

**Land Use and Development Code Amendment: KV Enterprises, LLC, Robie Street Contract Zone Map 24, Lots 19, 20, Map 25, Lot 8, Map 27, Lot 20**

**Town of Gorham  
Planning Board Workshop  
February 26, 2024**

**ITEM 2 – Land Use and Development Code – Public Hearing – Contract Zone – KV Enterprises, LLC. – Robie Street Subdivision and Site Plan** – a request for approval of a contract zone to allow for construction of a residential subdivision with single family, multi-family, mixed use and conservation land under the Land Use and Development Code. Map 24, Lots 19, 20, Map 25, Lot 8, Map 27, Lot 20. Zoned, UR/UREXP. The applicant is K/V Enterprises LLC. The applicant is represented by Shawn M. Frank, P.E. with Sebago Technics.

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**AMENDMENT TRACKING**

DESCRIPTION	COMMENTS	STATUS
<b>Town Council Ordinance Committee</b>		<b>June 20, 2023</b>
<b>Town Council Meeting</b>	The Town Council forwarded the item to the Planning Board for discussion. (4 yeas, 3 nays)	<b>September 5, 2023</b>
<b>Planning Board - Discussion</b>		<b>October 2, 2023</b>
<b>Planning Board Workshop</b>	The Planning Board reviewed the draft language and proposed some amendments to parking ratio, DTO standards, and age-restricted requirement for 1 phase of the multi-family sites. The item was forward for a public hearing at the 2 <sup>nd</sup> meeting in January 2024	<b>December 11, 2023</b>
<b>Planning Board – Public Hearing</b>	The PLBD made changes to the contract zone at the last public meeting and needed to continue to the Public Hearing to post the proposed edits.	<b>January 22, 2024; February 26, 2024</b>

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and Development Code and standard engineering practices.

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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.

*Vincent Grassi, Chair, Gorham Planning Board*

**Memo completed by Tom Poirier, Director of Community Development**

## 1. OVERVIEW

A public hearing for this item was held on January 22, 2024, and was continued until the February 26, 2024, meeting. The proposal is for a Contract Zone for an area located off Robie Street to allow for construction of a subdivision and site plan containing single family, multi-family, mixed use and conservation land under the Land Use and Development Code. The applicant has contracted Owens McCullough, P.E., and Shawn Frank P.E. with Sebago Technics.

As a reminder, the Planning Board makes recommendations to the Town Council on proposed adoption of a contract zone. Town staff has made the proposed changes requested by the Planning Board at the January public hearing, the proposed changes are shown in blue, bold, underlined, and struck through. The changes shown in black and underlined were proposed changes made as part of the earlier staff notes.

## 2. ITEMS OF NOTE

- a. This is a continuation of the public hearing to hear comments on the Planning Board's proposed changes made at the public hearing on January 22, 2025. The public comments should be limited to the proposed edits made by the Planning Board at the January public hearing.

## 3. STAFF REVIEWS

**Planning:** No comments

**Public Works:** No Comment

**Code:** No Comment

**Fire:** No Comment

**Recreation:** No Comment

**Conservation Commission:** 09/25/2023

Dear Carol and Planning Board Members,

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The Conservation Commission was asked to review an updated contract zone application regarding the Robie Street Subdivision project. While the questions and concerns from our previously submitted comments remain, we do have additional feedback specific to this application. In particular:

1. Is there a traffic study that considers the impact of the entire subdivision or is there only one for phase 1?
2. Will more than one of the multi-tenant phases or any of the single family phases be dedicated to 55 plus residency? While the minimum requirement is clear, there does not appear to be any discussion of a maximum limit.
3. The setbacks for single family units seem very tight. Could this be problematic for future maintenance tasks?
4. If commercial uses are permitted within the subdivision, how will the additional parking requirements and traffic impacts be determined and accounted for?
5. Will 1.5 parking spaces per multi-tenant unit be sufficient?
6. Will the developer do the work necessary to extend the existing trail network and at which phase will trail development begin?
7. By allowing these changes to our zoning ordinances for the developer's benefit, what are the benefits for the Town?
8. Even with a lower cap of 15 single family units per 12 months instead of 20 and 1 multi-tenant phase every 24 months, will the developer be able to ensure that surrounding wetlands will not be negatively impacted and will they be able to adequately react to any unforeseen issues that may arise?
9. Will existing Town roads, storm drains and sewer lines be able to support all of this development and the added traffic loads from heavy equipment accessing the site?

We realize that this may be subject to revisions and we look forward to addressing any questions or comments you may have for us. Thank you for the opportunity to comment on this project.

On Behalf of the Commission,

Bill Moreno  
Chair, Gorham Conservation Commission

**4. ABUTTER COMMENTS – 09/27/2023, 09/28/2023, 10/02/2023, 10/12/2023, 10/16/2023, 10/17/2023, 10/18/2023, 10/31/2023, 11/19/2023, 01/22/2024, 01/23/2024, 01/31/2024, 02/15/2024**

**09/27/2023 - Susan Robie**

On September 12, 2022, I wrote a letter to the planning board regarding this development when it was presented in total. I have some additional comments regarding the phase one development of 43 single family homes before you this evening.

Some aspects of the phase one plan are of concern beyond what is stated in my original letter because the street design proposed precludes a design that prevents or reduces cut-through traffic.

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My concerns are directly related to statements in the comprehensive plan. Specifically, Chapter 5, D. Transportation under local objectives:

*“to minimize the impact of vehicular traffic on established neighborhoods by development and redevelopment.”*

and p 36 in Chapter 5, p36 Item 7. Under the heading of traffic in Residential Neighborhoods, *“The town should continue to encourage/require the development of a pattern of inter-connected local streets where that is feasible while at the same time discouraging the use of local, residential streets as short cuts for commuter and similar traffic including assuring that the design of new streets does not encourage “short-cutting “through residential neighborhoods.”*

Local Traffic

I am concerned that traffic counts of “local traffic concerns” have not been made pre-development. These counts should be made prior to the first phase of the development during full school days. (In Gorham, all Wednesdays are half days). Since school traffic starts early with teachers’ arrivals, this starts around seven at the High School. Busses and parents then start delivering kids, along with kids driving to the High School starts shortly thereafter. The Middle school and two elementary schools in the Village start their days later continuing until after 9 AM. Car and Bus traffic associated with schools in the Village are impacted intermittently from 7 AM until after 4 along South Street and to and from the Robie Street Neighborhood.

In addition, commuter traffic in Gorham (which was measured in KVM’s original traffic count) extends the end time to shortly before 6PM. I have been personally stopped in traffic on the New Portland Road at 5:30 PM beyond White Birch Lane twice last week.

In front of our home, we have counted cars every 11 seconds intermittently during the period of Village School getting started.

The impact of how the whole development, as well as the first phase, will affect traffic in and out of the four existing residential neighborhoods that will be connected to it when the development is complete is critical. This data can only be determined with knowledge of the predevelopment state of the traffic on and going in and out of the streets in the affected neighborhoods. These include Bramblewood , Ridgeway, Highland, Lincoln, the east-west and north-south portions of Robie Street and White Bridge Lane with the New Portland Road.

