



**Town of Gorham**  
**April 7, 2014**  
**PLANNING BOARD MINUTES**

LOCATION: Municipal Center, Burleigh H. Loveitt Council Chambers  
75 South Street, Gorham, Maine 04038

**Members Present**

**EDWARD ZELMANOW, CHAIRMAN**  
**MELINDA SHAIN, VICE CHAIRMAN**  
**JAMES ANDERSON**  
**GEORGE FOX**  
**THOMAS HUGHES**  
**RACHEL SUNNELL**

**Staff Present:**

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

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that all members were present.

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**APPROVAL OF THE MARCH 3, 2014 MINUTES**

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of March 3, 2014 as written and distributed. Motion CARRIED, 6 ayes. [7:03 p.m.]**

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**COMMITTEE REPORTS**

**A. Ordinance Review Committee.** Mr. Zelmanow reported that the Committee had met earlier this evening to discuss the proposed camp ground overlay district language, which will be brought back to the full Board for public hearing at the May meeting.

**B. Streets and Ways Subcommittee -** Ms. Shain reported that this Subcommittee has not met since the Board's last meeting.

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**CHAIRMAN'S REPORT** – No report.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier said there were no new Administrative Review projects.

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**ITEM 1      Public Hearing** – Gorham Land Use and Development Code – amendments to Chapter I, Section V – Definitions, Section VIII – Rural District and to add a new Section XIV – Dog Kennels.

Mr. Poirier gave the Board an overview of the item, saying that the Council forwarded a request to the Board to add dog kennels as a permitted use in the Rural district, along with required performance standards. The Board's Ordinance Subcommittee discussed the item at two meetings,

one on January 6, 2014, and one on February 3, 2014; the Board has before it the most recent changes proposed by the Subcommittee.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

**Melinda Shain MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the proposed ordinance amendments to Chapter I, Section V – Definitions; Section VIII – Rural District; and to Chapter II, Performance Standards – to add a new Section XIV – Dog Kennels. Motion CARRIED, 6 ayes. [7:06 p.m.]**

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**ITEM 2 Public Hearing – Gorham Land Use and Development Code – amendment to Chapter II, Section V – Minimum Standards for the Design and Construction of Streets and Ways, H. Standards for Private Ways.**

Mr. Poirier explained that this item was on for discussion at the Board's March meeting. He said that the Town Attorney had informed staff that the current private way standards in the Code are unclear about whether the Planning Board has the ability to require off-site improvements to public and private roads serving a proposed private way. The proposed amendment is to clarify that the Board has the ability to require improvements to off-site public and private roads, with the off-site improvements being limited to roads that are the principal route of travel and deemed to be unsuitable to handle additional traffic.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

**Melinda Shain MOVED and George Fox SECONDED a motion to recommend adoption by the Town Council of the proposed ordinance amendments to Chapter II, Section V – Minimum Standards for the Design and Construction of Streets and Ways, H. Standards for Private Ways. Motion CARRIED, 6 ayes. [7:08 p.m.]**

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**ITEM 3 Public Hearing – (Continued from 03/03/14) - Site Plan/Subdivision Review – Perennial Place at White Rock JCS3, LLC – request for approval to convert the existing White Rock School at 10 North Gorham Road into residential units for tenants 55 years or older, with associated outdoor space, landscaping and parking, Map 89 Lot 14 and Map 92 Lot 2, Suburban Residential zoning district.**

Mr. Poirier said that the item was also reviewed by the Board at its March meeting, and a site walk was held on March 17. At the site walk, the Board discussed the landscaping to the front of the building, and suggested that instead of having a straight line of shrubs, the applicant provide more of a variety of plantings. The applicant has made some changes to the proposed landscaping for the Board's review. Mr. Poirier said that the Conditions of Approval have been shared with the applicant.

Jon Smith, JCS3, LLC, told the Board about changes which have occurred on the plans since the last meeting. He said that one ADA accessible unit, unit #12, has been added to the layout, patio locations on the front have been changed to mirror the back, parking spaces across the front have been made 10 feet wide but the number of parking spaces is the same, and a designated walkway has been shown around the back of the building per the Fire Chief's request. Mr. Smith said that a snow storage area has been added to the plans, and a letter of financial capacity has been submitted. Mr. Smith told the Board that they are asking for three waivers: one for the high intensity soil survey, one for a nitrate plume study, and one for the Board's policy for separate meetings for preliminary and final subdivision approvals.

In response to Mr. Zelmanow, Mr. Smith pointed out where the path appears on the plan. Mr. Anderson asked Mr. Smith to point out the proposed maple trees to be installed in the front of the building. Ms. Sunnell said she appreciates that the applicant is willing to work with the Board about some of the landscaping comments and she does support the project, but in the future she will start requesting that professional landscapers prepare planting plans. She would want to have someone prepare landscaping plans who would know about soil conditions and who would take environmental conditions and function into consideration when a variety is chosen. In reply to Mr. Zelmanow, Ms. Sunnell said that if the applicant would like to match the red or sugar maples that would work, but silver maples are not good landscape trees. Ms. Shain confirmed with Mr. Poirier that a planting change can be made through a de minimis change. Ms. Shain and Mr. Smith discussed the areas shown on the plan where guest parking and parking for the use of the fields can take place. Mr. Hughes said he is satisfied after the site walk that there is adequate parking for any use.

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

Mr. Zelmanow summarized the applicant's waiver requests as follows: 1) a waiver of the high intensity soils survey since no new construction is being proposed on site that would make a soils survey of benefit to the applicant or the town; 2) a waiver of the nitrate plume analysis since the septic system already exists, designed for a 6,300 gallon per day flow and the proposed flow is estimated at 1,560 gallons per day; and 3) a waiver for separate meetings for preliminary and final approvals.

