



Town of Gorham  
February 22, 2011  
PLANNING BOARD MINUTES

LOCATION: Municipal Center Council Chambers, 75 South Street, Gorham, Maine

**Members Present:**

**EDWARD L. ZELMANOW, Chairman**  
**THOMAS HUGHES, Vice Chairman**  
**LAUREN CARRIER**  
**THOMAS FICKETT**  
**CHRISTOPHER HICKEY**

**Members Absent:**

**GEORGE FOX**  
**ANDREW MCCULLOUGH**

**Staff Present:**

**THOMAS POIRIER, Town Planner**  
**BARBARA SKINNER, Clerk of the Board**

Edward Zelmanow, Chairman, called the meeting to order at 7:05 p.m.. The Clerk called the roll, noting that George Fox and Andrews McCullough were absent.

**APPROVAL OF THE FEBRUARY 7, 2011 MINUTES**

**Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to approve the minutes of February 7, 2011 as written and distributed. Motion CARRIED, 4 ayes (Lauren Carrier abstaining as not having been present at the February 7 meeting; George Fox and Andrew McCullough absent). [7:02 p.m.]**

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**ITEM 1 PRIVATE WAY REVIEW – Alberta Way off Bartlett Road – by Flagship Holdings, LLC**  
A request for approval of a 2-6 lot private way off Bartlett Road. Zoned R (M12/L7 & 10).

Ms. Carrier said she has had an opportunity to review the previous meeting minutes and is comfortable participating in a review of this item this evening.

Mr. Poirier said that this item was last before the Board at its February 7, 2011 meeting. After lengthy discussion, it was decided to have an additional meeting this month after the Town's engineer and staff had an opportunity to review revised plans. Staff and the Town's engineer have reviewed those plans and all the outstanding comments have been satisfied.

Bill Thompson, BH2M Engineers, representing the applicant, Nick Flagg, also present, told the Board that by letter dated February 15, 2011, the seven outstanding items involving the roadway cross section dimensioning, culvert calculations, clarification of wetland impacts and certain house keeping issues have all been dealt with, and the applicant is in agreement with the proposed conditions of approval and the findings of fact.

The Board's Findings of Fact are as follows, with standards 6 and 7 not applying in this instance:

**NOW THEREFORE**, based on the entire record before the Board and Pursuant to the applicable standards set out in the Land Use and Development Code, the Board makes the following Findings of Fact:

**CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, Section V. Minimum Standards for the Design and Construction of Streets and Ways, Subsection H, Paragraphs 1-5 and 8-9:**

## H. Standards for Private Ways.

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

*At the February 7, 2011 Planning Board meeting it was determined that each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses; therefore this standard applies.*

- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

*The plans show sufficient information to establish the exact location, direction, width and length of the private way. The street plan and profile and street cross sections are in accordance with Chapter II, Section V, E, 3.*

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way. This agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way. This agreement shall also specify that the Town of Gorham shall not be responsible for the maintenance, plowing or repair of the private way. This agreement, upon approval by the Planning Board, shall be recorded in the Cumberland County Registry of Deeds within 30 days of approval by the Planning Board.

*The Town Attorney and Staff have reviewed and approved the Maintenance Agreement provided.*

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The paved apron shall be constructed to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 1/2" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

*The proposed 50' right-of-way for Alberta Way meets the minimum private way right-of-way width.*

*The paved apron detail on plan sheet 2 meets the paved apron standards a) through f).*

- 5) Private ways shall be designed to conform with the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

*The Town's engineer has reviewed the proposed street section dimensional requirements and associated drainage structures and finds the proposed plan meets and or exceeds Ordinance requirements.*

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes

*This 2-6 lot private way cannot provide access to or serve in any way more than six lots or dwelling units.*

- 9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).  
*The fee interest of the private way is to remain with the proposed Flagship Holdings lot. The land area of the private way is not used to satisfy the minimum lot area requirements for any of the lots located along the private way.*  
*A note has been added to the plan that says "Fee interest of this Private Way shall remain with Parcel M12, Lot 7."*

**Thomas Hughes MOVED and Thomas Fickett SECONDED a motion to grant final approval to Flagship Holdings, LLC, for Alberta Way, a private way off Bartlett Road, based on the fact that the application has meet the standards set forth in the Findings of Fact, with conditions of approval as posted prior to the meeting and discussed with the applicant. Motion CARRIED, 5 ayes (George Fox and Andrew McCullough absent). [7:10 p.m.]**

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**ANNOUNCEMENTS:           None**

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**ADJOURNMENT**

**Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (George Fox and Andrew McCullough absent). [7:11 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2011

**ITEM 1: PRIVATE WAY REVIEW – Alberta Way off Bartlett Road – by Flagship Holdings, LLC**

**Approved**  
**Conditions of Approval:**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant, and that any variation from the approved plans and supporting documents shall be subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the private way, the developer is responsible for obtaining all required local, state and federal permits;

3. That the developer shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That at least one week prior to the date of the pre-construction meeting, a complete set of the approved final plans shall be delivered to Planning Department for distribution to the: (1) Code Enforcement Officer, (2) the Public Works Director, (3) the Inspecting Engineer, and (4) the Town Planner;
5. That prior to the commencement of any onsite work, including but not limited to land clearing and/or earth-moving activities associated with the approved final plans, the developer, or the developer's authorized agent, shall contact the Town Planner and request a meeting date for a pre-construction meeting. The developer, or the developer's authorized agent shall submit a proposed schedule of improvements, shall be prepared to discuss the Conditions of Approval, and review all related requirements regarding onsite work;
6. That the private way shall be maintained in a manner that provides year-round access for emergency vehicles;
7. That house numbers shall be approved by the Assessor and shall be clearly visible from the private way;
8. That prior to the issuance of occupancy permits for any of the lots served by the private way, the developer's engineer shall certify in writing to the Code Enforcement Officer that the private way has been constructed in accordance with the Gorham Land Use Ordinance and the approved final plans;
9. That prior to issuing the final Certificate of Occupancy, the developer shall submit an accurate final set of "As built - Record Drawings", stamped by a licensed professional engineer that meet the requirements of Chapter II, Section V, I., 4 of the Gorham Land Use Ordinance;
10. That all work in the site shall be done in accordance with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Cumberland County Soil and Water Conservation District, Department of Environmental Protection, latest edition;
11. That the Planning Board Chairman is authorized by the Planning Board to sign these Findings of Fact on behalf of the entire Board;
12. That the approved final plans and the approved maintenance agreement shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of such by the Planning Board; and
13. That prior to the pre-construction meeting, a mylar copy of the recorded approved final plans and a copy of the recorded approved maintenance agreement shall be submitted to the Town Planner.