

**Town of Gorham  
 Planning Board Meeting  
 September 19, 2022**

**ITEM 6 – Pre-Application Discussion – Site Plan Amendment - Cressey, Stephanie – Cressey’s Apartments Expansion** – a request for approval to expand the existing apartment complex by 6 additional buildings and another driveway from Flaggy Meadow Road. M36/L12, 15, 11-1. Zoned, SR. The applicant is represented by Andrew Morrell, P.E., with BH2M.

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**PROJECT TRACKING**

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		September 19, 2022 continued from September 12, 2022
Site Walk		
Public Hearing		

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and may not be all inclusive of project requirements. Staff notes are review comments and recommendations prepared by the Town Planner and, if applicable, the Town’s peer review consultant, regarding applicability to The Gorham Land Use Development Code and standard engineering practices.

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

*Jim Anderson, Chair, Gorham Planning Board*

## 1. OVERVIEW

This is the first time this application has come before the Planning Board.

The applicant is represented by Andrew Morrell, P.E., with BH2M.

## 2. ITEMS OF NOTE

**Below are topics the Planning Board may want to discuss with the applicant. The discussion topics are written as a guide for the Planning Board. It should be noted that the discussion topics are noncommittal and all decisions on relevant discussion topics are those of the Planning Board.**

### Comprehensive Plan – Future Land Use

- The zoning is proposed to be changed to Suburban Residential for this area.
- Location – The Suburban Residential designation includes a number of areas that have a substantial amount of suburban style development or are suitable for this pattern of development. This includes the Burnham Road area, some of the Flaggy Meadow-Narragansett area, the northern fringe of Gorham Village, the Dingley Springs area, and the Barstow Road area.
- Allowed Uses – The allowed uses in the Suburban Residential Area should include the same general types of uses currently allowed in the Suburban Residential zone. 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, rural entrepreneurial uses, and bed and breakfast establishments. In addition, it should accommodate traditional rural and agricultural uses including the reuse of agricultural buildings, sawmills, mineral extraction, and veterinary and animal services.
- Development Standards - The development standards in the Suburban Residential Area should allow for moderate-density residential development with somewhat higher densities for residential developments that utilize public water and/or public sewerage. The base density for residential development should be set at one unit per net acre. This should increase to 1.5 units per net acre with public water and two units per net acre with public sewerage. The development standards should provide a density bonus of 10 to 15% for subdivisions that are developed as conservation or open space subdivisions that preserve a portion of the site as permanent open space. The base minimum lot size requirements should be 40,000 SF with on-site sewage disposal. This should be reduced to 30,000 SF for lots utilizing public water supply and 20,000 SF for lots using public sewerage. The base minimum lot frontage requirement should be 200 feet for lots that front on a state numbered highway or an identified major collector road (New Portland Road, Libby Ave/Brackett Road, Huston Road, and North Gorham Road) and 150 feet for lots that front on other streets. If the development utilizes public water, the minimum frontage on local streets should be reduced to 120 feet and to 100 feet if public sewerage is used. Lots in conservation or open space subdivisions should be permitted to have further reduced lot sizes and street frontages.

### Zoning and Subdivision

- The zoning is currently Suburban Residential (SR), which allows multi-family residential.

- The back portion of Map 36 Lot 15 is located in the shoreland overlay and 100 year floodplain.

