



Community Development Planning Division

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GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038

Tel: 207-222-1620

PRIVATE WAY APPLICATION

☐ NEW PRIVATE WAY

☐ PRIVATE WAY AMENDMENT

FEES FOR PRIVATE WAY REVIEW

- ☐ NEW PRIVATE WAY -
\$700.00 Application Fee
- ☐ PRIVATE WAY AMENDMENT -
\$350.00 Application Fee
- ☐ PEER REVIEW AND LEGAL SERVICE ESCROW
\$2000.00 (\$500.00 plus \$1,500.00 Engineer's Estimate -
may need to be increased depending on project)

Amount Paid:

\$ _____

Date:

PROPERTY DESCRIPTION	Parcel ID	Map		Lot(s)		Zoning District		Total Land Area	
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Physical
Address/
Location

PROPERTY OWNER'S INFORMATION

Name

Phone

Email

Mailing
Address

APPLICANT'S INFORMATION (if different from owner)

Name

Phone

Email

Name of
Business

Mailing
Address

APPLICANT'S AGENT INFORMATION

Name

Phone

Email

Name of
Business

Mailing
Address

DESCRIPTION

Existing Conditions:

Proposed legal and physical changes OR why the amendment is necessary: (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 1, "Zoning Regulations," Chapter 2, "General Standards of Performance," or Chapter 3, "Subdivision."

THE FOLLOWING QUESTIONS PERTAIN TO A NEW PRIVATE WAY APPLICATION
see Chapter 2 Section 2-5H for Ordinance Requirements

The original signed copy of this form must be accompanied by the required application fees, and 15 copies of the application form and plan set plus 15 sets of 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"/>	Complete the attached Agent Authorization form.	
<input type="checkbox"/>	<input type="checkbox"/>	Is a variance from the Board of Appeals required? If so, describe.	
<input type="checkbox"/>	<input type="checkbox"/>	Attached are copies of the maintenance agreement.	
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 (ft)?			
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 FOLLOWING QUESTIONS PERTAIN TO A PRIVATE WAY AMENDMENT APPLICATION

The original signed copy of this form must be accompanied by the required application fees, one electronic copy of the application form and plan set plus 15 sets of the plans, maps, drawings, 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"/>	Complete the attached Agent Authorization form.	
<input type="checkbox"/>	<input type="checkbox"/>	Attached is the originally approved plan and the proposed amended plan.	
<input type="checkbox"/>	<input type="checkbox"/>	A new signature block for the proposed amendment has been added to that plan.	
<input type="checkbox"/>	<input type="checkbox"/>	Attached is a revised maintenance agreement.	

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.

APPLICANT'S SIGNATURE

DATE

PRINT APPLICANT'S NAME

APPLICANT'S CHECKLIST FOR PLAN REQUIREMENTS

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

The following checklist includes items generally required for development by the GORHAM LAND USE ORDINANCES and, due to project 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"x36" (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)
 - ☐ 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 blocks
- F) The right of way plans must include:
 - ☐ Size of the pavel 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
 - ☐ Openspace
 - ☐ 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

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

- 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
- 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
 - ☐ Traffic impact analysis is required for 400 + vehicle trips per day.
- N) Maintenance Agreement (see sample)

Additional Requirements: In its consideration of an application, plan, the Board may at any point 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 TO ENABLE THE PLANNING BOARD TO READILY LOCATE THE PROPOSED PRIVATE WAY.

STANDARD PRIVATE WAY PLAN NOTES

1. The original plan of the private way shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of approval by the Planning Board.
2. The private way naming form shall be submitted for review and approval by emergency services staff.
3. The private way shall be marked with a Town approved sign identifying the private way.
4. The house(s) shall be properly numbered and the number(s) shall be visible from the private way year-round.
5. All construction and site alterations shall 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 shall be designed and constructed to conform to the standards for private ways as presented in the Town of Gorham Land Use and Development Code, Chapter 2, Section 2-5, Subsection H, latest revision.
7. 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.
8. The private way shall 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 2, Section 2-5, 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 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.

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 Town of Gorham Land Use and Development Code for compliance with the Chapter 1, “Zoning Regulations,” Chapter 2, “General Standards of Performance,” or Chapter 3 “Subdivision.”

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,

Attorney at Law/Notary Public

Type or Print Name

AGENT AUTHORIZATION

APPLICANT(s)/ OWNER(s)	Name(s)			
PROPERTY DESCRIPTION	Physical Address/Location			Map(s)
				Lot(s)
APPLICANT'S AGENT INFORMATION	Name			
	Phone		Business Name	
	Email		Mailing Address	

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.

APPLICANT SIGNATURE

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



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STREET AND DRIVEWAY NAME APPROVAL FORM

☐ STREET NAME APPROVAL

☐ DRIVEWAY NAME APPROVAL

APPLICANT INFORMATION

Name(s)

Phone

Email

Mailing
Address

THE PROPOSED IS:

- ☐ Planning Board Approved Private Way
☐ Subdivision Road constructed to public street specifications
☐ Driveway (not to be used for calculating frontage for buildable lot computations)
☐ Other _____

PROPOSED NAME: (MUST PROVIDE THREE NAME OPTIONS)

1. _____
 2. _____
 3. _____

STREET/DRIVEWAY ACCESSES OFF OF:

AT:

AT:

MAP AND LOT NUMBER(S) OF ACCESS POINTS:

LENGTH OF NEW
STREET/DRIVEWAY:

NUMBER OF LOTS ACCESSED BY NEW
STREET/DRIVEWAY:

FOR DRIVEWAY NAME APPROVAL ONLY BELOW THIS LINE:

NAME AND SIGNATURE OF EACH PARCEL OWNER TO BE READDRESSSED ON PROPOSED DRIVEWAY:

NAME:

1.
2.
3.
4.

ADDRESS:

SIGNATURE:

APPLICANT MUST PROVIDE SURVEY OR REASONABLY ACCURATE REPRESENTATION OF THE DRIVEWAY
DEPICTING THE DIMENSIONS AND LOCATION OF THE DRIVEWAY TO BE NAMED.



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FOR OFFICE USE ONLY BELOW THIS LINE:

NAME APPROVED:		
NAME APPROVED BY:	SIGNATURE:	DATE:
<input type="checkbox"/> TOWN PLANNER		
<input type="checkbox"/> FIRE CHIEF		
<input type="checkbox"/> POLICE CHIEF		
<input type="checkbox"/> PUBLIC WORKS DIRECTOR		
<input type="checkbox"/> ADDRESSING OFFICER		

FOR PLANNING OFFICE USE ONLY BELOW THIS LINE:

DATE OF PLANNING BOARD APPROVAL:		
DATE OF TOWN COUNCIL ACCEPTANCE:		
CC:	<input type="checkbox"/> TAX ASSESSOR	<input type="checkbox"/> TOWN CLERK
	<input type="checkbox"/> PUBLIC WORKS DIRECTOR	<input type="checkbox"/> TOWN ENGINEER