

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL March 4, 2008

Chairman Loveitt opened the meeting at 7:05 pm.

Roll Call: Present: Chairman Loveitt, Councilors Caldwell, Csoros, Moulton, Phinney, Robinson & Willett, Town Manager, David Cole, and Town Clerk, Christina Silberman.

Moved by Councilor Moulton, seconded by Councilor Robinson, and **VOTED** to accept the minutes of the February 5, 2008 Regular Meeting. **7 yeas.**

Open Public Communications

Representative Chris Barstow, House Dist. 129, brought greetings from Rep. Farrington and Senator Bartlett.

Rep. Barstow discussed the need for a traffic light at the intersection of Route 25 and Libby Avenue. He has sent a letter to the Department of Transportation to investigate putting a traffic light at the intersection and has also spoken with Chief Shepard. Within the next month the Department of Transportation plans to install blinking red lights on the stop signs at the intersection and they will continue to investigate options for improving safety at this intersection.

Rep. Barstow also reported on the continued pursuit to provide public transportation in Gorham. Discussions with Metro have begun. The goal is to formulate a system that will work with the current traffic situation in Gorham, look at using existing resources and work with the town budget. Federal funding may be available to assist with a pilot project. In the coming weeks he hopes to work with the Town Manager and the Town Council in planning and endorsing this project. Rep. Barstow commended the town in their work with the Maine Turnpike Authority on the proposed turnpike spur.

Rep. Barstow commented on the education consolidation work in Augusta. He has taken note of the concerns of the Town Council and the Town Clerk on the budget validation referendum requirements. Mr. Cole asked if the proposed 1 year delay for the budget validation process is likely to pass. Rep. Barstow stated that he could not predict the outcome of this.

Chairman Loveitt expressed appreciation to Representatives Barstow and Farrington and to Senator Bartlett for their work and support.

Councilor Communications

Councilor Moulton reported that the Finance Committee will meet on March 19th at 8:30 am in the Town Manager's office. He thanked Rep. Barstow and Gorham's other delegates for their support of the traffic light at the intersection of Libby Ave and Route 25 and he is sorry for the recent tragedy that occurred there. Councilor Moulton reminded residents to display their street number on their house so emergency personnel can locate them quickly if needed and reminded residents to shovel their roof.

Councilor Caldwell commended the Public Works Department for the wonderful job they are doing. She reported that the Appointments Committee met and the proposed appointments are on tonight's agenda. The Personnel Committee is waiting for evaluation forms to be submitted and will meet again.

Councilor Robinson asked if notices from the town can be e-mailed to him instead of sent in regular mail. He gave a reminder that he would like the agendas to include an issue date.

Councilor Willett reported on the White Rock School Project. The Department of Education has extended the time line for the straw vote. A purchase and sale agreement is being prepared. She extended thanks to Norman Justice for his work on this. The White Rock School Project committee will meet again tomorrow night.

Councilor Phinney reported that the Ordinance Committee is working on the noise ordinance and will hopefully have something next month for the council agenda.

Councilor Csoros reported that the Capital Improvements Committee met and there is one item on tonight's agenda.

Chairman's Report

Chairman Loveitt extended condolences on behalf of the Town Council to Sgt. Robert Mailman and Victoria Plummer on their recent loss. The family was very gratified by the turnout of the Gorham Police Department in their dress uniforms.

Chairman Loveitt reported that ECO Maine's (formerly RWS) single sort recycling facility will be inaugurated soon.

He commended Public Works in their efforts and reported that the storage facility built at Public Works years ago is able to house salt and sand left over from previous years, and it is through this foresight that we have the materials needed.

Chairman Loveitt also reported that the church has a contract in effect with the Town regarding the Town Clock and the church is raising the money necessary to complete the contract.

Town Manager's Report

Mr. Cole stated that single sort recycling has been in effect in Gorham for over 1 year now and that all plastics are now recyclable. More things can be recycled and it is more convenient and he encourages people to recycle.

Mr. Cole reported that there have been 25 storm events so far this season compared to 17 last season and Public Works is doing a great job under difficult conditions. Gorham has received 113" of snow so far.

Mr. Cole reminded everyone that Flaggy Meadow Road is now closed and will be closed for the next 6 months to construct the bridge over the Gorham Bypass.

Dana Fischer, the new Finance Director, was introduced.

Chairman Loveitt read a letter from Steven Landry, State Traffic Engineer regarding the request for a light at the Route 25 & Libby Ave. intersection.

School Committee Report

School Committee Chairman, Jim Hager, reported on the following:

- Saturday March 8th is a day long budget meeting

- Gorham has cancelled school 5 times. As of today, the last student day is June 20th and the high school graduation will be on June 8th
- next School Committee meeting will be March 19th
- next White Rock Project Committee meeting will be March 5th

Councilor Robinson commented on school fundraising. He does not like that the students are asked to participate in fundraisers. A large portion of the money for the sales goes to large corporations. If each parent donated \$18.07, the school would have the same amount of money as is raised by the fundraising.