The traffic at the intersection of Lincoln and Robie was measured prior to the construction of Station Square. It is sort of a bell-weather intersection for traffic in the neighborhood of the Village School.

Construction Traffic

I am very concerned with the construction traffic which will disrupt the residential neighborhoods and have spoken at the Town Council to ask that a construction access be opened across the proposed right-a-way across our land to the Ball Field parking lot. The purpose being to share the burden of construction with Robie street and Bramblewood (as that entrance is opened in Phase one). My letter to the town Council was included in your packet.

Cut Through Traffic

The First phase shows two streets, one starting at the corner of Robie Street and going south directly to the proposed entrance onto Bramble wood. The second goes east to the end of the development that is

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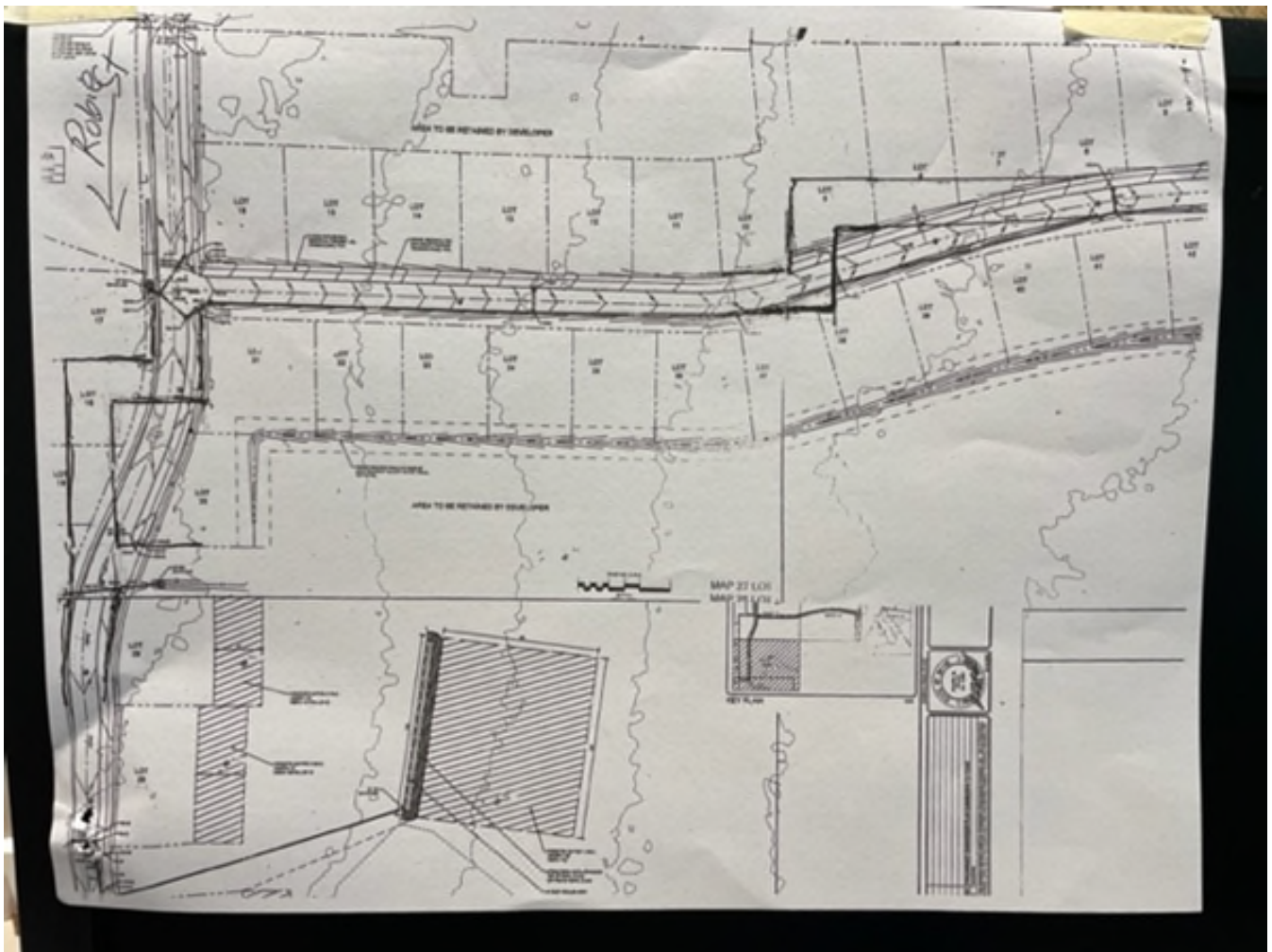
intended to connect with the New Portland Road through the right-of way-across our land, the ball field parking lot, and White Birch Lane. These roads have no built in design features to stop cut through from White Birch Land to South Street, nor from Main Street through Elm to Robie and to South Street via Bramblewood.

There are design elements that could discourage rather than encourage cut-through. The most successful may be putting a building in the way. That could be accomplished by a jog in the road. I commented a year ago that I liked the curves. Since seeing the roads on the map in phase one, I now see them as cut through facilitation. These curves, this design, could not be undone in subsequent phases so I believe it is important to address now. I would like to see jogs that would cause any through traffic to stop, turn and proceed. One at lot 9 and 10, and one at lot 17 and 18 are possible examples of replacing the maximum curves with a jog with stop signs in either directions. (See attached sketch.)

I am sure there other many ways to block cut-through traffic as part of the design without disrupting utilities in a major way. Devices such as small roundabouts and bump outs could also discourage cut through traffic.

Thank you for your consideration.

Susan Robie



Attachment provided by Susan Robie

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09/28/2023 - Amy Leddy

The Gorham Town website doesn't have an email address for sending information to the planning board but I wanted to get this information to the planning board before the Monday night meeting about the contract zone for the proposed development off of Robie St.

The USDA has a website with soil survey data for the entire country at <https://websoilsurvey.nrcs.usda.gov/app/>. In the WSS app you can select an Area Of Interest from an interactive map and then collect information about suitability of the soil for a variety of uses. I pulled data for the approximate area for the proposed subdivision with information on suitability for building site development. The report is attached. Information about building site development starts at page 27. Due to the saturation zone being about 1 foot from the surface in most of the area the report ranks 93% of the area having very limited suitability for dwellings with basements (see pg 38) , 78% of the area having very limited suitability for dwellings without basements (see pg.44) , and 86% of the area having very limited suitability for local roads and streets (see pg. 50). The soil throughout the area is saturated with water for most of the year. The land slopes toward the east with drainage into Indian Camp Brook. Building would require huge volumes of fill to be brought in and likely drainage ponds to be created. With the addition of fill the direction and flow of water throughout the area would change. The addition of the impervious surfaces of roads and driveways will increase runoff dramatically.

The Planning Division portion of the town website has a link to the Stroudwater River Watershed Survey Report created in 2014

[https://www.gorham-me.org/sites/g/files/vyhlf4456/f/uploads/stroudwater\\_river\\_survey\\_report.pdf](https://www.gorham-me.org/sites/g/files/vyhlf4456/f/uploads/stroudwater_river_survey_report.pdf) .

