

Town of Gorham

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GORHAM PLANNING BOARD September 11, 2006 AGENDA RESULTS

1. **APPROVAL OF THE AUGUST 7, 2006, MINUTES**
APPROVED

2. **COMMITTEE REPORTS**
 - A. **Private Way Committee – No report**
 - B. **Ordinance Committee – No report**
 - C. **Sign Ordinance Committee – REPORTED by Susan Robie**

3. **CONSENT AGENDA**
 - A. **STREET ACCEPTANCE REPORT – “MOUNTVIEW DRIVE” in NONESUCH FARMS SUBDIVISION – off BURNHAM ROAD - by RISBARA BROS. CONSTRUCTION CO., INC.**
Request for street acceptance by Risbara Bros. Zoned R; M1/L14
POSTPONED to October 2, 2006

 - B. **STREET ACCEPTANCE REPORT – “HAY FIELD DRIVE” in SPRINGBROOK FARMS SUBDIVISION – off DINGLEY SPRING ROAD - by RISBARA BROS. CONSTRUCTION CO., INC.**
Request for street acceptance by Risbara Bros. Zoned R; M81/L29.
POSTPONED to October 2, 2006

4. **SITE PLAN – “NAPPI BEVERAGE DISTRIBUTION FACILITY” – off 615 MAIN STREET – by NAPPI DISTRIBUTORS**
PUBLIC HEARING
Request for plan approval of a 141,836 sq. ft. warehouse and administration facility on 25+/- acres at 615 Main Street. Zoned I; M32/L13.
DISCUSSED & TABLED

5. **SITE PLAN – “SUBWAY SHOP/GORHAM” – off 109 MAIN STREET – by SUB BUILDERS, INC.**
PUBLIC HEARING
Request for plan approval of a 1,653 sq. ft. restaurant with 12 parking spaces on .24 acres. Zoned UC; M102/L153.
DISCUSSED & TABLED

6. **SITE PLAN AMENDMENT – “PLAN-IT RECYCLING” - 18 GORHAM INDUSTRIAL PARKWAY – by PLAN-IT RECYCLING & TRANSFER**
PUBLIC HEARING
Request for approval of a plan amendment for a covered structure at Plan-it Recycling. Zoned I; M12/L26.001. Zoned RC; M32/L13.
APPROVED w/Conditions of Approval

7. **FINAL SUBDIVISION PLAN & SITE PLAN & SITE PLAN AMENDMENT – “STARGAZER” / “BLUE LEDGE ROAD” / “GROWING YEARS DAYCARE” / “HANSEN’S FARM MARKET” – off 74 COUNTY ROAD – by HANS C. HANSEN, INC.**
PUBLIC HEARING A.
Request for final plan approval of a 7-lot condominium subdivision encompassing 6 residential lots and 4 commercial units with an existing agricultural business, a proposed daycare facility and 2 areas reserved for future development on 23.8 acres on the site of the existing Hansen’s Farm Market. Zoned UR; M3/L22.
DISCUSSED & TABLED
PUBLIC HEARING B.
Request for final site plan approval of a proposed daycare facility on the site of the existing Hansen’s Farm Market. Zoned UR; M3/L22.
DISCUSSED & TABLED

8. **PRIVATE WAY PLAN – “WHISPERING PINES LANE” – off 34 ROBIE STREET – by JOCK D. & SUSAN P. ROBIE**
Request for approval of a 350’ private way to serve 1 lot. Zoned UR; M25/L9.
APPROVED w/Conditionals of Approval

9. **PRE-APPLICATION CONFERENCE: MINERAL EXCAVATION PERMIT & SITE PLAN – “J PIT” – off MOSHER ROAD – by SHAW BROS. CONSTRUCTION, INC.**
Discuss proposal for a quarry operation and bituminous asphalt batch plant. Zoned Industrial; M31/L15
DISCUSSED

10. **DISCUSSION: PRELIMINARY SUBDIVISION PLAN AMENDMENT / PRIVATE WAY PLAN – “PLUMMER ROAD SD” / “ALEXIS DRIVE” - off 105 PLUMMER ROAD – by ALBERT T. & DENISE L. MEROLA**
Discussion of a proposed amendment to the Sara Childs Subdivision Plan to create 5 new lots and a 959’ private way on 2.29 acres off 105 Plummer Road. Zoned R-SZ; M86/L6.002.
DISCUSSED