New Business

Moved by Councilor Willett, seconded by Councilor Csoros and **VOTED** to take Items #7541, #7542 and #7540, in that order, out of order and hear them now. **7 years.**

Item #7541 This item was taken out of order. Moved by Councilor Robinson, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled establish a Centennial Endowment Trust Fund for Baxter Memorial Library with the principal to be retained; and,

BE IT FURTHER ORDERED that the Town Council authorize the use of the interest, only, for general library purposes, including but not limited to the purchase of books, audio books, movies and other items for circulation or to purchase computers or other necessary library equipment; and

BE IT FURTHER ORDERED that the Baxter Memorial Library Trustees are authorized, from time to time, to conduct a campaign to add to the principal amount of the fund. **7 years.**

Item #7542 This item was taken out of order. Moved by Councilor Caldwell, seconded by Councilor Moulton, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept a donation of \$10,000 from Gorham Savings Bank to become part of the principal of the Baxter Memorial Library Centennial Endowment Trust Fund; and,

BE IT FURTHER ORDERED that the Town Council express its appreciation to Gorham Savings Bank for the generous donation. **7 years.**

Item #7540 This item was taken out of order. Betty Williams of The Cumberland County Soil & Water Conservation District with Matt Craig of the Casco Bay Estuary Partnership and Will Plumley of the Presumpscot River Watershed Coalition were present to give a power point presentation about the Presumpscot Watershed Initiative Grant. For more information visit the website at www.presumpscotcoalition.org. Noah Miner, Chairman - Parks and Conservation Commission, reported on the Youth Conservation Corp. (YCC) work and asked for the Town Council to support the YCC and to consider allowing some of the open space impact fee funds to be used for low impact recreation within town. Mr. Miner thanked the YCC for their work.

Public Hearing #1 Chairman Loveitt opened the public hearing on a proposal to consolidate voting districts. The Town Clerk explained the proposal to consolidate polling places and to move a polling location. Rep. Chris Barstow spoke in support of the

proposal. Chairman Loveitt read a letter submitted by Allene Bowler against the poll consolidation. Chairman Loveitt closed the public hearing.

Item #7537 Moved by Councilor Robinson, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled combine the current Ward 1 voting district with the current Ward 3 voting district to create a new Ward 1 voting district with a polling place located at the Gorham Middle School on Weeks Road; and,

BE IT FURTHER ORDERED that the polling place for Ward 2 be changed from the Masonic Hall on Cressey Road to the Gorham Municipal Center on South Street. **7 yeas.**

Public Hearing #2 Chairman Loveitt opened the public hearing to amend Chapter II, Section V, Minimum Standards for the Design and Construction of Streets and Ways, of the Land Use and Development Code. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7538 Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to waive the reading of the proposed order. **7 yeas.** Moved by Councilor Phinney, seconded by Councilor Csoros and **VOTED** to amend the proposed order to accept the proposed language from the Planning Board. **7 yeas.** Moved by Councilor Willett seconded by Councilor Moulton and **VOTED** to amend the proposed order to change references to "Town Engineer" to "Public Works Director or the Director's designee". **7 yeas.** Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to amend section E) 3) to add the requirement "All plans shall include the GPS coordinates". **7 yeas.** Moved by Councilor Phinney, seconded by Councilor Robinson and **VOTED** to amend the proposed order, section E) 3) a) to read "A plan when practical drawn to a scale of 40' to 1", or other suitable engineering scale as approved by the Public Works Director or the Director's designee, and ... " at the beginning and strike the words "Plan scale shall not be in metric scale or at 25 feet to 1 inch or similar scale" **7 yeas.** The order as amended was then **VOTED**.

Whereas, the Town has an ordinance that establishes minimum standards for the design and construction of streets and ways; and,

Whereas, the Town has developed a proposal that reorders paragraphs and implements minor changes, and

Whereas, the proposal also provides a reasonable and fair formula that protects the community and provides a fair remedy when developers have paved a road and the pavement thickness is deficient; and,

Whereas, the Planning Board held a public hearing on February 4, 2008 and recommended this amendment for adoption,

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Gorham, Maine, in Town Council assembled to amend Chapter II, Section V, Minimum Standards for the Design and Construction of Streets and Ways, of the Land Use and Development Code as follows.

NOTE: Additions are underlined in italics. Deletions are ~~crossed out~~.

