

**Town of Gorham
Planning Board Meeting
April 1, 2024**

ITEM 7 Discussion – Site Plan Amendment – Cottage Advisors ME, LLC. – Pheasant Knoll Impact Fees – a request to review the Recreation and Open Space and Middle School Impact Fees for the Subdivision. Zoned Contract Zone (CZ). Map 46, Lot 11.4. Owner is Cottage Advisors. Represented by Robert Georgitis with Maine Planning Associates.

INDEX OF PACKET ENCLOSURES	
DESCRIPTION	PAGE NUMBER
1. Overview	2
2. Staff Review	2-4
3. Suggested Motions	4

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Planning Board		April 1, 2024

Staff notes contain review comments and recommendations from Town Staff. The Planning Board refers to staff notes during the review process; however, it should be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Gorham Planning Board Chair

Memo completed by Carol Eyerman, Town Planner

1. OVERVIEW

Cottage Advisors LLC, owner of Pheasant Knoll Phases 4-6, is requesting a review of two of the town's impact fees: Recreational and Open Space and the Middle School impact fees that are being accessed for the development. The owner is represented by Robert Georgitis of Maine Planning Associates. Mr. Georgitis was also the Project Manager for Kazprzak Landbank Inc. for many years. Kazprzak Landbank Inc. was the original developer of this project.

The Town and original developer signed a Contract Zone Agreement in 2004 recognizing that this is an "elderly" age restricted project and no children under the age of 18 would (and are not currently) allowed to live there. The Contract Zone agreement states that "No persons of 18 years of age or younger shall be permitted as a permanent resident, nor shall the unit be occupied (except on an occasional basis) by persons other than an elderly person and such person's spouse." In addition, the project is limited by a 55 and older age restriction of at least one person in the household.

The current HUD definition of "elderly" is "a person is elderly if he is 62 years of age or older." Based on the information above, the applicant requests the following: "The maximum fee should be limited as per the ordinance providing a "Dwelling unit in elderly or congregate 1.2 people/unit housing" or as stated "A dwelling unit in elderly or congregate housing \$1,176 and the School Impact Fee should be waived."

2. STAFF REVIEW - Planning Department

The Planning Board has the authority to review impact fees based on the following ordinance:

CHAPTER 7 IMPACT FEES SUBSECTION C. PAYMENT OF IMPACT FEES

The impact fees provided for under this chapter shall be determined in accordance with the provisions for calculation of each impact fee as established by the Town Council and set forth below. Where there is uncertainty as to the amount of the impact fee required to be paid by any development, the amount of the fee shall be determined by the Planning Board based upon the fee calculation methodology for that fee and the recommendation of the Town Planner.

Chapter 7 Section 7-3 C Middle School Facilities Impact Fee (Calculation of the Fee)

The Middle School Impact Fee is calculated as set forth below:

1) "...In determining the impact fee payable for each dwelling unit, the fee shall be based upon the number of bedrooms in the unit...."

2) For any other type of residential use or where the application of the fee schedule is unclear, the Planning Board shall determine the applicable impact fee based upon the anticipated number of middle school students that would typically be expected to live in the residential use and a base impact fee of \$8,492 per middle school student.

3) Any residential use that is permanently limited to occupancy by residents that are at least sixty-five years of age by binding legal restrictions shall be exempt from the Middle School Facilities Impact Fee.

4) Any residential use that is permanently limited to occupancy by residents that are at least fifty-five years of age by binding legal restrictions that are consistent with the Federal Fair Housing provisions shall be exempt from ninety (90) percent the Middle School Facilities Impact Fee that would otherwise be applicable to the use...

The adopted fee schedule is as follows:

Bedrooms Per Dwelling Unit	Apartment or Condo in Multi-Unit Building
1 bedroom	\$0.00
2 bedrooms	\$169.84 per unit
3 or more bedrooms	\$424.60 per unit

Because there are no permanent school age children living within the development, it is recommended that future construction within the development be exempt from the fee.

SECTION 7-3 RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE #2

C. ACTIVITIES SUBJECT TO THE FEE

Any residential development activity that creates new dwelling units shall pay this impact fee based upon the expected population of the project considering typical occupancy rates. The following occupancy factors shall be used as a base for calculating the fee:

Single family dwellings and mobile homes 3.2 people/unit

Dwelling unit in a two-family or multi-family dwelling with:

- a. one bedroom 1.2 people/unit
- b. two bedrooms 2.0 people/unit
- c. three or more bedrooms 3.0 people/unit

Dwelling unit in elderly or congregate: 1.2 people/unit housing

This fee shall apply to the construction of any new dwelling unit whether or not such unit is part of a subdivision. It shall apply to conversion or alteration of an existing building that creates or increases the number of dwelling units in the building. In the case of a development activity that increases the number of dwelling units in a building, the impact fee shall apply only to the new dwelling units.

D. CALCULATION OF THE FEE

...

1) The impact fee per dwelling unit for the following types of residential units shall be:

...

A dwelling unit in a two-family or multi-family dwelling including attached condominium units with:

- a. one bedroom \$1,176
- b. two bedrooms \$1,960
- c. three or more bedrooms \$2,940

A dwelling unit in elderly or congregate housing \$1,176

2) For any other type of residential use or where the application of the fee schedule is unclear, the Planning Board shall determine the applicable fee based upon the number of occupants that would be typically expected to live in the dwelling unit and the impact fee of \$980 per capita.

PROPOSED MOTIONS:

1. For Recreational and Open Space Impact Fee:

I move that for future permitted dwelling unit construction that the Recreational and Open Space Impact Fee shall be \$1,176 per dwelling unit, based upon the finding that this is a condominium development for “elderly” based on the fact that there is a Contract Zone Agreement in place that limits the residents to 55 and older persons and “No persons of 18 years of age or younger shall be permitted as a permanent resident, nor shall the unit be occupied (except on an occasional basis) by persons other than an elderly person and such person’s spouse.”

2. For Middle School Facilities Impact Fee:

I move that future permitted dwelling unit construction in Pheasant Knoll be exempt from the Middle School Facilities Impact Fee based upon the finding that the Contract Zone Agreement does not allow school age persons specifically stated in the following “No persons of 18 years of age or younger shall be permitted as a permanent resident”...