On page 3 of that report it says:

“On a forested landscape, rain and snowmelt is slowly filtered by tree and shrub roots, grasses, leaves, and other natural debris on the forest floor. An uneven, or hummocky, forest floor helps to collect water in pools that will then slowly filter into the ground.

On a developed landscape, the water quickly washes off the hardened surfaces such as paved and gravel roads, parking lots, and roofs, then flows directly into the River. This water is not filtered through the soil, so it carries pollutants (metals, chemicals, salt, etc.) directly into the water body without treatment.

The result is poor water quality in the receiving water body. Built up or developed land is referred to as impervious cover or impervious surfaces. Studies by MaineDEP have found that in order to support Class B aquatic life, **land cover in watersheds should be no more than 9% impervious**. Part of this survey included analyzing the impervious cover within each of the smaller subwatersheds based on available information”

And on page 15 this table shows that in 2014 the watershed for Indian Camp Brook was 8.9% impervious cover.

It seems certain that a subdivision of the size proposed would certainly push the Total Impervious Acreage for the Indian Camp Brook Watershed over the 9% limit recommended by the Maine DEP.

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At a *minimum* the Cumberland County Soil and Water Conservation District should be brought in to review the potential impacts on water quality in the Stroudwater River Watershed.

Please let me know the best way to get this information to the rest of the planning board members.

Thank you,  
Amy Leddy

**10/02/2023 – Mike Grecco**

There's not enough information available on this proposed development. I cannot understand what the benefits to the town are and tradeoffs will be for current residence and the environment based on this proposed development. Send this to a public hearing or do not proceed with the project. Thank you.

Mike Greco  
8 Deerfield Dr.  
Gorham ME

**10/02/2023 – Ruth Kelly**

I am writing regarding the Robie Street Subdivision and Site plan and the pending contract zoning agreement between KV enterprises, LLC, and the Town of Gorham that will be discussed at the Town of Gorham Planning Board Meeting on October 2, 2023. Specifically, as a resident who lives on the corner of White Birch Lane and New Portland Road, I am concerned about the following section in the contract as underlined:

*WHEREAS, the proposed project further provides an integrated roadway system that provides for frontage and access to single-family housing and multi-family housing including connectivity to the existing roadway network and a new roadway connection through the Village School to New Portland Road.*

The new roadway would significantly disturb a community space and contribute to an already substantial traffic problem on New Portland Road. Please consider the following:

- Starting at about 4 PM on weekdays, traffic headed into town is backed up and stalled on New Portland for up to 2 hours. White Birch Lane is very close to where New Portland Road meets Main Street. Additional traffic going into and out of White Birch Lane would make a bad situation worse.
- There is a ball field behind Village school with an adjacent parking lot which connects to White Birch Lane. The Town's Little League teams play in the fields every Saturday during the summer and parents park in the lot which would likely have to become part of the new roadway.
- This same area is also a place where kids run. around and play and people frequently walk their dogs. The parking lot is needed for these activities.
- Across the street from the intersection of White Birch Land and New Portland Road is the entrance to the Gorham House retirement home through which workers, visitors and

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emergency vehicles frequently enter and exit throughout the day. Any additional traffic here would worsen an already busy traffic area.

- There is an existing low-income housing complex which already uses White Birch Lane as its only exit onto New Portland Rd.

Please investigate the impact that the proposed new roadway connection to New Portland Road via White Birch Lane would have on the surrounding community before approving the pending contract zoning agreement between KV enterprises, LLC, and the Town of Gorham. A comprehensive traffic study of New Portland Road needs to be conducted, especially near White Birch Lane since it is so close to the congestion that occurs at the connection between New Portland Road and Main Street. Thank you.

Ruth Kelly  
55 New Portland Road  
Gorham

**10/02/2023 – Jane Esty**

I am writing this email as a private citizen of Gorham, and not as a representative of RCOA.

I cannot attend the October 16th forum, so the purpose of this email is to share that I do not support the proposed housing development in the Gorham Village.

I have lived in Gorham for 37 years, 27 of which were right on Robie St. I chose to raise my family in this town. My children went through the Gorham Schools. Retired now, I spent 35 years as a teacher and administrator in the Gorham Schools and another 5 as an adjunct professor at USM. I know this town and I love this town.

As I believe I am open and fair minded, I have tried to see the benefits to our town by adding 395 housing units to the property on Robie Street. I simply cannot.

Here are the points that are concerning me:

The physical infrastructure of that area of the Village does not support that kind of housing increase. The increase in traffic, both vehicular and pedestrian, seems to be unreasonable.



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The physical infrastructure of the town itself, for example South St, and Main St, does not support the increase in vehicular traffic - already a nightmare given certain times of day.

The economic infrastructure (public works, public safety, and retail businesses, for example) would carry a tremendous burden. The already volatile story of taxes would be even more complicated.

Regarding our school system ... I have been, and continue to be proud of the work of our teachers and administrators, but I have seen first-hand what overcrowding and understaffing can do to the quality of education for our children and to the quality of the workplace for our teachers and staff. I can only imagine the kind of impact adding this many housing units to our town would do to our school system. We can only adequately accommodate the student population we have now; we need a new high school ... support services are working out of closets. This alone is enough for me to reject this proposal.

One could argue that the town would be responsive to the increased demands on all aspects of our infrastructure and town life. But the quality of services and the quality of life in our town during the lag time would be greatly and negatively impacted, and forever changed.

I do not consider myself to be narrow-minded and I understand that progress is inevitable, but I question the motive for this kind of proposal. Someone, somewhere is going to be lining their pockets. At whose expense?

If there are compelling reasons for this project to move forward that speak to improved quality of life in Gorham, then it behooves the governing councils in our town to transparently and actively advertise those aspects of the proposal. Let's be smart. Let's protect what makes Gorham such a desirable place to live and move forward in ways that are responsible.

I implore the Town Council to reject this proposal.

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Respectfully,

Jane Esty

45 Ridgefield Dr

Gorham, ME

207-329-3693

**10/13/2023 – Peter Mason**

Dear Planning Board Members,

I am looking forward to Monday's workshop meeting.

Would you please consider and address my questions or comments below during the workshop?

I've asked town staff and council members how many dwelling units will be in each phase of the mixed-use buildings and I have not received a definitive answer. The common answer has been 15 single family homes in a one-year period and one mixed-use phase every two years. Since the phases differ in the number of buildings and the size of the buildings it would be helpful for future planning to have the actual number of dwelling units identified in each phase.

The proposed contract zone indicates one of the four phases will be reserved for 55+ and older housing as identified under State and Federal Law. I would suggest revising the language to state that 25% of the 295 dwelling units proposed in the four phases of the mixed-use buildings be reserved for 55+ and older housing. Since the four phases are not equal in the number of dwelling units the impacts or outcome for the town would be very different if for example the developer designated Phase 2 55+ and older opposed to the larger phases like Phase 1 and 4.

I attended both ordinance committee workshops. During one of the workshops the developers committed to some commercial space on the first floor(s) in the mixed-use buildings. The current contract zone language leaves it open as an option to the developer. I would suggest including a minimum number of square feet required in the contract zone. This would insure much needed future economic growth for the town.

I appreciate your time,



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Peter Mason

**10/16/2023 – Edmund Adams**

I am VEHEMENTLY OPPOSED to any large scale housing development!