### Historic Preservation

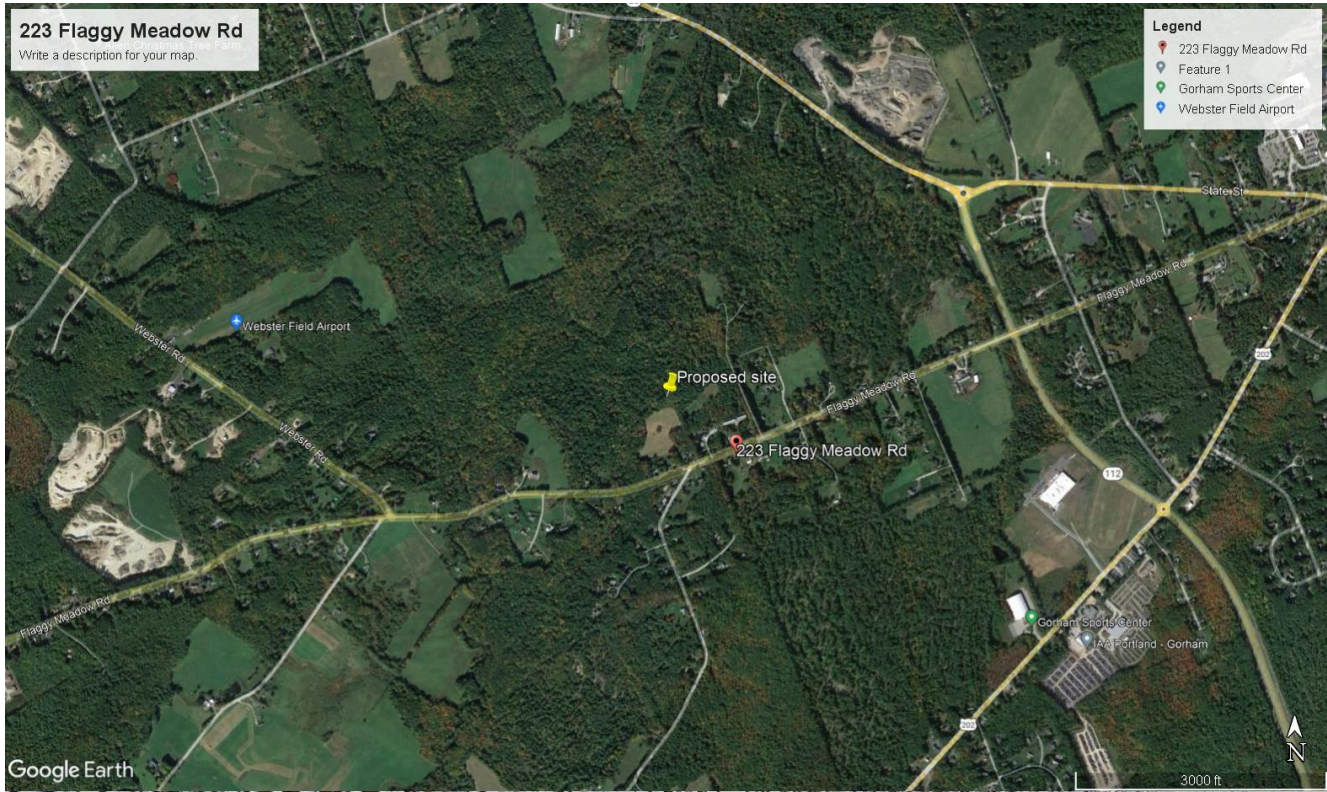
There are no known historic, archaeological, or significant sites on this property as identified in the Historic Preservation Ordinance or Comprehensive Plan. It is not located in a historic district.

### **3. PHOTOGRAPHS**

Google earth images



Cressey, Stephanie – Cressey’s Apartments – Site Plan Amendment Review  
229 Flaggy Meadow Road - M36, L12, 15, 11-1





#### 4. STAFF COMMENTS

**Planning Division:** 08/29/2022

**August 29, 2022**

- Zoning – SR, Shoreland Overlay; Future Land Use Plan – SR
- Natural Resources onsite – stream, wetland, 100 yr. floodplain
- Public water is located in Flaggy Meadow Rd.
- Public Sewer is located approximately 6,000 feet away.
- Merge parcels to meet setbacks.
- Ordinances (and specific sections) to review for applicability:
  - Chapter 1 - Zoning regulations
  - Chapter 2 - General Standards of Performance esp. Performance Standards for Multi-family Housing
  - Chapter 5 - Floodplain Management
  - Chapter 4 – Site Plan Review
  - Chapter 3 - Subdivision
  - Chapter 7 - Impact Fees Recreational and Open Space, Middle School will apply.
  - Sidewalk Construction
    - Note: There are currently no sidewalks or paved shoulders along Flaggy Meadow Road in Gorham. It is located in the town’s designated growth area.
    - 11) Sidewalks - Sidewalks shall be provided within all subdivisions in the Village Center, Urban Commercial, Commercial Office, Office Residential, and

Urban Residential Districts, and for all subdivisions located within the Development Transfer Overlay District that conform to the overlay district requirements, with connection to the existing sidewalk network provided for the safety and convenience of the residents, per the standards in Table 1 and Figures 1, 2, 3 and 5. The sidewalk location in figures 1, 2, 3 and 5 is preferred; however, it may, at the discretion of the Planning Board, be positioned at curb line with zero esplanade. Sidewalks may also be required in subdivisions which abut any of the above Districts.

