



TOWN OF GORHAM
PLANNING OFFICE

75 South Street, Suite 1
 Gorham, Maine 04038

PHONE: (207) 222-1620 • FAX: (207) 839-7711

PRIVATE WAY APPLICATION

FEEES FOR PRIVATE WAY REVIEW	<input type="checkbox"/> \$700.00 Application Fee plus \$50 for Public Notice <input type="checkbox"/> \$2,000.00 for Peer Review and Legal Services Escrow <i>(\$500.00 plus \$1,500.00 Engineer's Estimate -- may need to be increased depending on project)</i>	Amount Paid: \$ _____ Date: _____
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PROPERTY DESCRIPTION	Parcel ID	Map	Lot	Zoning District	Total Land Area
	Physical Address				
PROPERTY OWNER'S INFORMATION	Name			Mailing Address	
	Phone				
	Fax				
	Email				
APPLICANT'S INFORMATION <i>(if different from owner)</i>	Name			Name of Business	
	Phone			Mailing Address	
	Fax				
	Email				
APPLICANT'S AGENT INFORMATION	Name			Name of Business	
	Phone			Mailing Address	
	Fax				
	Email				

DESCRIPTION	Existing Conditions:
	Proposed legal and physical changes: (Documents for dedication of the ROW, maintenance agreements, riders to deeds, grading, drainage and pavement, etc.)

The lots shown on this plan are for illustration only and have not been reviewed and approved under the Town of Gorham "Land Use and Development Code" for compliance with the Chapter I, "Zoning Regulations," Chapter II, "General Standards of Performance," or Chapter III, "Subdivision."

APPLICATION FOR PRIVATE WAY

The original signed copy of this form must be accompanied by the required application fee, required number of application forms, plans, and other necessary submissions.

Check All That Apply		PLEASE ANSWER THE FOLLOWING	Explain or comment as needed for clarification
YES	NO		
<input type="checkbox"/>	<input type="checkbox"/>	Attached are copies of the most recent deed or if applicable, contract to purchase or option to lease the property	
<input type="checkbox"/>	<input type="checkbox"/>	The Owner holds interest in the abutting property(s). If so, please explain.	
<input type="checkbox"/>	<input type="checkbox"/>	All easements have been identified on the plans and copies of the easement deeds are attached. If not, please explain.	
<input type="checkbox"/>	<input type="checkbox"/>	Have you completed an application for 'Street Name'? If not, please explain.	
<input type="checkbox"/>	<input type="checkbox"/>	Conversion of one non-conforming use to a new, non-conforming use following Zoning Board of Appeals approval (Chapter I, Section II)	
<input type="checkbox"/>	<input type="checkbox"/>	Complete the attached Agent Authorization form. Would the Agent/Applicant like to receive electronic written correspondence (i.e., staff action memoranda, abutter comments, etc.) through email?	
<input type="checkbox"/>	<input type="checkbox"/>	Is a variance from the Board of Appeals required? If so, describe.	
		How many lots will the private way serve?	
		How many dwelling units will be served by the proposed private way....now? in the future?	
		How long is the proposed private way?	feet
		Fee interest in the proposed private way will be held by whom?	
List any State or Federal approvals required. <input type="checkbox"/> DEP-Type of Permit(s): _____ <input type="checkbox"/> Army Corp of Engineers _____ <input type="checkbox"/> Other _____			
YES	NO	POST CONSTRUCTION STORMWATER MANAGEMENT	
<input type="checkbox"/>	<input type="checkbox"/>	Will the construction activity disturb one acre or more?	
<input type="checkbox"/>	<input type="checkbox"/>	Is the parcel located within the Town of Gorham MS4 area?	

The undersigned hereby makes application to the Town of Gorham for approval of the proposed project and declares the foregoing to be true and accurate to the best of his/her knowledge.

