

**Town of Gorham
Planning Board Meeting
September 12, 2022**

ITEM 7 - Pre-Application Discussion – Subdivision and Site Plan Review – K/V Enterprises– request for approval of a site plan and subdivision for residential units, streets, open space, recreation facilities, trail network and associated infrastructure off Robie Street. Zoned UR and SR, Map 24, Lot 19, 20 – Map 25, Lot 8 – Map 27, Lot 20. The applicant is represented by Henry Hess, Landscape Designer with Sebago Technics, Inc.

The applicant has provided a layout based on the Development Transfer Standards in Chapter 1 for the Boards review.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		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 Henry Hess, Landscape Designer with Sebago Technics, Inc.

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 Village Expansion and Village Residential for this area.
- Village Expansion Area
 - Location – The Village Expansion Area includes the area on the fringe of Little Falls Village and extending along the Gray Road corridor toward Gorham Village. It also includes an area to the south of Gorham Village extending from the village bypass to the New Portland Road area. Most of this area is currently included in the Development Transfer Overlay District.
 - Allowed Uses – The allowed uses in the Village Expansion Area should include the same general types of uses allowed in the Village Residential Area. This includes a range of residential uses (single-family, two-family, and multi-family), accessory apartments, retirement housing and elderly-care facilities, municipal and community uses, institutional uses, and bed and breakfast establishments.
 - Development Standards – The development standards in the Village Expansion Area should allow for moderate-density residential development as well as higher density-residential development through the use of the development transfer provisions. The base density for residential development should be set at two units per net acre with public sewerage and one unit per net acre with on-site sewage disposal. The standards should allow a density of up to eight units per net acre with development transfer provided that the development uses public sewerage. In addition, the variable density provisions for small units should apply (see Section C.7. Small Dwelling Units). The base minimum lot size requirements should be 20,000 SF with public sewerage and 40,000 SF with on-site sewage disposal. The minimum lot size with development transfer can be reduced to 6,000 SF. The base minimum lot frontage requirement should be 100 feet with public sewerage and 150 feet with on-site disposal. If development transfer is utilized, the minimum lot frontage should be reduced to 60 feet.
- Village Residential Area
 - Location – The Village Residential Area includes primarily the developed residential neighborhoods in Gorham Village and Little Falls Village (see Figures 6.3 and 6.4). This designation is similar to the current Urban Residential zone but has been expanded slightly to include areas that are now seweraged.
 - Allowed Uses – The allowed uses in the Village Residential Area should include the same general types of uses currently allowed in the Urban 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, and bed and breakfast establishments.

- o Development Standards – The development standards in the Village Residential Area should allow for medium-density residential development as well as highdensity development through the use of development transfer provisions. The base density for residential development should be set at 4 units per acre with public sewerage. Development with on-site sewage disposal should not be permitted. The standards should allow a density of up to 8 units per acre with development transfer. In addition, the variable density provisions for small units should apply. Within the Village Residential Area the reuse of existing buildings for residential purposes should be allowed without density considerations as long as the property meets requirements for parking, landscaping, and buffering. The base minimum lot size requirements should be 10,000 SF with public sewerage. The minimum lot size with development transfer can be reduced to 5,000 SF. The base minimum lot frontage requirement should be 80 feet. If development transfer is utilized, the minimum lot frontage should be reduced to 60 feet. In addition to the space and bulk standards, developments utilizing development transfer should be required to meet additional design standards to assure that the overall development and individual homes are designed with a “village character”.

Zoning and Subdivision

- The zoning is currently Urban Residential (UR) and Suburban Residential (SR), which both allow for single and multi-family residential.
- Conventional subdivision is allowed in this zoning district.
- This is located within the Development Transfer Overlay District.