- Sidewalks may also be required, for the safety and convenience of the public, by the Planning Board or Site Plan Review Committee for major and minor developments located along arterial and collector streets and which are within reasonable distance of the existing sidewalk network. Sidewalks, when required, shall be a minimum of five (5) feet in width, unless site conditions dictate a different width.
- Solid Waste Flow Control
- Stormwater
- Wastewater
- Chapter 2 Section 2-5 C. ACCESS TO ADJOINING LAND 1. The Planning Board shall provide for road continuation, to limit unnecessary curb cuts and/or to provide for street access to adjoining properties by dedication on a subdivision plan, of a fifty-foot wide right-of-way to the boundary of adjacent properties, unless the Planning Board determines it is not in the public interest to require access to adjoining land, the topography is not suitable for access to adjoining land, or the project is surrounded by wetlands and no suitable land is available for continuation. Access to adjacent developed land shall be provided by the dedication on a subdivision plan of a 50-foot right-of-way connecting to previously dedicated rights-of-way.
  - The proposed right of way should be adjusted so that it meets the property line in a location that has the possibility of extending through to the abutting parcel. The current location meets the property line where a wetland/pond is located. The intent of this ordinance requirement is to allow for through roads and connections.
- SECTION 2-10 – THE PROVISION OF PUBLIC WATER SUPPLY
  - Conditional Provision of Public Water Supply Unless exempted by the Planning Board in accordance with D. below, any new principal building for nonresidential or residential use (or group of buildings that is part of the same project) for which a building permit is issued after November 10, 2004, that has a design sewage flow based upon the Maine State Plumbing Code of more than two thousand (2000) gallons per day or that is required to be provided with a fire protection sprinkler system in accordance with fire protection codes or town ordinances, or any subdivision approved after November 10, 2004 and that had not had substantive Planning Board review as of November 10, 2004, that will allow for the construction of six (6) or more dwelling units or one or more principal buildings requiring site plan review, shall be connected to, and shall utilize, the public water system, if the parcel upon which the development is located is within three thousand (3000) feet of a Portland Water District water

main as measured along existing or proposed public rights-of-way from the existing main to the nearest corner of the parcel, and the parcel is located, in whole or in part, in any of the following zoning districts: 1. The Suburban Residential District 2. The Roadside Commercial District 3. The Commercial-Office District 4. The Industrial District 5. The Rural District

- D. Exemption from Public Water Supply Requirements The Planning Board shall, by formal vote, exempt a development from the requirement to extend and/or use public water supply if it finds that any one of the following conditions is met:
  - 1. That the Portland Water District has certified, in writing, that the District’s water system cannot provide adequate service for the project including provisions for fire protection sprinkler systems without a major investment in the District’s facilities that the District is not prepared to make in a timely fashion, or
  - 2. That the cost of providing public water service for the project is unreasonable given the anticipated benefit. The cost of providing public water service for a residential use or subdivision shall be deemed to be unreasonable if the Public Water Cost per Unit (PWCU) exceeds the Maximum Private Water Cost per Unit (MPWCU) based upon the methodology set forth in subsection E. The cost for providing public water service for a non-residential use or subdivision shall be deemed to be unreasonable if the estimated cost is more than twice the cost of an equivalent private water supply system including provisions for fire protection water supplies based upon the methodology set forth in subsection E, or
  - 3. That the special provisions for utilizing private ground water supply in the Black Brook and Brackett Road Special Protection District will be met.
  
- E. Determination of Unreasonable Cost
  - If a property owner or developer requests an exemption from the requirement to provide public water supply based upon the cost of providing public water supply, he/she shall submit an analysis of the estimated cost of providing public water service versus the cost of providing private water supplies. The analysis shall be based upon the proposed development scenario as if the entire lot or parcel will be developed/subdivided and there is no potential for future additional development. The Planning Board may require that the analysis be based upon a full build-out scenario for the parcel that assumes that the entire parcel will be developed based upon the allowed zoning density with public water and cluster development, if appropriate, taking into consideration site constraints and town regulations. If only a portion of the lot or parcel is being proposed to be developed/subdivided, the analysis shall be based upon a full build-out scenario for the parcel that assumes that the entire parcel will be developed and that the area not currently proposed for development will be developed based upon the allowed zoning density with public water and cluster development, if

appropriate, taking into consideration site constraints and town regulations. The development scenario shall be submitted to the Town Planner and shall be subject to the Planner’s and Planning Board’s approval as a reasonable development scenario for the parcel.