CHAPTER II: GENERAL STANDARDS OF PERFORMANCE
SECTION V – MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS

E. ACCEPTANCE OF STREETS AND WAYS

A street or way constructed on private lands by the owner(s)/developer(s) thereof and not dedicated for public travel prior to the date of enactment of this ordinance, (September 2, 1997), may be laid out and accepted as a public street or way by the Town Council only upon the following conditions:

- 1) The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of its acceptance by the Town and a separate deed to areas reserved for the future development of streets.
- 2) A plan of said street or way shall be recorded in the Cumberland County Registry of Deeds at the time of its acceptance.
- 3) A petition for the acceptance of said street or way shall be submitted to the Town Council upon a form to be prescribed by the Town Attorney. Said petition shall be accompanied by a plan, profile and cross section of said street or way as follows:
 - a) A plan when practical drawn to a scale of 40' to 1", or other suitable engineering scale as approved by the Public Works Director or the Director's designee, and be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show the north point ~~true and magnetic north~~, the location and ownership of all adjoining lots of land, passageways, easements, street lights and electric lines, boundary monuments, water ways, ~~topography~~ and natural drainage courses. Topography will be shown with a with contours interval not to exceed two (2) feet, at not greater than 2 foot intervals, all angles, bearings and radii necessary for the plotting of said street and lots and necessary for their reproduction on the ground. No street will be accepted until one (1) set of reproducible and three (3) bound paper sets of project record "as built" drawings are provided to the Public Works Director. The plans and profile sheets should reflect design and actual locations and elevations of drainage and sanitary rims and inverts. Contours will be revised to show the finished conditions. Projects having a closed sewer system shall show building services and ties to their connection points and locations at the property lines. Record drawing will be sealed by the design engineer. As-built drawings shall include the following, as a minimum.
 - (i). The cover sheet as signed and approved by the Planning Board.
 - (ii). All sheets, including detail sheets, as found in the approved project set.
 - (iii). The registered subdivision plat.
 - b) A profile of said street or way drawn when practical to a horizontal scale of ~~50~~ 40 feet to 1 inch, and a vertical scale of ~~5~~ 4 feet to 1 inch, or other suitable engineering scale as ~~required~~ approved by the ~~Town Engineer~~ Public Works Director or the Director's designee. Said profile shall show the profile of the center line of said street or way and the ~~proposed~~ grades thereof. ~~Specific cross sections shall be submitted as required by the Town Engineer. Any buildings abutting on said street or way shall be shown on said profile.~~
 - c) A typical cross section of said street or way drawn to a horizontal scale of ~~5~~ 4 ft. to 1 inch and a vertical scale of ~~5~~ 4 ft. to 1 inch.
 - d) The location and size of the ~~constructed, in place, drain and sewer lines and roadway ditching~~ proposed water and/or sewer mains in accordance with this Code.
 - e) All plans shall include the GPS coordinates.
- 4) Streets Offered for Acceptance
 - b) a) No street or way shall be placed on the Planning Board's agenda until the Developers Engineer has certified that the streets or ways has been were constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans approved by the

Planning Board and that the "As-Built" "Record Drawings" are accurate. Furthermore, No road may be placed on a Planning Board agenda until

(i) the ~~Town Engineer~~ Public Works Director or the Director's designee has issued a final report that the road is complete and meets the appropriate specifications of the Town's Land Use and Development Code and
(ii) the Planning Director, after consultation with the ~~Town Engineer~~ Public Works Director or the Director's designee, has determined in writing that there is no outstanding condition or restriction placed on the applicable subdivision plan or other applicable Town-approved plan on which the proposed streets or ways ~~has~~ have been proposed that ~~has~~ have not yet been satisfactorily completed in accordance with the requirements of such plan.

~~d)~~b) No street or way shall be placed on the Town Council's agenda for consideration or accepted by the Town Council until the Planning Board and the ~~Town Engineer~~ Public Works Director or the Director's designee shall have made a careful investigation thereof, and shall have reported to the Town Council their recommendations in writing with respect thereto. Such investigation shall include ~~a minimum of~~ the results of at least one (1) core sample from the base course and may include more than one core sample for each road proposed for acceptance as a public way with the core sample and reports paid for by the applicant.

~~a)~~c) ~~Streets to be offered to the Town for acceptance must have a written report of inspection prepared by the Town Engineer at the time of completion of construction.~~ The owner shall warranty all public improvements for a period of one year from the date of acceptance and post a maintenance guarantee per the subdivision ordinance. At the conclusion of the one-year warranty period, the owner shall request the ~~Town Engineer~~ Public Works Director or the Director's designee to prepare a ~~second~~ written report of inspection prior to the release of the improvement guarantee, per the requirements of Chapter III, Section IV, C., a, 2).

~~e)~~d) No street may be accepted unless the Town Council finds that acceptance is in the public interest and for

(i) residential subdivisions consisting of more than twenty (20) lots, no street may be accepted until certificates of occupancy have been issued for at least 50 % of the housing units on that street in the subdivision or,

(ii) in the case of a street in a subdivision for which the Planning Board has formally granted approval for phased construction, until certificates of occupancy have been issued for 50% of the housing units on that street in the phase in question.

e) The surface pavement shall not be placed until the base paving has gone through one (1) complete winter. The application of a tack coat and/or shim coat to the base may be required ~~by the Town~~ by the Public Works Director or the Director's designee, when necessary, to insure appropriate bonding between base and final surface coats of pavement.

f) Notwithstanding the provisions of any other Section hereof, the Town may at any time lay out and accept any street or way in the Town of Gorham, Maine, as a public street or way of said Town whenever the general public interest so requires. The cost of said street or way may be borne by said Town or may be borne by another party.

g) Notwithstanding paragraph c) above, a street may be accepted by the Town Council prior to final paving, provided that 150% of the cost of completion, as estimated by the ~~Town Engineer~~ Public Works Director or the Director's designee is deposited in a road improvement account with the Town. Any funds not used shall be returned to the developer upon completion.