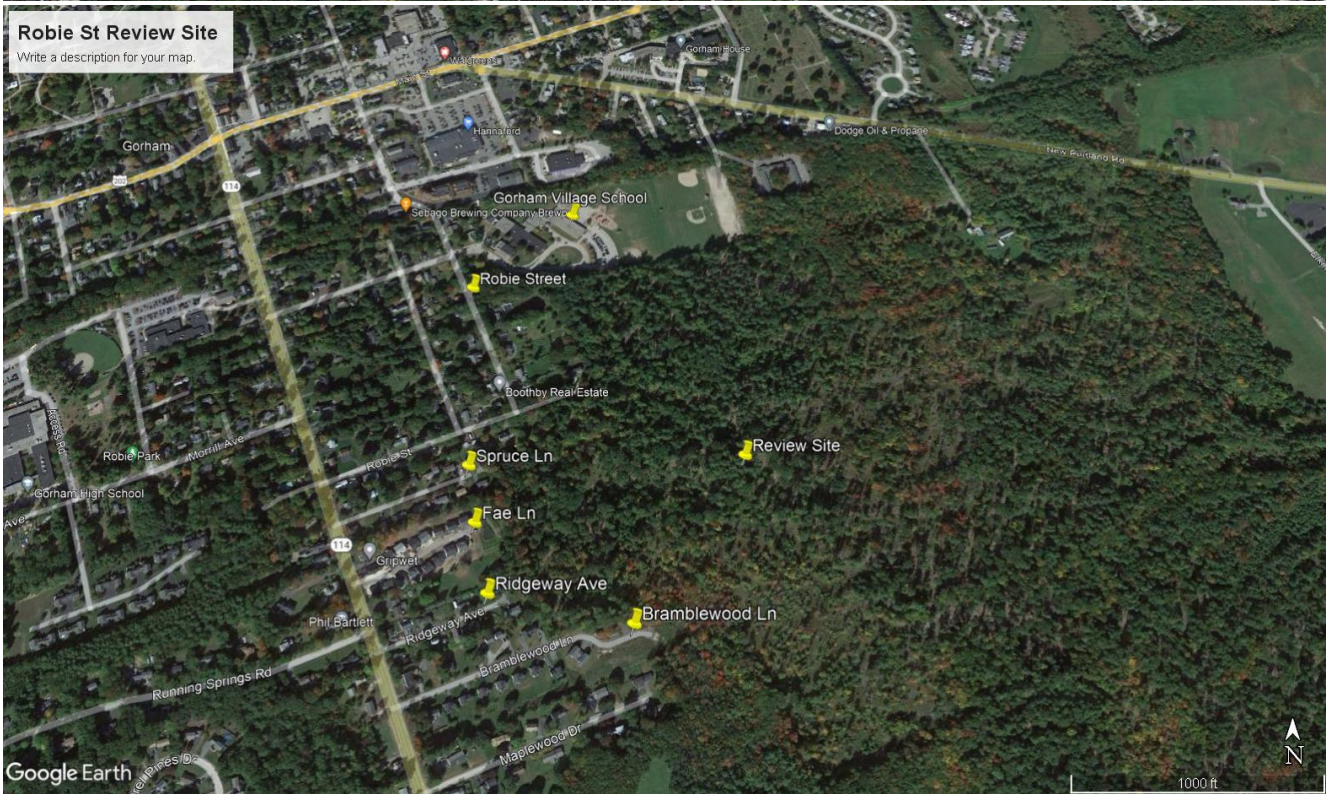