SIGNATURE: APPLICANT OR APPLICANT'S AGENT

DATE

PRINT NAME

STANDARD PRIVATE WAY PLAN NOTES

1. The original plan of the private way must be recorded in the Cumberland County Registry of Deeds within thirty (30) days of approval by the Planning Board.
2. The private way must be given a name that meets with the approval of the Fire Chief and Police Chief.
3. The private way must be marked with a Town approved sign identifying the private way.
4. The house(s) must be properly numbered and the number(s) must be visible from the private way year-round.
5. All construction and site alterations must be done in accordance with the erosion prevention provisions outlined in the "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices," Cumberland County Soil and Water Conservation District, Department of Environmental Protection, latest revision.
6. The private way must be designed and constructed to conform to the standards for private ways as presented in the Land Use and Development Code, Town of Gorham, Section V, Subsection H, latest revision.
7. The Town of Gorham will 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.
8. The private way must be maintained for emergency vehicles year-round.
9. Private ways while under construction may be monitored and inspected by the Town Engineer, or a representative designated by the Town Manager or at the Town's option, a registered professional engineer hired by the Town at the developer's expense per the requirements of the Town of Gorham Land Use and Development Code, Chapter II, Section V, Subsection I. Notwithstanding the above, prior to the issuance of occupancy permits for any of the lots served by the private way, the Developer's Engineer must certify to the Code Enforcement Officer that the private way has been constructed in accordance with this section and the approved private Way Plan.

The following note must be on the Private Way plan if the Private Way is not being reviewed in conjunction with a subdivision proposal.

10. The approval of this plan is for a Private Way only. The lots shown on this plan are for illustration only and have not been reviewed and approved under the "Land Use and Development Code Town of Gorham, Maine" for compliance with the Chapter I, "Zoning Regulations," Chapter II, "General Standards of Performance," or Chapter III, "Subdivision."

APPLICANT'S CHECKLIST FOR PLAN REQUIREMENTS

15 COPIES OF THE PROPOSED RIGHT OF WAY PLAN AND SUPPORTING DOCUMENTATION

SUBMITTALS THAT THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

The following checklists includes items generally required for development by the GORHAM LAND USE ORDINANCES and, due to projects specifics, are required to provide a complete and accurate set of plans, reports and supporting documentation.

- A) Paper size:
 - No less than 11" X 17" (reduced) or greater than 24" X 36" (full).
- B) Scale size:
 - no greater than 1" = 30'
- C) Cover Page & Title block:
 - Type of Private Way
 - Property Owner's name and address
 - Applicant's name and address
 - Name of preparer of plans with professional information and professional seal
 - Parcel's tax map identification (map – lot – zone)
 - Date of plan preparation
 - Standard Private Way Plan Notes
- D) Survey performed and sealed by licensed surveyor:
 - Identify all existing property/R.O.W. markers
 - Show all proposed boundary monuments (per ordinance)
- E) Provide orientation:
 - Arrow showing true north and magnetic declination
 - Graphic scale Signature block
- F) The right of way plans must include:
 - Size of the parcel minus the area in the R.O.W.
 - Area of R.O.W. Length of lot frontage;
 - Zoning and zone boundaries Front yard setbacks
 - Deed docket and page numbers Intersecting lot lines
 - Existing topography Horizontal alignment
 - Vertical profile (existing ground and proposed grades)
 - Sidewalks Watercourses forest cover
 - Ledge outcroppings Proposed areas of blasting
 - Utilities (above and below ground)
 - Above ground utilities (poles) that may be relocated
 - Storm drainage systems and structures
 - Parks Open space Conservation easements
- G) Show and locate on the plans the names and addresses of all owners of record of abutting properties, including those across the street.
- H) Provide sufficient information to identify and locate each interior lot line, right of way lines, and street alignment.
 - curve geometry bearings and distances widths

IT IS THE RESPONSIBILITY OF THE APPLICANT TO PRESENT A CLEAR UNDERSTANDING OF THE PROJECT.

- I) Show the location and description of all structures, including:
 - existing and proposed street signage
 - existing and proposed traffic signage
 - Driveway entrances and intersections located within one hundred (100) feet of the property.
- J) The detail sheet must show:
 - Structural pavement sections Erosion control detail
 - Roadway cross sections Trenching details
 - Sufficient detail(s) to clarify construction
- K) The completed application requires the following legal documents:
 - Copy of documentation showing right, title and interest
 - Copy of most current deed & previous recorded plans
 - Copy of any existing or proposed property encumbrances
 - Revised deeds for the parcel and the R.O.W.
 - A maintenance agreement for R.O.W. as a rider to the deed.
 - Letters of approval from utility companies and town staff
- L) The following supporting documentation may be required:
 - Erosion and sedimentation control plan
 - A plan for stormwater management prepared by a registered professional engineer
 - A copy of the soil survey (specific to this project area. Where the soil survey shows soils with severe restrictions for development, a high intensity Class A soil survey must be submitted
- M) Provide an estimate of the amount and type of vehicular traffic on a daily basis and during peak hours.
 - Where 400 vehicle trips per day or more is anticipated, a traffic impact analysis is required.
- N) Maintenance Agreement (see sample)

Additional Requirements. In its consideration of an application/plan, the Board may at any point in during the review, require the applicant to submit additional materials, studies, analyses, and agreement proposals as it may deem necessary for complete understanding of the application.