5. Streets Offered for Acceptance but Not Accepted

The Planning Board shall require, as a condition of approval for any subdivision application that includes the creation of one or more streets, that the lot owners form a homeowners association by written agreement which shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets(s) shall remain the responsibility of the homeowners association as provided under that agreement. This homeowners association agreement shall be in a form acceptable to the Town Attorney and, upon approval by the Planning Board of the subdivision, shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date of subdivision approval by the Planning Board.

F. STREET DESIGN STANDARDS - PUBLIC WAYS

Any street or way proposed to be dedicated as a public street or way shall be previously constructed in accordance with the following specifications:

- 1) All streets shall be designed to conform with the public way standards presented in Table 1 and shown in Figures 1 through 8 unless otherwise agreed to and permitted in writing by the Planning Board. The Planning Board may require design modifications if it finds special provisions to be necessary to protect the public health and safety as a result of a specific development proposal.
- 2) Street construction materials and methods shall conform to the most current specifications of the Maine Department of Transportation Standard Specifications for Highways and Bridges. The standards and dimensions contained in Table 2 shall be considered minimum.
- 3) Standards and dimensions contained herein shall be considered as minimum and modifications may be recommended to the Planning Board by the ~~Town Engineer~~ Public Works Director or the Director's designee to meet specific site conditions.
- 4) Dead End Streets and Streets Providing Sole Vehicular Access.
 - a) Cul-de-sacs and dead end streets that provide the sole vehicular access to improved or improvable land shall be provided with a suitable turning circle or turnaround, as applicable, at the closed end.
 - (1) A hammerhead turnaround shall be constructed and paved to specified street standards, whether temporary or permanent, for a distance of 50 feet from the roadway edge, at ninety degrees (90°) to the street it serves.
 - (2) All turning circles shall be paved to specified street standards, and have the following minimum radii:

(a)	Right-of-way	100'
(b)	Outer pavement edge	85'
(c)	Inner pavement edge	65'
 - (3) In those Zoning Districts where otherwise allowed by the District, zoning frontage requirements may be reduced in the case of permanent turning circles, where no future road is either feasible or provided for on the plan.
 - (4) Temporary turning circles may be allowed where future road extensions are planned if designed to allow discontinuance of The turning circle while not creating any lots with less than the required frontage for the zone in which located.
 - (5) Loop roads that provide the sole vehicular access to developable or improved land shall meet the required centerline radii of 150' and minimum tangent distance between curves of 100' and shall be constructed and paved to specified street standards.

- b) Dead end streets, paved private ways and streets except industrial, commercial, or service streets that serve as the sole vehicular access shall not exceed in length a distance of fifteen hundred (1500) feet, as measured along the proposed street centerline, from the ROW line of the intersecting town way to the furthest centerline point of a turning circle or loop road or the terminus of the hammerhead.
 - c) Median strips, esplanades, planters and other similar devices which serve to provide a divided street entrance to an approved subdivision or other development shall be no less than twenty (20') feet in width. Any modifications to the Planning Board approved location of landscape materials, signage and other fixtures shall be reviewed and approved in writing by the Town Planner, ~~Town Engineer~~ and Public Works Director or the Director's designee prior to installation.
 - ~~d) Median strips, esplanades, planters and other similar devices less than four hundred (400) feet in width shall not be considered adequate to provide two-way access for the purpose of determining road length.~~
 - e)d) Two way access must be provided at separate entrance points at either end of a loop road and both entrance points must be separated by a minimum distance of 400 feet or the road shall be considered a dead end road.
- 5) Sight Distance - Any intersecting street or road shall be so designed in profile and grading to provide minimum sight distances measured in each direction. Measurement shall be from the driver's seat of a vehicle that is 10 feet behind the curb (or edge of shoulder) line with the height of eye three and one half (3 1/2) feet above the pavement and a height of object of four and one quarter (4 1/4) feet.

Allowable Speed (miles per hour)	Minimum Sight Distance * (in feet)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

* Based on MDOT standards for low and medium volume drives. High volume streets and drives may require a greater sight distance as demonstrated necessary for safety purposes by the ~~Town Engineer~~ Public Works Director or the Director's designee.

- 6) Driveways - Driveway placement shall be such that an exiting vehicle has an unobstructed sight distance according to the above schedule. Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classification.
- 7) Street Names - Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Town Planner, the Fire Chief and the Chief of Police in that regard.
- 8) Signs - The installation of street name signs and other traffic control signs shall be the responsibility of the developer as directed by the Planning Board and in conformance with the requirements of the Department of Public Works. All signs shall be erected in conformance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
- 9) Curbs - Curbing shall be required wherever on-street parking is allowed or anticipated and where grades require that storm water drainage be channeled along the curb line to avoid shoulder erosion.