**Thomas Hughes MOVED and James Anderson SECONDED a motion to grant JCS3, LLC's request to waive Site Plan Submission requirements under Chapter III, Section III, B., 11 (high intensity soil survey) and 16 (nitrate plume analysis) and from the Planning Board's policy to require separate meetings for preliminary and final subdivision approvals. Motion as amended to include descriptions of the waiver language CARRIED, 6 ayes. [7:24]**

**Melinda Shain MOVED and George Fox SECONDED a motion to grant approval of JCS3, LLC's, request for site plan and preliminary and final subdivision approvals of a 12 dwelling unit multi-family housing development with associated parking and landscaping at 10 North Gorham Road, Tax Map 89 Lot 14 and Tax Map 92 Lot 2, Suburban Residential zoning district. Motion CARRIED, 6 ayes. [7:25 p.m.]**

Mr. Zelmanow commended the applicant on the application and the positive re-use of the building.

**ITEM 4 Private Way Amendment – (Continued from 03/03/14)** - Sarah Angeltun and Joachim request for approval of an amendment to a 325 foot private way (Angeltun Lane) from the one-lot private way standards to the two-to-six lot private way standards, located at 101 Spiller Road, Map 79 Lot 12.001 in the Rural zoning district.

Mr. Poirier said that remaining comments from the last meeting on this item centered around some topo lines which needed to be amended to correspond to the first private way plan submitted by the applicants in 2013. Mr. Poirier said that the applicants' engineer, Andrew Morrell, made the changes, which were sent to Denise Cameron at Woodard & Curran, the Town's review engineers, to ensure that the modifications to the topo lines conformed to the topo lines on the May 13, 2013 plan. Ms. Cameron confirmed that the topo lines have been properly modified.

Andrew Morrell, BH2M, said the changes made were to contours with elevations 240 and 241, around Sta. 150 along the road.

Mr. Zelmanow noted Condition of Approval #9, dealing with repairs that the applicants will need to make to Spiller road meeting the requirements and approval of the Public Works Director.

**PUBLIC COMMENT PERIOD OPENED:** Matt Laney, 91 Spiller Road. Mr. Laney said, based on past history, that he has doubts any plan agreed to tonight will be put into place. His questions this evening deal with the Town's enforcement mechanism and what role, if any, the Planning Board has in any enforcement. Since finding out that the Board has no role in enforcement, he asked what guarantees are in place if the work is not done.

Mr. Poirier replied that the applicants will be required to bond the improvements to complete the project as shown on the approved plans. The Town's engineer will inspect the improvements to ensure that they are done per the approved plan, and will look at any requests for releases against the performance bond to make sure before any releases are made that the improvements have been completed per the approved plan.

Mark Bower, Esquire, Town Attorney, said that the Planning Board's role is to review plans to determine if they conform to review standards in the ordinance and to develop conditions of approval that are reasonable and tied to those review standards. In this case, there will be a condition of approval that the project has to be completed per the plan, and that the plan contains a restoration proposal for the abutter's property. However, the Planning Board itself has no enforcement authority; all of its authority comes from ordinance and statute, and the ordinance and statute do not give the Planning Board authority to enforce the Town's ordinances. That authority is within the Code Enforcement Officer and pursuant to statute, and it is his role to enforce any of the conditions of approval that appear on the plan or on the written decision if the plan is approved with conditions.

Mr. Laney asked for confirmation that if no codes have been violated, then there is nothing that Code can do. Mr. Zelmanow said that if a development is not taking place pursuant to what was approved by the Board, then Code Enforcement should be notified. Mr. Poirier said that the Code Officer would follow up on a complaint and do an inspection, letters would go out to try to resolve any issues, and if resolution is not achieved, there could be legal ramifications for the developer.

Mr. Poirier said that depending on the severity of the approval violation, a stop work order could be issued.

Mr. Laney asked whether a performance bond has been posted yet; Mr. Poirier replied that for this project no bond has yet been posted, that it will be done after the project has been approved, and no permits will be issued by the Town until it has been done. Mr. Anderson asked what the amount of a performance bond is; Mr. Poirier replied that the amount would be 125% to complete whatever the required improvements are, such as installing the gravel, removing the riprap, loaming and seeding, whatever it takes to make that what exists on site meet the current approval.

Mr. Laney said that at the last meeting there was some question about whether he had signed off on the work that needed to be done, if there were a written agreement. Mr. Zelmanow said that sometimes there is a written agreement between a developer and abutters, and the Board was asking if such an agreement existed in this case.

Al Rumery, 212 Buck Street. Mr. Rumery asked if there is a date that this needs to be done by, when Mr. Laney's property will be returned to him. Mr. Poirier said there is no date identified by the applicant for when the required improvements are to be done. Mr. Morrell said it is the applicants' intent to start as soon as the approvals come forward and the ground has dried out, as soon as the permitting steps have been completed. Mr. Rumery said again that he believes Mr. Laney should be given a date certain. Mr. Zelmanow said that only the developer can establish a time line, and if nothing happens in a reasonable time, Mr. Laney should contact the Code Enforcement Officer.

PUBLIC COMMENT PERIOD ENDED.

Mr. Morrell confirmed that the applicants find the Conditions of Approval acceptable.

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve Sarah and Joachim Angeltun's request for approval to upgrade the one-lot private way to the two-to-six lot private way standard on 8.10 acres off Spiller Road, Map 79 Lot 12.001, situated in the Rural zoning district based on Findings of Fact and with the Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes. [7:46 p.m.]**

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**ITEM 5**      **Subdivision Review – Stonefield IV** – Gilbert Homes request for approval of a 36-lot cluster subdivision off Ichabod Lane with a 2900 foot roadway to connect to Stonefield Phases II and III and a 400 foot dead end road, located off Harding Bridge Road on Map 50 Lot 6 in the Rural zoning district.