NOTE TO APPLICANT: THE PLANNING BOARD MAY CHOOSE TO CONDUCT A SITE WALK. PRIOR TO THE SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE THE PROPOSED PRIVATE WAY

TOWN OF GORHAM
Sample Document

NOTE: This is a *sample* document. Applicants and attorneys are advised to use this document as a *guide* when drafting a document that reflects the unique circumstances surrounding the private way property for which the Declaration of Maintenance of Private Way is being prepared.

Declaration of Maintenance of a Private Way

This Declaration of Maintenance of Private Way (hereinafter called "Declaration") made as of the ____ day of _____, _____, by _____ (Owner) whose mailing address is _____ (Street), _____ (Town), _____ (State) _____ (Zip) (hereinafter called "Declarant").

WITNESSETH

Whereas, the Declarant is the owner of certain real property situated on the _____ (Location) in Gorham, County of Cumberland and State of Maine, and being a certain parcel of land designated as _____ (Private Way Name) as shown on a Plan entitled Plan of Private Way of _____ (Street), and to be recorded herewith in the Cumberland County Registry of Deeds (hereinafter called the "Plan"):

Whereas, the Declarant is desirous of outlining and declaring the respective duties and obligations of the owners of the lots and the private ways shown on the Plan with regard to the maintenance, repair and plowing of the private way shown on the Plan and designated as _____ (Private Way name):

Now, therefore, the Declarant hereby declares that the Declarant's remaining property is and hereafter shall be held transferred, sold and conveyed subject to the following covenants, agreements, liens and charges relating to the maintenance, repair and plowing of the private way shown on the Plan:

1. The owner, or owners, of the remainder of the property as shown on the Plan, shall be responsible for the cost of maintaining, repairing and plowing the private way shown on the Plan; and, if said owner or owners do not, after reasonable notice from the Town of Gorham, keep said private way maintained adequately for fire-fighting purposes, the Town may maintain the way and charge the cost thereof to the remaining lot owner or owners, who shall be jointly and severally responsible therefore and a lien imposed on the lots to secure the Town's reimbursement. The Town, after reasonable notice, may sue said owner or owners to collect the same;
2. [The Declarant must insert language that will establish how the maintenance responsibility is to be apportioned among the property owners and the owners of any potential future lots.]
3. The duties and obligations imposed by this Declaration shall run with the Land;
4. The duties and obligations imposed by this Declaration shall be transferred to donees, purchasers or other transferees of the remaining land shown on the Plan, and upon such transfer, the transferors shall no longer be bound by such duties and obligations;
5. The Declarants, for themselves, their heirs, successors and assigns, acknowledge, understand and agree that the Town of Gorham is not responsible for the maintenance, repair or plowing of the private way shown on the Plan.

Witness

Name

Witness

Name

State of Maine
County of Cumberland, ss.

Then personally appeared the above-named _____ (Declarant) and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Type or Print Name

Attorney at Law/Notary Public

AGENT AUTHORIZATION

APPLICANT/ OWNER	Name			
PROPERTY DESCRIPTION	Physical Address			Map
				Lot
APPLICANT'S AGENT INFORMATION	Name			
	Phone		Business Name & Mailing Address	
	Fax			
	Email			

Said agent(s) may represent me/us before Gorham Town officers and the Gorham Planning Board to expedite and complete the approval of the proposed development for this parcel.

