

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

**ITEM 8 Discussion – Site Plan Amendment – GenX Capital Partners, LLC. – Luxury Motor Toys** – a request for site plan amendment for approval of 40 condominium garage units with associated clubhouse. Zoned Olde Canal Industrial (OCI). Map 34, Lot 3.003. Represented by Jon Whitten, Jr., P.E. with Haley Ward.

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**PROJECT TRACKING**

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		January 22, 2024
Planning Board Public Hearing		March 4, 2024
Planning Board Discussion		April 1, 2024

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 should be noted that staff recommendations are non-committal, and all final decisions are those of the Planning Board and not Town Staff.

*Gorham Planning Board Chair*

## 1. OVERVIEW

This is the third time this application has come before the Planning Board. The applicant is proposing an amendment to a previously approved Site Plan for a Cannabis grow operation in the Olde Canal Business Park located along Mosher Road. There have been several site plans approved by the Planning Board for this lot. The most recent approval was in July 2022, but it was not constructed. The Park was approved in 2007.

The project was before the Planning Board for sketch plan review on January 22, 2024, and for a public hearing on March 4, 2024.

The applicant is represented by Jon Witten Jr., P.E. of Haley Ward.

## 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.**

### Outstanding Items

- Waiver requests:
  - The applicant has requested a waiver from Land Use Development Code Chapter 2, Section 2.5-F-11 for “the provision of sidewalks since there are no sidewalks within 1.6 miles of the project site.”
  - **Waiver Language (if necessary): Move to grant a waiver to GenX Partners, LLC from the requirement to provide pedestrian access to the development site located at Map 34 Lot 3-3, found in Land Use Development Code Chapter 2, Section 2.5-F-11.**
  - Note for the Board: A waiver from the requirement for on-street parking requirements is no longer being requested by the applicant. 42 parking spaces are required and 42 are being provided.
- Several outstanding peer review engineer comments remain to be addressed.

### Comprehensive Plan, Zoning, Site Plan, and Subdivision

- The comprehensive plan calls for the parcel, part of the Olde Canal Industrial District, to continue as an industrial zone.
- The site plan ordinance applies to this proposal.
- The parcel is not located within the Shoreland Zoning Overlay.
- The parcel is not located within the Manufactured Housing Overlay Zone.
- The parcel is part of a larger subdivision created to support industrial development in the Town.

### Historic Preservation & Natural Resource Protection

The Town of Gorham GIS map and the State Beginning with Habit maps both show that the site does not contain any rare wildlife, plant communities, or other critical habitat. The site contains mapped wetlands, impacts on which will need to be avoided or mitigated in accordance with permit requirements.

Stormwater

- An existing DEP Site Location of Development (SLODA) Permit (L-23520-A-N), and NRPA Permit (NAE-2007-1291) issued for the Olde Canal Business Park subdivision, applies to this parcel. The proposed development is covered by the scope of the existing permit.
- Stormwater from the site will be directed into existing infrastructure managing stormwater for the subdivision.

### 3. AERIAL PHOTOGRAPH

Town of Gorham Public Map Viewer



1/17/2024, 2:16:23 PM

Parcels	Gorham Town Boundary	Portland_Water_District - Sewer Mains
Roadways	Portland Water District - Pump Stations	Collector
Parcel Labels	Portland Water District - Sewer Manholes	Force

0 0.03 0.06 0.11 mi  
0 0.04 0.09 0.17 km

Public User  
Town of Gorham

## 4. STAFF COMMENTS

**Assessing Department:** No comments

**Code Division:** No comments.

**Director of Community Development:** No comments

**Economic Development Division:** 1/17/2024

Luxury Toys Building Code Comments

Items to consider:

- Occupancy classification – motor vehicle parking mixed with kitchen/bathroom. This also has potential implications for indoor air quality/ventilation.
- Egress requirements for mezzanine, balconies based on use and occupancy load. Stair dimensions, handrails etc. if mezzanine is occupiable.
- Structural design/loading for mezzanine – rated for storage?
- Construction type – separation between units, structures. Sprinklers required? CO monitoring for habitable spaces with combustible fuel equipment, vehicles etc.
- Energy Code - Insulation requirements for heated/conditioned spaces
- Barrier Free requirements for site design, how is number of parking required calculated? Any of the units meet BF codes, ADA regs? Accessible routes of travel to/from parking, clubhouse, and BF units (if any).
- Clubhouse – in rendering show serving alcohol at a bar – all private use, no license required?