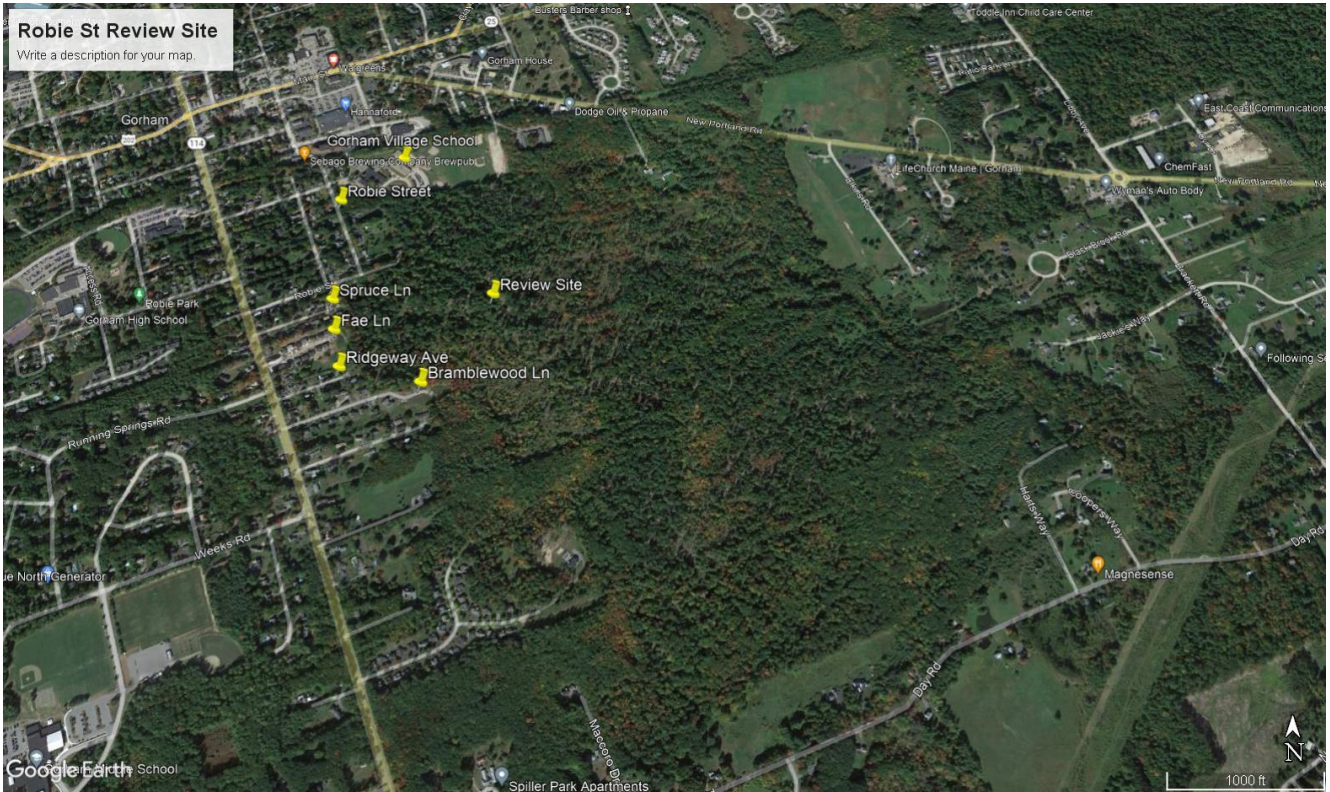
Historic Preservation