Ms. Shain advised the Board that while she was not present at the July 15, 2013 meeting when this item was initially reviewed by the Board, she has reviewed the packet information and the minutes from the July meeting and feels that she will be able to participate in the discussion of the item.

Ms. Sunnell said while she was not a member of the Board when the item was first discussed in July of 2013, she has reviewed the packet information and the minutes from that meeting and believes she can participate in the discussion this evening on the item.

**Edward Zelmanow MOVED and Thomas Hughes SECONDED a motion to permit both Ms. Shain and Ms. Sunnell to participate in the discussion this evening. Motion CARRIED, 4 ayes (Melinda. Shain and Rachel Sunnell abstaining).**

Mr. Poirier told the Board that this item was last before the Board at its July 15, 2013 meeting for a pre-application discussion. At that time, the applicant's representative discussed with the Board the possibility of moving the application forward under the clustered residential development performance standards. No official determination was made by the Board that evening for the developer to proceed with a cluster residential development, so Staff recommends this evening that the Board discuss this option with the applicant, as this is a threshold item on how the development will go forward, whether it be under the cluster standards or the traditional subdivision standards. The Board has been provided with the cluster standards for review.

In addition, Mr. Poirier noted that the parcel is bisected by two Portland Water District easements, which are for the public water supply for the greater Portland area. There is a 42-inch and a 48-inch water main on the parcel. A letter from the Water District has been provided for the Board's review.

Mr. Poirier also noted that the current Water District easements have been used as a trail system by bikers, hikers, snowmobiles, cross country skiers and snowshoers. The trail system allows access from the center part of Town to the northern part via an old bridge on the discontinued portion of Harding Bridge Road, which is located just south of this lot.

Mr. Zelmanow noted that while there are a number of items of note to be addressed, the main issue is the determination by the Board on whether the application will go forward as a clustered or conventional subdivision.

Andrew Morrell, BH2M, gave the Board an overview of the history of Stonefields Subdivision, with Phase I approved in 1999 and consisting of 14 lots and a loop road connecting Huston Road and Harding Bridge Road; Phase II in 2003 was 10 lots off two dead-end streets off the Phase I subdivision; and Phase III, approved in 2010, was a 12-lot subdivision off the end of Harding Bridge Road. This Phase IV of the project would connect Phase III to Phase II, completing a loop between Harding Bridge and Huston Road. As currently proposed, Phase IV is a 36-lot subdivision, bringing the total number of lots in the subdivision to 72. Density for the entire project would have allowed 79 lots.

Mr. Morrell said that the lots shown on the clustered plans provided to the Board range in size between 20,000 and 65,000 square feet. The average lot size in the cluster subdivision is 26,000 square feet and some lots have been made larger. At the July meeting there was an informal straw poll of the Board, which was tending toward the cluster subdivision. Under a conventional subdivision plan, the open space would be 9.43 acres. The parcel size is 88 acres and 63 acres, 71% of the site, of open space are proposed with the cluster subdivision. Discussed at the July meeting was the issue of connection to the river; some 39 acres of open space are being proposed along the river, with some type of access down to the river being provided.

Mr. Morrell discussed differences between the cluster and the conventional subdivisions: the cluster results in about 3,600 linear feet of road, the conventional results in 2,200 linear feet more, or about 5,800 linear feet of road. Cluster results in 63 acres of open space, while conventional

results in 9.43 acres. There will be underground electric and subsurface waste water disposal systems. All the lots in the project will be served by public water, which was extended as part of Phase III so the construction of Phase IV will create a looped water system. Concerning the Portland Water District easements, the only impact on one of them would be the crossing for the street, and for the other easement, the water main in the majority of the site has been placed within the front setback of the buildings. This puts the easement starting at the edge of the right-of-way and the front 30 feet of the lots contain the Portland Water District easement. Mr. Morrell said that they will work with the District as they will need its endorsement to move forward with the plans.

Mr. Morrell said that the applicant is looking to have Phase IV project approved as one project with 36 lots but is looking to build the project in two phases. Phase I would be the extension of Ichabod Lane to the stream crossing, with 13 lots, and the second phase would be the rest of the construction up to the Phase II section.

Mr. Zelmanow, noting that Phases I, II and III are all conventional subdivisions, asked what kinds of innovative approaches the applicant is proposing for the cluster, such as residential layouts and environmental design. Mr. Morrell said that the applicant's intent on the project is to minimize the impervious and developable area of the project, and leave as much of the site as open space as possible. Trails will be provided, as well as access to the river. Mr. Fox said there has to be a balance of benefits and he would like to see more specifics as to how the open space will be used. Mr. Morrell encouraged the Board to set up a site walk. Mr. Zelmanow said he is concerned that the houses will all be "on top of each other" with open land around them. Ms. Shain commented that it would be helpful to have vegetated areas intermingled among the lots, and to make the houses more inviting with porches and decks. Mr. Hughes commented that 9 acres of good open space is better than 53 acres of open space that isn't useable and hopes that the houses will not be "cookie cutters." Mr. Morrell told Mr. Hughes that the streets are proposed to be built to the rural subcollector standards, 22 feet wide with no curbs or sidewalks and a 50-foot front yard setback.

Ms. Sunnell discussed with Mr. Poirier for examples similar to this proposal because it seems like a hybrid, as certain "neighborhood" elements appear to be missing, and there is no pedestrian feel or connectivity. Among those subdivisions discussed were Blueberry Ridge, Peterson Fields and Gerry Estates. Mr. Morrell suggested that the lot size and layout in Peterson Fields is very similar to what is proposed here.