- 10) Utility Easements - The Planning Board shall require easements for sewers, storm drains, public water supplies, other utilities and stream protection. Utility easements in general shall not be less than twenty feet in width and in specific cases may require increased width, as recommended by the ~~Town Engineer~~ *Public Works Director or the Director's designee*.
- 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.

For all subdivisions located within the development transfer overlay district that are located in other districts sidewalks shall be provided within the subdivision and connected to the existing public sidewalk system where reasonable.
- 12) On-Street Parking - In determining travel way width and layout, the Planning Board may require on street parking in any District where the minimum street frontage is less than 200 feet.
- 13) Street Trees - One street tree shall be planted on both sides of a street for every fifty (50) feet of street frontage within all subdivisions located within the Development Transfer Overlay District that conform to the overlay district requirements. The type and location of the trees shall be subject to Planning Board approval in accordance with the provisions of A. 6) of Chapter II. Section IV – Residential. The preferred location of the street trees is within the esplanade or immediately behind the sidewalk either within the street right-of-way or on the individual lots.

G. STREET CONSTRUCTION STANDARDS AND SPECIFICATIONS

- 1) Roadway construction materials standards shall conform to the current "State of Maine Department of Transportation Standard Specifications Highways and Bridges."
- 2) The Standards and Dimensions contained in Table 2 shall considered minimum.
- 3) An adequate storm drainage system, including appurtenances such as manholes, catch basins, culverts, ditch lines, detention facilities, outlets, etc., shall be provided as specified by the ~~Town Engineer~~ *Public Works Director or the Director's Designee* and approved by the Planning Board. Appropriate conveyances for outlets to drainage systems must be provided. Minimum easement widths of 30 feet shall be required.
 - a) Drainage requirements shall be based on a 25 year 24-hour storm frequency unless the ~~Town Engineer~~ *Public Works Director or the Director's designee* specifies for cause that a larger storm be used for design purposes.
 - b) Upstream drainage and development potential shall be considered for each project.

- c) Effects upon downstream drainage facilities and waterways shall be considered as required by the ~~Town Engineer~~ Public Works Director or the Director's designee. Overloading downstream facilities shall not be permitted.
- d) Open storm water shall not surface run more than 250 feet along any street gutter. No storm water shall drain across a street or intersection.
- e) Design standards for drainage systems shall be subject to review and approval of the Planning Board. Minimum pipe size for any storm drain pipe shall be 12 inches.
- f) Where subsurface soil conditions warrant, an under drain system shall be installed and discharged in a positive drain.

4) Construction

- a) Engineering Work: All engineering work, including the setting of grade stakes necessary for the construction of the street and sidewalks, and storm sewers shall be performed by the developer at his or her expense.
- b) Underground Utilities: Any sewers and appurtenances, drains, including house drains and catch basins which are to be built in the street or sidewalk, and all underground utilities and their respective services shall be constructed before any road material is placed.
- c) Grading: All streets, roads, walks, etc. shall be graded to their full width by the Developer (Subdivider) so that pavements and sidewalks can be constructed on parallel profiles.
- d) Preparation: Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush and other objectionable material and all trees not intended for preservation, as designated by the ~~Town Engineer~~ Public Works Director or the Director's designee.
- e) Cuts: Tree stumps and other organic materials shall be removed to a depth of 2 feet below the sub grade. Rock and boulders, when encountered, shall be removed to sub grade.
- f) Fill: All material used in the construction of embankments shall be of the quality to meet the standards for embankment construction, Sections 203.02 through 203.17 of the Maine Department of Transportation Standard Specifications, except that compaction shall not be less than 95% of maximum density (per ASTM D 1557 Mod.). Excess materials including organic materials, soft clays, wet and non-compactable materials, etc. shall be removed from the street site. The fill shall be spread in layers not to exceed 8 inches loose and then compacted. The filling of utility trenches and other places shall be mechanically tamped.
- g) Side Slopes: All side slopes shall not exceed a slope of 3 horizontal to 1 vertical unless shown otherwise on typical cross sections in Figures 1 through 9.
- h) Bases and Pavement: The appropriate sections of the Bases and Pavements Divisions of the Maine Department of Transportation Standard Specifications currently in effect at the date of submission of the preliminary plan shall be applicable to this section except as follows:

Bases

- (1) Aggregate Sub-base Course - Gravel Aggregate Sub-base shall not contain particles of rock exceeding 4 inches in any dimension.
- (2) Aggregate Base Course - Crushed Aggregate base shall not contain particles of rock that will not pass the 1 1/2-inch square sieve.

Pavement

- (1) Where pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint. Broken or raveled edges

will not be permitted, nor deviation from grade. A tack coat shall be applied to all joints prior to placement of new pavement.