**Fire Department:** 1/5/2024, 02/21/2024, 03/22/2024

**01/05/2024**

With no Building Plans, layout of the proposed Building, at this time I cannot offer any comments.

When a complete set of Plans and what they are looking to do I will comment.

Looks like a good fit for us.

**02/21/2024**

I have revived the Plans dated Feb. 15, 2024

1. The size of the Fire Service needs to be sized with the Sprinkler Contractor before installed.
2. I need more information on how the structures will be Sprinklered, # risers? Per the Ordinance where the sprinkler controls are located we require outdoor access.
3. With the units being Sprinklered units 21 to 30 can be all together without separations

4. Fire Alarm System? Needs to meet NFPA 72 – Addressable System. More discussions needed.
5. Gas Protection at the Meters.
6. Lock Box with Key’s required. More discussion is needed.

May have more comments as this progress in the planning process.

**03/22/2024**

I have revived the Plans dated March 11, 2024

At this time I have no other comments. As all of my Feb. 21, 2024 comments have been addressed

May have more comments as this progress in the planning process.

**Planning Division:** 1/17/2024; 2/26/2024; 3/26/2024

- The applicant has stated that they no longer plan to install fencing around the parcel and have removed this from the plans. The plans now show a security gate with a keypad pedestal and Knox Box at the main entrance.
- Parking:
  - The land use for the parcel does not cleanly match existing categories for the purposes of determining minimum parking requirements. The closest match is “Industry, manufacturing and business” which requires 1 parking space per 1000 square feet of floor area.
  - The applicant is proposing to construct buildings with a total of 41,300 square feet of area, requiring at least 42 parking spaces.
  - The applicant is proposing to construct 42 parking spaces, meeting the requirement.
- The applicant has stated that they no longer intend to install floor drains in each garage unit.
- Stubs for utility connections are installed in Olde Canal Way. This road was repaved within the last year and, as such, is within its 5-year moratorium for street openings. The applicant will need to coordinate with the town to obtain the required street opening permits.
- Requirements for fire protection, including sprinklers and separation between individual units, need to be reviewed.
- Safe pedestrian circulation within the site is not shown. The Planning Board should ask the applicant to show how they are providing for safe pedestrian circulation “to and within” the development. The applicant has requested a waiver from this requirement.

**Police Department:** No comment

**Public Works Department:** 03/21/2024

Not issues with DPW.

**Town Engineer:** 02/22/2024, 03/25/2024

**02/22/2024**

I have the following comment for this project:

1) Due to the likelihood of automotive fluids entering into the sewer system, the Town would like to see oil water separators on this project.

Thank You,

Chuck

**03/25/2024**

No comments from Engineering.

Thank You.

Chuck

**Stormwater Compliance:** 1/8/2024

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.
3. This project is inside of the Maine Department of Environmental Protection's MS4 Regulated Urbanized Area. According to the project description, this development will trigger Annual MS4 Post-Construction Inspections. Please refer to MEDEP for the increased protection requirements, and the Town's Stormwater Compliance Officer for post-construction inspection requirements.

Thank you,

Ethan Moskowitz  
Stormwater Compliance Officer/ GIS Technician

**Recreation Department:** No comment

**Portland Water District:** 02/16/2024; 3/19/2024

Good morning. I am working with the developer directly. I issued an Ability to Serve letter on 2/22/24. PWD has no additional comments at this time.

