



TOWN OF GRAY
GRAY TOWN COUNCIL
AGENDA • JANUARY 3, 2023

**Gray Town
Council Workshop**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/88921281195>
Phone 646-558-8656 / Meeting ID: 88921281195

6:00 PM

CALL to ORDER

Roll Call

WORKSHOP 6:00 PM - 6:55 PM

- Review of financial policies recommendations
- Proposed Planning Department fee changes
- LD1 language review/discussion

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

MEMO

Wednesday, Dec. 21, 2022

TO: Town Council

FROM: Community Development staff

RE: Proposed increase to planning board escrows/fees and related ordinance changes

ENCL: Current fee schedule; nearby towns' fee schedules; Gorrill-Palmer rate sheet

Background

The Community Development department collects and administers escrows from developers as part of the planning board review and approval process, based on the council-approved fee schedule. We are finding that the required escrow amounts specific to post-approval construction inspections are too low to cover the expense of that work (with the associated field reports) from our consulting engineering firm, Gorrill-Palmer.

This has caused tension with developers and payment delays for Gorrill-Palmer, as we often need to request additional deposits from developers to cover invoices for this work. Developers feel they have met the ordinance by paying the required escrow amount and are often upset to be asked for additional funds, or refuse to do so altogether. This puts town staff in a difficult position, when faced with outstanding invoices and projects that cannot be properly closed out without the necessary inspection by the town's consulting engineer to confirm that they are built in accordance with the approved plan.

Projects require peer review by the town engineer prior to presentation to the Planning Board for the approval process, so the board is informed of whether the submitted plans meet all technical aspects of the ordinance and state law. This engineering review process can incur a significant expense for some projects, especially if there are multiple revised submissions.

Post-approval, the engineer makes site visits to confirm that the construction is done in accordance with the approved plan and that any streets are properly constructed to the specifications in the ordinance. This requires travel time, on-site time and time to write up the field report, and typically several visits are necessary before a project can be closed out.

Town staff returns the remainder of these engineering review/inspection escrow deposits once a project is closed out (upon final review that it meets the approved plans), so **the increased fee does not mean that an applicant will be paying more overall. It simply eliminates the administrative step of having to ask for additional deposits.**

Our department is working on implementing an improved communication process between the developers/contractors/engineers/town staff, which will also help all parties know what to expect for post-approval costs. We are instituting pre-construction meetings with all parties to ensure that expectations and next steps are clear. Also, having additional staff in our department (our new planning assistant, Claire Zimmerman) will allow us to manage the ongoing communication during construction, which we expect will improve this process. As part of that effort, we are

also asking the council to consider a rate increase that is more in line with the amount necessary to cover the engineering costs for development.

Fee Schedule Amendment Request

The town has a contract for engineering consulting with Gorrill-Palmer engineers. Their rate sheet as of September 2022 is attached, with a summary below of the hourly rates for the staff involved in the peer review and construction inspection processes:

- Will Haskell, Principal: \$210/hr (mostly oversight and QA/QC review)
- Jim Attianese, Project Engineer: \$133/hr (mostly assists with peer reviews, but sometimes does construction observation & field reports)
- Ben Shaw, Project Engineer: \$120/hr (mostly provides oversight for construction observation, reviews field reports; in a pinch he will do construction)
- Wiley Hollen, Design Engineer: \$102/hr (construction observation and field reports)
- Zach Fitzpatrick, Design Engineer: \$91/hr (construction observation and field reports)

Our current fee schedule (attached) is insufficient to cover these expenses and we are proposing to raise the following engineering/legal escrow requirements (at each square footage/dwelling unit increase level as outlined in the fee schedule) by \$1,000:

- Site plan review- major and minor
- Sketch plan review
- Minor subdivision review
- Preliminary major subdivision review
- Final major subdivision review
- Conditional use plus minor site plan review
- Conditional use plus major site plan review

Increasing our fees would not make us an outlier with surrounding towns. While Windham and Cumberland have similar escrow requirements to our current ordinance, the Town of Gorham has updated its fees to require a peer review “starting escrow” of \$3,500 for subdivision amendments, subdivision applications and site plan reviews. By comparison, our escrow for a site plan starts at \$2,500 and increases by square footage. Our escrow for a minor subdivision is only \$500, while a major subdivision is \$2,500 for up to 10 lots, increasing as the proposed number of dwelling units increase.

A review of the fees in Windham, Cumberland and Gorham is attached.

Subdivision Ordinance Amendment Request

In addition to increasing the engineering/legal review escrow fees, we are proposing to pursue two fee-related amendments to the subdivision ordinance (Chapter 401):

401.10.1 A2. This section sets the inspections fees based on two percent of the cost of construction; we are proposing an increase to 3%.

