

**Town of Gorham  
 Planning Board Meeting  
 January 22, 2024**

**ITEM 2 - Pre-Application Discussion – Site Plan Amendment – GenX Capital Partners, LLC. – **Luxury Motor Toys** – a request for approval of a Site Plan Amendment to construct 40 condominium garage units with associated clubhouse and infrastructure. Zoned OCI. Map 34, Lot 3.003. Represented by Jon Whitten, Jr., P.E. of Haley Ward.**

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**PROJECT TRACKING**

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		January 22, 2024
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 should be noted that staff recommendations are non-committal, and all final decisions are those of the Planning Board and not Town Staff.

*Vincent Grassi, Chair, Gorham Planning Board*

## 1. OVERVIEW

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

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

## 2. ITEMS OF NOTE

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

### Comprehensive Plan

- The comprehensive plan calls for the parcel, part of the Olde Canal Industrial District, to continue as an industrial zone.

### Zoning, Site Plan, and Subdivision

- The site plan ordinance applies to this proposal.
- The parcel is not located within the Shoreland Zoning Overlay.
- The parcel is not located within the Manufactured Housing Overlay Zone.
- The parcel is part of a larger subdivision created to support industrial development in the Town.

### Historic Preservation & Natural Resource Protection

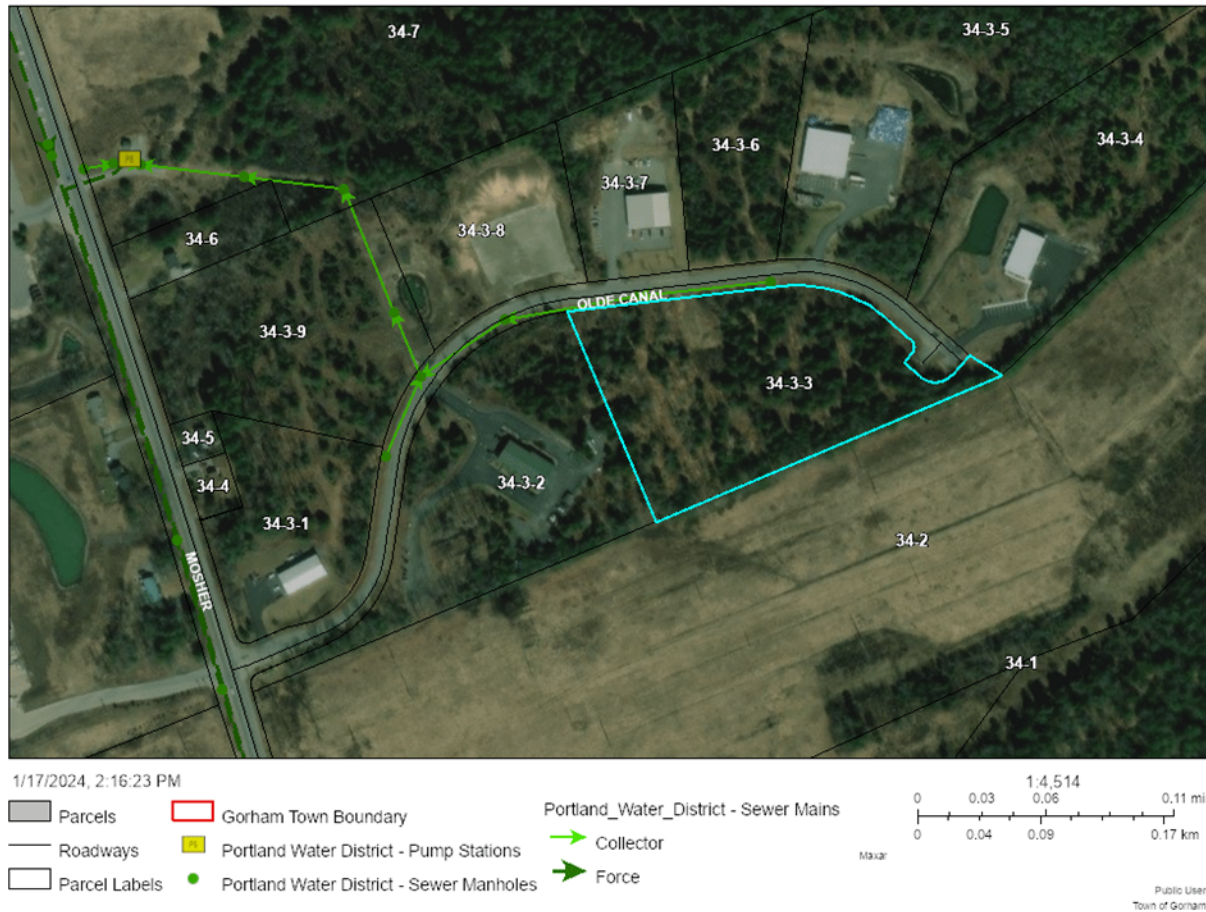
The Town of Gorham GIS map and the State Beginning with Habit maps both show that the site does not contain any rare wildlife, plant communities, or other critical habitat. The site contains mapped wetlands, impacts on which will need to be avoided or mitigated in accordance with permit requirements.