_____ DATE _____

PLEASE TYPE OR PRINT NAME HERE _____

CO APPLICANT SIGNATURE (If applicable) _____ DATE _____

PLEASE TYPE OR PRINT NAME HERE _____

APPLICANT'S AGENT SIGNATURE _____ DATE _____

PLEASE TYPE OR PRINT NAME HERE _____



TOWN OF GORHAM

Assessing Department

75 South Street, Suite 1

Gorham, Maine 04038

PHONE: (207) 222-1620

APPLICATION: STREET NAME

PROPERTY OWNER'S INFORMATION	Name		Mailing Address	
	Phone			
	Email			
	Fax			
APPLICANT'S INFORMATION IF DIFFERENT FROM OWNER	Name		Mailing Address	
	Phone			
	Email			
	Fax			
APPLICANT'S AGENT INFORMATION	Name		Name of Business	
	Phone		Mailing Address	
	Fax			
	Email			

PROVIDE A COPY OF THE APPROVED SUBDIVISION PLAN OR A PLAN SHOWING THE STREETS TO BE NAMED.

PROVIDE A SUGGESTED STREET NAME. YOU MAY CHOOSE TO PROVIDE AN ALTERNATE NAME IN THE EVENT YOUR FIRST CHOICE DOES NOT MEET 911 REQUIREMENTS.	STREET NAME	PROPOSED:	
		ALTERNATE:	
	STREET NAME	PROPOSED:	
		ALTERNATE:	
	STREET NAME	PROPOSED:	
		ALTERNATE:	
	STREET NAME	PROPOSED:	
		ALTERNATE:	

All street name signs must conform to the Town of Gorham requirements for street signage with regards to name, size, color, mounting and materials.

Prior to the installation and or placement of street signs the location of the sign and the sign must be approved by the Director of Public Works.

Street name signs may be furnished by the developer. Public Works reserves the right to install all street signs.

INSTRUCTION FOR SUBMITTING A COMPLETE STREET NAME APPLICATION

The following information must be provided:

- A copy of the tax map indicating the location of the proposed private drive or right-of-way.
- A specific written description of where the private drive or right-of-way is located. (i.e. "off Main Street after #157 between Mechanic and Johnson Roads.)

ALL APPLICANTS – PLEASE READ THE FOLLOWING:

- Due to emergency (911) services, similar sounding names will not be acceptable (i.e. Maple Lane, Naple Lane, William Drive and Williams Drive, etc.).
- Streets which join or are in alignment with streets of abutting or neighboring properties will bear the same name. (i.e. More than one street name on a continuous street is not acceptable.).
- Subsequent to the approval of a street name by the Planning Board, the Assessor will assign new house numbers. Any costs incurred due to an address change are the responsibility of the individual lot owner(s).
- Subsequent to approval of a street name by the Planning Board, the applicant(s) must notify the Director of Public Works (Tel: 207 892 9062) regarding ordering and installation of street signs. Again, the applicant(s) are responsible for costs incurred for street signs.

THIS SECTION FOR OFFICE USE ONLY:

DEPARTMENT	APPROVED	SIGNATURE	COMMENTS
	Yes or NO		
FIRE DEPARTMENT			
POLICE DEPARTMENT			
PUBLIC WORKS			
ASSESSING DEPT.			
PLANNING			

