

**Town of Gorham
Planning Board Ordinance Committee Workshop
December 7, 2020**

ITEM 1 - Land Use and Development Code – Public Hearing: Proposed amendment to the Land Use and Development Code to add new private way standards that would allow up to 25 lots or residential units.

INDEX OF PACKET ENCLOSURES	
DESCRIPTION	PAGE NUMBER
1. Overview	2-14
2. November 12, 2020 Workshop Notes	14

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	May 5, 2020
Planning Board Meeting	The item was forwarded to the Planning Board’s Ordinance Committee for review and recommendation.	August 3, 2020
PLBD Ordinance Committee Workshop	The Committee discussed requirements such as emergency access, fire hydrant maintenance, PWD requirements for sewer and water on private ways.	September 29, 2020
PLBD Ordinance Committee Workshop	The Committee reviewed and recommended adoption of the proposed ordinance amendment as revised by the PLBD.	November 12, 2020

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Thomas Poirier, Director of Community Development.

1. Overview

This item is on for a public hearing and discussion of the proposed ordinance amendment to the Street Acceptance and Private Way Standards under Chapter 2: Section: Minimum Standards for the Design and Construction of Streets and Ways.

The proposed zoning amendment item has been before the Ordinance Committee on two different occasions for workshop reviews. The Committee requested information regarding the Portland Water District's willingness to accept water and sewer mains on private roads and Fire Department's concerns with maintenance of private roads for emergency vehicle access. See below item for more information on the two times these items were discussed by the committee.

- At the request of the Ordinance Committee about concerns whether the Portland Water District was still considering taking ownership of water and sewer mains on private roads, Town staff has had discussion with the District. They identified that they are still willing to take over water and sewer mains on private ways that serve individual lots. The District's concerns are mostly with condominium driveways that have the condominium units close to the driveway. In these situations maintenance of the sewer and water mains are an issue for the District, so in these cases the water and sewer mains may remain private. The District is reviewing the private way standards and staff will forward any comments they submit.
- The Fire Department provided language regarding maintenance requirements for private ways from a neighboring municipality for the Committee to consider. The Committee had concerns regarding some of the language about cancelling emergency service. Staff has provided a revised section on maintaining private ways which is shown in **blue, bolded, and underlined**. Staff had forwarded the private way maintenance language to the Town Attorney for review and the version is the Town Attorney's approved version.

As a reminder, Town Staff has done an extensive review of the Streets and Way Section of the ordinance and has some additional changes to recommend to the private way standards to ensure the proposed new private way standard is consistent throughout the Land Use Code. Staff's proposed changes are shown in **bold, underlined, and struck through**.

Information below in italics is information previously provided to the Planning Board.

As a reminder the proposed amendments are under Chapter 2: Section 2-5: Minimum Standards for the Design and Construction of Streets and Ways and pertain to street acceptance and private way sections under Section 2-5.

The proposed amendments are as follows:

Public Street Design Standards

Additional design requirements that proposed streets would need to meet in order to become public streets. The proposed public streets would be required to be designed and built to have at least 2 points of connection to other streets and serve a minimum of 25 lots unless the Town Council finds that the road provides dead end connection to State or Town land and is in the public interest to

**Planning Board Ordinance Committee Workshop - Land Use and Development Code Amendment: Street
Acceptance and Private Way Standards**

*accept the dead end road. See proposed amendments below with new language shown underlined
and deletions shown struck through.*

Private Way Design Standards

The proposed amendment to private ways is to add a 10 to 25 lot/dwelling unit private way standard. The new standard was designed by Milone & MacBroom, who specialize in site and traffic engineering. Staff has attached a proposed memo from Milone & MacBroom regarding the new private way design, amended private way table, and rural and urban private way design schematics. The new private way standard is to give developments an alternative if they cannot meet the new requirements for public streets.