1. At a minimum the traffic will be unbearable. South Street has finally had a break in traffic due to the Rines bypass. It is still busy during commute times and when school starts and ends. Do you want more traffic when kids are walking and going to and from the Library. I think not. More traffic= Less safety.
2. Expensive-We have had several TAX INCREASES in the last few years and cannot stand any more as many folks are on a fixed income.
3. The Police Dept , Fire Dept and EMS are struggling with staffing issues and trying to provide a safe and decent community for all of us. Don't get me wrong- they are GOOD people working hard to protect the Gorham citizens. How can we hire more people without taxes going UP?!
4. I believe that Gorham is a great town to live in and has been for me since I was three days old. It seems that many want to turn Gorham into some other place. Most of us have lived here or returned here because of what the town has been and CAN continue to be. We don't need to be a Calif or New York etc. Those people move here to get away from that type of existence! There are Many MORE reasons not to expand then there are reasons to expand.

Thank you for indulging my comments:

Edmund Adams

**10/16/2023 - Ruth Kelly**

Thank you for forwarding my letter. I am not going to be able to attend the meeting tonight, so I'd like to bring up an alternative Robie outlet instead of White Birch Lane to New Portland Rd: Toppan Drive. The outlet of Toppan Drive to New Portland Rd is not much further East down New Portland Road but it is past the major congestion and further away from the Village. Please consider this alternative.

Ruth Kelly  
Gorham

**10/17/2023 - Paula Green**

I am writing to you all today to express my sincere displeasure at the prospect of the new project planned for Robie St. After what our town went through this summer with the school budget, it is baffling to me how we can even consider adding such a large population of students to our already crowded schools. This project will permanently change the character of our lovely town...all while the developer makes a huge bundle from this project. Why are we letting an "out of town" company make such a huge financial gain, at the expense of taxpayers, (more infrastructure, more teachers, new schools, etc.) By that time, the developer has moved on to other projects, while we are stuck with horrific traffic, overcrowded schools,

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and the loss of wildlife in that area. All while he "laughs his way to the bank". Please listen to the residents of Gorham and do NOT approve this project. Thank you

**10/17/2023 – Karen Sprague**

I am very concerned about the impact of the new housing development under consideration will have on our schools. Our schools are outdated and overcrowded. How will the addition of new students effect that, without raising our taxes? My child is a freshman, and due to limited space, has a study hall at the municipal building. More students sounds like more shuffling of classrooms like this. And sounds like more taxes, which we cannot afford.

**10/18/2023 – Cheryl Eling**

I was unable to attend Monday's meeting but I would urge you to carefully weigh the enormous impact of this proposed development. The terrible burden this would place on our excellent schools would be staggering.. We have so recently had such a difficult time passing a budget for the students we already have, it is not difficult to imagine what the future holds for supporting any future budget with the influx of more students! The strain on roads, traffic and infrastructure is too much. Please reconsider this huge project.

**10/23/2023 – Josh Gatling**

Hi, I am writing in support of the proposed multi-unit development off Robie Rd. I live close by, and approve of the presence of more diverse housing types close to the village, along with more commercial space. I think it will benefit existing residents like myself along with new ones, by modernizing zoning in the village and increasing travel options.

It will help Gorham's traffic issues by improving transit access, and allowing people to live closer to where they work and do business. This development will grow and improve our tax base too.

I also support a modification of the town's development rules so that these units can be built as fast as possible, considering the area's current housing availability and transportation challenges.

Thank you-

Josh Gatling  
97 Weeks Rd  
Gorham ME 04038

**10/25/2023 – Ian Laughlin**

Hello - As a resident I've seen signs and heard rumblings from neighbors about a new 391 home development in the Village. Some of what I've heard is that there will be higher taxes, school overcrowding, not enough parking, etc. However, when I've asked, none of them have been able to point me to an independent economic feasibility/impact study that addresses all of these concerns. I'm assuming

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the Planning Department or another department has this information. Could you please point me to where I'd find the economic study addressing these concerns. Thank You!!! Ian

**10/26/2023 – Scott Brydon**

I oppose the proposed development of 350 plus homes. Why is this allowed on the game preserve?ed on the game preserve. It will lead to higher taxes when more taxes, and ruin the chracter of the town. Input a building mor now! otorium the game preserve?

**10/31/2023 – Pollyanna Hardy**

In regards to the Robie street big development, please get a very comprehensive traffic study done, and go to Robie and get an idea of what the residents are truly saying, it is an old neighborhood, with very narrow streets, with houses that already sit very close to the street, with lots of kids, walking to Village school from many surrounding neighborhoods. This decision to put Robie street as a pass through for this huge development will severely impact their quality of life, our daughter lives there with her five year old, it is already very busy, the street is very narrow and there is no room for sidewalks, many driveways are tiny like hers and if we visit we park on the street, if you try to put in sidewalks as Lincoln said, it would be even more detrimental, an emergency only roadway actually is a good idea, eliminating what will surely be like a mini highway cut through. The developer should not be able to develop such a huge parcel without new roads that can handle the traffic, they shouldn't be allowed to completely destroy the beauty and their quality of life to promote a new neighborhood that does not have access. Look at lower Robie near Junction, a few of those houses are now sitting perilously close to the road. They don't have access to New Portland Rd? Thank you for taking time to look at all teh info before approving this monster neighborhood, we know growth is inevitable, but it shouldn't be done on the backs of our old charming neighborhoods, and yes I've live here my whole life, and our kids and grandchildren are here. Please be careful and mindful of all that this is going to affect.

**11/19/2023 – Lou Simms**

Dear Gorham Planning Team,

In campaigning for town council these past few months, I have spoken with many Gorham residents living near the large housing development proposed behind Robie St. Based on those conversations, I'd like to offer the following input, which likely reiterates themes you've already heard from many concerned citizens. If you would also be willing to share this input with our planning board members, that would be greatly appreciated:

- 1) The initially proposed language for the contract zone gives the developer the option to build commercial space into the multi-unit building(s). One suggestion is to consider making a modest, reasonable amount of commercial space a REQUIREMENT as opposed to an option for those multi-unit(s); otherwise, it seems unlikely that any commercial space will materialize.
- 2) It appears that one of the parcels marked for the proposed development (Map 27 lot 20) cuts across New Portland Rd - thus, one suggestion that seems worthy of investigation is determining the feasibility of a new road built to connect the proposed development to New Portland Rd, east of Toppan Drive --

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and how this new road may help alleviate concerns regarding increased traffic on our existing streets, and at what cost to our community & environment.

3) Lastly, (while this may seem a bit at odds with the above suggestion of more road-building) requiring some amount of communal green space would be ideal. If I understand correctly, the developer's current proposal conserves some amount of open space, but that mostly appears to be achieved by preserving a "Conservation Parcel" that presumably must be conserved regardless of any special contract zone language... so, it seems that requiring more green space also being built into the actual development area might produce a more pleasant environment...

Those are the primary points I'd like to convey. I saw that the 11/20 planning board workshop on the development was cancelled - presumably due to the holiday... can you please clarify for me the next step(s) in the timeline for this proposed development moving forward?