Submissions and Scheduling of an Item for Planning Board Review

1. An application will not be deemed complete until the applicant has submitted the signed original application, with all supporting documentation, payment of the application fees and fourteen (14) packets [7 for Administrative Review] containing one copy each of all supporting documentation in the following order:
 - a. The signed application form
 - b. Supporting documents such as:
 - i. A copy of the current deed to the property. If the applicant is not the owner; a contract to purchase or lease, or other form of right, title or interest. or agreement to purchase.
 - ii. A completed Agent Authorization form, if the applicant is represented by an agent; and
 - iii. Any Easement Deeds, reports, studies, etc. [Only 4 Stormwater Reports]
 - c. Plan Sheets. [8 Full size (36" x 24") and 7 Reduced size (11" x 17") copies] Multiple plan sheets must be individually folded and bound with a rubber band or stapled together and folded. All plans and other oversized material must be folded to 9" x 12", with title displayed. **Rolled plans will not be accepted;**
2. The Town Planner will forward the application, plans and supporting documents to the Town's engineer for an estimate of cost to review.
 - a. The Town Planner will notify the applicant of the estimated cost for review. The applicant must complete an escrow agreement form and remit payment for escrow to the Town Planner. Upon completion of this agreement, the Town Planner will advise the Town's engineer to commence project review. Additional Peer Review funds may be required.
 - b. Unexpended escrow deposits are refundable in accordance with Land Use Code.
3. The Review Staff, which includes the Town Planner, Assessing and Code Departments, Fire, Police and Public Works departments as well as the Town's Engineer, Portland Water District and the Town's Attorney, will review all complete applications and the Town Planner will prepare staff notes advising the applicant of any questions, concerns or problems with the application. Revisions to the application must address all questions, concerns or problems raised by the Town Planner in the Staff Notes.
4. Upon completion of staff notes for the next scheduled Planning Board meeting, the Town Planner will email, (as an attachment) the most current staff notes to the applicant or the applicant's agent, if applicable. Hard copies of staff notes will be distributed only upon request.
5. Only applications with sufficient information for review (as set forth in the Land Use Code) will be considered for placement on an upcoming Planning Board Agenda. Please note:
 - Space on an agenda may not be reserved by a call, letter, or partial submission.
 - Public Hearings are placed at the beginning of the Agenda.
 - Items tabled at previous meetings will generally receive scheduling priority over new applications, in order of how long each has been pending.
 - New applications will be placed on the Agenda on a first-come, first-served basis. If more items qualify for scheduling that can be considered by the Board at a single meeting because of the number or complexity of previously scheduled items, then excess items will be carried over to the next regular meeting.
 - Applications or projects of special significance to the Town of Gorham may receive scheduling priority on the Planning Board agenda at the discretion of the Town Council.
 - Certain business will always be afforded agenda priority over all other business, as follows:
 - a. Advertised public hearings.
 - b. Business tabled at the previous meeting because of lateness.
 - c. Requests for reconsideration of action taken at previous meeting.

6. Meeting and Deadline dates for submittals are a part of this application packet. (See Planning Board Meeting Schedule chart.) If documents, reports and plans are not included in the Planning Board packets at the time of distribution to the Board, the Town Planner will not distribute late items to the Board.
7. Consent Agenda Items.
 - a. Certain administrative or noncontroversial items of business considered routine may be placed on the Consent Agenda if it is anticipated that there is no need for Board discussion and there will be no public comment on the item.
 - b. Conditions of approval for Consent Agenda items will be available to the Board in advance.
 - c. Any item on the Consent Agenda may be taken off the Consent Agenda and discussed as a regular item at the request of any board member or any member of the public.
 - d. Individual items on the Consent Agenda need to be removed from the Consent Agenda by formal vote. The items on the Consent Agenda should be approved by a single motion and vote.
 - e. Items which have been removed from the Consent Agenda should be discussed immediately following the approval of the Consent Agenda, in the order in which they appeared on the Consent Agenda.
 - f. Examples of possible Consent Agenda items include:
 - i. Minor amendment to an approved application.
 - ii. Routine re-approval of an approved application.
 - iii. Town discussion/comment on an application under review by the Maine Department of Environmental Protection or other State agency.
 - iv. Routine business relating to Planning Board administration.
 - v. Site plan review of new non-residential use in a single or multi-unit, non-residential building, if such building has previously been granted site plan review approval by the Board.
 - vi. Final approval of items considered by the Board at the previous meeting if the Board, by affirmative vote at that meeting, rules that the items should be placed on the Consent Agenda for final review of conditions or revised plans.
8. The conditions of approval must be added to the Plan for any subdivision, site plan or private way and the Plan 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. A dated copy of the recorded site plan shall be returned to the Town Planner prior to the start of site construction.
9. The final recording Mylar for any subdivision, site plan or private way may be signed by the Planning Board at the close of the meeting only if the Mylar and three (3) paper copies have been filed with the Planning Department by noon on Monday one (1) week prior to a Planning Board meeting. Prior to the signing of mylars by the Planning Board, information in an AutoCAD.dwg or dxf format (preferably .dwg) must be submitted to the Town Planner on a CD.

NOTE: The Planning Board Rules state that no new agenda items may be taken up after 10:00 PM, unless the Board votes to waive the rules. Scheduled items tabled at the meeting because of the hour shall have first priority at the next scheduled meeting of the board.