The proposed private way amendment should be reviewed against the existing private way standards to ensure that all private way standards are edited to be consistent. Staff recommends this item be forward to either a Planning Board sub-committee or full Planning Board workshop for review. Should the Planning Board send this item to a sub-committee, staff recommends that it be the Board's Ordinance Committee due to the amendment being a standard and not something identified in the Town's Comprehensive Plan.

Proposed Amendment:

CHAPTER 1: ZONING REGULATIONS
SECTION 1-5: DEFINITIONS

PRIVATE WAYS: A lane established and maintained under private authority on a recorded private way plan approved by the Planning Board.

STREET: A **way road** established and maintained under public authority, or a fifty (50) foot wide recorded **private way approved by the Planning Board, or a way road** shown on a plan of a subdivision approved by the Planning Board.

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

Section 2-5 – MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS
AND WAYS

D. DEFINITIONS

3. Sub-collector Street: A street which is designed to carry traffic between local access streets and collector streets.

- a) Rural Sub-collector - Any **sub-collector** street **which is classified as a sub-collector and** located in **either a the Rural or Suburban Residential** District and which is projected to have an Average Daily Traffic Volume of between 250 and 1,000 vehicles per day shall be designed **and constructed** to the standards required for Rural Sub-collector Street, as present in Table 1.

- b) Urban Sub-collector – All other sub-collector streets ~~which are classified as sub-collectors, including a sub-collector street that is~~ located within a growth area per the Comprehensive Plan or in a subdivision designed to the Development Transfer Overlay District ~~standards and serves a subdivision or development that conforms to the overlay district requirements,~~ shall be designed and constructed to the standards required for an urban sub-collector as presented in Table 1.

4. Access Street: A local street designed to provide access to abutting property and to carry no more traffic than that generated by uses along the street.

- c) Rural Access Street - Any access street located in ~~either a Rural or Suburban Residential~~ District, ~~except for an access street that is located within the Development Transfer Overlay District and serves a subdivision of development that conforms to the overlay district requirements,~~ which serves less than 25 dwelling units and which is projected to have an Average Daily Traffic Volume of less than 250 vehicles shall be designed and constructed to the standards for a Rural Access Street, as present in Table 1.

- d) Urban Access Street – All other access streets located within a growth area per the Comprehensive Plan or in a subdivision designed to the Development Transfer Overlay District standards, which are classified as access streets shall be designed and constructed to the standards required for an Urban Access Street, as presented in Table 1.

7. Private Way: A minor street road which has not been dedicated to the Town as a public street or public way, serving no more than six (6) lots with up to maximum of six (6) dwelling units, and which, if it has not been built to public way standards, shall not be accepted as a public street ~~or way~~ by the Town.

8. Paved Private Way: A minor street road which has not been dedicated to the Town as a public street or public way. The Town has 2 standards for paved private ways: 7-10 dwelling unit serving no more than ten (10) lots with up to a maximum of ten (10) dwelling units or a twenty-five (25) dwelling unit serving no more than twenty-five en (10 25) lots with up to a maximum of twenty-five en (10 25) dwelling units and constructed to the standards for a paved private way, and which, if it has not been built to public way standards, shall not be accepted as a public street or way-by the Town.

a) 7-10 Dwelling Unit Paved Private Way

- 1) Paved Private Way – A private way serving between 7 -10 dwelling units designed and constructed to the standards as

presented in Table 2. Private ways located in a growth area per the Comprehensive Plan or in a subdivision designed to the Development Transfer Overlay District standards shall be designed with a sidewalk.

b) **25 Dwelling Unit Paved Private Way**

- 1) **Rural Paved Private Way - Any rural paved private ways located in a Rural District, which serves less than 25 dwelling units and which is projected to have an Average Daily Traffic Volume of less than 250 vehicles shall be designed and constructed to the standards as present in Table 2.**
- 2) **Urban Paved Private Way – All other paved private ways located in a growth area per the Comprehensive Plan or in a subdivision designed to the Development Transfer Overlay District standards, which are classified as a 25 dwelling unit paved private ways shall be designed and constructed to the standards required as presented in Table 2.**

9. Condominium Driveways: A driveway that provides access from a street, road, or way to a condominium development. The driveway is required to be constructed to a private way or public road classification that handles the estimated Average Annual Daily Trips for the development. The driveway does not need to provide for a 50' right-o-way if the lot being developed has the minimum amount of street frontage on an existing public street or private way.