On a related note: I'd like to share that, over the course of the campaign, I've become a voracious consumer of articles & podcasts from the Strong Towns team, and so I am eager to work with our town council & staff to continue building a strong future for Gorham. I look forward to engaging with each of you in those efforts!

I thank you all for your consideration, time, and efforts on this matter,

And I wish you all a great Thanksgiving week!

Cheers,

Lou Simms

207-409-0056

**12/12/2023 – Ruth Kelly**

Thank you for the information. I am still not sure what can be decided tonight. But I want to stress how White Birch Lane is a quiet residential dead end street with no sidewalks that leads to a ball park and a low income housing unit. Children, bicyclists, people with wheel chairs from the Low Income Housing Unit, dog walkers and other pedestrians frequently use this road to get home or to the ball fields. New Portland Rd is a traffic nightmare, and right now, White Birch Lane is not used much for traffic. The possible use of White Birch Lane as a conduit to the new subdivision and downtown Gorham from New Portland Rd and vice versa would be danger to the quiet activities that take place there now. Please share this response with the Planning Board members.

Thank you.

Ruth Kelly

**12/21/2023 – David Alexander**

Glad to see your intense comments Monday. Needs more than a gazebo at the pond.

The recently added 'crosswalks' could be enlarged to offer small playgrounds in the middle of the single homes. And the multis need play areas too, just because the units are small doesn't preclude children.

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Your question as to access direct from New Portland Road is exactly what I think and a way to get better access for construction and future commuters. The fast talking engineer glossed over that and you must followup. The proposed access over roads with existing homes will put the burden on those homeowners

David Alexander  
Wison Road, Gorham.

**01/22/2024 – Ruth Kelly**

To the Planning Board,

More time is needed to determine the effect that traffic on the proposed Robie Street subdivision access road through White Birch Lane to New Portland will have on the surrounding neighborhood. To begin with, Village School is nearby and children are frequently in that area. There is also a low-income housing complex off of White Birch Lane and some residents who need wheelchairs currently use White Birch Lane to get to town. The public ball field is also in that area. At the intersection of White Birch Lane and New Portland Road, traffic and safety issues will be inevitable. New Portland already experiences heavy traffic, especially during the morning and evening commutes when there is a steady stream of traffic for at least an hour. The proposed subdivision road would also be heaviest during those times. As a result, there will end up being traffic jams created by cars trying to turn onto an already congested New Portland Rd. Finally, there are families with young children on New Portland Road who already have to worry about the safety of their children due to existing heavy traffic. More traffic issues would create excessive safety issues. Toppan Road as the access road to the subdivision is a better option because it is located east of most of the single-family homes and less traffic congestion occurs there. It seems like the developer has already used Toppan Road to access the proposed Robie subdivision site because trees have been cut down and hauled away from that area. Please consider a Toppan Road alternative.

Thank you,  
Ruth Kelly  
New Portland Rd  
Gorham

**01/22/2024 – Michelle Nichols**

Hello. I am writing to all planning board members today as I am now unable to attend the planning meeting tonight. However, I wanted to be sure that my voice and opinion was known. I vehemently oppose the proposed new development behind Robie Street. Gorham needs to revisit the 2015 plan which is permitting this type of development and update that to better address the current conditions and our towns needs. This proposed development should NOT be allowed to proceed until the town can better assess its structural and physical limitations. The loss of state funding for our schools and the subsequent issues with properly funding the towns' allowed growth needs to be looked at and considered before a development of this magnitude can be considered. In addition, we have great concerns over infrastructure, road maintenance, wildlife habitat loss and congestion. Please, I urge this town to look to neighboring towns which have conditions in place to limit growth to what is

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manageable, right for the town and with greater consideration. The use of a professional land use/urban planning consultant is needed. This town is allowing contractors to make quick profit leaving Gorham tax payers with ridiculous burdens for years to come. Please, I urge you to not allow this to happen again. My concerns are shared by my family, friends and neighbors here in the village. Thank you for your time, your service and your consideration.

Sincerely,  
Michelle Nichols

**01/22/2024 – Adam Lafleur**

Good morning,

I am writing to express my concern with the Robie Street Subdivision project from KV Enterprises and the proposed 391 units. I may not be able to attend tonight's meeting due to Covid so I wanted to provide comment beforehand.

I do not think this development is in the best interests of Gorham or its residents. I am especially concerned with the impact to our schools, traffic, and our taxes.

I understand that the developers will pay an impact fee to the schools but I do not believe this is not sufficient to overcome the costs of the additional students in our district. The district is already using a substantial number of modular classrooms and I believe that this development will increase their use without any long term solution. I believe that it will have a net negative impact on the town's financial budget and that this will result in higher taxes with lower services.

I would like to see a moratorium on this project until the school board and schools can provide an assessment on the impact to school budget and taxes for this development.

I am also concerned about the impact to roads and traffic both in terms of traffic density and in terms of maintenance, flooding, and environmental impact.

Thank you,

-Adam Lafleur  
48 Village Woods Cir  
Gorham ME  
207-298-6995

**01/22/2024 – Justin MCrillis**

Hello, Writing to you today to make my voice heard regarding the proposed development behind Village School here in Gorham. This town can not support this type of growth. We are unable to manage the rapid growth already allowed. I have great concerns over wildlife habitat, over-stressed schools, congestion and the loss of the charm and beauty of this town. As a property owner and longtime Gorham resident, I want you to know that I strongly oppose the approval of this development and ask that this request and any other large projects requests be denied until further research and professional diversified



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planning can be completed. This particular project is far too big in an already congested location. It will greatly impact the charm and character of our town. I urge you to listen to Gorham residents many concerns. Thank you.

Justin McCrillis

**01/22/2024 – Susan Robie**

I think it is important to state once again that KVM's project can go forward with or without the contract zone. The project making its way through the standard planning process for phase one consists of 43 single family units which KVM is pursuing through normal Planning Board processes. If the Contract Zone is not approved and the stand-alone project proposal meets the requirements of the Gorham Land Use Ordinance as is, KVM will be able to build the development albeit at a slower rate.

The contract zone provides the planning board and the citizens of the town the opportunity to impact aspects of 'how' and to what standards the development is built. This includes aspects of design, layout of buildings, scale and density. The comprehensive plan directs the developer to incorporate traffic calming measures in the development. This request was included in the town councils' language regarding the contract zone.

I personally have spent a lot of time preparing amendments I would like to see added to the contract zone. This is because there is no language in the contract zone, as currently written, that specifies how the development as proposed will protect the character of existing neighborhoods, nor how the design will be modified to reflect the character of existing neighborhoods. The above requirements are reflected in the town councils' summary document sent to the planning board.

Protecting the character of existing neighborhoods includes traffic, construction traffic, traffic ultimately generated by the development and cut through traffic. Protecting the character of the existing neighborhoods is also about protecting the tree canopy in the current street and streets that do not promote either heavy or fast traffic. It is about protecting the sense of diversity and variety of size and architecture that resides in the various neighborhoods' buildings. Size includes lot size, set back provisions, building size and occupancy.