EXCERPT FROM “GORHAM LAND USE AND DEVELOPMENT CODE” -- CHAPTER II

SECTION V – MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS

H. STANDARDS FOR PRIVATE WAYS

The Planning Board may approve the use of private ways to provide access to individual lots of land provided that the following conditions are met:

- 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.
- 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 plan shall be labeled "Plan of a Private Way" and shall provide an approval block for the signatures of a legal majority of the Planning Board, the date of approval, and the words, "Private Way, Approved by the Town of Gorham Planning Board". The plan shall show information sufficient to establish on the ground the exact location, direction, width and length of the private way. In addition, a street plan, profile and cross section prepared in accordance with Chapter II, Section V., E., 3 shall be submitted for each private way. The plan shall also contain a note which shall read, "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" The original plan(s) shall be recorded in the Cumberland County Registry of Deeds within 30 days of signing by the Planning Board. If the plan is not recorded within this period, the approval of the Planning Board shall be void.
- 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.
- 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.
- 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.
 - 6) Private ways while under construction may be monitored and inspected by the Town Engineer, or a representative designated by the Town Manager or at the Towns option, a registered professional engineer hired by the Town at the developers expense per the requirements of Chapter II, Section V, Subsection I. Notwithstanding the above, prior to the issuance of occupancy permits for any of the lots served by the private way, the Developers Engineer shall certify to the Code Enforcement Officer that the private way has been constructed in accordance with this section and the approved Private Way Plan.
 - 7) To help recover costs incurred by the Town in the review, administration, site inspection, and public notice associated with the private way application, the following fees and deposit in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order shall be paid by the applicant to the Town of Gorham at the time of filing the private way application:
 - a) Publishing and public notice fee;
 - b) Application fee; and
 - c) Independent consulting and peer review escrow account to be established with the Town in accordance with Chapter II, Section VIII of this Code.

All fees shall be non-refundable except unexpended escrow deposits, which shall be refunded in accordance with Chapter II, Section VIII, Subsection B of this Code. If a private way application is also subject to subdivision review, site plan or municipal review under any other ordinance, the applicant shall pay only the larger fee amount exclusive of escrow deposit.

- 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.
- 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).

I. SUBDIVISION, PRIVATE WAY AND SITE CONSTRUCTION MONITORING OF PUBLIC IMPROVEMENTS

- 1) Grading or construction of roads, grading of land or lots, or construction of buildings which require a final plan as provided in Chapters II, III, or IV of this code is prohibited, until
 - a) the final plan has been duly prepared, submitted, reviewed, approved and endorsed;
 - b) the original copy of the final plan so approved and endorsed by the Planning Board is duly recorded in the Cumberland County Registry of Deeds;
 - c) the Town's engineer has evaluated and verified the estimated costs of improvements;
 - d) an escrow account for field inspection and compliance work equivalent to two and one-half percent (2.5%) of the estimated cost of improvements is established with the Town Planner by the Developer to guarantee payment in advance of actual fees assessed pursuant to this Section; and
 - e) a performance guarantee in the form of a bond, letter of credit, irrevocable letter of credit, and such equivalent to the estimated cost of improvements is evaluated and accepted by the Town Manager.
- 2) If the balance in the escrow account is drawn down by seventy-five percent (75%), the Developer is required to place an additional amount in escrow to cover the remaining inspection and compliance work. Such monitoring will not in any way hold the Town liable for quality of improvement(s). All grades, materials, engineering and construction techniques are the responsibility of the Developer.
- 3) Any excess amount deposited with the Town in advance will be promptly refunded when it is determined that the work has been completed to the satisfaction of the Town after receipt of as-built record drawings.
- 4) If the Town's Engineer finds, upon inspection of the improvements performed before expiration date of the performance guarantee or bond, that any of the required improvements have not been constructed in accordance of plans and specifications filed by the developer, he shall so report to the Town Manager. The Town Manager shall then notify the developer and, if necessary, the bonding company or other financial institution providing the performance guarantee, and take all necessary steps to preserve the Town's rights under the bond or guarantee. The Town shall issue no Certificate of Occupancy for the project until (1) all monitoring fees are paid in full, (2) all required improvements have been constructed in substantial accordance with the approved plans and specifications, except as expressly authorized to the contrary by the Planning Board and the developer has submitted an accurate set of "as built" record drawings that include all improvements constructed to date.