11. **SCHEDULE NEXT PLANNING BOARD MEETING - OCTOBER 2, 2006**
12. **ADJOURNMENT – 10:34 P.M.**



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**AUGUST 7, 2006
PLANNING BOARD MINUTES**

LOCATION: Gorham High School Auditorium, 41 Morrill Avenue, Gorham, Maine

Members Present:

**DOUGLAS BOYCE, VICE CHAIR
THOMAS FICKETT
MICHAEL PARKER
MARK STELMACK**

Staff Present:

**DEBORAH FOSSUM, Dir. of Planning & Zoning
AARON D. SHIELDS, Assistant Planner
BARBARA SKINNER, Clerk of the Board**

EDWARD ZELMANOW

Member Absent:

**SUSAN ROBIE, CHAIRWOMAN
THOMAS HUGHES**

The Vice-Chairman called the meeting to order at 7:00 p.m. and read the agenda. The Clerk called the roll, noting that Chairwoman Susan Robie and Thomas Hughes were absent.

1. APPROVAL OF MINUTES: JULY 10, 2006

Thomas Fickett MOVED and Michael Parker SECONDED a motion to approve the minutes of July 10, 2006 as written and distributed. Motion CARRIED, 4 ayes (Douglas Boyce abstaining as not having been present at the July 10 meeting, and Susan Robie and Thomas Hughes absent).
[7:03 p.m.]

2. COMMITTEE REPORTS

- A. Private Way Committee Mr. Boyce said there was no report for this Committee.
- B. Ordinance Committee: Mr. Boyce said there was no report for this Committee.
- C. Sign Ordinance Committee: Mr. Boyce reported that this Committee met with Ms. Fossum and Mark Eyerman from Planning Decisions and there is now a draft sign ordinance to replace the current sign ordinance. Ms. Fossum said that the draft will be distributed among staff and the entire Planning Board for comments, which will then be synthesized and included in a report back to the Town Council Ordinance Committee.

3. PRELIMINARY SUBDIVISION & SITE PLAN – “PRESUMPCOT COVE CONDOS” / “ISABEL DRIVE” – off 697 GRAY ROAD - by TIMOTHY “RAY” PEPPERS dba RAY PEPPERS REALTY

Request for preliminary approval and site plan discussion of a 12-unit residential condominium with a 500' private driveway on 4.97+/- acres at 697 Gray Road/Route 202. Zoned UR / SZ; Map 110/Lot 29.

Jim Fisher of Northeast Civil Solutions appeared on behalf of the applicant and gave an overview of the project. He described the topography of the site and the proposed placement of the buildings; the road will be private; there will be a subgrade pump station at the end of the road; and the development will be served by public water, public sewer, and underground utilities.

Mr. Shields gave the staff comments, noting that since the preapplication conference on this proposal, the net residential density calculations have been revised, resulting in a change from the original 14 units to the currently proposed 12 units. He said that the project will take its 80 feet of frontage from Mosher Road, and the private access road will be approximately 200 feet north of the roundabout in Little Falls Village. Mr. Shields noted that the 20 to 33% slopes along the river will not be disturbed due to environmental, historic and shoreland considerations, and are therefore not deducted from the net acreage. Mr. Shields said that the access drive will be built to a 24 foot Urban Access standard, and approximately 80 feet of the existing building at 697 Gray Road will have to be removed in order to achieve the required distance from the roundabout and to meet the required setbacks for the 697 Gray Road building. Mr. Shields stated that the intersecting site distance has been shown to be adequate as evaluated by the traffic engineer hired by the applicant. Mr. Shields also discussed closing the existing 697 Gray Road driveway off the roundabout and only utilizing the new access being proposed directly behind the building off the new roadway. Mr. Shields said that this site contains about 500 feet of the Cumberland and Oxford Canal located along the riverfront section of the parcel; this Canal, listed on the National Register of Historic Places, will not be disturbed as part of this proposal. Mr. Shields also pointed out that preliminary approval tonight would be for subdivision only; site plan approval would not occur until final approval.