Thanks,

**ROBERT BARTELS, P.E.**  
Senior Project Engineer

**Wright-Pierce:** 02/26/2024, 03/25/2024

**02/26/2024:**

As requested by the Town of Gorham, Wright-Pierce has reviewed the Non-Residential Major Amended Site Plan application for the proposed 40 garage condominium development under the brand “Luxury Motor Toys”. The project property is located at 65 Olde Canal Way in Gorham and has previously been approved for development under different applicant entities. The proposed project is on Lot 3 of the second Amended Subdivision Plan and is in the Olde canal Industrial Zone, and is identified as Map 34 Lot 3-3 on the Town of Gorham’s municipal tax maps.

**Documents Reviewed by Wright-Pierce**

- Non-Residential Major Amendment Site Plan Application Package – prepared by Haley Ward (February 14, 2024)
- Luxury Motor Toys Garage Condominium Plans, 65 Olde Canal Way, Gorham, Maine – prepared by Haley Ward (February 14, 2024)

**Review Comments**

Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

**General/Completeness**

Parcel Information, MS4 Area on Sheet C101 Site & Grading Plan should be updated to indicate “Yes”. A detail for the proposed fence should be provided.

A detail for outlet protection should be provided.

The Roadway Buildup detail should be updated to meet the Industrial/Commercial minimum standards for aggregate sub-base course, crushed aggregate base course, and hot bituminous pavement in the Town’s Land Use and Development Code (LUDC).

Sheet C101 Site & Grading Plan indicates a 1:1 slope; however, slopes appear to be 2:1. Should the callout for 1:1 slopes be 2:1 slopes?

**General Standards of Performance**

**Environmental**

The proposed project is not located within the 100-year floodplain or shoreland overlay district.

- 2,194 SF of wetland impacts are proposed. The application states that 4,760 SF of total wetland impacts in the subdivision have already been permitted with a Natural Resource Protection Act

Permit (NAE-2007-1291) through the Maine DEP. Please provide the permit approval and information clearly showing the impact this site has been approved for.

The project is in the Municipal Separate Storm Sewer System (MS4) urbanized area and will disturb more than an acre, therefore, compliance with Chapter 2 of Gorham’s Stormwater Ordinance (Post-Construction Stormwater Management) is necessary. A Maintenance Plan has been submitted.

Post-Construction, Section B of the Maintenance Plan should be updated to meet the requirements outlined in Section 6.1.A and 6.1.C of the Post-Construction Stormwater Management Ordinance. Additionally, we recommend the signed certification be submitted to the Stormwater Compliance Officer at Public Works in addition to the Code Enforcement Office.

Under Post-Construction, Section B.5 Recertification requirement, the Plan notes that the 5-year recertification should be submitted to the “Department”. “Department” should be clearly defined as the Maine Department of Environmental Protection, so it is not confused with the Town’s Public Works Department.

The project proposes over one acre of disturbance and will require a Maine Construction General Permit.

A stabilized construction entrance should be shown on Sheet C101 Site & Grading Plan.

#### Parking, Loading, and Traffic

The project narrative states that 35 parking spaces and off-street parking along Olde Canal Way is allowed if necessary. Please clarify this. Do you mean on-street parking on Olde Canal Way or another parking lot? Town to confirm this is what was discussed in the pre-application meeting. Additionally, the Site Plan Application and table on Sheet C101 of the plans states that 36 parking spaces are proposed. Revise accordingly and ensure the narrative, application, and table, and what is shown on the plans match.

The accessible parking spaces should have signs. At least one parking space should be van accessible, which should be noted on the sign in accordance with ADA guidelines. Please show spot grading and dimensions of the accessible parking spaces and aisle to verify they are ADA compliant.

Please show spot grading of the sidewalks to verify they are ADA compliant.

### **Site Plan Requirements**

#### Internal Vehicle Circulation

Access to the front of the buildings is provided. Fire Department to confirm there is adequate access to all sides of the proposed buildings.