Prior to issuing the final certificate of occupancy, the Developer must submit an accurate final set of "as built" record drawings that include:

- a. public and private roads and sidewalks,
 - b. All utilities, including but not limited to, water systems, sewer systems, and electrical systems,
 - c. all fire ponds
 - d. all drainage structures, and
 - e. any work items designated by the Planning Board as a public or quasi-public improvement.
- 5) If at any time before or during the construction of the required improvements the developer demonstrates to the satisfaction of the Town's Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town's Engineer may authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval, that they do not materially affect the criteria and standards employed by the Planning Board during its review, and that they do not substantially alter the function of any public improvements required by the Board. The Town's Engineer shall issue any authorization under this provision in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

GORHAM LAND USE AND DEVELOPMENT CODE		TABLE I							Adopted 11/04/97		
STREET CLASSIFICATION & DESIGN STANDARDS											
	PUBLIC STREETS								PRIVATE WAYS		
	Arterial	Collector	Urban Sub-collector	Rural Sub-collector	Urban Access	Rural Access	Industrial/Commercial	Service	Gravel 1 Lot	Gravel 2-6 Lots	Paved 7-10 Lots
Right of Way Width	60' - 100'	60' - 80'	50'	50'	50'	50'	50' - 80'	50' - 100'	50'	50'	50'
Shoulder Width	6' - 10'	4'	4'	4'	4'	4'	6'	4'	2'	2'	2'
Shoulder Type	Paved	Paved	Gravel	Gravel	Gravel	Gravel	Gravel	Gravel	Gravel	Gravel	Gravel
Sidewalk	***	One Side	One Side	None	***	None	***	***	None	None	None
Min. Pavement Width (Add 8' of width for each lane of on-street parking)	24'	24'	24'	22'	22'	20'	24'	18'	12'	18'	20'
Minimum Grade	0.70%	0.70%	0.70%	0.70%	0.70%	0.70%	0.70%	0.70%	0.70%	0.70%	0.70%
Maximum Grade **	AASHTO	AASHTO	6-8%	6-8%	6-10%	6-12%	6%	6%	6-10%	6-10%	6-12%
Min. Centerline Radius	AASHTO	350'	230'	230'	150'	150'	230'	130'	60'	60'	130'
Min. Tangent between curves of reverse alignment	AASHTO	200'	200'	200'	100'	100'	200'	-	-	-	100'
Min. angle of st. intersection for 60' from the intersection	90	90	70	70	70	70	90	90	90	90	90
Min. dist. Between st. intersections											
Same Side	AASHTO	400'	300'	300'	300'	300'	400'	300'	-	200'	200'
Opposite Side	AASHTO	250'	200'	200'	200'	200'	250'	200'	-	200'	200'
Max. Grade at Intersections within 60' of intersection	AASHTO	2%	2%	2%	3%	3%	2%	2%	2%	2%	2%
Curb Radii at Intersections											
90	AASHTO	20'	20'	20'	15'	15'	30'	20'	15'	15'	15'
70 - 90.....	AASHTO	30'	30'	30'	30'	30'	40'	30'	15'	15'	30'
90 - 100	AASHTO	40'	40'	40'	30'	30'	50'	30'	15'	15'	30'
Design Speed (mph)	AASHTO	40	30	35	25	25	30	30	N/A	N/A	25
Sight Distance											
K Factor-Crest Vertical Curve		60	30	45	20	20	30	30	N/A	N/A	20
K Factor-Sag Vertical Curve		70	40	50	30	30	40	40	N/A	N/A	30
ADT - Average Daily Traffic		1000-3000	250-2000	250-1000	0-250	0-250	1000-3000	N/A	N/A	0-60	0-250
Max. Length (Dead End Ways)	1500'	1500'	1500'	1500'	1500'	1500'	None	None	None	None	1500'
Turn around at Dead End									****	****	****
Stormwater Drainage									*	*	*
	NOTE: AS REQUIRED BY THE TOWN ENGINEER										
	NOTE: MAX. GRADE: LOWER PERCENTAGE PREFERRED; HIGHER PERCENTAGE W/TOWN ENGINEER APPROVAL										
	NOTE: MAY BE REQUIRED IF PLANNING BOARD DETERMINES THERE IS COMPELLING PUBLIC SAFETY REASON.										
	NOTE: PRIVATE WAYS SHALL MEET THE DESIGN REQUIREMENTS OF SECTION V,F.,4,a										
	NOTE: AASHTO means the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials.										