I think the statement that I believe I made about "grid" was not an accurate description of the three roads of the proposed development with six rows of 13 to 16 houses on each and one row north and south with 9 houses. It is this sort of strip pattern that I would like to modify. In the current design there is nothing that you could call a Village block, but more striking, at least to me, is the lack of diversity. In our neighborhood there are single family houses that are one, two

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or three stories. There are big lots, small lots, flag Lots. There are multi-family homes, basically apartment houses, there are duplexes, and there is a variety of setbacks from less than ten to more than twenty.

I have prepared a fantasy block concept of design just for the land used by the proposed development for single family homes. A member of the town council asked me to do so.

The design includes 5 blocks bounded by four streets and 2 blocks bounded by three blocks. I have incorporated many right-angle turns to prevent cut-through or high-speed traffic and included lot sizes for duplexes and mixed use as well as two lots sized for three family apartments all in the single-family area.

One lot sized for three story occupancy is positioned near the first 80-foot-high multi-story apartment building as a transition to the large apartment complexes. The other larger lots are positioned to create the diversity of structures and housing existing in the old Village neighborhoods. I believe from reading the ordinance the 15, 000 square foot lots according to the transfer of development lots can be both a duplex and/or mixed use. Twenty thousand square foot lots can be used for three family apartments/ and mixed use.

I have also prepared a second design that incorporated diversity of the street scape and housing into the existing strip design and significant physical barriers to traffic in many intersections.

Further much of this work would not be necessary if there was a clear access to this development that did not require passage through long standing village neighborhoods. I believe that the Community Development Department, directed by the Town Council, should proactively lead and facilitate the acquisition of "Rights of Ways" to create such a roadway to an existing major road such as South Street, the Day Road, or the New Portland Road. This effort being not just for this development but for future developments in the Village Expansion District.

These developments are part of an ongoing effort to implement the provisions of the comprehensive plan. I believe that such a project should be part of this effort. The cost of the acquisition of such right of ways to be borne by future development projects as part of project approval costs.

The following are questions and specific suggestions for modification and additions to the contract zone language.

1. In the Second WHEREAS I would ask that it be amended to allow for duplex/ mixed use in the "single family area" at a specific percentage of the total single-

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family residences around 6%.

I would recommend including three 3-5 unit multifamily/mixed use lots to be allowed to buffer the shift between the single lot residences and large apartment buildings.

2. In the Section Starting with "Now Therefore."

Item 4- Dimensional Requirements

b. add Duplex/mixed use 15,000 Square Feet lots

c. add "Flag lots allowed to complete blocks created to meet the Village Characteristics requirement."

d. Increase to eight feet side setback as complaints have been registered that the buildings are too close together at sixft of side set back.

e. Increase the range of setbacks to be rear 20ft. front 10ft. This is to again facilitate the existing neighborhood design.

g. add "buffers" as necessary per planning board determination.

3

Additions to point bullets

Bullet four -regarding calming solutions, calming solutions will consist of more than stop signs.

Bullet five -grid patterns, replace grid with 3 -identical long streets with of 10-16 houses on similar lots on both sides of each of said streets.

Bullet six- -said construction road will be completed prior to commencement of any construction. The use of any portion of Robie or Lincoln shall not be used for construction traffic during the hours of Village School opening and closing while School is in session; hours to be determined by either traffic study or Public Works of Gorham. Further Construction Traffic through the three Village Neighborhoods currently impacted will not be allowed on Saturday or Sunday and cannot commence before 7:30 AM nor persist beyond 5PM. (These additions are all in support of maintaining the intent of the Comprehensive Plan of avoiding the negative impacts of traffic on established Village areas.)

Further I believe that maintaining some of the tree canopy extant in the Development should be pursued and written into this document.

In a similar a comment about timing of the Conservation Land turnover to the Presumpscot Regional Land Trust should be stated as related to an event or date.

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Thank you for listening.

Susan Robie

**01/23/2024 – Thomas Chasse**

Good morning, Dave.

See that you are a Member of  
Town of Gorham Planning Board.  
Glad that you are there!

Zoomed into the Public Hearing last evening, Monday evening, having reviewed earlier PB meetings re KV project. Honestly, unsettling this development is even being considered. Though new to Gorham, not new to Maine, as you know. Saw the same “cattle rustler” approach time and time again when we lived in York, Maine for 25 years. Yes, York grew, but at a wise pace, and, to my recall, no tract housing, that would have forever changed the very nature, the very core of York. No one, except the profit makers who cared less, wanted that to happen.

Interestingly, oddly, and “concerningly”, I had little luck finding much about KV Enterprises after a fairly sustained online search. Why would that be?

What I did find was a fair amount re the Freeport, Maine KV experience. Though I am sure you know all about this recent and eerily similar to our concerns here in Gorham struggle, I am forwarding written concerns of Freeport residents that echo ours here in Gorham! Thinking there will be no L.L. Bean, that decided to remain true to its core, to come to aid us here in Gorham, we new and old citizens must prevail.

What can I do to help?

Thank you.

Thomas Chasse

**01/31/2024 – Brenda Justice**

\*\*Comments included at end of document

**02/15/2024 – Harold Parks**

I attended the Planning Board meeting on January 22, 2024, because of my interest in the open space aspects of the Robie Street development. The proposed language of the fourth Whereas paragraph of the proposed Contract Zone Agreement is not clear in several aspects.

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1. It states that "... 51 acres of land to be placed in a conservation with..." This does not make sense. Was it the intension for this to be a conservation easement which would prohibit future development of the 51-acre parcel?
2. There are two references to the "Presumpscot Land Trust" in this paragraph and a third such reference (Page 10) in section 5 Other Requirements, subsection d. Since the legal name is Presumpscot Regional Land Trust and this will be a legally binding contract, the word "Regional" should be added in these three locations.
3. There is a reference to "public parking access to the conservation land". Shouldn't that be "public parking and access to the conservation land"? Only "public access" is mentioned on Page 10. Parking and access are two different things. Access involves either a roadway or a trail to the conservation land/"Preserved Space" on the map. Parking involves either parking on the street or parking areas in either the "Common Open Space" or the "Preserved Space."
4. There are two parentheses, "to be created" and "to be constructed" by the land trust, that are not explained. Has the Town decided that the land trust will create and construct the trail head, public parking and public access? Has the land trust agreed to these commitments? Since this is to be a legal document, there should be an explanation.

I also have several suggestions.

Suggestion No. 1: Pond 2 should be moved back 15 to 20 ft from the unnamed street, and perpendicular parking spaces and a sidewalk should be constructed in front of the pond. This would advance the Open Space/Conservation Project with the needed parking. A rudimentary trail across the Common Open Space to the Preserved Space could be added quite quickly. The cost of building the parking spaces would be reduced in combination with the construction of the roadway and the pond. A benefit would accrue to KV Associates by having the parking space and early trails already in place and a selling point for prospective home buyers interested in the open space and trails. To be honest, the Presumpscot Regional Land Trust is committed to the Windham East project and may not be able to devote resources to Robie Street for some time.

There are other benefits. Without perpendicular parking, there would be parallel parking on what would be a dead-end street without a turn-around feature. Drivers would have to use the three private parking lot entrances further down the street to turn around. Perpendicular parking would keep adults and children on the pond side of the road, a definite safety feature. Also, the perpendicular parking area could be used as a work area if or when the Public Works Department might have to rebuild or repair the detention pond over the next hundred years.