### Stormwater

- An existing DEP Site Location of Development (SLODA) Permit, issued for the Olde Canal Business Park subdivision, applies to this parcel.
- Stormwater from the site will be directed into existing infrastructure managing stormwater for the subdivision.

### 3. AERIAL PHOTOGRAPH

Town of Gorham Public Map Viewer



### 4. STAFF COMMENTS

**Assessing Department:** No comments

**Code Division:** No comments

**Director of Community Development:** No comments

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

Luxury Toys Building Code Comments

Items to consider:

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

**Fire Department: 1/5/2024**

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

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

Looks like a good fit for us.

**Planning Division: 1/17/2024**

- The sketch map refers to the “City of Gorham.” This should be amended to read “Town of Gorham.”
- The zoning districts shown on the sketch map are incorrect. The parcel is in the “Olde Canal Industrial District,” not the “Industrial District,” and it borders the “Agricultural/Industrial District” not the “Rural District.”
- The applicant has stated that they intend to install fencing and a security gate on the parcel. This is not shown on the sketch plan. The applicant should be aware that a lock box will need to be installed at the gate to allow for emergency responder access.
- The interior area is shown as vegetated. If this area is to be cleared and to be a developed landscaped area this will need to be shown on the plans, and the applicant will need to ensure that permitted limits on impervious, developed, and cleared areas are complied with.
- Parking:
  - The land use for the parcel does not cleanly match existing categories for the purposes of determining minimum parking requirements. The closest match is “Industry, manufacturing and business” which requires 1 parking space per 1000 square feet of floor area.
  - The applicant is proposing to construct buildings with a total of approximately 49,000 square feet of area, requiring at least 49 parking spaces.
  - The applicant is proposing to construct 34 parking spaces.

- The Planning Board should discuss with the applicant whether a reduction in parking space requirements is warranted for this development, and whether the applicant can provide information justifying such a request.
- The applicant is exploring whether the proposed garage units, accommodating 2 vehicles per unit, can be included in calculations for provided parking spaces. Additionally, they are reviewing whether overflow parking spaces can be provided on Olde Canal Way.
- The applicant has stated that they intend to install floor drains in each garage unit. Whether the floor drains can be connected to the sanitary sewer and requirements for oil/water separators or similar infrastructure, needs to be reviewed with Portland Water District. The floor drains may need to be connected to a dedicated holding tank. Floor drains may not be connected to stormwater infrastructure.
- Stubs for utility connections are installed in Olde Canal Way. This road was repaved within the last year and, as such, is within its 5-year moratorium for street openings. The applicant should work with the town to determine the location of utility stubs and whether accessing them will require a street opening.
- Requirements for fire protection, including sprinklers and separation between individual units, need to be reviewed.

**Police Department:** No comment

**Public Works Department:** 1/8/2024

DPW has no comment! Looks like a good project for the Town.

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

Stormwater comments for this project are as follows:

1. While not a requirement, the Town would like the applicant to consider utilizing Low Impact Development techniques. If the applicant chooses not to implement LID practices, please show why this is not feasible for this project.
2. A reminder that the Winter Construction season has begun and **runs through May 1st**. Winter Construction erosion and sedimentation controls / BMP's have a different set of standards than the rest of the year. Please refer to the Maine DEP's Erosion and Sediment Control Practices Field Guide for Contractors for specific requirements during winter construction.
3. This project is inside of the Maine Department of Environmental Protection's MS4 Regulated Urbanized Area. According to the project description, this development will trigger Annual MS4 Post-Construction Inspections. Please refer to MEDEP for the increased protection requirements, and the Town's Stormwater Compliance Officer for post-construction inspection requirements.

Thank you,

Ethan Moskowitz  
Stormwater Compliance Officer/ GIS Technician

**Recreation Department:** No comment