MINIMUM STANDARDS AND DIMENSIONS

MATERIAL	PUBLIC STREETS								PRIVATE WAYS ¹		
	Arterial	Collector	Urban Sub-collector	Rural Sub-collector	Urban Access	Rural Access	Industrial/ Commercial	Service	Gravel 1 Lot	Gravel 2-6 Lots	Paved 7-10 Lots
Aggregate Sub-Base Courses											
Type E	18'	12"	12"	9"	9"	9"	12"	6"	-	-	-
Type D	15"	15"	15"	12"	12"	12"	15"	15"	12"	15"	15"
Crushed Aggregate Base Course 1 1/2" Crushed, Type A, or Reclaimed	3"	3"	3"	3"	3"	3"	3"	3"	3"	3"	3"
Hot Bituminous Pavement:											
Total Thickness Compacted	6"	5"	5"	4"	4"	4"	5"	4"	-	-	2 1/2"
Base Course, B-Mix	2 - 2"	2 - 1 3/4"	2 - 1 3/4"	2 1/2"	2 1/2"	2 1/2"	2 - 1 3/4"	2 1/2"	-	-	1 1/2"
Base Course, HMA 19.0 mm	2 - 2"	3 1/2"	3 1/2"	2 1/2"	2 1/2"	2 1/2"	3 1/2"	2 1/2"	-	-	-
Surface Course, C-Mix	2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	-	-	1"
Surface Course, HMA 9.5 mm	2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	-	-	2 1/2"
Bituminous Concrete Sidewalk:											
Crushed Aggregate Base Course		10"	10"		10"						
Pavement Surface Course C-Mix or HMA 9.5 mm		2 - 1"	2 - 1"		2 - 1"						

NOTE: ALL METHODS AND MATERIALS TO MEET SPECIFIED CURRENT M.D.O.T. STANDARDS

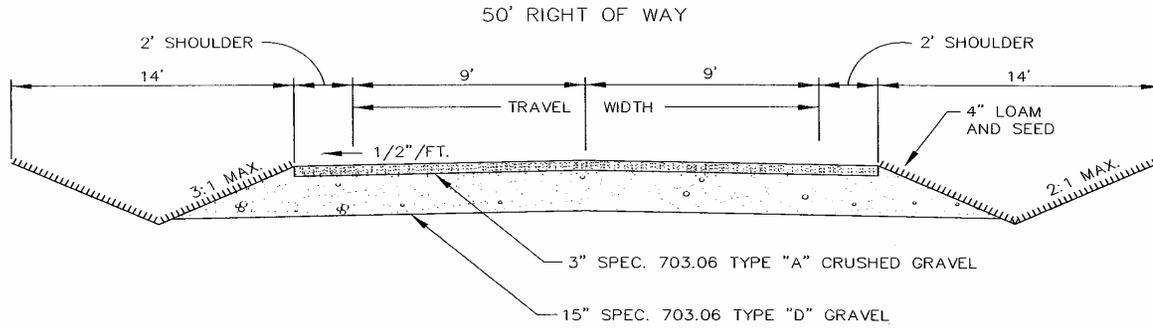


FIGURE 9
GRAVEL PRIVATE WAY
 NTS

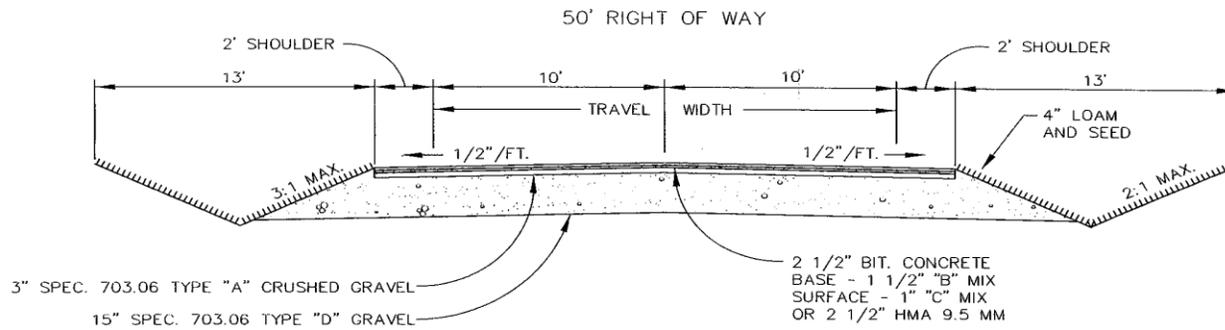


FIGURE 10
PAVED PRIVATE WAY
 NTS