Suggestion No. 2. The Town should obtain a second opinion on the design and construction of the three detention ponds from an engineering firm that has extensive experience dealing with detention ponds in compromised and unstable locations. I mean no disrespect for the engineers working on the Robie Street project. For a commercial project with a detention pond, the owner and successive owners bear future responsibility for a detention pond. In our case, the Town will be asked to accept ownership

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of the detention ponds and will be responsible for any repair or reconstruction over the next hundred years. The investment in a second opinion may pay dividends in the future.

The details for pond 1 are difficult to read to ascertain whether provision has been made for fencing and security around this pond and the other ponds. Given the proximity of the residential buildings to ponds 1 & 3, there will be children in the ponds, if fencing and security precautions are not taken. The durability of the fencing should also be an issue for the Public Works Department. We should get it right now. If you don't, the public will demand fencing and other safety precautions at the Town's future expense.

Given the lack of open working space around ponds 1 & 2, the Town should have the legal right to use the parking lots for working space if the Public Works Department needs to undertake repair and reconstruction of the detention ponds at any time in the future.

Suggestion No. 3: We have now entered the "EV" era and should make provisions for electric vehicles. All single-family houses and duplexes should have an exterior electric receptacle installed with 30 amp (?) breakers for charging electric vehicles. These receptacles will be needed now or in the future. Multi-family housing parking areas should have provisions for charging electric vehicles in at least half of the designated parking spaces. The developers and owners can decide how they will recover the investment cost in the future. If for no other reason, conduits should be installed for future charging stations before the parking lots are paved.

Observation: The notation above regarding a conservation easement being given to the Presumpscot Regional Land Trust does not coincide with language in the January 11, 2024, letter from Sebago Techics on page 2: "...the applicant is proposing to conserve 51.1 acres via conveyance to the Land Traust (sic) for trails...." The granting of a conservation easement does not convey ownership. Has the Town of Gorham decided on whether it wants ownership in the Robie conservation area? The Town of Windham, according to the newspaper reports, will have ownership of the Windham East project and will work with the Presumpscot Regional Land Trust. Does the Town of Gorham desire to have a similar role or has the Town of Gorham decided to step back and allow the land trust to own the land and undertake all of the improvements and future maintenance of the Robie conservation area? It is not clear what the Town's position is. It would be helpful for that to be made clear to the citizens and taxpayers of Gorham.

Sincerely

Harold Parks

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**5. CONTRACT ZONE LANGUAGE**

See language provided by the applicant below. Language shown in black underlined are amendments proposed by Town staff to address Town Council requests and the language shown in blue, bold,

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underlined and struck through are edits made by the Town Attorney to incorporate Planning Board comments from the January 22, 2024 meeting.

**CONTRACT ZONING AGREEMENT BETWEEN  
KV ENTERPRISES, LLC AND THE TOWN OF GORHAM**

THIS CONTRACT ZONING AGREEMENT is made this \_\_\_\_\_day of \_\_\_\_\_, 2024 by and between the TOWN OF GORHAM, a body corporate and politic, located in the County of Cumberland and State of Maine, with a mailing address of 75 South Street, Suite 1, Gorham, ME 04038 (the "Town") and KV ENTERPRISES, LLC, a Maine limited liability company with a place of business and mailing address of 140 Thadeus Street, South Portland, Maine 04106 (the "Property Owner"), and collectively referred to as the parties.

WHEREAS, the Town has the authority to enter into a contract rezoning for property, pursuant to 30-A M.R.S.A. § 4352(8) and Chapter I, Section **I 1-1**, Subsection H, as amended, of the Gorham Land Use and Development Code (the "Code"); and

WHEREAS, the Property Owner currently has right, title and interest in land located on Robie Street and New Portland Road in Gorham, Maine, being described on Gorham Tax Map 25 as Lot 8, Map 24 as Lot 20, Map 27 as Lot 20 and Map 24 as Lot 19, pursuant to a Purchase and Sale Agreement with Bruce William Robie, Personal Representative of the Estate of Frederick Robie, Sr. dated November 12, 2021 along with a Contract for Reciprocal Sale and Exchange of Land with Susan P. Robie and Jock D. Robie dated April 13, 2022 (collectively the "Property"); and

WHEREAS, the Property Owner intends to develop and construct a residential development comprised of up to 96 single family house lots and 295 multi-family units on the Property as generally depicted on the conceptual subdivision plan (the "Plan"), attached hereto and incorporated herein by reference, together with associated site improvements that include streets, stormwater infrastructure, utilities and other improvements as contemplated by the Plan, and

WHEREAS, the Property Owner intends to construct and sell single and multi-family housing units at the Property with pedestrian connections to the Village area and the school recreation field, and will further provide for 51 acres of land to be placed into a conservation with the Presumpscot Land Trust including a trail head and public parking access for the conservation land (to be created by the Presumpscot Land Trust); and

WHEREAS, the Property is located in Gorham's Urban Residential and Suburban Residential Zoning Districts and is in close proximity to the downtown Village area of Gorham; and

WHEREAS, the Property is located within the "Growth Areas" identified in the Town's [2016](#) Comprehensive Plan, which encourages and promotes higher-density residential development in more urban areas where the land is more accommodating to development (including access to water and sewer) while avoiding more rural sensitive areas; and

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WHEREAS, the proposed development of the Property aligns with the vision and goals of the [2016](#) Comprehensive Plan's goals through a planned residential development placing growth in a designated growth area and meeting the diverse needs for both single- family and multi-family housing. The location is opportune to promote liveable and walkable communities with ease of access to schools and services available within the Village area of Gorham; and

WHEREAS, the proposed project further provides an integrated roadway system that provides for frontage and access to single-family housing and multi-family housing including connectivity to the existing roadway network and a new roadway connection through the Village School to the New Portland Road. Sidewalks for pedestrian movement and open space will also be provided interconnecting with existing trails and sidewalks to promote passive recreation and pedestrian-friendly movement within and adjacent to the development; and

WHEREAS, after notice and hearing and due deliberation upon this rezoning proposal, the Gorham Planning Board has recommended the rezoning of the Property on \_\_\_\_\_;

NOW THEREFORE in consideration of the mutual promises made by the Town and the Property Owner to the other, it is hereby agreed as follows:

1. Amendment of Zoning Map. The Town will amend the Zoning Map of the Town of Gorham, as amended, a copy of which is on file at the Gorham Municipal Offices and which is incorporated by reference in the Land Use and Development Code, Chapter I, Section I, Subsection C, by adopting the map change amendment shown on Attachment 1.

2. Permitted Uses. The Property Owner is authorized to develop and construct the subdivision for residential purposes, **meeting the requirements of the Gorham Land Use and Development Code, Chapter 1, Section 1-18 Development Transfer Overlay District except as expressly modified by this Agreement including up to 96 single family house lots and 295 multi-family units on the Property.**

3. Performance Standards. All development and uses shall be subject to all applicable performance standards set forth in Chapter II of the Code, except as follows:

a. The development shall be constructed in phases as set forth in the phasing summary of the Plan. Performance guarantees shall be required on a per phase basis. 50% of the single-family homes or 50% of the multi-family units in any open phase shall be sold and a performance guarantee provided for the next phase before the next phase may be opened (provided that the Property Owner may install roads and project infrastructure in other phase areas without opening such phase for the construction of units).

b. Building construction shall be as generally shown on building elevations and floor plans provided at the time of building permit application and shall be generally consistent with the building elevations and floor plans provided with the Contract Zoning Application. Modifications to the building facade, exterior architectural treatments, windows, balconies, door plans and other related features may be made as part of the Planning Board review process without requiring a modification to this agreement.