Mr. Poirier referred the Board to Mr. Morrell's statement that the applicant proposes to construct Phase IV in two phases, stopping the first phase at the stream. Mr. Poirier said that the first phase of 13 lots (lots 37 through 49) would be longer than the 1500 foot dead end road requirement, so all those houses would have to be sprinkled. Once the road was connected through, the remaining lots would not need to be sprinkled. Mr. Poirier said there would be two subdivision plans, one with the first Phase IVA which would be bonded and go forward, but Phase IVB would be held until the applicant was ready to bond it.

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

A poll of the Board by the Chairman resulted in a preference for the cluster form of development, with a more defined use of open space.

Staff was directed to schedule a sitewalk, with the Board asking that the centerline of the road be staked, along with the front corners of each lot. Mr. Poirier suggested that the applicant's engineer mark possible trail locations.

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*Ten Minute Break*

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**ITEM 6**      **Subdivision Amendment – Linwood Acres Subdivision – John and Cynthia McCormack** request for approval for a subdivision amendment to split lot 6 into two lots, with the new lot accessed off Brackett Road, located at 8 Jackie's Way, Map 28 Lot 16.006, Suburban Residential, Stream Protection Subdistrict, Black Brook and Brackett Road Special Protection zoning districts.

Mr. Poirier said that this item is a subdivision amendment to Linwood Acres, which was approved in conjunction with a private way called Jackie's Way. The proposed new lot will not be accessed by Jackie's Way, as Jackie's Way currently serves its maximum of 6 lots and another lot cannot be added to it. The new lot instead will have road frontage off Brackett Road. The applicants are requesting four waivers, one of which is unusual in that the applicants would like to hold off having the professional survey plans completed for the Board's signature until after the Board has completed its review.

Mr. Poirier said that as part of this approval the applicants are proposing a family burial plot on the new parcel. He said that State statute does not allow disturbance to occur within 25 feet of the plot without DOT approval, so staff recommends that the burial plot be located a minimum distance of 25 feet from any potential disturbance.. This way routine maintenance of the private way or fire pond will not be burdened. State statute also requires that an access easement from a public way be created for the benefit of heirs and descendants of those buried in the plot. That access would have to be off Brackett Road, and staff recommends that a parking area be provided in the access easement as well to avoid anyone having to park on Brackett Road. This easement should be shown on the subdivision plan but would not go into effect until the lot is sold to someone unrelated to anyone buried in the plot.

Albert Frick, Albert Frick Associates, Inc., appeared on behalf of the applicants and summarized the history of the 6-lot subdivision, which was approved in 1990. Lot 6 is the applicants' property. Phase 2 of Jackie's Way went in in 1998 for Linwood Acres. The proposal is to split lot 6, with a new house to be constructed for the applicants on the 2 acre new lot to be accessed off Brackett Road. Mr. Frick showed the Board where the new house and driveway would be constructed, pointing out wetlands, a drainage swale, the existing fire pond, and the proposed 25 by 25 family burial plot. As recommended by staff, Mr. Frick said that the burial plot would be moved 25 feet away from the road and the fire pond to avoid disturbance.

Mr. Frick said that four waivers are being requested: one is for topo, as no road is being proposed, only a driveway; one is for the groundwater impact study, as there is only one single family home proposed on a 2 acre lot; another waiver is for the high intensity soil map, as only one house is being proposed and the plume would be toward the interior of the lot; and the fourth is for the requirement of a plan to be signed and sealed by a professional engineer since no engineering is



required for the lot split. Mr. Frick said that Mr. and Mrs. McCormack would be willing to provide a deed to maintain and protect the fire pond.

Mr. Frick then discussed the question raised by staff concerning site distance for the proposed driveway off Brackett Road. He gave the Board photographs showing the proposed driveway entrance, Snowberry Drive road entrance, and Jackie's Way road entrance, which he believes demonstrate that the proposed driveway location is optimum. He said that the sight distance is 363 feet without any improvements but assured Mr. Zelmanow that it would meet the 400 foot sight distance requirement with improvements. In response to Mr. Anderson, Mr. Poirier said that the Board could request that a drawing be provided showing the minimum elevation requirement for the driveway. Mr. Frick proposed that they would meet with the Town Engineer and the Public Works Director to work out the issue.

Mr. Zelmanow said he is finding a review of the project difficult as no plans have been submitted and there is no application. Mr. Frick confirmed that there is no plan showing the sight distance improvement.

The Board and Mr. Frick discussed at length why a certified plan should not be submitted now as it will have to be done anyway. Ms. Shain asked Mr. Poirier if it were possible to approve a project without a plan. Mr. Poirier replied that as part of the submission requirements, a subdivision plan needs to be done by a surveyor or an engineer as the plan must have metes and bounds and easement recording information. Mr. Zelmanow said that doing the lot split will create a host of other issues, such as the location of the burial plot on a plan, the easement for the burial plot, and sight distance for the driveway, all of which need to be shown on a plan. The Board also discussed the placement of the burial plot and the access easement for it. Mr. Poirier noted that he does not believe the easement can be in the Jackie's Way right-of-way, but that is something that would need to be researched by the applicants' attorney and then presented to the Board for its review.

In reply to Mr. Fox, Mr. Zelmanow said that the application is to split lot 6 and that split is creating a number of issues that need to be addressed, such as the cemetery location and its access easement, and the placement of the driveway must allow a sight distance of 400 feet. Mr. Hughes said he does not know how the Board can approve a project without plans for the Board to review.

Mr. Zelmanow asked the Board to consider the applicants' request to waive the requirement that a registered professional surveyor or a registered professional engineer prepare the final plan.

Justification for signed and sealed plan: "No engineering is required for the lot split."

**Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to grant the waiver of the requirement that a registered professional surveyor or a registered professional engineer prepare the final plan as part of the Planning Board's final review (Chapter III, Section IV, B. 1.) Motion FAILED, 6 opposed). [9:16 p.m.]**

The Board discussed the remaining three waiver requests:

Justification for topo waiver: "The amended subdivision is for a single family lot that will not require any public or private roadway construction. The dwelling will be served by a private drive

so the expense of its practical useful value is questionable. Alignment grades along driveway will provide the necessary construction information at a lower cost to the Applicant.”