Access to the Site – The project narrative explains that there is a Traffic Movement Permit (TPM) for the development and since this is the sixth of nine developments (66% build out), a left turn analysis is not required, since their condition of approval states analyses are required at 50, 75, and 100% build out phases. We assume that the Town will coordinate with Barton & Loguidice for a traffic review if desired.

Access Into the Site – There is not enough grading shown to verify the entrance slope requirements are met. We recommend spot grades to show how the requirements of Section 4-9, Paragraph C of the LUDC will be met.

Stormwater Management –



Catch basins and storm drain are proposed to convey stormwater runoff to a forested area of the site, which drains to a cross culvert under Olde Canal Way and to an existing stormwater pond within the subdivision. Stormwater calculations should be provided showing compliance with Section 4-8, Paragraph C.1.c.8.d of the LUDC.

Provide additional information confirming the proposed impervious and developed areas are compliant with the existing Site Location of Development Act Permit.

It appears the slopes of the storm indicate “%”, but the values shown are “foot/foot”. Please check and update the slopes accordingly, and ensure all storm drain pipes are labeled with size, slope, and length. Additionally, the minimum recommended slope for storm drain is 0.005 foot/foot. The slope of the storm drain between CB P-05 and DMH P-01 is less than the recommended minimum slope.

Check the inverts and slope for the storm drain between CB P-04 and CB P-08. As shown, it appears it would be flowing in the wrong direction. (Inv out at CB P-04 = 114.25 and Inv In (NW) at CB P-08 = 114.95).

The structure information for CB P-07 indicates an in and an out; however, only an out is shown on the plan.

Consider showing additional spot grading, especially on the west side of the site to show stormwater flow away from the buildings.

#### Water Supply

The project proposes separate fire and domestic water connections to the existing water main on Olde Canal Way. Coordination with the Portland Water District (PWD) has begun and is included in the application. The plans and coordination emails indicate the sprinkler designer will work with the PWD to determine the fire service size and configuration. We recommend this be a condition of approval.

The plans and PWD coordination refer to an above-ground enclosure for the meter and backflow preventor, however a water meter pit detail is also included in the plans. The water meter pit detail should be replaced with one showing the enclosure, meter, and backflow preventor configuration.

#### Sewage Disposal

The project proposes to connect to the existing gravity sewer stubs on the property, and has been coordinating with PWD (correspondence is included in the application).

Rather than installing a pump station with a short segment of force main connected to a gravity sewer manhole, was consideration given to picking up the units served by the proposed pump station by gravity instead by reducing the slope of the sewer main to the minimum recommended slope for a 6” main? Is there a reason why the proposed invert labelled Units 22-30 and Units 25-27 are so much lower than the other units?

The Pump Station Detail was not reviewed, as the Applicant has been coordinating with the PWD.

Utilities – Oil/grit separators and an external cleanout tank should be provided. The coordination emails with PWD noted this was discussed with Town code enforcement. Locations and details for these should be included in the plans.

Exterior Lighting – Underground electric dead ends at a light pole and does not continue to the other light pole on the easterly side of the site.



Landscaping – a Landscape Plan was included in the plan set; however, it was not reviewed. The plan can be reviewed by our Landscape Architect upon request from the Planning Board.

**03/25/2024**

As requested by the Town of Gorham, Wright-Pierce has reviewed the Non-Residential Major Amended Site Plan resubmission for the proposed 40 garage condominium development under the brand “Luxury Motor Toys”. The project property is located at 65 Olde Canal Way in Gorham and has previously been approved for development under different applicant entities. The proposed project is on Lot 3 of the second Amended Subdivision Plan and is in the Olde canal Industrial Zone, and is identified as Map 34 Lot 3-3 on the Town of Gorham’s municipal tax maps.