Inspection Fees - Deposit with the Town Manager a check in the amount specified in the Schedule of Fees adopted by the Town Council for the inspection of the project infrastructure construction. The fee shall be based on three (3) percent of the cost of construction of the road and utilities, or the estimated cost of inspection estimated by the Town Engineer. [Amended Dec 7, 2010]

401.10.1 B. An update to this section of the subdivision ordinance is proposed as a housekeeping measure, as the town manager is not involved in the day-to-day oversight of planning board projects and only the code enforcement officer has enforcement authority:

Notification of Needed Corrections - If the Town Engineer finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the Town Engineer shall so report in writing to the town planner ~~Town Manager, Planning Board,~~ the subdivider and the appropriate contractors associated with the project builder. The code enforcement officer, with input from the town engineer and town planner, shall take any steps necessary to assure compliance with the approved plans.

Zoning Ordinance Amendment Request

We are also proposing two fee-related amendments to the zoning ordinance, Chapter 402.

402.10.7 E requires that minor and major developments have the same planning review fee. This is not the case in the current fee schedule, which requires \$450 for a minor site plan and \$550 for a major site plan.

Minor developments are defined as “smaller scale, less complex projects for which a less complex review process is adequate to protect the Town’s interests.”

Given this, we submit that the review fee should be more for a major site plan review than a minor site plan review, and propose an increase to \$700 for major site plans.

E. Application Fees for Review of Minor Developments

Application fees and technical review fees shall be ~~the same as for major developments and shall be~~ set by the Town Council in the most current Fee Schedule.

402.10.9 B is the section related to the application and technical review fees. This section should include a reference to the council-approved fee schedule, but does not at this time. A suggested edit is below:

B. Technical Review Fees In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the technical costs of the

application review. This fee is specified in the most current Fee Schedule, set annually by the town council, and must be paid to the Town. This fee must be deposited in the Development Review Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until this fee is paid. The Board may reduce the amount of the technical review fee or waive it if it determines that the scale or nature of the project will require little or no outside review. The technical review fees may be used by the Board to pay for reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, planning consultant reviews, consulting engineering or other professional fees. The applicant shall pay into a special account the cost to the Town of hiring independent consulting services according to the schedule set by the Town Council. If the balance in the special account is drawn down by seventy-five (75%) percent of the required escrow fund, the Board shall notify the applicant and require an additional amount. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application.

Discussion

Does the council support an increase to the engineering/legal escrow requirements as described above by \$1,000?

Does the council support the proposed subdivision ordinance amendments to:

- 401.10.1 A. 2; and
- 401.10.1 B?

Does the council support the proposed zoning ordinance amendments to:

- 402.10.7 E; and
- 402.10.9 B?

If so, we will pursue the public notice and scheduling for the ordinance change process, as per the town charter and per 402.10.9 C, below:

Establishment of Fees

The Town Council may, from time to time and after consultation with the Board, establish the appropriate fees following posting of the proposed schedule of fees and conducting a public hearing.

TOWN OF GRAY
FEE SCHEDULE FY 2022

Planning Board/Staff Review Committee Fee Schedule FY 2022

APPLICATION	PLANNING REVIEW (Fee)	ENGINEERING or LEGAL REVIEW (Escrow)
SITE PLAN REVIEW		
Site Plan Review-Minor* Site Plan Review-Major*	\$450 \$550	Structures and Associated Site Work 2,000 – 5,000 sf.; \$2,500 5,001 – 15,000 sf.; \$5,000 15,001 – 35,000 sf.; \$4,000 35,000 sf.+; to be determined Multi-Family and Condos Up to 6 units; \$2,000 7 – 15 units; \$3,000 16 – 30 units; \$4,000 30+ units; to be determined
SUBDIVISION		
Sketch Plan	\$250	
Minor Subdivision*	\$200 / Lot	\$500
Preliminary Major Subdivision*	\$125 / Lot or Dwelling unit	5 – 10 lots / DU; \$2,500 11 – 15 lots / DU; \$3,000 16 – 30 lots / DU; \$3,500 30+ lots; to be determined
Final Major Subdivision*	\$550	
CONDITIONAL USE		
Pre-application Conference	\$250	
Conditional Use Only*	\$350	\$150
MULTIPLE REVIEWS		
Sketch Plan Review for Residential Subdivision and Site Plan Review*	\$450	See above fees for Subdivision
Sketch Plan Review for Commercial Subdivision and Site Plan Review*	\$550	See above fees for Subdivision
Conditional Use plus Minor Site Plan Review*	\$550	\$200
Conditional Use plus Major Site Plan Review*	\$750	\$250