10. Dead End Streets: A street or private way with a single common ingress and egress.

E. **ACCEPTANCE OF STREETS AND WAYS**

A street ~~or way~~ constructed on private lands by the owner(s)/developer(s) thereof and not dedicated for public travel prior to the date of enactment of this ordinance, (September 2, 1997), may be laid out and accepted as a public street ~~or way~~ by the Town Council only upon the following conditions:

1. The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of its acceptance by the Town and a separate deed to areas reserved for the future development of streets.
2. A plan of said street ~~or way~~ shall be recorded in the Cumberland County Registry of Deeds at the time of its acceptance.

3. A petition for the acceptance of said street or way shall be submitted to the Town Council upon a form to be prescribed by the Town Attorney. Said petition shall be accompanied by a plan, profile and cross section of said street or way as follows:
 - a) A plan when practical drawn to a scale of 40' to 1", or other suitable engineering scale as approved by the Public Works Director or the Director's designee, and be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show true and magnetic north, the location and ownership of all adjoining lots of land, passageways, easements, street lights and electric lines, boundary monuments, water ways, and natural drainage courses. Topography will be shown with a contour interval not to exceed two (2) feet, angles, bearings and radii necessary for the plotting of said street and lots necessary for their reproduction on the ground. No street will be accepted until one (1) set of reproducible and three (3) bound paper sets of project record "as built" drawings are provided to the Public Works Director. The plans and profile sheets should reflect design and actual locations and elevations of drainage and sanitary rims and inverts. Contours will be revised to show the finished conditions. Projects having a closed sewer system shall show building services and ties to their connection points and locations at the property lines. Record drawing will be sealed by the design engineer. As-built drawings shall include the following, as a minimum.
 - (i) The cover sheet as signed and approved by the Planning Board.
 - (ii) All sheets, including detail sheets, as found in the approved project set.
 - (iii) The registered subdivision plat.
 - b) A profile of said street ~~or way~~ drawn when practical to a horizontal scale of 40 feet to 1 inch, and a vertical scale of 4 feet to 1 inch, or other suitable engineering scale as approved by the Public Works Director or the Director's designee.
 - c) A typical cross section of said street ~~or way~~ drawn to a horizontal scale of 4 ft. to 1 inch and a vertical scale of 4 ft. to 1 inch.
 - d) The location and size of the constructed, in place, drain and sewer lines and roadway ditching in accordance with this Code.
 - e) All plans shall include the GPS coordinates.

4. Streets Offered for Acceptance

- a) No street ~~or way~~ shall be placed on the Town Council's agenda until the Developers Engineer has certified that the streets ~~or ways~~ were constructed in accordance with the specifications of the Town of Gorham's Land Use and Development Code and in accordance with the plans approved by the Planning Board and that "Record Drawings" are accurate **and have been stamped by the developers licensed professional engineer**. No **street road** may be placed on a Town Council agenda until:
- (i) The Public Works Director or the Director's designee has issued a final report that the **street road** is complete and meets the appropriate specifications of the Town's Land Use and Development Code and
 - (ii) The **Planning Director of Community Development**, after consultation with the Public Works Director or the Director's designee, has determined in writing that there is no outstanding condition or restriction placed on the applicable subdivision plan or other Town-approved plan on which the proposed streets or ways have been proposed that have not yet been satisfactorily completed in accordance with the requirements of such plan.
- b) Such report shall include results of at least one (1) core sample from the base course and may include more than one core sample for each **street road** proposed for acceptance as a public ~~way~~ **street** with the core sample and reports paid for by the applicant.
- c) The owner shall warranty all public improvements for a period of one year from the date of acceptance and post a maintenance guarantee per the subdivision ordinance. At the conclusion of the one-year warranty period, the owner shall request the Public Works Director or the Director's designee to prepare a written report of inspection prior to the release of the improvement guarantee, per the requirements of Chapter 3, Section 3-4. C. a. 2.
- d) No street may be accepted unless the Town Council finds that acceptance is in the public interest ~~and for~~ complies with the following standards:
- (i) The street must serve at least 25 lots which is not a dead end street. ~~and is part of an~~ **The street must be part of an interconnected road street network that provides at least 2 points of connection to other interconnected streets does not lead to a dead end street unless the street provides connection to at least 2 other interconnected streets.** The Town Council