- 1. Residential Developments -- The cost of providing public water service for a residential use or subdivision shall be deemed to be unreasonable if the Public Water Cost Per Unit (PWCU) exceeds the Maximum Private Water Cost Per Unit (MPWCU) based upon the following methodology:
  - Step 1. Determine the PUBLIC WATER COST PER UNIT (PWCU) based upon the following formula:  $PWCU = (((((SL \times \$75) + (NL \times \$40))/UN) + \$1,425) \times CCIF) + (((LDG) \times CCIF) + EX)/UN)$  Where: SL = the lineal feet of new water main in an existing street, NL = the lineal feet of new water main in a proposed street or right-of way, UN = the number of units in the development to be served, CCIF = Construction Cost Inflation Factor LDG = the estimated current cost for ledge trench at \$20 per lineal foot times the estimated number of feet of ledge trench or other estimate of ledge removal cost approved by the Planning Board based upon field knowledge/documentation provided by the applicant EX = the estimated current cost for any extraordinary costs for the water service such as bridge crossings and \$75 is the typical cost per foot for a water main in an existing street, \$40 is the typical cost per foot for a water main in a new street or right-of-way, and \$1,425 is the typical average cost for a house service, and CCIF = ENR CCI Current/ENR CCI 5-04 where ENR CCI Current is the ENR Construction Cost Index for the month in which the calculation is made as published in ENR (Engineering News-Record) magazine and ENR CCI 5-04 is the ENR Construction Cost Index for May 2004
  - Step 2. Determine the MAXIMUM PRIVATE WATER COST PER UNIT (MPWCU) based upon the following formula  $MPWCU = ((\$5,500 \times 2) + \$5,000) \times 1.1) \times CCIF$  Where: CCIF = Construction Cost Inflation Factor, and \$5,500 is the typical developer cost for a well and \$5000 is the typical cost for residential sprinkler system.
  - Step 3. Compare the calculated PWCU to the calculated MPWCU to determine if providing public water supply is reasonable.
  - The entire Calculation sheet for public water needs to be submitted for review to determine waiver necessity. It is found here...<https://www.gorham-me.org/planning-division/pages/estimator-water-supply-costs>.
- Sanitary Sewers: Sanitary sewers shall be required per the Town of Gorham Wastewater Ordinance and be designed and constructed to the requirements of the Superintendent of Sewers and the Portland Water District.
- ARTICLE IX - SEWER EXTENSIONS



- SECTION 1 - NEW SUBDIVISIONS
  
- Any person who subdivides land within the Town, of which any part either is located within 500 feet of a public sanitary sewer, or is located that it can be connected to such a public sanitary sewer without undue hardship, as determined by the Planning Board, shall, if such subdivision has not been finally approved before the effective date of this Ordinance, and assuming capacity exists in the sewer system as determined by the Town Council, will, at his own expense, construct for dedication to the Town a sanitary sewer extension to serve all structures within such subdivision which will require the disposal of wastewater. Such sanitary sewer shall be designed by a registered engineer, its design shall be approved by the Town and its design, construction and acceptance shall be in accordance with the provisions of Article IX, Section 3, 4 and 5.
  
- Chapter 2 SECTION 2-5 - MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS
  - H. STANDARDS FOR PRIVATE WAYS The Planning Board may approve the use of private ways to provide access to individual lots of land provided that the following conditions are met:
  - 1) An approved private way may serve a combination of dwelling units/lots identified below:
    - 1 lot gravel private way – 1 lot with a single family house
    - 2-6 gravel private way – up to 6 lots, with no more that 6 total dwelling units served by the private way
    - 7-10 paved private way – up to 10 lots, with no more than 10 total dwelling units served by the private way
    - 25 dwelling unit paved private way – up to 25 lots, with no more than 25 total dwelling units served by the private way

**Assessing Department:** No comments received.

**Code Department:** 08/31/2022

**August 31, 2022**

Individual septic systems are required.