In response to a query from Mr. Boyce, Mr. Fisher replied that all review comments have been addressed. Mr. Zelmanow and Mr. Fisher discussed the placement of the hydrant; Mr. Shields read the note on sheet 4 of the plans, per the request of the Fire Chief, that said that the water main and hydrant are to be installed and in service before building materials are allowed on site. Mr. Parker asked about the private sewer easement crossing the property; Mr. Fisher said that line was no longer in existence. Mr. Parker asked staff about the extensive review of this project by both the Town Engineer and the outside review engineer, expressing concern that duplication of review is unfair to a developer. Ms. Fossum explained that the Town Engineer is responsible for the overall engineering review and he is sending certain more complicated stormwater plans for review by SYTDesign, so its review is limited to those stormwater plans. She said that in the less complicated plans, the Town Engineer is also doing the stormwater review as well. Ms. Fossum also noted that there are still a few plans which began the process before the Town Engineer was hired, and in those cases the outside engineers are still doing those reviews, but staff is sensitive to the issue of duplication.

Mr. Stelmack, Mr. Shields and Mr. Fisher discussed the easement areas shown on the plans, as well as the sheet 3 boundary survey notes. Mr. Stelmack asked for clarification of what will be removed from the existing building; Mr. Fisher explained that a portion of the garage will be removed. Mr. Stelmack expressed concern that the driveway coming off the roundabout presents a traffic safety hazard and should be closed. Mr. Fisher explained that that driveway will be an emergency access only. Mr. Parker said he would like a comment before final approval from the Fire Chief about the value of that driveway as an emergency access. Mr. Shields noted that both Portland Water District and DOT will be working on the reconstruction of the roundabout, and this would be a good opportunity to close the driveway.

Mr. Boyce and Mr. Fisher discussed the easement rights of the abutters, as well as their driveway access on the vertical curb; Mr. Shields noted that the radius can be modified at the right of way. Mr. Boyce and Mr. Fisher also discussed the location of the level spreader and discharge of stormwater, Mr. Shields commenting that the proposed location will disperse stormwater into a larger area.

Mr. Boyce asked how assurance could be secured that there will no be downslope cutting on this property by property owners. Mr. Shields said that if the Board wants to insure that the natural tree line will be maintained, it can be put on the plans as a restriction. Mr. Fisher said it would be an aesthetic issue as well to keep the tree line. Mr. Boyce asked Mr. Fisher to consider exterior lighting that has shielding of exposed bulb fixtures.

Mr. Fisher reviewed the proposed parking for Mr. Parker, saying that each unit will have its own garage and driveway for 2 vehicles per unit, and there is off-site parking for the existing adjacent 3-unit building. Mr. Parker and Mr. Fisher also discussed snow removal/storage.

Mr. Parker said he concurred with Mr. Boyce's concerns about restricting cutting on the downslope and of the proposed tree line post-construction. Mr. Fickett concurred, and said he also concurs with the closing of the driveway on the roundabout. Mr. Zelmanow agreed with maintaining the existing tree line after final approval. Mr. Stelmack concurred. Mr. Boyce said he too would like to see the driveway on the roundabout closed, but he would defer to the Fire Chief's opinion if he believes it is of value. Mr. Zelmanow suggested that if the Fire Chief did want the driveway maintained for emergency use only, perhaps some signage could be used to restrict its use. Mr. Fisher said he would address that issue with the Fire Chief before returning for final approval.

PUBLIC COMMENT PERIOD OPENED:

Peter Fogg, abutter at 715 Gray Road, asked if there will be road access going into his 20-foot easement; Mr. Shields replied that there will be none.

PUBLIC COMMENT PERIOD ENDED.

Michael Parker MOVED and Edward Zelmanow SECONDED a motion to grant Ray Peppers Realty, LLC's request for preliminary subdivision plan approval of the proposed "Presumpscot Cove Condominiums," a 12-unit residential condominium development on 4.97 acres off Gray Road, zoned Urban Residential, Map 110, Lot 29. Motion CARRIED, 5 ayes (Susan Robie and Thomas Hughes absent). [7:55 p.m.]

