

## **Town of Gorham Planning Board Meeting December 6, 2021**

**Item 8 - Pre – Application Discussion – PTG Investment Trust, Paul T. Gore, Trustee; Shirley Newton, LLC, Andrew Earle – Shirley Lane Subdivision**– a request for pre-application review for a thirteen (13) lot subdivision that would extend Newton Drive. The lot is currently zoned Suburban Residential (SR). The lot is shown on Map 8, Lot 10. 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 paved road, individual domestic wells and subsurface septic systems. The applicant has provided a proposed layout for the Board’s review.

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

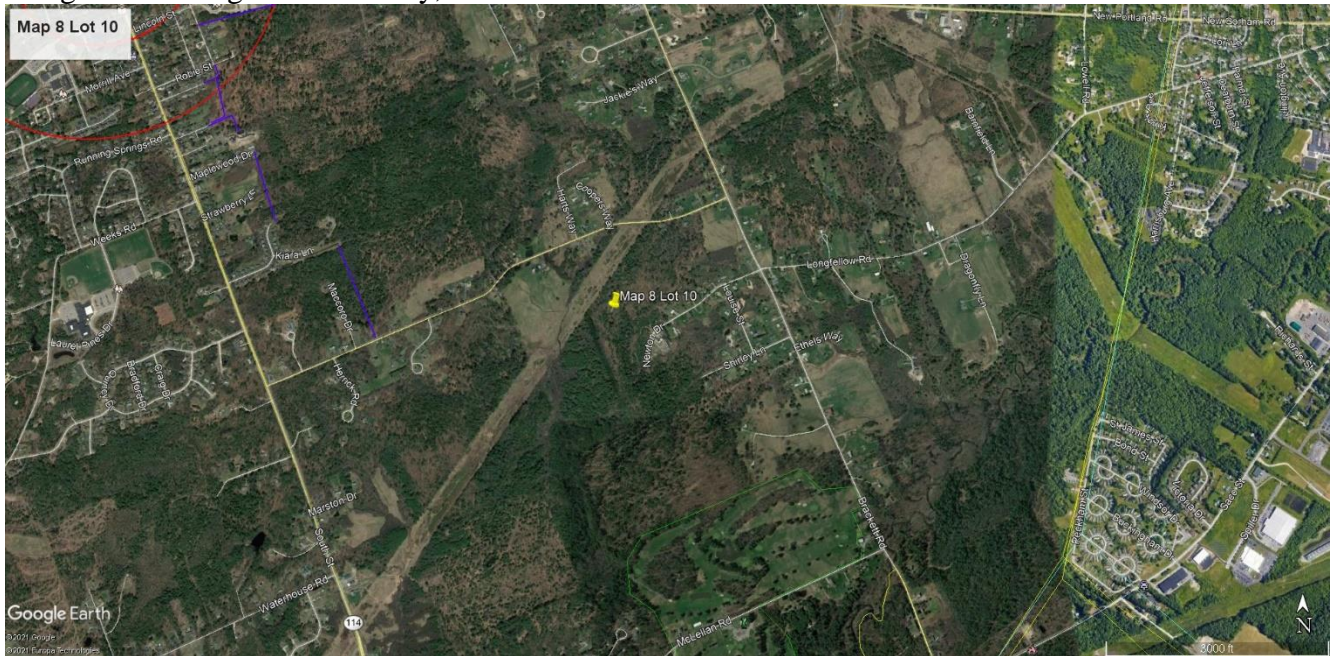
- The zoning is recommended to be changed to Village Expansion.
- Location – The Village Expansion Area includes the area on the fringe of Little Falls Village and extending along the Gray Road corridor toward Gorham Village. It also includes an area to the south of Gorham Village extending from the 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 current zoning is Suburban Residential (SR), which allows for single family residential and multi-family housing.
- DENSITY BONUS - Many parts of the Suburban Residential Zone have public water available and public sewerage is planned in limited areas. Since the availability of these utilities reduces the development limitations imposed by soil characteristics, provision is made for a density bonus if one or both of these utilities will be utilized in the development.
  - If public water or public sewer is utilized in the development, one additional dwelling unit may be constructed for each three acres of the net acreage of the site. Individual lot sizes and frontage requirements may be reduced by up to 25%.
  - If public water and public sewer are utilized in the development, one additional dwelling unit may be constructed for each 1.5 acres of the net acreage of the site. Individual lot sizes and frontage requirements may be reduced by up to 50%.
- 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 60,000 sq. ft. There is a density bonus for duplexes or multifamily for which the lot size per dwelling unit may be 40,000 sq. ft.