**Melinda Shain MOVED and Thomas Hughes SECONDED a motion to waive the requirement to submit an existing and proposed topography in contours of two foot intervals with all elevations referred to U.S.G.S. datum, and indicating all grading and filling (Chapter III, Section III, B. 10) for the existing lot 6 except for the proposed new lot 11. Motion CARRIED, 5 ayes, 1 nay (George Fox). [9:17 p.m.]**

Justification for high intensity waiver request: “As a Certified Soil Scientist, I cannot certify a High Intensity soils map without a base map having a 2’ topographic contour. The wetlands have been mapped and GPS-located to show the edge of the Scantic soils, and the septic system test pits and other borings show the Lamoine soils. Adequate soils information for one single family dwelling, in my opinion, it met with the submitted information.”

**Melinda Shain MOVED and James Anderson SECONDED a motion to waive the requirement to submit a High Intensity Soil Map, location and boundaries of soil areas and their names in accord with the National Cooperative Soil Survey Classification and identifying each soil for any separate area of one-eighth of an acre or larger in size (Chapter III, Section III, 11) for the existing lot 6 except for the proposed new lot 11. Motion CARRIED, 5 ayes, 1 nay (George Fox). [9:18 p.m.]**

Justification for nitrate plume analysis waiver request: “There is only one single family lot proposed on a 2-acre lot. The groundwater flow (plume) out of the septic field will be down gradient in the direction of the sloping ground towards the other lot owned by family members.”

**Melinda Shain MOVED and James Anderson SECONDED a motion to waive the requirement to submit a nitrate plume analysis (Chapter III, Section III, 16) for the lots served private sewage disposal areas. Motion CARRIED, 6 ayes. [9:19 p.m.]**

Mr. Frick said no easement has been granted in the past for maintenance of the fire pond, which the applicants are willing to do with a 15-foot buffer around the existing pond. Mr. Zelmanow asked if the easement is required; Mr. Poirier said that the Fire Chief requests that fire ponds have such easements. Regarding the burial plot, Mr. Frick said the applicants propose to come back 25 feet from the edge of the right-of-way and 10 feet more from the outside maintenance berm, with a pedestrian easement worked out down the driveway. Mr. Poirier said that staff will have to research State statute on whether the easement needs to be identified on the plan and will work with the Town Attorney and the applicant to identify exactly what is required. (9:45 p.m.)

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**ITEM 7 Private Way Amendment Review – Norway Road Extension – Norman A. Martin, III, request for approval to amend Norway Road with a 370 foot extension and to upgrade the private way to the seven-to-ten private way standards, located off Fort Hill Road, Map 64 Lots 5.002 and 5.003, Rural zoning district.**

Mr. Poirier told the Board that Norway Road was approved by the Board in 1999 as a 1,000 foot private way designed to the Town’s 2-to-6 lot gravel private standards. He said that this application is to amend the private way by 370 feet and to upgrade the entire road length to the Town’s paved 7

to 10 private standards, He said that the applicant is requesting a waiver from Table I – Street Classification and Design Standards for private ways, minimum k-values for a vertical curve.

David St. Clair, St. Clair Associates, appeared on behalf of the applicant and said that the proposal before the Board is an extension of Norway Road of approximately 370 foot on to the applicant's property. Mr. St. Clair said that Norway Road was originally permitted in 1999 and constructed in 2000 to the 2-to-6 lot private way standards. At that time, k-values were not applicable in those standards. Now that the applicant wants to include his lot, the standards are those of the 7-to-10 standards, so Norway Road and its extension must be improved to that standard. Bringing that road in conformance with the k-value would require an approximate 2 to 2-1/2 foot cut into a road bed that is structurally sound now, and there is also a driveway that would need to be cut, as well as utilities that would have to be moved. Mr. St. Clair said that the existing Norway Road would have to be shimmed prior to paving and a note on that would be added to the plans. The existing hammerhead would have to be removed, with that area loamed and re-seeded. There is a culvert that would require insulation due to its shallow cover. Mr. St. Clair said that the additional driveway that would access Mr. Martin's house will be shown on the plan. The private way maintenance agreement will be updated, as well as metes and bounds descriptions. The road itself will be extended on to Mr. Martin's property and ownership would remain in the current names, Mr. Martin's and the trust.

Mr. Fox asked about any possible future plans the applicant might have. Mr. St. Clair replied that Mr. Martin's address is 27 Mill Pond Road, which is also known as Buck Street. The status of Buck Street is unknown and Mr. Martin was able to get an easement over Norway Road to provide access to his property. Mr. Martin would like to formalize his legal street frontage with extending Norway Road up to his property. At this point in time, Mr. Martin is not proposing to extend Norway Road beyond the 370 feet, recognizing that is pushing the 1500 foot threshold and would not want to go beyond that. Ms. Shain confirmed that the entirety of Norway Road, along with the new section, will now be paved and Mr. Martin will secure a clearer address.

Concerning the waiver request, Mr. Poirier suggested that the Board wait until the Public Works Director has provided something in writing about the request.

**PUBLIC COMMENT PERIOD OPENED:** Loma Bell, 376 Fort Hill Road, said that Norway Road is beside her driveway. She asked if the road will be built up, if the height will be increased. Mr. St. Clair said that the existing portion of Norway Road from Fort Hill Road up to the property line, will have an inch of shim to fine tune the existing gravel, and there is no proposal to raise the road any higher than it is now.