- (2) Grading for the surface course of Hot Bituminous Pavement shall meet the requirements for Surface, Grading C. This course shall not be placed between the dates of October 1 and May 1, except that between October 1 and October 15, and April 15 and May 1, this course may be placed if the air temperature is 10 degrees C (50 degrees F) or higher and the Public Works Director grants permission.
(2) Bituminous Asphalt intended for placement as base or wearing roadway course shall be an approved MDOT mix. Mix designs will be provided to the Public Works Director or the Director's designee, for approval, prior to placement. Unless otherwise submitted and approved, Bituminous Asphalt Cement base and wearing course shall meet the following specifications
 - a) Surface: "C" mix or HMA 9.5 mm – dense graded
 - b) Base: "B" mix or HMA 19.0 mm – dense graded
- (3) Grading for the base course of Hot Bituminous Pavement shall meet the requirements for Binder, Grading B.
(3) Placement of bituminous pavement will be subject to calendar and temperature limitation as specified in the MDOT Standard Specifications Section 401.06 Weather and Seasonal Limitations for b. Zone 2 or with the approval of the Public Works Director.
- (4) Core samples of the base pavement will be conducted at the direction of the Public Works Director or the Director's designee and the cost of the coring will be paid for by the applicant.
- (5) Where the average coring thickness of base pavement is less than that specified in Table 2 (minimum standards and dimensions) the shortfall will be calculated and the resultant tonnage will be added to the specified wearing course depth in accordance to the correction table as follows:

BASE PAVEMENT CORRECTION TABLE

Average Coring Thickness

Corrective Action

1 ¾ inch – 2 ½ inch (up to ¾ inch deficient)

Calculated tonnage of pavement deficiency will be doubled and added to the specified overlay.

1 ¾ inches or less

Additional "2 inch" lift of base pavement will be the standard corrective action. However, the Public Works Director may require additional corings (the number will be determined by the Director of Public Works) which will be evaluated, by a MDOT certified lab, for gradation, % bitumen, and compaction at the applicant's expense. After an analysis of results, the Town may require the initial base pavement to be removed and a new base pavement placed in accordance with appropriate specifications.

- i) Curbing: The following curbing materials shall be allowed, subject to the recommendation of the Town Engineer- Public Works Director or the Director's designee.
 - (1) Granite Curb - Type 1
 - (2) Precast Concrete Curb - Type 2
 - (3) Bituminous Curb - Type 3
 - (4) Cape Cod Berm

All curbing shall be done per Section 609 of the Maine Department of Transportation Standard Specifications, except as follows:

- (1) Granite curbing shall be provided at all street intersections with radii less than 50 feet where curbing is proposed or required. All other areas with greater than 50 feet radii will be evaluated as site conditions dictate. A minimum reveal of 7" shall be required.
 - (2) Precast concrete curb, Type 2, shall be installed with a minimum reveal of 7".
 - (3) Bituminous concrete curb, Type 3, a minimum reveal of six inches shall be required.
 - (4) Cape Cod bituminous curbing may be utilized in lieu of other curbing when approved by the ~~Town Engineer~~ Public Works Director or the Director's designee.
- j) Sidewalks: Section 608 of the State of Maine Department of Standard Specifications shall apply. Aggregate to build new sidewalks shall meet the requirements of Section 703.06(a) Aggregate Base and Subbase, Type B. ~~Transportation Standard Specifications Highways and Bridges shall be applicable to this section.~~
- k) Driveways: All driveway aprons shall be paved with "4" four (4) inches of bituminous concrete. The paved apron will extend from the edge of the existing roadway edge and will extend to the limit of the public right of way. Paved aprons will be a minimum of 12 feet in width having five (5) foot radii, minimum, commencing at the existing edge of street pavement where it intersects with the driveway for a length of 20 feet. Materials used for driveway culverts shall be approved by the Town Engineer and installation shall meet the requirements of the driveway permit.
- 5) Storm Drain Construction Standards - The following material shall be utilized for storm drain construction, except new material may be substituted with the approval of the ~~Town Engineer~~ Public Works Director or the Director's designee.
- a) Reinforced Concrete Pipe: Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C 76. Pipe classes shall be as required to meet soil and traffic loads with a factor of safety of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved performed plastic jointing material such as "Ramnek".
 - b) Polyvinyl Chloride: PVC Gravity Sewer pipe shall meet the requirements of ASTM Designations D-3-34-73-SDR35.
 - c) Corrugated Polyethylene Pipe: Corrugated Polyethylene Pipe shall meet the requirements of ASTM F405 and ASTM F667.
 - d) Under drain Pipe: Under drain Pipe may be Polyvinyl Chloride or Corrugated Polyethylene meeting similar requirements to that of standard drain pipe.
 - e) Bituminous Coated Corrugated Metal Pipe - Type II Aluminum: Bituminous Coated Corrugated Metal Pipe shall meet the requirements of AASHTO M 190.
 - f) Drain Manholes: Manholes shall be of precast concrete section construction. Precast sections shall meet the requirements of ASTM Designation C-478. Cones shall be truncated. Castings shall be of cast iron meeting Sanitary District standards for sewer construction. Brick inverts shall be shaped to the crown of the pipe for sizes up to 18 inches, and to spring line for larger pipes.
 - g) Catch Basins: Catch Basins shall be of precast concrete construction. Castings shall be square cast iron as required for the particular inlet condition with the grates set perpendicular to the curb line. All catch basins shall be provided with a Type I curb face inlet.
 - h) 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.