### **Documents Reviewed by Wright-Pierce**

- Final Site Plan Application Re-submittal, Luxury Motor Toys – prepared by Haley Ward (March 11, 2024)
- Luxury Motor Toys Garage Condominium Plans, 65 Olde Canal Way, Gorham, Maine – prepared by Haley Ward (March 11, 2024)

### **Review Comments**

Wright-Pierce’s original comments are in standard text, followed by the applicant’s response in italics, and our follow-up response in bold. Comments from the previous review memo that did not require a response or clarification or that were addressed are not listed. Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

### **General/Completeness**

WP Original Comment 4: The Roadway Buildup detail should be updated to meet the

Industrial/Commercial minimum standards for aggregate sub-base course, crushed aggregate base course, and hot bituminous pavement in the Town’s Land Use and Development Code (LUDC).

*Applicant Response: The roadway buildup detail has been updated for Industrial/Commercial standards.*

**WP Follow-up Response: The detail was updated; however, the 12” of aggregate sub-base gravel should be labeled as “Type E”, rather than “Type D”.**

### General Standards of Performance

- Environmental

WP Original Comment 1.b: 2,194 SF of wetland impacts are proposed. The application states that 4,760 SF of total wetland impacts in the subdivision have already been permitted with a Natural Resource Protection Act Permit (NAE-2007-1291) through the Maine DEP. Please provide the permit approval and information clearly showing the impact this site has been approved for.

*Applicant Response: The recorded Olde Canal Business Park Subdivision Plan with the wetland impact information for Lot 3 has been provided in this submission. The 2007 NRPA permit is referenced on the recorded plan, and we have requested a copy of that permit from the MDEP. They have not provided the actual permit to us yet. Given that the area is shown on the recorded plan, and on three other Site Plans approved for this property, and we are impacting less than the original permitted area, it is our opinion that this project is in compliance with the NRPA permit.*

**WP Follow-Up Response: The referenced recorded Olde Canal Business Park Subdivision Plan could not be located in the submission package. Please provide the referenced NRPA permit approval to the Town when available.**

WP Original Comment 1.c.i: Post-Construction, Section B of the Maintenance Plan should be updated to meet the requirements outlined in Section 6.1.A and 6.1.C of the Post-Construction Stormwater Management Ordinance. Additionally, we recommend the signed certification be submitted to the Stormwater Compliance Officer at Public Works in addition to the Code Enforcement Office.

*Applicant Response: The requirements outlined in Section 6.1.A and 6.1.C of the Post-Construction Stormwater Management Ordinance have been added to the Maintenance plan, Post-Construction Section B with red asterisks. These narratives are attached for review. We will submit additional paperwork to the Stormwater Compliance Officer and Code Enforcement Office upon Site Plan approval.*

**WP Follow-Up Response: The requirements in Section 6.1.1 and 6.1.C of the Post-Construction Stormwater Management Ordinance were added to the Maintenance Plan. It is recommended that the referenced annual certification be attached to the Maintenance Plan or reference Appendix 1 of the Town of Gorham Stormwater Ordinance (rather than “to this Ordinance”). Also, references to “Inspector”, “owner”, and “permittee” related to maintenance, deficiency, or corrective action should be updated to “Owner or Association”.**

- Parking, Loading, and Traffic

- WP Original Comment 2.c: Please show spot grading of the sidewalks to verify they are ADA compliant.

*Applicant Response: Spot grades have been provided on the sidewalks for ADA compliance, please refer to Plan C-102.*

**WP Follow-Up Response: Spot grading was shown along the length of the sidewalk in front of the clubhouse. Grading of the sidewalks should also be shown to confirm the cross slope is less than 2% for all sidewalks.**

### **Site Plan Requirements**

#### **Stormwater Management –**

**WP Original Comment 4.a:** Catch basins and storm drain are proposed to convey stormwater runoff to a forested area of the site, which drains to a cross culvert under Olde Canal Way and to an existing stormwater pond within the subdivision. Stormwater calculations should be provided showing compliance with Section 4-8, Paragraph C.1.c.8.d of the LUDC.