TOWN OF GRAY
FEE SCHEDULE FY 2022

OTHER		
Pre-Project Staff Consultation	No Charge First Hour \$75 / each additional hour	\$150
Pre-Application Conference	\$250	
Planning Board Workshop	\$250	
Development Team Meeting	\$150	
Planning Board Shoreland Zoning Permit Application*	\$250	
Gravel Pit*	\$750	\$1,000
Rezoning Requests*	\$550	
Contract Zone Requests*	\$750	\$1,000
Extension (1-year) of Approved Plan with No Amendments*	\$200	
Plan Amendments / Item Changed*	\$350	
*Notification of Abutters and Legal Advertisement Required	Refer to Fee Schedule for Planning Board	



**HOURLY BILLING RATES
SEPTEMBER 2022**

Principal.....	\$210 – \$250
Project Manager	\$135 – \$200
Senior Engineer/Planner	\$110 – \$150
Senior Technical Assistant	\$95 – \$135
Project Engineer/Planner.....	\$109 – \$135
Design Engineer/Planner.....	\$91 – \$120
Technical Assistant	\$75 – \$105
Senior CADD Designer.....	\$126 – \$135
Construction Inspector	\$75 to \$105
CADD Designer	\$80 – \$110
Administrative.....	\$60 – \$95
Intern	\$50 – \$80
Mileage.....	IRS Rate
Travel Expense/Lodging, Meals, etc.	Actual Cost Plus 15%*
Other Direct Job Costs (Outside Printing, Mailing, Delivery, etc.)	Actual Cost Plus 15%*
Outside Consultants	Actual Cost Plus 15%*
Expert Testimony	Twice Hourly Rate

*Unless Stipulated by Contract

The Rate Schedule shall be adjusted on an annual basis to correspond with any changes in the employees billing rate or classification of personnel.

Kristen Muszynski

Subject: FW: Subdivision fees per town
Attachments: subdivision fees.pdf

1) Gorham, Maine
Subdivision Applications:

Pre-Application/Sketch Plan- \$300 - credited towards application

New Subdivision Application:

\$1,500 for the first 3 lots or dwelling units
+ \$150 for each of the next 4 to 30 lots or dwelling units
+ \$100 for each of the next 31 or more lots or dwelling units
LEGAL AND PEER REVIEWS ESCROW (starting escrow \$3,500)

Subdivision Amendment: \$650 per lot or revision LEGAL AND PEER REVIEWS ESCROW (starting escrow \$3,500)

Major Site Plan Applications:

Pre-Application/Sketch Plan- \$300 - credited towards application

Residential Site Plan with new construction- \$1000 < 2000 GFA
+ \$25 each additional 1000 sf or fraction thereof
\$100 Public Notice/ Legal Ad Fee
LEGAL AND PEER REVIEWS FEES (starting escrow \$3,500)

Residential Site Plan with no new construction- \$600 Application Fee
\$100 Public Notice/ Legal Ad Fee
LEGAL AND PEER REVIEWS FEES (starting escrow \$3,500)

Non-Residential Site Plan with new construction- \$800 < 2000 GFA
+ \$25 each additional 1000 sf or fraction thereof
\$100 Public Notice/ Legal Ad Fee
LEGAL AND PEER REVIEWS FEES (starting escrow \$3,500)

Non-Residential Site Plan with no new construction- \$800 Application Fee
\$100 Public Notice/ Legal Ad Fee
LEGAL AND PEER REVIEWS FEES (starting escrow \$3,500)

Residential Site Plan Amendment- \$1,000 Application Fee
\$100 Public Notice/ Legal Ad Fee
LEGAL AND PEER REVIEWS FEES (starting escrow \$3,500)

Non-Residential Site Plan Amendment- \$800 < 2000 GFA
+ \$25 each additional 1000 sf or fraction thereof
\$100 Public Notice/ Legal Ad Fee
LEGAL AND PEER REVIEWS FEES (starting escrow \$3,500)

2) Cumberland, Maine

Subdivision Fees:

Minor: Application Fee: \$100.00
Planning Review Fee: \$500.00
Per Lot Fee: \$25.00
Consulting Escrow*: \$100 per lot or dwelling unit

Major: Application Fee: \$100.00
Planning Review Fee: \$1,500.00
Per Lot Fee: \$100.00
Consulting Escrow*: \$100 per lot or dwelling unit

Revision: Application Fee: \$100.00
Per Revised Lot Fee: \$150.00
Consulting Escrow*: \$350.00

*Consulting Escrow may be reduced or increased depending on the scale and complexity of the project.