Google earth image taken in May, 2018.



### Historic Preservation

The applicant should check with the Historic Preservation Commission of Gorham and Maine Historic Preservation Commission to determine if the property has historic, archaeological, or significant sites.

Below are staff comments:

**Planning Division:** June 1, 2021; updated 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.

**Assessing Department:** 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.

**Code Department:** November 17, 2021 verbal

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

**Fire Department:** 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.

**Public Works** – 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, September 27, 2021

## Town of Gorham Planning Board Meeting December 6, 2021

**ITEM 2- Land Use and Development Code – Public Hearing** – proposed amendment regarding the Village Expansion District.

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### AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
<b>Town Council Meeting</b>	The Town Council forwarded the item to the Planning Board for a public hearing and recommendations. (7 ayes)	<b>March 2, 2021</b>
<b>Planning Board Meeting Discussion</b>	The item was forward to the Planning Board’s Comprehensive Plan Implementation Committee, CPIC, 7 yeas.	<b>April 5, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee did not have time to take up the item.	<b>May 3, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee was going to review the proposed new zoning district and provide any recommended changes to staff. No edits have been proposed by any committee member.	<b>June 7, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee requested the following information: formula to calculate financial hardship for the road network, bigger maps with road names, current and proposed standards, as well as subdivision size.	<b>August 2, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee wanted to add a requirement that dead end roads are required to be a cul-de-sac design, look at adding a fee if the Planning Board allowed only one point of access into a development,	<b>September 13, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee discussed the hardship criteria for providing points of connection and requested staff bring a per a per foot costs for street/private way construction.	<b>October 4, 2021</b>
<b>PLBD CPIC Workshop</b>	The committee made some proposed changes to financial hardship criteria and forward the item for Public Hearing by the PLBD.	<b>November 1, 2021</b>
<b>Planning Board Meeting Public Hearing</b>		<b>December 6, 2021</b>

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

Memo completed by Thomas Poirier, Director of Community Development.

## 1. Overview

The Planning Board's Comprehensive Plan Implementation Committee reviewed the draft new zoning district- Urban Residential District on multiple meetings and thoroughly discussed the proposed density requirements and performance standards. The committee is recommending changes to the ordinance about 2 points of connection for public roads and private ways, as well as detailing a waiver provision from the requirement of 2 points of connection. The committee's proposed changes are shown in black and underlined.

Staff requested that the Town Attorney review the proposed draft language proposed by the Planning Board committee. The Town Attorney's proposed changes are shown in black, bolded, underlined, and struck through.

The Planning Board will also need to recommend adoption of the attached draft zoning map with the addition of the 1<sup>st</sup> section of Gorham to be rezoned to Urban Residential Expansion District. The proposed area being rezoned is the first of 4 areas. The Town Council set up the rezoning into 4 distinct sections to better manage the public process for rezoning. The first section to be rezoned is the area near Little Falls Village.

*Below language shown in italics is information provided to the Planning Board as part of past workshop. The Town Council has forwarded to the Planning Board a request to review the Village Expansion Area per the Town's 2016 Comprehensive Plan and make a recommendation back to the Town Council. Below is excerpt information from the Town's adopted Comprehensive Plan regarding the Village Expansion Area which outlines density, uses, and standards.*

- ***Village Expansion Area***

- ***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”.*

*The proposed creation of the Village Expansion area is a rather large rezone encompassing about 800 +/- parcels in 2 areas: the area around Gorham Little Falls and the area around South Street near the Gorham By-pass and the CMP electrical transmission corridor. See the map below with four different colors showing the area to be rezoned.*

*To keep the public process manageable for the proposed rezone due to the large number of parcels being converted to the new district, Town staff recommended and the Town Council has agreed that the proposed rezone be completed in 4 sections. Section 1 – Area to the North and West of Gorham Little Falls (blue), Section 2 – Area to the East of South Street toward New Portland Road (orange), Section 3 – The area South of the Little River (green), and Section 4 – The area to the West of South Street toward the By-pass (brown).*

*Below is a draft zoning district staff put together to meet the comprehensive vision as outlined in the Comprehensive Plan. Staff is recommending a slight change in title from Village Expansion District to the Urban Residential Expansion District. This type of change is allowed under State rules for Comprehensive Plan implementation as long as the overall location, allowed uses, and development standards conform to the Future Land Use Plan.*

**Proposed Amendment:**

**CHAPTER 1: ZONING REGULATIONS**

**SECTION 1-24 – URBAN RESIDENTIAL EXPANSION DISTRICT**

**A. PURPOSE**

To expand and add to the physical, aesthetic and social quality of Gorham's urban area, consistent with the Comprehensive Plan's goals of providing a location for a variety of residential and service uses in accordance with the standards of this chapter. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter 1, Section 1-18, of this Code.

**B. PERMITTED USES**

- 1) One or two-family dwellings, exclusive of mobile homes and exclusive of trailers.
- 2) Nursing home, home for the aged.



- 3) Municipal building or use.
- 4) Municipally owned parks and playgrounds.
- 5) Accessory residential uses, including home occupations.
- 6) Manufactured housing units on single-family residential lots.
- 7) Rooming house, apartment building or multifamily housing, except fraternity housing.
- 8) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- 9) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization, or social nature which is not used for residential or commercial purposes, which has less than two thousand (2,000) square feet of floor area and generates less than two hundred (200) vehicle trips during any twenty-four hour period, except fraternity houses.
- 10) Accessory Apartments
- 11) Bed and Breakfast Establishments

**C. SPECIAL EXCEPTIONS**

- 1) School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential purposes and has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.
- 2) Bed and Breakfast Establishment with public dining as an accessory use.

**D. SPACE STANDARDS**

	<u>Sewered</u>	<u>Unsewered</u>
Minimum lot size for residential lots which are not a part of a subdivision	20,000 sq.ft.	40,000 sq.ft.
Minimum lot area per dwelling unit for a Subdivision, or multi- family housing*	20,000 sq.ft.	40,000 sq.ft.
Minimum street frontage	100 ft.	150 ft.

Minimum front yard	25 ft.	25 ft.
Minimum rear and side yards	15 ft.	15 ft.

\* 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.

Maximum building height	None	None
Maximum building coverage	25%	25%

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size, building coverage, and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**E. PERFORMANCE STANDARDS**

- 1) The performance standards contained in Chapter 2 of this Code shall be fully observed.
- 2) Non-residential developments and uses shall be developed to meet the following requirements:
  - a. All non-residential uses shall be served by underground utilities.
  - b. All principal buildings and structures for non-residential purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.
- 3) Residential developments shall be developed to meet the following requirements:
  - a. All residential uses shall be served by underground utilities.
  - b. Layout of a road network shall be completed in a grid style to ensure **two (2) points of connection ~~on for each~~ roads**. The Planning Board may waive the **requirement for two (2) points of connection** for a portion of the development if the Planning Board finds that no other alternate road network is possible with 2 points of connection **due to the configuration of the parcel(s) and/or** it would be a financial hardship to **complete the required two (2) points of ~~make the 2<sup>nd</sup> road~~ connection**. **For purposes of this section, a financial hardship shall be considered to exist if establishing the two (2) points of connection would utilize more than twenty-five (25) percent of the cost of the entire development. The Planning Board may waive the 2 points of connection for a portion of development if the Planning Board finds no other alternate road network is possible with 2 points of connection and it would be a financial hardship to complete 2 points of connection. The financial hardship shall mean the 2 points of connection would utilize more than 25 percent of the cost for the entire development.**