4. SUBDIVISION AMENDMENT & PRIVATE WAY – "WEST SKY SUBDIVISION" / "CHICAGO AVENUE" – off 297 NARRAGANSETT STREET – by JASON T. WAGNER
Request for preliminary and final subdivision approval of an amendment for one new lot and a new 279[±] private way to serve two lots on 4.22 acres. Zoned SR; Map 35/Lot 5.005.

Thomas Greer, Pinkham & Greer, appeared on behalf of the applicant and described the proposal, saying that the applicant is seeking to split the applicant's 4.22 acre parcel and create one additional lot with each lot gaining access and frontage off the proposed private way. Mr. Greer asked the Board to grant both preliminary and final approval.

Mr. Shields gave the staff notes, commenting that the Board has waived the site walk on this project, saying that the original subdivision was approved first in 1996 and later amended in 1997, with a 10-foot wide trail easement to Gorham Trails along the applicant's Lot 5 and Lot 4, which will remain as such. Mr. Shields

said the applicant will be provide an access easement and a parking space some 50 feet off Route 202 to allow users of the 10-foot easement to park off the main travel way of Route 202. Mr. Shields said that the private way will be built to the 2-6 lot private way standards, not because it is being built to serve up to 6, but because it is to serve 2 lots. He said that the subdivision is currently served by a dry hydrant and fire pond located on Osborne Road, which is satisfactory to the Fire Chief for the new lot. Mr. Shields said that technical capacity has been established, and there are some minor revisions required to the legal documents before the Mylars are signed. He said that the applicant has asked that the “in lieu” condition be added to the plans, requesting approval of a conditional agreement in lieu of a performance guarantee. In addition, there are several plan notes and details requiring modification; these changes are required before the plan Mylars are submitted for signing.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Mr. Boyce asked Mr. Greer to show where access to Lot 5A will be located. Mr. Parker asked about a plan showing the proposed trail parking space. Mr. Stelmack asked Mr. Greer if the applicant intends to convert the conditional agreement to a performance guarantee; Mr. Greer replied that he believes the intention is to build the private way first before selling the lot and there would be no need for a performance guarantee.

Ms. Fossum asked Mr. Greer for clarification on who is to maintain the private way. Mr. Greer replied that the maintenance will be shared. Ms. Fossum said that there is a Declaration of Maintenance of Private Way which will need to have this point clarified with the Town Attorney and the applicant.

Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to waive the procedures leading up to Final Approval required under Sections III and IV of Chapter III of the Gorham Land Use and Development Code. Motion CARRIED, 5 ayes (Susan Robie and Thomas Hughes absent). [8:09 p.m.]

Edward Zelmanow MOVED and Thomas Fickett SECONDED a motion to grant preliminary and final plan approval of Jason T. Wagner’s request for an amendment to the West Sky Subdivision to add one additional lot, and for approval of a private way to be known as “Chicago Avenue,” on 4.22 acres off Narragansett Street with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Susan Robie and Thomas Hughes absent). [8:10 p.m.]

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5. PRIVATE WAY PLAN – “TANGLEWOOD DRIVE” – off 38 PHINNEY STREET - by DARRYL J. AND SARA L. HARVEY
Request for private way approval for a 700’+/- road to serve 3 lots on 10.4 acres on land of Sawyer.
Zoned R; Map 42/Lot 13.

Thomas Greer, Pinkham & Greer, appeared on behalf of the applicants and explained that the proposal is to gain access to two new lots on land of Sawyer off Phinney Street. Mr. Greer explained the proposed drainage improvements, and said there is a shed on the Sawyer property that will be relocated so that it is a conforming structure. He said the private way will be designed to the standards to serve 2 to 6 lots.

Mr. Shields gave the staff comments, noting that any drainage concerns have been addressed and the Town Engineer is satisfied that there will no negative impact on the abutter. He said the legal documents need some minor revisions, and Condition of Approval #6, “That the existing shed located on the Sawyer parcel shall be relocated outside of the setback from the new Private Way ROW prior to the issuance of any building permits” has been crafted to deal with the issue of moving the shed on the Sawyer property.