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4. Dimensional Requirements. All development on the Property shall comply with the following dimensional requirements:

- a. Minimum lot size one-family dwelling: 8,500 square feet
- b. Multi-family/ Mixed Use requirements:
  - I. Lot size for multi-tenant: 20,000 square feet
  - II. Lot area per dwelling unit 1,500 square feet
- c. Minimum street frontage per lot: shall meet the requirements of the development transfer overlay district. 60 feet, except that multiple multi-family units may be constructed on a lot in accordance with the Plan
- d. Minimum side setbacks: 6 feet
- e. Minimum front and rear setbacks: 20 feet
- e. Maximum building height for the multi-family structures: 80 feet, as measured from the post-development grade to the highest point of the structure
- f. Minimum open space: Open space shall comply with the requirements of the Development Transfer Overlay District.

5. Other Requirements. All development on the Property shall comply with the following requirements:

- a. There shall be no material amendment of the Subdivision Plan without Planning Board approval.
- b. Except as otherwise established by this Agreement and the applicable provisions of the Development Transfer Overlay District, the Property shall be subject to the requirements of the underlying zoning district or any successor zoning district.
- c. The development shall include pedestrian connections to the Village and the school

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recreation fields.

- d. The development shall allow for a trail head and public access to the conservation land (to be constructed by the Presumpscot Land Trust).
- e. Multi-~~tenant family~~ housing shall have a parking ratio of 1.5 per unit **unless the Planning Board determines that a different parking ratio is supported for a phase, except that the required ratio shall not exceed 2 spaces per dwelling unit.**
- f. Recognizing that the proposed development plan achieves a diversity of housing opportunities while also accommodating a reasonable pace of development that is commensurate with the required financial investment for land and infrastructure, as well as the Town of Gorham's [2016](#) Comprehensive Plan, the following timing, and density of development shall be followed.
  - Not more than one (1) multi – ~~tenant family~~ phase shall be constructed in a 24-month period.
  - Not more than fifteen (15) single family building permits shall be granted in a calendar year.
  - Impact fees of \$1,000 per single family dwelling and \$500 for a dwelling unit in multiunit building shall be paid, to be utilized for ~~the~~ a School **Infrastructure project which increases a school's capacity for students as designated by the Town Council.** Fees shall be paid at the time of the application for a building permit.
  - The Property Owner will propose traffic calming solutions within the design plan to alleviate traffic patterns from New Portland Road to South Street, to be reviewed **and approved** by the Planning Board **and implemented by the property owner.**
  - The Property Owner will avoid a grid pattern of streets to utilize a more neighborhood approach that reflects the character of the abutting neighborhoods **and protect the existing tree canopy to the greatest extent practicable.**
  - **The development will provide a road connection to White Birch Lane as part of Phase 1 of the development. Construction traffic will be equally split between all points of access into the site.**
  - **The Development Transfer Overlay District fee requirement shall be paid as set forth in Gorham Land Use and Development Code, Chapter 1, Section 1-18, E. Performance Standards, 1. Development Transfer Fee and Calculations.**
  - **The multi-family buildings are allowed to be mixed-use buildings with commercial uses being allowed on the first 2 floors. The permitted uses shall be those as identified under the Gorham Land Use and Development Code, Chapter 1, Section 1-9, Subsection 2. Gorham Village Center District, B. Permitted Uses 1) through 18).**
  - **One (1) or more multi-family phase of the development shall be developed for**

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**housing for older persons, meeting the requirements of the Housing for Older Persons Act, 42 U.S.C. § 3607, and the implementing regulations in 24 CFR §§ 100.300-100.308, both as may be amended from time to time.**

6. Because the Town desires to encourage the majority of new development in the Growth Areas to include a higher density residential component, the development will **not** be required to purchase bonus dwelling units for those dwelling units that exceed the underlying zone's residential density.

7. Agreement to be Recorded. The Property Owner shall record this Contract Zoning Agreement in the Cumberland County Registry of Deeds and shall submit proof of recording to the Gorham Code Enforcement Officer and the Town Planner before any site work is undertaken or any building permits are issued.

8. Amendments to Agreement. The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the property and shall be amended only upon further written agreement of the Town of Gorham and the Property Owner and its successors in interest to the Property.

9. Site and Plan Subdivision Review. Approval of this Agreement will not serve as a waiver of site plan or subdivision review if otherwise required under the Code.

10. Property Taxes or Payment in Lieu of Property Taxes. The owner of the Property subject to this Agreement shall pay normally assessed property taxes or, if the property is otherwise exempt from property taxes, shall make a payment in lieu of property taxes that is equal to 100% of the amount that would have been paid if the Property was not exempt from property taxes.

The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Property Owner, any entity affiliated with it that takes title to the Property, its successors and assigns, and any party in possession or occupancy of the Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives. The provisions of this Agreement are intended to replace the **corresponding** uses and dimensional requirements of the existing Urban **Commercial Residential and Urban Residential Expansion Zoning Districts expressly set forth in Sections 2, 3, 4, and 5 of this agreement**, but any provision of that underlying zoning district or any other provision of the Code not **so** expressly modified by this Agreement shall remain in full force and effect. If any of the restrictions, provisions, conditions, or portions of this Agreement are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Code. This Contract Zoning Agreement shall be enforced pursuant to

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the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and the Code. Following any final determination of a material and continuing zoning violation, the Town Council, after recommendation of the Planning Board, may amend, modify or rescind its contract rezoning of the site.

In the event that the Property Owner fails to develop the Property in accordance with this Agreement, or in the event of any other breach of any condition set forth in this Agreement, the Town Council shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to develop or operate. The resolution may include a termination of this Agreement by the Town Council and a rezoning of the Property to the prior or any successor zoning districts. In such an event, the Property shall then be used only for such other uses as are otherwise allowed by law; provided however, that no such enforcement action shall result in a disallowance of the current uses of the Property prior to the date of this Agreement.

TOWN OF GORHAM

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Ephrem Paraschak  
Its: Town Manager

KV ENTERPRISES, LLC

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Kendrick Ballantyne  
Its: Manager

State of Maine  
Cumberland (county)

\_\_\_\_\_, 2023

Personally appeared the above-named Ephrem Paraschak, Town Manager of the Town of Gorham, Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Gorham.

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Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

\_\_\_\_\_  
Printed Name

State of Maine  
Cumberland (county)

\_\_\_\_\_, 2023

Personally appeared the above-named Kendrick Ballantyne, duly authorized Manager of the KV Enterprises, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of KV Enterprises, LLC.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

\_\_\_\_\_  
Printed Name

**PROPOSED MOTIONS:**

Move to recommend adoption of the proposed Contract Zone Agreement to the Town Council (with Amendments made by the Planning Board).