**PUBLIC COMMENT PERIOD ENDED.**

**Melinda Shain MOVED and George Fox SECONDED a motion to table further review of Norman A. Martin, III's, request for private way approval pending responses to remaining issues.**

Discussion: Mr. St. Clair asked if the item could be placed on the consent agenda if all the outstanding items are addressed. Mr. Zelmanow said that it would not be possible to approve the waiver request at a consent agenda, but suggested that the final plans could be brought to the meeting for Board signature.

**Motion CARRIED, 6 ayes. [10:02 p.m.]**

**OTHER BUSINESS            NONE**

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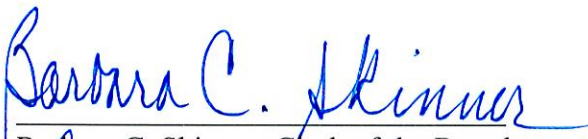
**ANNOUNCEMENTS        NONE**

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**ADJOURNMENT**

**Thomas Hughes MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [10:03 p.m.]**

Respectfully submitted,

  
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Barbara C. Skinner, Clerk of the Board  
*April 7*, 2014

**ITEM 3 JCS3, LLC – PERENNIAL PLACE AT WHITE ROCK SCHOOL**

**FINDINGS OF FACT**

**CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, Section IV – Residential, B. Performance Standards for Multi-family Housing**

A. PERFORMANCE STANDARDS FOR MULTI-FAMILY HOUSING The construction of any new multi-family dwelling or the conversion of an existing single-family or two-family dwelling into a multi-family dwelling shall be done in accordance with the following standards:

1. Multi-family dwellings in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of structures, the relationship of buildings to the street and the use and treatment of front yard areas.

*Finding: The multi-family dwelling is proposed to be located in the former White Rock School.*

2. For new construction, utilities shall either be placed underground or, if above ground, designed so as to be visually compatible with the overall development.

*Finding: Existing utilities serving the building are overhead. The applicant is not proposing to alter the existing utilities on the site.*

3. All required yard area shall be retained as open, landscaped areas which are not occupied by buildings, structures, parking lots, storage or similar uses. Access roads or drives and sidewalks may be located to allow vehicular and pedestrian traffic to cross yard areas.

*Finding: Currently there are three driveways that cross the yard areas into the site. The applicant is not proposing to remove any of the existing driveways into the site. All other areas are proposed to remain as open or landscaped areas.*

4. A buffer shall be established between the multi-family housing and any abutting single-family or two-family dwellings. The buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas or waste collection and disposal areas. The buffering shall consist of landscaping, fencing, grading or a combination of features.

*Finding: The applicant is proposing to add additional landscaping in the front yard setback along North Gorham Road near the former school. The applicant is proposing to utilize existing vegetation on the parcel in all other setbacks to buffer other abutting single and two family dwellings.*

5. All private access roads shall be located within a 50 foot dedicated right-of-way. No off-street parking shall be located within this right-of-way.

*Finding: The lot is served by driveways into the site and not private access roads. No parking is located on any private access road.*

6. The developer shall provide a minimum of 1,000 cubic feet of private lockable storage for personal property for each dwelling unit. This space may be part of the dwelling unit or at a separate location or building.

*Finding: The proposal is to install a 10' by 10' (1,000 cu. ft.) shed on site for each of the dwelling units. The sheds are to be located to the south of the existing multi-family residence.*

7. The developer shall provide a minimum of 250 square feet of private, outdoor space for each dwelling unit.

*Finding: The applicant is proposing to provide 250 square feet of accessible private outdoor space for each dwelling unit. As part of the outdoor space each unit will have a 10' by 6' patio.*

8. The developer shall provide a minimum of 250 square feet of common, outdoor space for each dwelling unit which shall be developed with appropriate recreation facilities.

*Finding: The applicant is proposing 3,000 square feet of common space located adjacent to the southwestern corner of the building. The area is proposed to be a large open grassed area.*

9. All roads that will be dedicated to the Town for public use shall meet the standards for public roads contained in the subdivision regulations. All private roads, drives, or access ways shall also meet the standards for private roads contained in the subdivision regulations.

*Finding: No public or private roads are proposed as part of the development.*

10. All off-street parking and lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high.

*Finding: The applicant is proposing some landscaping to the front of the building to screen the parking lot and site lighting. In all other setbacks the applicant is proposing to utilize the existing vegetation to screen abutting properties.*

11. The number of dwelling units permitted on the site shall be determined by dividing the net residential acreage by the minimum lot area required per dwelling unit.

*Finding: The minimum lot area per dwelling unit in the Suburban Residential District is 40,000 square feet. The lot area is 577,170 square feet, which divided by 40,000 square feet allows for 14 dwelling units. The applicant is proposing 12 dwelling units.*

*The applicant is not required to provide a net residential density calculation because it is not requesting a density bonus under the provisions of the Suburban Residential Zoning district.*

#### **CHAPTER IV, SITE PLAN REVIEW, SECTION IX – Approval Criteria and Standards**

The Planning Board, following review of the Site Plan Application, makes these Findings based on the Site Plan Review criteria found in Chapter IV, Section IX – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

##### **A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.**

The applicant has submitted a floor and elevation plan for the renovation of the existing White Rock School into a 12 unit multi-family housing complex for residents 55 and older. The building will allow each unit to have access to the required outdoor space. The siding of the building will remain brick and mortar.

Site improvements to the lot are located on areas that are best suited for development and that have been previously disturbed. No wetlands, steep slopes, flood plains, or other unique natural features will be impacted by the proposed redevelopment of the site.

*Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.*

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The lot has access to Sebago Lake Road, State Route 237, and North Gorham Road. The applicant estimates that there will be 25 vehicle round trips to the site, the busiest a.m. time being between 7-8:30 a.m. with 6 round trips, and the busiest p.m. time being between 4:30-6:00 p.m. with 6 round trips.

The proposed number of trips entering and leaving the site on a daily basis is substantially less than the former use of the site as a school.