Mr. Parker asked why this application is not a subdivision; Mr. Shields replied that the owners of the land, the Sawyers, having lived at their home for longer than 5 years, are entitled to a homestead exemption to which they will continue to be allowed so long as they reside there after the sale of these two lots.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Mark Stelmack MOVED and Thomas Fickett SECONDED a motion to grant Darryl and Sara Harvey’s request for approval of Tanglewood Drive, a 700’ private way to serve three lots, located off Phinney Street with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (Susan Robie and Thomas Hughes absent). [8:18 p.m.]

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6. PRE-APPLICATION CONFERENCE: SUBDIVISION / PRIVATE WAY – off 180 NEW PORTLAND ROAD – by PAUL B. ERSKINE.

Discuss proposal for a 7-lot residential subdivision with an 875’ private way on 12.48 acres. Zoned SR / Black Brook and Brackett Road Special Protection District - Remedial Activities Area; Map 27/Lot 12.001.

Paul Erskine, 180 New Portland Road, appeared to present his proposal for a 7-lot residential subdivision with a private way, located on land he purchased from his parents, at the corner of New Portland Road and Libby Avenue. Mr. Erskine said that lots 1 through 5 would front on a newly proposed private way and would be served by private wells and septic systems, with lot 6 off New Portland Road and lot 7 to be accessed by a private drive off Libby Avenue. Lots 6 and 7 would have reduced frontages allowed for by the utilization of public water off Libby Avenue, Lot 6 securing its water through an easement across Lot 7, and both lots having subsurface waste disposal systems. Mr. Erskine said that Al Frick & Associates have done soil tests on the proposed 7 lots, and adequate test pits have been found for all 7 leach beds. He noted the Resource Protection area in Lots 6 and 7, and said that it is intended that these two lots secure their water from the water main on the Libby Avenue. Mr. Erskine said the utilities will be underground.

Mr. Boyce asked Mr. Erskine if he would have a registered engineer involved in the detailed design of the project; Mr. Erskine replied that he has retained Kevin Kay, who has reviewed the proposed drainage on the site. Mr. Boyce suggested that Mr. Erskine's engineer be present at a site walk.

Mr. Shields gave the staff comments, discussing first the Black Brook and Brackett Road Special Protection District, pointing out to Mr. Erskine that the area impacted on site is a much smaller portion since the District was modified in 2004. Mr. Shields said the restrictions on this portion of the property are not as stringent as those closer to the remedial activity area. As relating to the provision of public water, Mr. Shields said that unless exempted by the Planning Board, all development of 6 or more units located within the Suburban Residential District, shall utilize and be connected to public water if the parcel is located within 3000 feet of a Portland Water District Water main. However, the applicant has asked for a waiver of this connection due to the costs of the extension and utilization of water, as well as the environmental risks he believes are associated with blasting within this area. Mr. Shields noted that a cost analysis has been performed on a 7 lot subdivision and a 6 lot subdivision since it is proposed that one lot will be utilizing water from an existing line within Libby Avenue; the analysis includes a substantial amount of ledge. Mr. Shields noted that Jay Hewitt of the Portland Water District has stated that the proposal is not acceptable to PWD since an easement cutting through Lot #7 to serve Lot #6 would not be permitted, as it would not serve their goal of the orderly extension of public water. Therefore, Lot #6 could not exist as presently configured with its reduced frontage for the extension of public water. Mr. Shields said that Mr. Hewitt advised the Town that a water main stub was installed at the request of the developer on the Libby Avenue frontage as part of the June 2000 Black Brook water main extension, and if public water is not to be extended to this project, the PWD wants that stub done away with. At Mr. Parker's request, Mr. Erskine pointed out the location of the stub on the plan.

Mr. Erskine said he does not propose to use the water main stub at all; his proposal is to put a 250 foot pipe to the house on Lot 7 from Libby Avenue and a 350 foot pipe along the easement on Lot 7 to the house on Lot 6, which he proposes to keep for himself. Mr. Stelmack asked Mr. Erskine what backup plan he has should the Portland Water District prohibit extending public water to Lot 6 through Lot 7's easement. Mr. Erskine said he hoped the Planning Board would encourage the Portland Water District to accept his plan. A discussion ensued about the potential bonus lots and financial benefits that could be achieved to offset the provision of providing public water to the site, with the suggestion being made as well that a professional engineering opinion be secured about any potential liability for blasting to extend the water main.