may waive the interconnected street requirement if the Town Council finds that the dead end street provides access to Town or State property and it is in the public interest to accept the dead end road.

- (ii) ~~Residential subdivisions consisting of more than twenty (20) lots,~~ No street may be accepted until certificates of occupancy have been issued for at least 50 % of the housing units on that street in the subdivision or,
- (iii) In the case of a street in a subdivision for which the Planning Board has formally granted approval for phased construction, until certificates of occupancy have been issued for 50% of the housing units on that street in the phase in question.
- e) The surface pavement shall not be placed until the base paving has gone through one (1) complete winter. The application of a tack coat and/or shim coat to the base may be required by the Public Works Director or the Director's designee, when necessary, to insure appropriate bonding between base and final surface coats of pavement.
- f) Notwithstanding the provisions of any other Section hereof, the Town may at any time lay out and accept any street or way in the Town of Gorham, Maine, as a public street ~~or way~~ of said Town whenever the general public interest so requires. The cost of said street ~~or way~~ may be borne by said Town or may be borne by another party.
- g) Notwithstanding paragraph c) above, a street may be accepted by the Town Council prior to final paving, provided that 150% of the cost of completion, as estimated by the Public Works Director or the Director's designee is deposited in a ~~road street~~ improvement account with the Town. Any funds not used shall be returned to the developer upon completion.
- h) Prior to street acceptance, the Town, at its sole discretion, has the right to annually evaluate the condition of the street and the costs associated with completing the street. The Public Works Director or the Director's designee will estimate said completion costs following the evaluation and recalculate the bonding requirements for the project. The recalculated bonding requirements for the project will be 125% of the total cost of the outstanding construction. The Town will stop issuing permits for the project until the new bonding requirement is established and met. All items contained within the performance guarantee, or each phase of the project, must be completed within 36 months from when the performance guarantee was established. This 36 month deadline may be extended a maximum of 24 months with Town Council review and

approval. The Town may require the developer to-submit the street for Town Council acceptance within five (5) years of the placement of the street base pavement, or may pull the bonding and complete the street as approved.

5. Streets Offered for Acceptance but Not Accepted

The Planning Board shall require, as a condition of approval for any subdivision application that includes the creation of one or more streets, that the lot owners form a homeowners association by written agreement which shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision streets(s) shall remain the responsibility of the homeowners association as provided under that agreement. This homeowners association agreement shall be in a form acceptable to the Town Attorney and, upon approval by the Planning Board of the subdivision, shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date of subdivision approval by the Planning Board.

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) An approved private way may serve a combination of dwelling units/lots identified below:

1 lot gravel private way – 1 lot with a single family house

2-6 dwelling unit gravel private way – up to 6 lots, with no more that 6 total dwelling units served by the private way

7-10 dwelling unit paved private way – up to 10 lots, with no more than 10 total dwelling units served by the private way

25 dwelling unit paved private way– up to 25 lots, with no more than 25 total dwelling units served by the private way

- 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 2, Section 2-5.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 **or in the case of a subdivision a homeowners' association declaration and bylaws** shall be prepared for the lots accessed by any private way. This agreement **or homeowners' association declaration and bylaws** shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way. This agreement **or homeowners' association declaration and bylaws** shall also specify that the Town of Gorham shall not be responsible for the maintenance, plowing, or repair of the private way. This agreement **or homeowners' association declaration and bylaws**, 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.