- 6) General Construction Requirements.
- a) Trenching - All trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.
 - b) Minimum trench width at the pipe crown shall be the outside diameter of the pipe, plus 2 feet.
 - c) Pipe shall be bedded in a granular material with a minimum depth of 6 inches below the bottom of the pipe and extending to 6 inches above the top of the pipe. When water is present in the trench, pipe shall be bedded in crushed stone.
 - d) Drain alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvi-linear drain is obtained in writing from the ~~Town Engineer~~ Public Works Director or the Director's designee.
 - e) Manholes or catch basins shall be provided at all changes in vertical or horizontal alignments, and at all junctions. Except in the case of individual house services, pipe to pipe connections are not allowed. On straight runs, manholes or catch basins shall be placed at a maximum of 300-foot intervals. ~~On straight runs, manholes or catch basins shall be placed at a maximum of 300-foot intervals.~~
 - f) Catch basin leads shall enter the drainage system at manholes only. The difference in elevation between the inverts of the lead and the main drain shall not exceed 12 inches.
 - g) All drain outlets shall be rip rapped to prevent erosion. Facilities for energy dissipation shall be provided.
 - h) Under drains shall be laid with perforation down with a backfill consisting of graded concrete sand.
- 7) Monumentation - The right-of-way lines of streets to be accepted shall be marked with granite monuments sufficient to reproduce the right-of-way; or where ledge is present, iron pins may be installed with the prior approval of the ~~Town Engineer~~ Public Works Director or the Director's designee.
- a) Granite monuments or concrete monuments shall be 5 inches square and shall be 4 feet long minimum, with a flat top set at all street corners and at all points where the street line intersects the exterior of the subdivisions and at angle points and points of curve in each street. The top of the monument shall be drilled with washer and spike set so that it may be located by a metal detector. ~~have a drill hole to identify properly the location and~~ Monuments shall be set flush with the finished grade on lawns and be raised 6 inches in wooded or undeveloped areas.
 - b) All other lot corners shall be marked with iron pipe or rod not less than 3/4 inches in diameter and 36 inches long set flush with the finished grade.
- 8) Storm water Drainage System Plans - All storm water drainage designs shall be prepared by professional engineer registered in the State of Maine. Plans shall show the plan profile, cross sections and details of appurtenances. No construction shall be permitted until the ~~Town Engineer~~ Public Works Director or the Director's designee has reviewed and approved the proposed storm water drainage plans. The developer is responsible for obtaining all other permits and approvals which are required prior to construction. Upon completion of construction and prior to acceptance of any street, a final set of "as-built" reproducible record drawings and 3 sets of paper "as built" record drawings of the Storm Water Draining System Plans will be incorporated into the project drawing and a final set of as-built prints shall be delivered to the ~~Town Engineer~~ Public Works Director or the Director's designee.
- 9) Public Water Supply and Fire Protection - When required by Chapter II, Section IX, a water main of at least 8 inches in diameter must be installed for the use of buildings, residents and occupants of the street to be accepted. The Chief of the Gorham Fire Department must certify in writing that the installed water main will provide adequate fire protection. It shall be

the policy of the Town to require installation of fire hydrants as may be deemed necessary for fire protection with the installation of the water main. **7 years.**

Public Hearing #3 Chairman Loveitt opened the public hearing to amend Chapter II, Section II, Parking, Loading and Traffic (a)(7) of the Land Use and Development Code. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7539 Moved by Councilor Phinney, seconded by Councilor Moulton, and **VOTED** to waive the reading of the proposed order. **7 years.** Moved by Councilor Phinney, seconded by Councilor Csoros and **VOTED** to amend the proposed order to accept some of the proposed language from the Planning Board beginning with their recommendation in section 7) c) to use the word “material” instead of the word “surface” and all of the changes after that. **7 years.**

Whereas, the Town’s Land Use and Development Code currently requires paved parking lots for most developments; and,

Whereas, the Town believes that, in limited circumstances, it is in the public interest to allow well constructed gravel parking lots; and,

Whereas, the Planning Board held a public hearing on February 4, 2008 and recommended this amendment for adoption,

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Gorham, Maine, in Town Council assembled to amend Chapter II, Section II, Parking, Loading and Traffic (a)(7) of the Land Use and Development Code as follows.

