

**Town of Gorham
Planning Board Meeting
July 12, 2021**

Item 7 - Pre-Application Discussion - Subdivision and Private Way – Jordan, Megan and Gary – request for approval of a 5-lot subdivision and 670 foot private way off Old Orchard Road. Zoned Rural (R), Map 57, Lot 19. The applicant is represented by Austin Fagan, P.E., with BH2M.

The applicants propose a private way, individual domestic wells and subsurface septic systems. The applicant has provided a conventional layout for the Boards review.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		July 12, 2021 July 11, 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 second time this application has come before the Planning Board. The previous meeting was July 2021.

The applicant is represented by Austin Fagan, 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

- The rural zoning is proposed to remain in this area.
- The allowed uses in the Rural Area should be similar to the current Rural zone. This includes farming and forestry as well as a range of residential uses (single-family, two-family, and multi-family), accessory apartments, municipal and community uses, institutional uses, rural entrepreneurial uses, and inns 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 agriculturally related businesses including the processing and sales of agricultural products.
- The Future Land Use Plan states “The development standards in the Rural Area should allow for the conduct of working rural activities including farming, forestry and mineral extraction and should not impose unreasonable standards on these uses. Low-density residential development with somewhat higher densities for residential developments that utilize conservation or open space subdivision design principles should be accommodated. The base density for residential developments should be set at 1 unit per 1.5 net acres. Conservation or open space subdivisions that preserve a substantial portion of the site as permanent open space should be allowed at the same base density. The base minimum lot size requirements should be 60,000 SF but individual lots in a conventional subdivision can be as small as 40,000 SF as long as the overall maximum density is met for the entire subdivision. Lots in a conservation or open space subdivision may be as small 20,000 SF as long as the density requirement is met. 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. In conservation subdivisions, the minimum frontage on local streets should be reduced to 100 feet.”

Zoning and Subdivision

- The zoning is currently Rural (R), which allows for single family residential.
- Clustered residential development is allowed in this zoning district and shall follow the standards in Chapter 2 Section 2-4 General Performance Standards.
- Conventional subdivision is allowed in this zoning district.

July 7, 2022

- Wetlands and vernal pools found on site – see letters dated 4-1-22 and 5-18-22 from A. Finamore, CWS, LSE
- Ordinances (and specific sections) to review for applicability:
 - Chapter 1 - Zoning regulations
 - Chapter 2 - General Standards of Performance
 - Chapter 3 - Floodplain Management (if applicable)
 - Chapter 7 - Impact Fees Recreational and Open Space, Middle School will apply.
 - Historic Preservation Ordinance (if applicable)
 - Sidewalk Construction (if applicable)
 - 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: 06/11/2021, 06/16/2022

June 11, 2021

Tree growth withdrawal penalty was supplemented September 17, 2020. Check to see if payment has been made. Penalty withdrawal supplement attached.

June 16, 2022

Is the project a 3 or 5 lot subdivision?
Would like sketch plan without topo and wetlands.

Code Department: No comments received.

Fire Department: June 17, 2022

June 17, 2022

MAP 57 Block Lot 19 5 Lot Subdivision w/ Private Way

I have reviewed the Plans dated June 8, 2022

1. The hammer head width needs to be 20' wide and 50' deep. No drive ways will be allowed off the Hammer Head. Please show driveway's on future plans when Changes are made.
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. Street name need to be approved by Police and Fire Chief as well as be properly posted. Please provide 3 Names.
4. 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 Inspector for review.
5. 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.
6. 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.
- 7. Past history has repeatedly shown that private ways/drives are very poorly maintained, and wintertime poses a very serious issue of emergency vehicle access, with very little enforcement available to the Town. I would state for the record and make notice that the Fire Department cannot and will not be held responsible for incidents where we cannot gain access to buildings or incidents on these private ways/drives that are not properly maintained.**
8. We may have more requirements as this progresses through the planning process.

Police Department: No comments received

Public Works Department: No comments received

Abutters Comments: Lynda McDonald, 07/07/2021