*Applicant Response: It is our understanding that under the specifications of the Olde Canal Business Park Subdivision, General Notes (27.), that the sizing and treatment effectiveness of the stormwater management facilities (Wet Pond 2) are based on 95% of impervious areas and 80% of landscaped areas on each lot being conveyed to the ponds. The design for Lot 3 is currently under the allocated impervious and developed areas, therefore we are in compliance with the stormwater permitting for this site. In response to other comments, a level spreader has been added to the outlet of the site drainage system to promote sheet flow over the existing forested area before entering the existing system.*

**WP Follow-Up Response: Our original comment was referring to stormwater calculations relative to the sizing of the proposed storm drains to demonstrate they are capable of conveying the 25-year, 24-hour storm. Stormwater calculations should be provided showing compliance with Section 4-8, Paragraph C.1.c.8.d of the LUDC.**

**WP New Comment: There appear to be discrepancies with the invert information for CB P-03 and CB P-05 based on the length and slope of the storm drain provided. It is recommended the storm drain slope, length, and inverts be reviewed to reconcile the discrepancies.**

#### **Sewage Disposal**

**WP New Comment: There are some lengths of sewer with less than 4 feet of cover. It is recommended that all sewer lines with less than 5 feet of cover be insulated.**

**WP New Comment: Ensure sewer services are shown for all blocks of units. It does not appear a sewer service is shown for Units 10-20.**

**WP New Comment: The size, length, and slope of the sewer line between SMH-4 and SMH-5 is not indicated.**

**WP New Comment: There is a 0.1' drop between inverts for all sewer manholes, except Inspection SMH-1. Consider adjusting the inverts to have a 0.1' drop between inverts in Inspection SMH-1.**

**PLANNING BOARD  
SITE PLAN REVIEW  
AND FINDINGS OF FACT  
For  
GENX CAPITAL PARTNERS, LLC.**

**April 1, 2024**

Applicant/ Property Owner: The applicant/property owner is GenX Capital Partners, LLC, 2 Cotton St. Portland, ME 04101

Property: The lot is identified as Tax Map 34, Lot 3-3, and is located at 65 Olde Canal Way.

Consultants: Jon Witten, Jr. P.E. with Haley Ward

Project Description: The applicant is proposing a 41,600 square foot 40-unit condominium garage development with clubhouse and associated infrastructure.

The development will be served by the existing underground utilities within Olde Canal Way. All utilities are proposed to go underground on the site.

Site Description: The lot is 6.53 acres in size with a narrow wetland located on the east side of the parcel. The vegetation on the lot is a mix of canopy trees and understory.

Applicability: Major Site Plan regulations identify the Planning Board as having review and approval authority.

Zoning: Olde Canal Industrial District, B. Permitted Uses, 2) Warehousing and outdoor storage

Variances: None requested.

Waivers: None requested.

Pursuant to the Application:

Site Plan Review was held on April 1, 2024.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Jon Whitten, PE of Haley Ward's Plans consist of the following:

Sheet C001 – Notes & Legend – Dated: 02/14/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet V101 – Existing Conditions Plan – Dated: 02/12/2024; Revised through: 02/12/2024; Received: 03/11/2024  
Sheet C101 – Proposed Site Plan – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C102 – Grading and Drainage – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C103 – Utility Plan – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C104 – Landscaping Plan – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C105 – Photometric Plan – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C106 – Emergency Vehicle Access Plan – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C501 – Site Details – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C502 – Site Details – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C503 – Site Details – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C504 – Site Details – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024  
Sheet C505 – Site Details – Dated: 02/12/2024; Revised through: 03/11/2024; Received: 03/11/2024

Other documents submitted consist of the following:

Site Plan Review Application – 02/14/2024; 03/11/2024  
Plans – 02/14/2024; 03/11/2024  
Letter of Financial Capacity - 02/14/2024  
Gorham Town Planner Comments – 1/17/2024; 2/26/2024; 3/26/2024  
Gorham Assessor Comments – NA  
Gorham Fire Chief Comments – 01/5/2024, 02/21/2024, 03/22/2024  
Gorham Public Works Director Comments – 03/21/2024  
Gorham Town Engineer – 02/22/2024  
Gorham Stormwater Compliance Comments – 01/8/2024  
Gorham Code Enforcement Officer – NA  
Portland Water District Comments – 02/16/2024; 3/19/2024  
Wright Pierce – 02/26/2024, 03/25/2024

## **CHAPTER IV, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards**

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

### **CHAPTER 4, Section 9 – Approval Criteria and Standards**

**A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.**

The applicant is proposing a 41,600 square foot 40-unit condominium garage development with clubhouse and associated infrastructure in the area of the lot that contains the least amount of wetland. The edges of the lot will remain undisturbed.

*Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.*

**B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.**

Vehicular access to the site will be on Olde Canal Way off Mosher Road, which was constructed to the Town’s paved private way standard. Olde Canal Way is a dead-end road that exits onto Mosher Road.

The applicant states in its Project Narrative that “According to the Mini-Warehouse Use (Use #151) as defined within the ITE Manual, we expect an average of 7.5 vehicle trip ends on any given day and one vehicle trip end during the peak hour.”

Additionally, the applicant states that “The property is subject to a Maine Department of Transportation (Maine DOT) Traffic Movement Permit (TMP) as part of the original Subdivision approvals. As a condition of approval, a left turn warrant analysis must be conducted for Olde Canal Way at 50, 75, and 100% build-out phases. At present, five out of nine lots of the subdivision have been developed. The proposed development would be six out of nine, or 66% build-out, therefore it is our understanding that a left turn warrant analysis is not needed for this project”.

*Finding: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.*

**C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.**

The driveway has been designed to conform to Maine DOT standards as shown on Sheet 4 of 13 and described on page 2 of the Project Narrative.

The grade of the proposed drive or street shall be a -2.0% for a minimum of five (5) feet from the existing pavement edge or to the centerline of the existing drainage swale. From the above control point, a grade of not more than -3% shall be required for a minimum of two (2) car lengths or forty (40) feet.

*Finding: The vehicular access into the development will provide for safe and convenient access.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

Sheet 8 of 11 shows adequate routes for both WB 40 vehicles as well as a fire truck. The parking lot is located such that vehicles do not need to back into a street and provides for safe circulation.

*Finding: The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

Sidewalks are not provided to the lot. There are no sidewalks provided along Olde Canal Way for connections to be made. The applicant has requested a waiver from this requirement. Sheet C101 shows sidewalks provided within the development.

*Finding: The layout of the site provides for a system of pedestrian circulation within and to the development.*

F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

The applicant is proposing to follow the existing stormwater plan to the greatest extent practicable. This lot is located with the MS4 area and will require yearly inspection reports to the town. The applicant has stated that it will fully comply with the existing Natural Resources Protection Act and Site Location of Development Act permits.

*Finding: The site has adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.  
Natural vegetation will be preserved in all areas not developed.



Prior to and during construction an erosion control blanket will be installed along the edge of the disturbed area, as shown on the Grading Plan: Sheet 4 of 13. The erosion control measures will be installed and maintained as outlined on Sheets 2 of 13.

The applicant will also comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The site will be served by public water from the Portland Water District. A 2” domestic water service line and an 8” fire protection water line will be extended into the site from the existing 8” water main located in the Olde Canal Way right-of-way. The water line design and installation must meet the requirements of the Portland Water District.

A letter of capacity to serve from the Portland Water District has been submitted as Exhibit 11.

Finding: *The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The site will be served by public sewer from the Portland Water District. The existing sewer system will collect sewage through an 8” sewer pipe located within the existing right of way of Olde Canal Way.

A letter of capacity to serve from the Portland Water District has been submitted as Exhibit 11.

Finding: *The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The site will be served by existing overhead electrical power and telephone from Olde Canal Way right-of-way. The lot itself will be served by underground electrical power and telephone run from the pole

within the Olde Canal Way right-of-way as shown on the Utility Plan, Sheet 5 of 13.

Finding: *The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The proposed development of the site will require some clearing of trees and understory to construct the building, parking, driveway, as well as some of the storm water infrastructure.

4,760 sq. ft. of wetland impacts are proposed.

The trees and wetlands located on the perimeter of the site will remain undisturbed.

Finding: *The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

There is no onsite septic or expected contaminants that would affect the groundwater proposed.

Finding: *The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

All exterior lighting will be shielded as shown in “Attachment 1: Photometric Plan and Cut Sheets”. Sheet 7 of 13 Photometric Plan shows no light emitted onto abutting properties.

Lights are provided at entrances to the building.

Finding: *The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

Trash removal will be through a private waste hauler, Casella. Waste will be stored in a dumpster which will be on a pad to be screened with a fence.

Finding: *The development will provide for adequate disposal of solid wastes and hazardous wastes.*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The landscaping plan, Sheet 6 of 13 shows a landscape buffer of existing vegetation to be retained around the perimeter of the development. The plan also shows trees and shrubs to be added adjacent to pavement edges and the driveway entrance. None of the proposed species are invasive.

Finding: *The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.*

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is not located in the Shoreland Overlay District.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.*

R. Technical and Financial Capacity: The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has submitted a letter from Titan Funding, dated January 15, 2024, which identifies there is financial capacity to complete the project.

The applicant is utilizing Haley Ward, Inc. to provide technical capacity to complete the project.

Finding: *The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.*

S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The applicant is proposing to leave a majority of the existing trees located around the perimeter of the lot to break up the development from the abutters. The applicant is also proposing landscaping at the street edge.

Finding: *The development will provide for buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas.*

T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7 a.m. - 7 p.m.) and 60 dBA nighttime (7 p.m. - 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

## **CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE**

Those standards sections that do not repeat from above or apply to this development are listed below.

### Section 2-1 Environmental G. Air Pollution

Dust and dirt shall not exceed 0.3 grains per cubic foot and will not be produced after construction of the building. Post construction, the air will be treated in all rooms with carbon filters and will not produce odor that leaves the building.

Finding: *No air pollution will be created by this development.*

### Section 2-2 Parking, Loading, and Traffic

#### A. Off Street Parking Standards

42 parking spaces are shown on the lot on Sheet 4 of 13, meeting the amount required.

Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

Finding: *The development provides for sufficient parking and the lighting is shaded and not visible from outside the area.*

#### B. Off-street Loading Standards

As shown on Sheet 4 of 13, the site is configured such that all garage units can be accessed such that that vehicles do not need to back into a street.

Finding: *Off-street loading is provided for by this development.*

### **Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. Prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits.
3. Any staff and peer review comments shall be addressed prior to the Board signing the plans.
4. That the applicant shall provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting.
5. All waivers and variances will be listed on the plan prior to recording.
6. The owner of the lot (Map 34, Lot 3-3) is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management, MS4 provisions.
7. The map and lot numbers shall be listed in the bottom right corner of all pages of the plan set.
8. That all relevant conditions of approval from past Site Plan approvals shall remain in effect.
9. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise.
10. The applicant will establish a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney.
11. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town

Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements.

12. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition in accordance with the erosion and sedimentation control information contained in the application, and in compliance with the Town of Gorham Stormwater Ordinance, Chapter 3 – Erosion and Sedimentation Control at Construction Sites.
13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
14. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.

**PROPOSED MOTIONS:**

**FOR SITE PLAN APPROVAL:**

Move to grant Gen X Partners, LLC request for site plan approval for 65 Olde Canal Way, located on Map 34, Lot 3-3 in the Olde Canal Industrial zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

**TO PLACE SITE PLAN APPROVAL ON CONSENT AGENDA OF MAY 6, 2024, MEETING:**

Move to place site plan approval on the May 6, 2024, Planning Board meeting consent agenda.