Mr. Erskine said he has contacted all the abutters to this parcel and discussed his proposal with them. Mr. Boyce asked about the feasibility of providing access to the Perry property. Mr. Shields commented that the road is being proposed as a private way, and access cannot be taken off the private way without an abutter being invited into the homeowners' association. Mr. Boyce asked that the centerline of the proposed line be marked at the site walk; Mr. Stelmack asked the applicant to provide blasting information, such as any monitoring of existing wells, in the Resource Protection Area for the Board and to verify the stub location on the plan. Mr. Boyce asked about the "no build" notations on the plans; Mr. Erskine explained that those are designed as sight easements for certain of the abutters and himself.

PUBLIC COMMENT PERIOD OPENED:

Bill Friel, abutter at 198 New Portland Road, noted that his septic field is in an easement on the Erskine land, Mr. Erskine has agreed to move the drive over on Lot 7, and he has a driveway by his well house directly across from the drive into the industrial park.

Mr. Boyce directed that a site walk be scheduled. (9:01 p.m.)

It was determined that the next Planning Board meeting will be on September 11, 2006.

7. ADJOURNMENT

Michael Parker MOVED and Mark Stelmack SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Susan Robie and Thomas Hughes absent). [9:02 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2006

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**4. SUBDIVISION AMENDMENT & PRIVATE WAY – “WEST SKY SUBDIVISION” /
“CHICAGO AVENUE” – off 297 NARRAGANSETT STREET – by JASON T. WAGNER****Approved Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That prior to the commencement of any site improvements and/or earth-moving activities associated within the approved subdivision, the applicant shall arrange for a pre-construction meeting with the Planning Staff, Public Works Director, Fire Chief, Code Enforcement Officer, Town Engineer, Site Contractor, Design Engineer and himself to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
4. That 3 (three) complete sets of the final approved plan set will be delivered to (1) the Inspecting Engineer, (2) Public Works Director, and (3) Director of Planning one week prior to the pre-construction meeting;
5. That the applicant shall provide property line information and site information, including each sheet of the final approved set of plans for the project, in auto-cad format (version 2000) to the Planning Office prior to the scheduled pre-construction meeting and upon completion of the project shall also provide the final record drawings in auto-cad format to the Public Works Department;
6. That prior to any occupancy within the subdivision each structure shall be properly numbered with the number visible from the street year round;
7. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
8. That the Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way;
9. That the private way shall be maintained for emergency vehicles year-round;
10. That a copy of the recorded access easement being granted from Lot # 5 to the Gorham Trails will be submitted to the Town Planner prior to the scheduling of a pre-construction meeting;
11. That the applicant's engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant's engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code; and
12. That these Conditions of Approval, Final Amended Subdivision Plan, Private Way Plan and Declaration of Maintenance of Private Way shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the scheduling of a pre-construction meeting.

5. PRIVATE WAY PLAN – “TANGLEWOOD DRIVE” – off 38 PHINNEY STREET - by DARRYL J. AND SARA L. HARVEY

Approved Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That prior to the commencement of construction of the private way, the applicant will establish a performance guarantee with the Planning Department to cover the cost of constructing the paved apron;
4. That the applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Fire Chief and Police Chief;
5. That the applicant’s engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Gorham’s Land Use and Development Code and in accordance with the plans and specifications approved by the Planning Board. Furthermore the applicant’s engineer will be responsible for providing record drawings accurately reflecting these improvements as required by the Code;
6. That the existing shed located on the Sawyer parcel shall be relocated outside of the setback from the new Private Way ROW prior to the issuance of any building permits;
7. That prior to the issuance of any occupancy permits for any of the lots served by the private way, the Town’s Inspecting Engineer shall certify to the Code Enforcement Officer that the private way has been constructed in accordance with Chapter II, Section V, and the approved Private Way Plan; and
8. That these Conditions of Approval, Private Way Plan and Declaration of Maintenance of Private Way shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the scheduling of a pre-construction meeting.