*Finding: Sebago Lake Road, State Route 237, and North Gorham Road have adequate capacity to accommodate the traffic generated by the development.*

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

Vehicles will enter and exit from two existing driveways located off North Gorham Road and one driveway located off Sebago Lake Road, State Route 237. The driveways have adequate sight distance and will provide for safe and convenient access into the site.

*Finding: The plans provide for safe and convenient vehicular access into the development.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The parking area for the dwelling units is located to the east and south side of the multi-family housing building and is designed to have twenty-four spaces, one being for handicap parking. The parking area can be accessed from both Sebago Lake Road and North Gorham Road.

The site plan shows the proposed parking lot will have the required minimum 10' by 18' parking spaces and 24' access aisles to allow vehicles to back out of the parking stalls without needing to back out onto any abutting public road.

*Finding: The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

The applicant is proposing to install a pedestrian walkway along the front of the existing building adjacent to the proposed parking area. The walkway is proposed to be 5' wide and directs pedestrian circulation from the front of the building to the parking lot.

A grassed pedestrian emergency path is located along the rear of the building. The path will need to be maintained in the summer and winter. The pedestrian path could be upgraded with an impervious surface as a future phase of construction.

No pedestrian circulation is proposed off-site.

*Finding: The plans provide a system of pedestrian circulation within the development.*

- F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

Storm water from the impervious area will continue to flow in the same direction and no changes to the direction of storm water flow are proposed.

The amount of impervious area will not increase on the site, but existing impervious area located around the northern, eastern, and southern end of the building will be removed and new impervious area will be added to the eastern end of the building.

*Finding: The storm water run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

- G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The location of the walkway and driveway to the east side of the building is on previously disturbed area. The location of the proposed improvements is a relatively flat area and will not require an extensive amount of earthwork construction to fit in to the natural surroundings.

Plan Sheet C-101: Site & Utility Plan shows the location for erosion control devices.

Plan Sheet C-002: General Notes & Legend provides erosion control notes and reseeding information.

*Finding: The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.*

- H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The existing drilled well that served the former White Rock School will be used to serve the existing school. No change to the existing water supply well is proposed.

*Finding: Perennial Place at White Rock Multi-family Housing has a water supply that provides for adequate supply of water meeting the standards of the State of Maine for drinking water.*

- I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The site has an existing private septic system located to the west of the existing building. The applicant is proposing to utilize the existing private septic system for the multi-family housing. The septic system was designed by Allied Engineering. Multiple sheets in the plan sets show the location of the existing septic system on the site.



The applicant is proposing a replacement to the existing septic system should the septic system fail. The new septic system is proposed to be located in the same location as the existing system. The new system has been designed by John Toothaker, Site Evaluator #347, and a copy of the replacement septic systems HHE-200 has been provided.

Finding: *Perennial Place at White Rock Multi-family Housing proposed sewage disposal system is adequate to meet the requirements of the 12 dwelling units located onsite.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The lot is served by overhead power, cable and phone from North Gorham Road. Any additional utilities run on the site are proposed to be underground.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The proposed construction will disturb only portions of the site that have been previously disturbed. The applicant is proposing to remove only one fir tree located along North Gorham Road. No other disturbance to any existing trees and other vegetation is proposed.

Finding: *The development of the site will preserve the existing vegetation to the greatest extent practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The site has an approved private septic system located to the west of the existing building. The septic system was designed by Allied Engineering. The applicant is proposing a replacement to the existing septic system should the septic system fail. The replacement septic system has been proposed to be located in the existing septic systems location. The replacement septic system has been designed by John Toothaker, licensed Site Evaluator #347.

Finding: *Perennial Place at White Rock Multi-family Housing will not adversely impact either the quality or quantity of groundwater available to abutting properties or public supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The plan sets shows the location of the following exterior lighting: 12' full cut-off wall pack lighting to be installed; decorative lantern style lights to be located outside for each residential unit; two directional lights for the existing flag pole; and one directional light for the future residential sign.

The applicant provided a lighting photometric detail, Sheet C-300, Site Details, by St. Germain-Collins. The applicant has also provided lighting catalog sheets for all the lighting to be located on the site.

Finding: *The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

The applicant is proposing to locate a dumpster on the site. The dumpster is located to the south of the existing building and will be on a concrete pad and screened with a chain link fence with privacy slats. Solid waste from the site will be stored in the dumpster prior to its disposal by a licensed private waste hauler.

Finding: *The proposed development provides for adequate disposal of solid wastes and hazardous wastes.*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

Sheets C-100: Overall Site Plan and C-101: Site & Utility Plan details the locations, types, and quantities of landscaping proposed to be installed on the site. Sheet C-300: Site Details provides the necessary shrub and tree planting specifics.

Finding: *The proposed plan will provide landscaping to soften the appearance of the development.*

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is not located in the Shoreland Overlay District.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

R. Technical and Financial Capacity: The applicants have demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The principal of JCS3, LLC is Jonathan Smith, President of Great Falls Construction. The applicant has submitted Great Falls Constructions' resume which identifies over 20 years of experience with building commercial facilities and homes.

The applicant has submitted a letter from Francine V. Cram, Commercial Lending Market Manager, Kennebunk Savings Bank, dated March 3, 2014, that identifies the applicant's financial capacity to complete the project.

Finding: *JCS, LLC has demonstrated that they have the financial and technical capacity to carry out the project in accordance with the Code and the approved plan.*

S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

Buffering in the front setback along North Gorham Road in the vicinity of the proposed multi-family housing includes:

- o Eight existing trees consisting of seven maples and one spruce.

- o A mix of Eastern Arborvitae, Eastern Red Cedar, and American Arborvitae are to be installed along the front of the building and the island located between the two driveways located on North Gorham Road.