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

K/V Enterprises – Robie Street Subdivision and Site Plan Review
M24/L19, 20 – M25/L8 – M27/L20



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M24/L19, 20 – M25/L8 – M27/L20



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4. STAFF COMMENTS

Planning Division: 08/25/2022

August 25, 2022

- Zoning – Urban Residential and Suburban Residential
- Site contains wetlands, aquifer and streams
- Site is within the Narragansett Game Preserve
- Located within the Development Transfer Overlay District
- The applicant has been working with the Presumpscot Regional Land Trust for the preservation of open space. According to Chapter 1 Section 1-18 E 5, the minimum open space to be preserved is approximately 13 acres. The applicant is providing 51 acres.
- The project team must be Maine licensed in their particular profession.
- Chapter 1 Section 1-18 Development Transfer Overlay District requirements include: fee calculation, building design, lot design, access limitations, open space, and parking lot locations. As is required by “New buildings constructed in existing neighborhoods shall be located in such a manner as to maintain the established relationship of existing neighboring structures to the side setbacks. Where no such relationship exists, the minimum setback shall be identified per use type.”
- It would be helpful to include density calculations of the proposed development site as well as the neighborhood to determine the existing neighborhood characteristic for comparison.
- Public water or sewer in Robie Street.
- Walkable block sizes are traditionally anywhere from 100 to 400 feet in length. We might think about creating a couple connections between the proposed streets so that the people who live on them can walk. This parcel is already mostly a half a mile from the “Square,” which means that many of the people who are furthest from Robie Street will chose to drive.
- An additional right of way running to the parcel off Toppan Drive off New Portland Road should be considered.
- Ordinances (and specific sections) that apply to this proposal:
 - Chapter 1 - Zoning District and Development Transfer Overlay District regulations
 - Chapter 2 - General Standards of Performance
 - Chapter 5 - Floodplain Management
 - Chapter 4 – Site Plan Review
 - Chapter 3 - Subdivision
 - Chapter 7 - Impact Fees = Recreational and Open Space and Middle School will apply.
 - Sidewalk Construction
 - Solid Waste Flow Control
 - Stormwater
 - Wastewater
 - Growth Management
- Please note the following:
 - 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.
- Chapter 2 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:
 - Step1. 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.

Assessing Department: No comments received.

Code Department: No comments received.

Fire Department: 08/25/2022

August 25, 2022

MAP 24 Block Lot 19-20, MAP 25 Block Lot 8, MAP 27 Block Lot 20,

I have reviewed the Plans dated August 22, 2022

1. The hammer head width needs to be 20' wide and 50' deep (Show on Plans)

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 4 Fire Hydrant installed in this project. (Subject to change when next set of plans are submitted.)
7. The fire hydrants 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 private hydrant’s, unless the town accepts the Streets. .
11. On Road Parking? Will need to discuss this, as the plans do not show the roads width’s
12. Portland Water needs to decide if they want the water mains looped with South Street and New Portland Roads.
13. Exit/ Entrances? This plan shows only one way in and 1 way out.

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

Police Department: No comments received.

Public Works Department: 09/06/2022

September 6, 2022

Dpw has concerns about road way up grades to the roads being connected for this project.
Drainage from Spruce Ln, and Ridgeway?
potential sidewalks off site? Robie st? Ridgeway?
I know this project is in the early stages I believe there will certainly be more comments as we go.

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 Robie Street forwarded to us on 25 August 2022. Here are our comments and questions:

1. How does the Town determine whether the existing roads marked for ingress and egress are sufficient for the amount of traffic this development could generate?
 - a. Is this determined solely by obtaining a Maine DOT Traffic Movement Permit or is there a Town process as well?
 - b. If it is determined they are not sufficient, what are the possible remedies (widen streets, reduce size of development)?
 - c. Although White Birch Lane is only marked as a possible connection in the future, we feel this would have a negative impact on the ball fields and the parking lot for them. It could also open an unintended “bypass” between South St and New Portland Rd for drivers to try to avoid traffic lights in the Village.
2. What will be done to mitigate storm water run off from flowing into the conserved wetlands?

3. The conservation easement and the proposed public access trail are great to see! But, given that the trails will be in a wet area, will the developer be able to help with construction and/or contribute materials such as gravel, lumber, metal posts and brackets, etc. (or financial support to acquire them) in order to build bridges and boardwalks as needed?
 - a. Can we make sure the trail network connects to the ball field parking lot so that. (Please note: The Town has a trail easement on the Avesta property to connect the ball field parking lot to the Cross Town Trail (easement comes out to New Portland Rd just east of Dodge Oil).
 - b. The Conservation Commission would like to be involved in the trail development process.
4. Do the Town and the Portland Water District have sufficient water and sewage capacity to support this development?
5. What impact will this have on the Town's schools and Public Works and is that factored into the potential size of the development?

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.