3) Windham, Maine

Subdivision Review:

Item	Fee	Review Escrow	Effective date	
Development Team		\$100	10/22/09	
Minor or Major Subdivision Sketch Plan		\$200	\$300	7/28/11
Minor Subdivision Final Plan	1-4 lots	\$900	\$1,500	7/28/11
Major Subdivision Preliminary Plan	1-10 lots	\$1,300	Up to 10 lots = \$2,500 11-15 lots = \$3,000	7/28/11
	Each lot over 10	\$300	16-30 lots = \$4,000 30+ lots = \$5,000	
Major Subdivision Final Plan		\$350	\$250	
Amended Subdivision Each Lot/Revision		\$350	\$250	7/28/11

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**Sample Ballot
Municipal Election
Gray, Maine
June 14, 2022
BUDGET WARRENT ARTICLES**

Acting Town Clerk

Instructions to Voters

To vote, fill in the oval next to your choice, like this: ●
To vote for a question, fill in the YES oval. To vote against the question, fill in the NO oval.
To have your vote count, do not erase or cross out your choice.
If you make a mistake, ask for a new ballot.

- Yes **Article 2.**
Shall the Town vote to accept **\$6,166,740** of revenue and any Federal, State and other sources of revenue and to appropriate the same to help fund the total Municipal Budget for FYE 2023 (detailed below) as recommended by the Town Council?
- No

- Yes **Article 3.**
Shall the Town vote to raise and appropriate **\$10,697,041** to fund the FYE 2023 Municipal Budget, as recommended by the Town Council?
- No

(Admin, Codes, GA, Com. Dev., Com. & Info, Elections)	\$ 1,657,962
Municipal Finances (Bonds/CIP)	\$ 3,791,687
Library and Parks & Recreation	\$ 424,354
Public Safety/Street Lights	\$ 1,535,727
Public Works	\$ 2,886,716
Council (legal), Boards and Committees	\$ 49,620
Law Enforcement	\$ 274,591
Community Service Agencies	\$ 76,384

Total Budget FYE 2023 **\$ 10,697,041**

(Explanatory Note: Voters must approve both Article 3 and Article 10 to pass the Municipal Budget.)

- Yes **Article 4.**
Shall the Town vote to raise and appropriate **\$10,000** for Town Council compensation for the FYE 2023, as recommended by the Town Council?
- No

(Note: This appropriation must be voted on as a separate article, pursuant to, Art. II, Sec. 6 of the Town Charter.)

Turn ballot over to continue voting

- Yes **Article 5.**
- No Shall the Town vote to appropriate **\$4,146,697** from the Capital Reserve Fund for FYE 2023, for the following Capital Projects, as recommended by the Town Council?

Road Resurfacing	\$ 511,650
Parks and Recreation	\$ 20,500
Fire & Public Safety	\$ 312,935
Public Works, Town Vehicles & Equipment	\$ 38,000
Public Buildings	\$ 564,550
Technology	\$ 22,800
Debt Service	\$ 1,359,262
Land Acquisition	\$ 50,000
TIF Projects	\$ 1,115,000
Professional Services	\$ 152,000

Total Capital Projects FYE 2023 **\$ 4,146,697**

- Yes **Article 6.**
- No Shall the Town vote to accept and appropriate for their designated purposes all of the various Town "enterprise account" funds (e.g., nonmajor special revenue funds, recreation enterprise funds) for FYE 2023, as recommended by the Town Council?

- Yes **Article 7.**
- No Shall the Town vote to place funds received from the disposition of Town-owned personal property with a value of **\$100,000** or less in the Capital Reserve Fund, and to appropriate the same for capital projects, as recommended by the Town Council?

- Yes **Article 8.**
- No Shall the Town vote to accept all funds generated by donations and fund-raising activities on behalf of the Town's Recreation Department, the Dry Mills Schoolhouse, the Gray Public Library Association, the Gray Fire Rescue Association, and various Town Committees, and to appropriate the same for their intended purposes, as recommended by the Town Council?

- Yes **Article 9.**
- No Shall the Town vote to authorize the payment of tax abatements, including any interest due thereon, from the property tax overlay or, if necessary, from the unassigned fund balance, as recommended by the Town Council?

- Yes **Article 10.**
- No Shall the Town vote to increase the Town of Gray's property tax levy limit established for FYE 2023 by State law to **\$1,010,088** in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than that property tax levy limit, as recommended by the Town Council?

(Explanatory Note: Voters must approve both Article 3 and Article 10 to pass the Municipal Budget.)

You have completed voting this ballot