**Fire Department:** 08/25/2022

**August 25, 2022**

**MAP 36 Block Lot 12, MAP 36 Block Lot 15, MAP 36 Block Lot 11-1,**

I have revived the Plans dated August 22, 2022

1. The hammer head width needs to be 20’ wide and 50’ deep (Show on Plans) . No drive ways will be allowed off the Hammer Head. The one proposed is not acceptable by units 62-67.
  
2. Their shall be “No Parking - Tow Away Zone" or “No Parking - Fire Lane" signs added to the hammer head. Please show on the Plans

3. All 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 Department for review.
4. 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.
5. The buildings shall be properly numbered in accordance with E911 standards including height, color and location. Numbers that cant been seen from the street shall require additional numbers at the street.
6. We will require a Fire Hydrant installed on the corner of Units 44-49 and 38-43.
7. The fire hydrant layout shall be installed in accordance with the attached document. See Attachment’s labeled # 1
8. All Gas meters (if any) shall be properly protected from vehicle impact.
9. The fire hydrant(s) shall have a final height of not less than 2 inches and no greater than 4 inches from break away flange to grade and no obstruction shall be located within 10 feet of the perimeter. The initial installation of the fire hydrant(s) shall be inspected and accepted/ approved by the GFD AHJ. And the Portland Water District. The hydrant(s) shall be inspected for final compliance and flow tested by the Portland Water District prior to street acceptance by the town or prior to issuance of the final Certificate of Subdivision completion. Occupancy whichever occurs first.
10. It shall be the Owners responsibility to have a service winter Maintained contract on the new hydrant as it will be a private hydrant.
11. On Road Parking? Will need to discuss this, as the plans do not show the roads width’s

Fire Department may have more or less requirements as this progresses through the Planning Process.

**Police Department:** No comments received.

**Public Works Department:** 08/29/2022

**August 29, 2022**

Existing driveway will need to be upgraded and frontage redithched.  
It appears there are 2 properties involved here,not sure if that is an issue.  
storm water plan

What are their intentions for septic? Are existing beds able to handle new buildings?

**Stormwater Compliance Officer:** 08/25/2022

**August 25, 2022**

Developers should consider Low-Impact Development standards the Town is looking to adopt in the near future, including:

Protect Natural Drainage Systems - Maintain a minimum 25’ buffer on all natural water resources including intermittent channels. Utilize natural flow patterns for the post-construction drainage system.

Minimize Reduction of Time of Concentration (Tc Path) - Break up or disconnect the flow of runoff over impervious surfaces via vegetated buffers. Maximize routing storm runoff on the non-impervious surface vs. within underground piping. Increase flow lengths or the surface roughness of the flow path (I.e., vegetated open channels). Detain flows onsite.

Minimize Impervious Areas & Minimize Effect of Impervious Areas & Minimize Soil Compaction/Disturbance.

Maximize Landscaping That Encourages Runoff Retention

**Conservation Commission:** 09/02/2022

**September 2, 2022**

Dear Carol and Planning Board Members,

The Conservation Commission has reviewed the sketch plans for Cressey Apartments forwarded to us on 25 August 2022. Here are our comments and questions:

1. Given the combined size of the parcels, their proximity to the Nelson Preserve (parcel 37-14) and the Little River, and increased population in these units, could we work with the landowners to put a conservation easement in place on the northern side of the parcel to allow for public trail access?
  - a. With the overall popularity of our Town’s trails and outdoor spaces, passive recreation space like this on site could also be a plus for the apartments.
  - b. The Conservation Commission would be open to a site walk and/or meeting to discuss further if there is interest in trail development.
  
2. Will all of the apartments (current and proposed new ones) be tied to the Town water and sewer system or just the new buildings?

- a. Would this expansion be beyond the capacity of the current on-site septic system (especially concerned about long term impact because this is uphill from the Little River)?
- b. Do the Town and the Portland Water District have sufficient water and sewage capacity in this area to support this?

3. What impact will this have on the Town’s schools and Public Works?

Thank you for your time and for considering these comments and questions. Please let us know if you have any questions or would like more information from us.

On Behalf of the Conservation Commission,

Bill Moreno  
Chair, Gorham Conservation Commission

**Abutters Comments:** No comments received.