - Note there are building design standards within this Chapter. An elevation drawing needs to be submitted for review.

- Access management: Entrances and uses in this district shall be combined to the maximum extent possible. Entrances shall be combined with the abutting proposed use.
- Chapter 2 - General Standards of Performance
  - Parking requirements
    - The Land Use Ordinance standards for retail stores require 1 parking space per 200 square feet of gross floor area. As such 54 parking spaces should be provided, but the applicant is only providing 36. The applicant would need to demonstrate that the land use can be accommodated with fewer parking spaces in order to secure a waiver from this requirement from the Planning Board.
- Water and Sewer Ordinances
  - The applicant states that the site will be serviced by a private well and sewer. Notwithstanding, the following provisions apply:
    - **SECTION 2-10 – THE PROVISION OF PUBLIC WATER SUPPLY**
    - **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.

If the project meets the criteria for a waiver, the applicant should request it utilizing the form for waivers.

- Site Plan – Pedestrian Circulation

The development plan will provide for a system of pedestrian circulation within and to the development. However, the town in conversation recently about sidewalk placement does not intend to construct sidewalks in this location currently. The applicant may want to consider requesting a waiver of this standard.
  - Solid Waste Flow Control
  - Stormwater
  - Signage
  - Submission requirement: Building plans showing, at a minimum, the first floor plan and elevations of all proposed principal and accessory buildings and structures and a schedule of the type, color, and texture of exterior surface materials. (Building and Roofing Materials as Signs: The exterior materials of a building including roofing materials may not be used as a sign or a brand specific advertising element except for “roof art” approved in accordance with the sign ordinance. The color or ornamentation of the building or the roof may not have the effect of the building or roof functioning as a sign as a result of its distinctive appearance.)
- Additional Comments:

The existing conditions plan shows that a snowmobile trail will be severed by the proposed development. Considerations should be made for re-routing of the trail, if feasible. The Planning Board may want to request the applicant work with the Snogoers in the area to preserve a trail location. Thomas Mazza of the Conservation Commission is a good contact for the Snogoers.

- At the Jan. 4, 2023, pre-application meeting for the previous approval of the self-storage facility, the snowmobile trail was discussed. The trail routing on the north side of Ossipee Trail is also potentially affected by development. It was suggested that relevant stakeholders be included in discussions about snowmobile trail rerouting in this area.

**Police Department:** No comments received.

**Public Works Department:** 02/21/2024

Would like to see the entrance combined with the storage entrance.  
Not sure what the purpose of the sidewalk is for? No existing sidewalks in the area

**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

**Town Engineer:** 02/20/2024

The following are me initial comments for this application:

- 1) From the Land Use & Development Code, the applicant should be aware of the following:

Per Section 1-11 (Roadside Commercial District), Subsection E.2.a.1 - "Lots abutting multiple streets shall be oriented so the front of the building faces the street of lower classification unless the Planning Board grants access to the street of higher classification allowed under this section."

- 2) Please verify that the entrance spacing and corner clearance has been met per the Town's Access Management guidelines.

Thanks!



Chuck

**Conservation Commission: 02/26/2024**

After reviewing the site plan pre-application from Calito Development Group for the Dry Goods Retail Store, we would like to have more clarification regarding the re-routing of the existing snowmobile trail access.

Our primary concerns:

- Will the proposed corridor remain at least 10 feet wide to allow for safe travel and provide a buffer for the store?
- Will the driveway have a curb?

Thank you.

Bill Moreno  
Gorham Conservation Commission

**Recreation Department:** No comments received

**Abutter Comments:** No comments received