The buffering of the residential properties to the south, east, and north will be via existing vegetation located within the yard setbacks. These areas are identified as buffer areas on the plan and no removal of existing vegetation is allowed within these setbacks without the approval of the Town Planner.

Finding: *The development provides buffering to screen service and storage areas.*

- T. Noise: The applicants have demonstrated that the development will comply with the noise regulations listed in Table 1 – *Sound Level Limits* and the associated ordinances.

The multifamily residential use at the site is required to meet the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7 a.m.-7 p.m.) and 60 dBA nighttime (7 p.m.- 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7 a.m.-7 p.m.) and 60 dBA nighttime (7 p.m.- 7 a.m.).*

### 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 applicants 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 Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
5. That the building will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
6. That the building construction plans shall be submitted to the State Fire Marshal's Office for review and permitting and a Stamped set of plans with the Fire Marshal's Stamp shall be supplied to Gorham Fire Department before the start of construction;
7. That the building shall be completely sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance, a complete set of sprinkler plans shall be sent to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting, and the plans shall be submitted to Gorham Fire Department at least two weeks prior to the start of installation of the system;
8. That the Cistern for the sprinkler system shall have an automatic fill valve from the buildings water supply;
9. That the Cistern shall also be equipped with a fill pipe and vent to allow Fire Department tankers to fill the Cistern if needed, the fill pipe shall be equipped with a 4" storz coupling;

10. That the sprinkler Test papers shall be provided to the Fire Department before a certificate of Occupancy is issued;
11. That the room where the sprinkler controls are located shall have a door going directly to the outside of the building and the door shall be labeled sprinkler control room;
12. That the building shall have an alarm system that includes Carbon Monoxide Alarms and the main alarm panel shall be located in the sprinkler control room, with a remote panel at the front vestibule;
13. That if propane is used in the building the tanks shall be placed on cement slabs and the regulators protected by bollards;
14. That two lock boxes shall be installed, one at the sprinkler control room and one at the front vestibule;
15. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
16. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
17. That these conditions of approval must be added to the site/subdivision plan;
18. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
19. That the subdivision/site plan shall not be released for recording at the Registry of Deeds until the required performance guarantee has been posted meeting the approval of the Town Staff and the subdivision/site plan is required to be recorded within one year of original approval or the approval becomes null and void; and
20. That once the site/subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded site/subdivision plan shall be returned to the Town Planner prior to the pre-construction meeting.

**ITEM 4 SARAH AND JOACHIM ANGELTUN – ANGELTUN LANE PRIVATE WAY**

**FINDINGS OF FACT**

**CHAPTER II, SECTION V, H., Standards for Private Ways**

**(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)**

- 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.

The lot served by the private way is required to meet the requirements of the Rural zoning district. The applicant is seeking to expand the existing private way from the one-lot private way standard to the 2-6 lot private way standard. The lot located along the private way is required to have no more than two dwelling units and the private way cannot serve more than a total of 6 dwelling units and/or lots.

*Finding: The approved private way is designed to the 2-6 lot private way standards and no more than two dwelling units can be located on a lot served by the private way to a total of not more than 6 dwelling units and/or lots.*

- 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 applicant has hired BH2M to prepare the private way plans which have been prepared by a registered land surveyor, Robert C. Libby, P.L.S. # 2190, and stamped by a registered professional engineer, Lester S. Berry, Jr., P.E. #3341.

The Plan title block reads "Plan of a Private Way"

The Plan has an approval block that reads: "Private Way, Approved by the Town of Gorham Planning Board."

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plan shows information sufficient to establish on the ground 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.

The Plan has a note that reads, "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."

*Finding: The Amended Plan of a Private Way for Angeltun Lane has been sealed by a registered professional engineer and professional land surveyor meeting the requirement for private ways.*

- 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.

The proposal is for one lot, so a private way maintenance agreement is not required as part of the amended private way review.

Finding: *Not applicable.*

- 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 ½" 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.

Finding: *The right-of-way width is 50' and the paved apron design conforms to the paved apron standards outlined in this section.*

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

The applicant is proposing to construct the 327' private way to the 2-6 lot private way standard.

Finding: *The private way meets all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10 of the Gorham Land Use and Development Code.*

- 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.

The applicant is proposing to serve one single family house with the amended private way.

Finding: *The proposed private way is being designed to the Town's 2-6 lot private way standard which can accommodate the single-family house.*

- 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 lot where the private way is located has 8.10 acres with the private way being .45 acres in size. The remaining lot area is more than enough to meet the lot sizes in the Rural zoning district. The fee interest in the right-of-way will remain with the lot (M79/L12.1) shown on the plan.

Finding: *The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

### **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 applicants 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 Town Planner 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 the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
  4. That any future extension of the private way shall be limited to less than 1,500' unless all the structures located on lots along the private way have sprinkler systems meeting the requirements of the Town's Sprinkler System Ordinance.
  5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to burial;
  6. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the Planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
  7. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code,
  8. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan;
  9. That the applicant shall make repairs to Spiller Road meeting the requirements and approval of the Public Works Director;
  10. That prior to commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
  11. That the private way shall be properly maintained for access of emergency vehicles year round;
  12. That the houses shall be properly numbered with the numbers being visible from the private way year around;
  13. That the private way shall be properly named and signed with a Town-approved street sign and the name of the street shall be approved by the Police and Fire Chiefs with the street signs being installed as soon as the street is constructed;
  14. That all construction and site alterations shall be done in accordance with the "Maine Erosion and Sediment Control: Best Management Practices," Department of Environmental Protection, latest edition;
  15. That all relevant conditions of approval from the original approval shall remain in effect;
  16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  17. That these conditions of approval must be added to the private way plan and the private way plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the

plan by the Planning Board, and that a recorded mylar copy of the private way plan shall be returned to the Town Planner prior to the pre-construction meeting.