a) **The parties to a private way agreement or the homeowners' association shall be responsible for maintenance of the private way, including winter maintenance. Maintenance shall be sufficient to allow the safe passage of vehicles, including emergency services vehicles. In the event that the private way is not sufficiently maintained to support the passage of emergency services vehicles, the Town shall so notify the parties to the private way agreement or the homeowners' association, which shall be responsible for causing such repairs or maintenance as are necessary to allow safe passage of vehicles.**

- 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 meet the following requirements:
- a) Private Ways shall meet the standards presented in Tables 1 2 and 2 3 and the typical cross sections depicted in Figures 9 and 10.
 - b) Private Ways will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off site.
- 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 Town's option, a registered professional engineer hired by the Town at the developer's expense per the requirements of Chapter 2, Section 2-5, Subsection I.

Notwithstanding the above, prior to the issuance of the first occupancy permits for any of the lots served by the private way, the Developer's licensed professional engineer shall certify to the Code Enforcement Officer that the private way ~~has been constructed~~ is passable for vehicular use including public safety vehicles in accordance with this section and the approved Private Way Plan. For paved private ways, the private way base pavement is required to have been placed prior to issuance of the first certificate of occupancy permit. For gravel private ways, the gravel private way is required to have all its type D aggregate sub-base course installed and properly compacted.

Prior to the issuance of the last occupancy permit for a lot served on the private way the following shall be completed:

- a) All the improvements including monumentation for the private way and/ or subdivision improvements have been completed per the approved plans.
 - b) The submission of the final as-built drawings meeting the requirements under Chapter 2, Section 2-5, I, 4) stamped by the developers' licensed professional engineer.
- 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 2, Section 2-9 of this Code.

All fees shall be non-refundable except unexpended escrow deposits, which shall be refunded in accordance with Chapter 2, Section 2-9, 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).
- 10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

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 2, 3, or 4 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

Planning Board Ordinance Committee Workshop - Land Use and Development Code Amendment: Street Acceptance and Private Way Standards

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 **final** 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 **within a subdivision or lots located on a private way**, the Developer must submit an accurate final set of "as built" record drawings **stamped by the developers' licensed professional engineer** that include:

- a. public **streets** and/ or private **ways 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 quasipublic 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.

SUGGESTED MOTION:

Move to recommend adoption by the Town Council of the proposed amendments under Chapter 1: Zoning Regulations, and Chapter 2: General Standards of Performance to revise standards for public street and private ways along with amend tables and road schematics (with Planning Board's recommended changes).

ORDINANCE COMMITTEE WORKSHOP

NOVEMBER 12, 2020

WORKSHOP NOTES

ITEM 1 Proposed Amendment to the Land Use and Development Code to add news private way standards that would allow up to 25 lots or residential units and street acceptance

Mr. Poirier advised the Committee that as a result of the its request at the last workshop on September 29, he has been in contact with the Portland Water District, who identified that they are still willing to take over water and sewer mains on private ways that serve individual lots. However, the District's concerns are primarily with condominiums that are located close to the condominium driveways; maintenance of the water and sewer mains becomes an issue for the District, so those mains may remain private.

Another item of concern to the Committee at its September 29 workshop related to language about the maintenance of private ways as provided by the Fire Department. Mr. Poirier said that a revised section on private way maintenance has been included in the proposed amendment. That proposed language has been reviewed and approved by the Town Attorney.

Mr. Poirier pointed out that some additional changes have been made to the private way standards to ensure that the new private way standard is consistent throughout the Land Use and Development Code.

Mr. Grassi asked about the process following the Committee's workshop, if putting the item on for a full Board public hearing would pose any issues. Mr. Poirier said he does not believe there would be any downside in putting the item on for full Board public hearing. Ms. Durst said she is relieved that the Water District will still take care of water and sewer mains on private ways and agreed that the proposed amendment should be scheduled for public hearing at the next Board meeting.

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board