The number of dwelling units used in the calculation shall be based on the maximum number of dwelling units allowed on the parcel as identified under the Urban Residential Expansion Space standards. The request for waiver shall include **two (2)** plans. One plan shall show a street/private way layout having **two (2)** points of connection, and the other plan shall show a street/private way layout with a dead end street/private way. The road layouts shown on both plans ~~shall must eet the be approved at of by~~ the Planning Board.

**Should If** the Planning Board grants a waiver **of the requirement** for ~~the two (2)~~ points of connection **requirement** for dead end streets or private ways providing access to more than 4 lots and/or dwelling units, the street or private way shall be of a cul-de-sac design meeting all the relevant requirements under Chapter 2, Section 2-5 Minimum Standards for the Design and Construction of Streets and Ways.

**One lot/dwelling unit p** Private ways **servng a single lot and a single dwelling unit** are exempt from the requirement for 2 points of connection.

- c. Principal single-family, two-family, and multi-family buildings and structures shall be of a traditional New England design to be compatible with the predominant scale and character of the existing Gorham Village architecture.

**PROPOSED MOTIONS:**

Move to recommended adoption of the Zoning Amendment to create a new Urban Residential Expansion District with the proposed draft zoning map (as amended by the Planning Board).

**PLANNING BOARD  
COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE  
OCTOBER 4, 2021  
6:30 p.m.**

**WORKSHOP**

**Committee Members Present**  
JAMES ANDERSON  
MOLLY BUTLER-BAILEY  
GEORGE FOX

**Staff Present**  
THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
CAROL EYERMAN, TOWN PLANNER

**AGENDA**

**ITEM 1            AMENDMENT TO THE LAND USE AND DEVELOPMENT CODE**

Proposed Amendments regarding the Village Expansion District

Mr. Anderson told the group that at the last workshop on October 4, 2021, the group was looking on how to deal with the financial hardship for a developer to come up with the required two points of connection. Mr. Anderson said that the cost per/foot amount could be geared toward a specific number or be open ended, enabling the Board to determine what constitutes a financial hardship.

Mr. Poirier said that additional language has been added to the proposed amendment in order to provide a basis of comparison that the Board can use to determine financial hardship. One change is the language "... due to the configuration of the parcel(s)..." and the other change is "The request for the waiver shall include 2 plans. One plan shall show a street/private way layout having 2 points of connection, and the other plan shall show a street/private way layout with a dead end street/private way. The road layouts shown on both plans shall meet the approval of the Planning Board." In addition, Mr. Poirier provided waiver language that "One lot/dwelling unit private ways are exempt from the requirements for 2 points of connection."

Based on initial road cost estimates provided by the Public Works Director, the road construction costs for an Urban Access Road or a 25 lot/dwelling unit urban private way would be between \$400 to \$600. The waiver costs identified in the Land Use Code for off-site sidewalks is \$5,000. Due to the variability of what could be proposed in a development, it was suggested that the financial hardship figure be left open-ended so the developer can present a figure to the Board for consideration. Mr. Poirier suggested language that states "The financial hardship shall mean 25 percent of the cost of the whole development." The committee concurred that language is appropriate to determine financial hardship.

In reply to a query from Mr. Fox, Mr. Poirier suggested changing the language "... may waive the 2 points of connection... if the Planning Board finds that no other alternate road network is possible with 2 points of connection ... **and/or** it would be a financial hardship..."

The committee agreed that the proposed amendment can be put on the Board's December meeting agenda for public hearing.

Respectfully submitted,

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Barbara C. Skinner  
Clerk of the Board