NOTE: Additions are underlined in italics. Deletions are ~~crossed out.~~

- 7) Where off-street parking is required or provided, the following construction requirements shall apply:
 - a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the Building Inspector. When access to parking areas is available from more than one street, the location of points of ingress and egress shall have the approval of the Planning Board.
 - b) The surface of driveways, maneuvering areas, and parking areas shall be uniformly graded with a sub grade consisting of well-compacted gravel or equivalent materials at least six inches in depth. Except as provided in subsection c) below, for commercial, industrial, and institutional uses and apartment buildings, the drives, maneuvering areas and parking areas shall be covered with two inches of bituminous concrete properly prepared and laid in two courses of one inch each in accordance with specifications prepared by the Public Works Department. All other installations shall have a wearing surface equivalent in qualities of compaction and durability to fine gravel.
 - c) For commercial, industrial and institutional uses (excluding retail or service businesses) that will generate an estimated average of thirty-five (35) vehicle trips or less per day or for Rural Entrepreneurial Uses that meet the Performance Standards of Chapter II, Section VII, Subsection E. 2. in the Suburban Residential District or of Chapter II, Section VIII, Subsection E. 2. in the Rural District, parking areas shall be constructed with a suitably durable material (including gravel) that minimizes dust and is appropriate for the type of land use activity. Surfacing, grading and drainage shall be required to facilitate groundwater recharge by minimizing impermeable surface and stormwater run-off. Parking lots constructed in conformance with this provision shall have a paved apron 30 feet in length commencing at the existing edge of pavement on the adjacent public road.
 - e)d) A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street.

d) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways. **7 yeas.**

Item #7540 This item was taken out of order and heard prior to public hearing #1 after item #7542 that was also heard out of order.

Item #7541 This item was taken out of order and heard prior to public hearing #1.

Item #7542 This item was taken out of order and heard prior to public hearing #1 after #7541 that was also heard out of order.

Item #7543 was moved by Councilor Robinson and seconded by Councilor Caldwell. Moved by Councilor Willett, seconded by Councilor Phinney and **VOTED** to amend the proposed order to include the recommended appointments. **7 yeas.** The order as amended was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve appointments to various Town Boards and Committees recommended by the Appointments Committee as presented.

PLANNING BOARD: Thomas L. Hughes - term to expire 4/1/2011 & Michael Parker - term to expire 4/1/2011

ZONING BOARD OF APPEALS AND BOARD OF SEWER APPEALS: Joseph Gwozdz - term to expire 4/1/2011 & Stephen Scontras - term to expire 4/1/2011

RECYCLING COMMITTEE: Robert R. Frazier - term to expire 4/1/2011 & Steven Wiggins - term to expire 4/1/2011

BOARD OF HEALTH: Susan Russett-Collett - term to expire 4/1/2011

GORHAM ECONOMIC DEVELOPMENT CORPORATION: Daniel G. Willett - term to expire 4/1/2011, Richard H. Carter - term to expire 4/1/2011 & Jack Donovan - term to expire 4/1/2011

PARKS & CONSERVATION COMMISSION: Noah Miner - term to expire 4/1/2011 & Charles W. Nadeau - term to expire 4/1/2011

RECREATION ADVISORY BOARD: John Labrecque - term to expire 4/1/2010 & Alan Curtis - term to expire 4/1/2010

CABLE TELEVISION COMMITTEE: John Labrecque - term to expire 4/1/2010 & James Lockman - term to expire 4/1/2011

FAIR HEARING BOARD: Philip Shearman - term to expire 4/1/2011

BOARD OF ASSESSMENT REVIEW: Stephen Scontras, as an alternate - term to expire 4/1/2011 & Rebecca Lord, as a regular member - term to expire 4/1/2011

BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY: Deborah Loveitt - term to expire 4/1/2011, Patricia Weeks - term to expire 4/1/2011, & Peggy Marchand - term to expire 4/1/2011 **7 yeas.**

Item #7544 Moved by Councilor Robinson, seconded by Councilor Moulton, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Land Use and Development Code, Chapter I, Section VI, urban Residential District and Section XIII, Commercial/Office District, by adding Bed and Breakfast with dining facilities as a permitted use, to the Planning Board for public hearing and their recommendation. **7 yeas.**

Item #7545 Moved by Councilor Moulton, seconded by Councilor Caldwell, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Finance Committee to review existing fees to recommend adjustment, where appropriate. **7 yeas.**

Item #7546 was moved by Councilor Csoros and seconded by Councilor Moulton. Moved by Councilor Csoros, seconded by Councilor Phinney and **VOTED** to amend the

proposed order by removing the words “developing a” and replacing them with the words “reviewing the”. **7 yeas.** The order as amended was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Capital Improvements Committee to consider reviewing the long range Capital Plan for Town Council consideration. **7 yeas.**

Item #7547 Moved by Councilor Moulton, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Capital Improvements Committee to review the status of municipal buildings and make recommendations to the Town Council where appropriate. **7 yeas.**

Item #7548 Moved by Councilor Phinney, seconded by Councilor Caldwell, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled go into executive session, pursuant to Title 36 M.R.S.A., Section 841 (2) for the purpose of considering two applications to abate taxes based on poverty. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Robinson, and **VOTED** to come out of executive session.

Moved by Councilor Phinney, seconded by Councilor Robinson, and **VOTED** to deny the application of A08-001 for an abatement of taxes based on poverty because the applicant has assets to contribute to the public charge. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Robinson, and **VOTED** to deny the application of A08-002 for an abatement of taxes based on poverty because the applicant has assets to contribute to the public charge. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Robinson, and **VOTED** to adjourn the meeting at 9:08 pm.

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk