

**Town of Gorham
Planning Board Meeting
January 9, 2023**

ITEM 4 - Private Way - Correale, Anthony – a request for a proposed private way off the end of Libby Ave. Zoned, SR. Map 50, Lot 12-2. The applicant is represented by David C. St. Clair Jr., P.L.S., St. Clair Associates.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)		
Private Way Review		November 7, 2022 January 9, 2023
Site Walk		

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and Development Code and standard engineering practices.

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.

Jim Anderson, Chair, Gorham Planning Board

1. OVERVIEW

This is the second time the private way application has come before the Planning Board for review. The parcel and proposed extension is located at the end of Libby Avenue. The applicant intends to request that the town accept this as a public road.

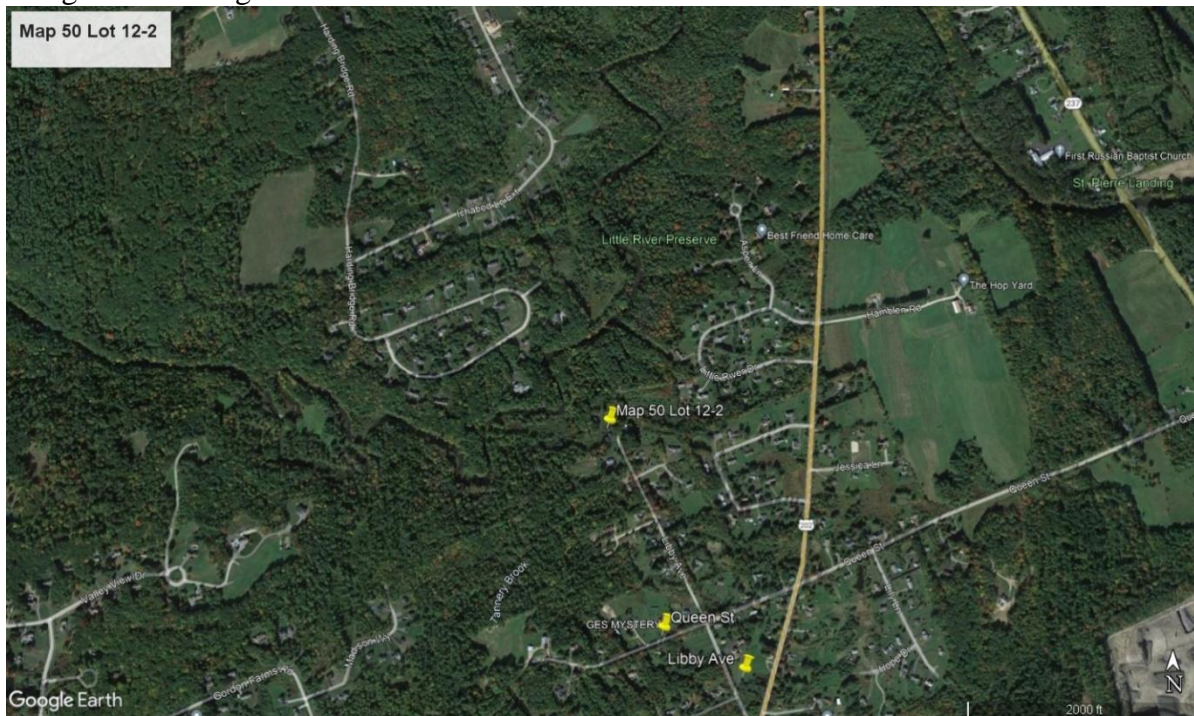
The applicant is represented by David C. St. Clair Jr., P.L.S., with St. Clair Associates.

2. ITEMS OF NOTE

- The Public Works Director confirms that the 49.50 (3 rods) and 49.70 feet is Ok to continue through this private way because all of Libby Avenue appears to be a 3 rod road.
- The Town Council will need to review the proposed warranty deed once the road is built.
- Town Council Action = Item #2022-9-11 Action to consider authorizing a private way on a public easement on a discontinued section of Libby Avenue constructed to the Town's Rural Access Street Standard. (Councilor Pratt, Sponsor) Proposed Order #22-109 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and Ordered, that the Town Council authorizes the construction of a private way over the public easement of the discontinued section of Libby Avenue providing that the property owner provides through the Planning Board review process all concerns with abutting property access are met, public easement access is maintained, and the property owner provides for a public works turn around that meets the Town's public road standard. Order #22-109 was VOTED 4 yeas, 2 nays (Hartwell, Phillips)

3. AERIAL PHOTOGRAPH

Google Earth Images November 2015





4. WAIVER REQUEST

A waiver has been requested from Chapter 2 Section 2-5 H 5 a) Private Ways shall meet the standards presented in Tables 2 and 3 and the typical cross sections depicted in Figures 9 and 10.

- In a telephone conversation on December 30, 2022, the Public Works Director stated that a waiver to allow a 1.5 to 1 slope be granted to allow the grading to be kept in the right of way.

SUGGESTED MOTION:

I move to grant the requested waiver from Chapter 2 Section 2-5 H 5 a) Private Ways shall meet the standards presented in Tables 2 and 3 and the typical cross sections depicted in Figures 9 and 10.

5. STAFF REVIEWS

Planning Department: 10/31/2022; 12/30/2022

October 31, 2022

- The Public Works Director indicated that the road name should continue throughout as only “Libby Avenue.”
- The applicant is proposing a 49.70 foot right of way rather than the required 50 foot. The Planning Board does not have the ability to waive this standard.
- The applicant is proposing to extend an existing paved street, Libby Avenue, and create a private way to one lot. The applicant is required to utilize the tables and figures provided within the ordinance as “typical” sections.

- The applicant should get direction from the Public Works Director on the following ordinance requirement, so that the Planning Board will have direction as to the right of way width and proposed street figure provided on Sheet 2: Any street or way proposed to be dedicated as a public street or way shall be previously constructed in accordance with the following specifications: 1. All streets shall be designed to conform with the public way standards presented in Table 1 and shown in Figures 1 through 8 unless otherwise agreed to and permitted in writing by the Planning Board. The Planning Board may require design modifications if it finds special provisions to be necessary to protect the public health and safety as a result of a specific development proposal.
- There is question by town staff whether the applicant has the right to extend the street. Legal peer review of the right, title and interest question is pending.

December 30, 2022

- Check general note #8 - The Zoning Ordinance has been revised a number of times since 2015. The most recently adopted amendments was October 2022.
- The front and side setback lines appear to be incorrect.
- There is no height limit in the SR District.

Director of Community Development: 01/03/2023

January 3, 2023

They should provide the Town with a Warranty deed. Thanks.

Assessing Department: 10/24/2022

October 24, 2022

4. Anthony Correale – 50-2 No comment

Code Department: No Comment Received

Fire Department: 10/25/2022, 12/23/2022

October 25, 2022

MAP 50 Lot 12 – 2

I have revived the Plans dated Oct. 17, 2022

1. The hammer head width needs to be 20' wide and 50' deep. No drive ways will be allowed off the Hammer Head.
2. Their shall be "No Parking - Tow Away Zone" or "No Parking - Fire Lane" signs added to the hammer head. Please show on the Plans

3. Street name need to be approved by Police and Fire Chief as well as be properly posted. Please provide 3 Names.
4. All buildings will meet all applicable sections of NFPA 1 *Fire Code* and NFPA 101 *Life Safety Code*. Building plans shall be submitted to the Fire Inspector for review.
5. The buildings shall be protected under the Fire Suppression Systems Ordinance as applicable. The sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting. The plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system. Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued.
6. The buildings shall be properly numbered in accordance with E911 standards including height, color and location. Numbers that cant been seen from the street shall require additional numbers at the street.
7. **Past history has repeatedly shown that private ways/drives are very poorly maintained, and wintertime poses a very serious issue of emergency vehicle access, with very little enforcement available to the Town. I would state for the record and make notice that the Fire Department cannot and will not be held responsible for incidents where we cannot gain access to buildings or incidents on these private ways/drives that are not properly maintained.**
8. We may have more requirements as this progresses through the planning process.

December 23, 2022

MAP 50 Lot 12 – 2

I have revived the Plans dated Dec. 19, 2022

I have no new comments after my Memo Dated 10-25-2022

Police Department: No Comment Received

Public Works Department: 11/01/2022, 12/28/2022

November 1, 2022

Carol - the only difference that I see is ditching on both sides, this is acceptable. The applicant should explain the ROW width as I would believe is what they may have found as existing. If that is the case then that would I believe also be acceptable.

December 28, 2022

Carol asked “Would you please read the attached Wright Pierce review memo and comment on the following statements in their letter:

2. To meet the requirements of the Town’s typical rural access road, shoulders should at the same $\frac{1}{4}$ inch per foot cross slope as the travel lanes. The shoulders are not labeled but appear to be a greater slope. Town to confirm that the private way should meet the requirements of a rural access road.”

Terry Deering, Public Works Director, commented “I agree with the $\frac{1}{4}$ per ft across the shoulders but the town has a separate private way standard for a private way.”

Town Attorney: 11/01/2022; 12/29/2022

November 1, 2022

I have reviewed the letter. Is your questions whether this is sufficient RTI for improvement of Libby Avenue Extension as a private way? Based on the letter, it appears that the Town Council approved the proposed improvements in September.

If so, it appears that there is sufficient RTI to improve the retained public easement, with or without the other owner’s approval.

Please let me know if you have additional questions.

December 29, 2022

Here are my comments about the documents provided for Libby Avenue Extension:

1. While 2 documents were provided, I don’t see the need for the Public Access and Maintenance Agreement if the Town is being granted the underlying fee in the turnaround area, as is proposed in the Quitclaim deed. The portion of Libby Ave. Ext. at issue is already a public easement and the Town does not need permission from the abutting property owners to use or maintain it. The maintenance obligations that the property owner seeks in return for the granting of the easement for the turnaround are already included in the Quitclaim deed. If, on the other hand, the Town only wants an easement for the turnaround area, then the Public Access and Maintenance Agreement would be used, but its title should be revised to “Easement Deed.”
2. The quitclaim deed to the Town for the turnaround should either be a warranty deed or a quitclaim deed with covenant. The deed into the Grantors was a warranty deed, so they have the ability to grant the property through either of these types of deeds.
3. It is my understanding based on our meeting earlier today that the Town is fine with maintenance of Libby Ave. Ext. since it needs access to the turnaround and is in the best position to maintain that access.

4. Subsection C should be revised to remove the language “Until accepted by Grantee as a public street,” with the rest of the sentence remaining as is. While the Town will maintain the area, it will not accept it and make it a public street.
5. The language at the top of page 2 should be revised to state “Nothing in this indemnification section shall be construed as a waiver of defenses available to the Grantee, its officers, agents and employees under the provisions of the Maine Tort Claims Act (14 M.R.S.A. Sections 8101-8118) against claims made by third parties.”
6. In the following paragraph, there is a typo in the second line, which should state “the prevailing party shall be entitled to recover its reasonable attorney’s fees...”
7. The deed needs to be signed by both Grantors. Currently there is only a signature line and jurat (oath) for one. Also, because the Town is undertaking maintenance obligations, the Grantor may want to revise the deed to also have the Town sign it.

Once you have a revised deed, please send it along and we’ll try to get this part of the project finalized. As discussed, the Town Council will have to accept the deed.

Wright-Pierce: 11/11/2022, 12/29/2022

November 11, 2022

As requested by the Town of Gorham, Wright-Pierce has reviewed the Private Way Application submission for the proposed Libby Avenue Extension off the end of Libby Avenue in Gorham. The purpose of the extension is to create a private way to provide access to the Applicants proposed home on Map 50, Lot 12-2. Upon Planning Board approval, the Applicant intends to submit to Town Council for formal acceptance of Libby Avenue Extension as a public way.

Documents Reviewed by Wright-Pierce

- Private Way Application Package - prepared by St. Clair Associates (October 17, 2022)
- Ownership of Discontinued Libby Avenue Letter - prepared by Archipelago (October 28, 2022)

Review Comments

Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

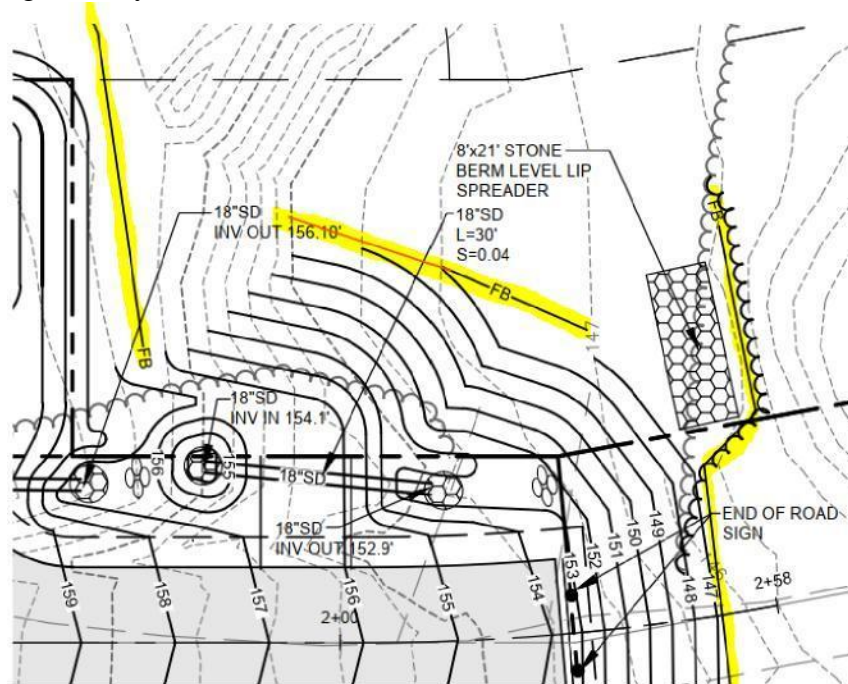
General/Completeness

1. Town to confirm that the Applicant has the authority to perform the work, as stated in the submitted Ownership of Discontinued Libby Avenue letter.
2. The Street and Driveway Name Approval Form has not been completed.
3. The proposed driveway location should be labeled on Sheet 2 Plan & Profile.

General Standards of Performance

1. Environmental

- a. Filter barrier on the westerly side of the road should be extended southwesterly farther along the slope to capture all runoff from the proposed disturbances. See sketch below. Proposed filter barrier is highlighted in yellow, and extension is shown in red.



- b. Grading of the level lip spreader should be shown. It is unclear how the runoff from the ditch makes it to the level spreader. Consider adjusting the orientation of the level spreader and clarifying how it is tied into the slope and will receive concentrated flows from the upstream ditch.
 - c. Adjust grading on the easterly ditch to direct flows to the existing culvert.
2. Shoreland zone is shown as a closed polygon rather than an offset line from the river/stream. Consider updating to clarify.
 3. Traffic – The Applicant states that at this time this proposed extension road will serve only one residential lot and that approximately 10 trips per day are anticipated with one trip expected in the peak hour. We do not believe the anticipated traffic will have an adverse effect on the area.

Private Way Requirements

3. Town to confirm that the submitted Public Access Easement & Maintenance Agreement is adequate. The Town's standard private way maintenance agreement was not utilized.
4. To meet the requirements of the Town's typical rural access road, shoulders should at the same $\frac{1}{4}$ inch per foot cross slope as the travel lanes. The shoulders are not labeled but appear to be a greater slope. Town to confirm that the private way should meet the requirements of a rural access road.
5. The right-of-way for a rural access road should be 50 feet per the Town of Gorham Land Use and Development Code.

6. A “No Parking” sign should be installed at the hammerhead turnaround.
7. Size of the iron rod monuments should be labeled on the plans.
8. There are backslopes proposed that are steeper than 2:1; however, the 1.5:1 slopes are proposed to be treated with riprap. We do not have concerns with the steeper backslopes, since they are proposed to be treated with riprap; however, it should be confirmed whether the Town requires a waiver request to be submitted for this variance.

Stormwater Management Requirements

1. Although the proposed private way is located within the Town’s MS4 Urbanized Area, it is not required to comply with Chapter 2 of the Town’s Stormwater Ordinance (Post-Construction Stormwater Management) because the construction activity results in less than one acre of disturbed area. However, it is recommended that maintenance of the proposed ditches, culverts, and level lip spreader be included in the maintenance agreement for the private way.

December 29, 2022

As requested by the Town of Gorham, Wright-Pierce has reviewed the Private Way Application resubmission for the proposed Libby Avenue Extension off the end of Libby Avenue in Gorham. The purpose of the extension is to create a private way to provide access to the Applicants proposed home on Map 50, Lot 12-2. Upon Planning Board approval, the Applicant intends to submit to Town Council for formal acceptance of Libby Avenue Extension as a public way.

Documents Reviewed by Wright-Pierce

- Response to Comments - prepared by St. Clair Associates (December 19, 2022)
- Civil Plan Set of Private Way Sheets 1-3 - prepared by St. Clair Associates (Stamped December 19, 2022)

Review Comments

Wright-Pierce’s original and follow-up comments are in standard text, followed by the applicant’s response in italics, and our final response in bold. Comments from the previous review memo that did not require a response or clarification or that were addressed are not listed. Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

General/Completeness

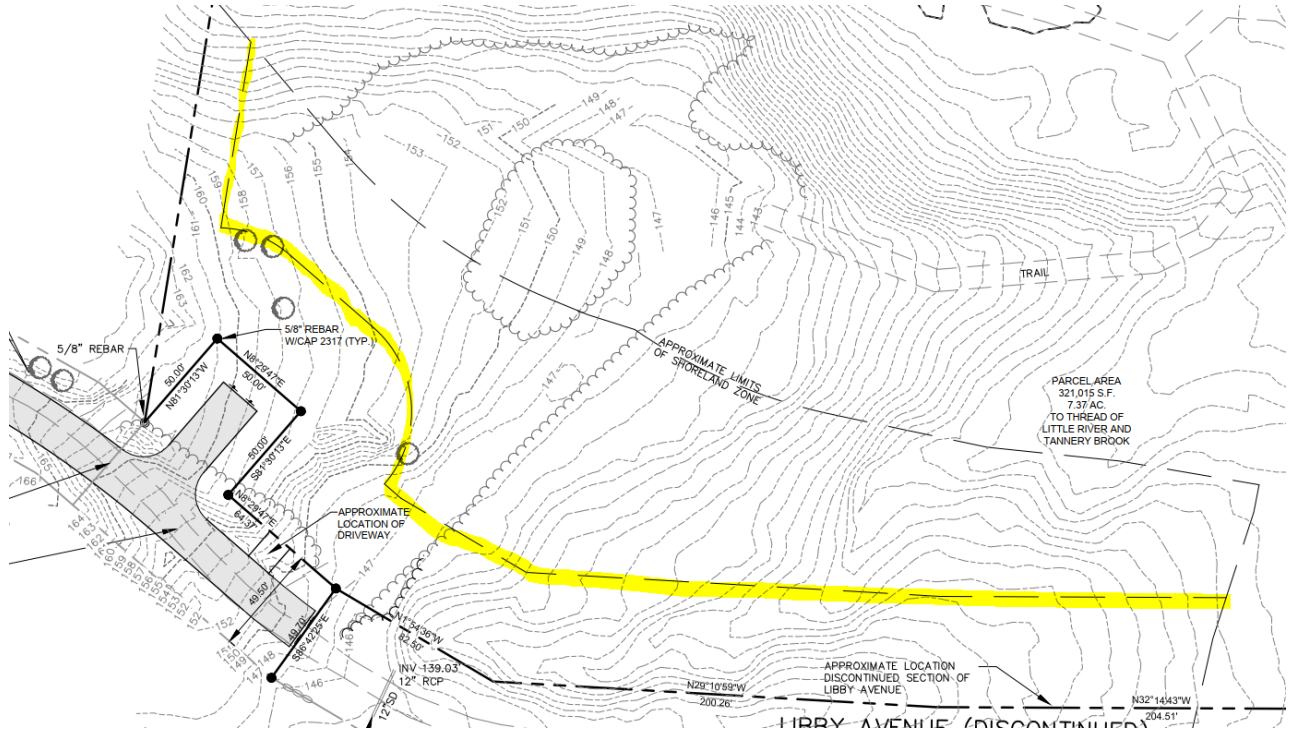
No further comment.

General Standards of Performance

1. WP Original Comment 2: Shoreland zone is shown as a closed polygon rather than an offset line from the river/stream. Consider updating to clarify.

Applicant Response: The Shoreland Zone line has been updated to extend past the property limits of the limit of the Applicant’s property. This change does not affect anything in the Applicant’s site.

WP Follow Up Response: Please clarify what the line highlighted in yellow below is. This line is unlabeled and the same line type as the shoreland zone line, so we originally thought it was erroneously included as part of the shoreland zone, creating a closed polygon as described before.



Private Way Requirements

1. WP Original Comment 1: Town to confirm that the submitted Public Access Easement & Maintenance Agreement is adequate. The Town’s standard private way maintenance agreement was not utilized.

Applicant Response: It is our understanding that the Standard Private Way Maintenance Agreement is provided by the Town as a guidance document. The applicant’s attorney reviewed the guidance document as part of his preparation of the applicant’s proposed Public Access Easement and Maintenance Agreement.

Based on the prior discussion with the Town staff, it is our understanding that the maintenance of this area may ultimately be in the hands of Public Works given the proposed use of the area as a turn-around for Town vehicles.

Since the Town will assume maintenance of the extension of Libby Avenue and the hammerhead turn around once construction is complete, the standard Private Way document needed to be modified to reflect this rather unique condition.

In support of the Inspection and Maintenance requirements during construction and for long-term care of the drainage features outside of the area that will be maintained by the Town, our office has prepared the enclosed Inspection and Maintenance Plan and accompanying Log Form.

WP Follow Up Response: Town to confirm the updated Public Access Easement & Maintenance Agreement is adequate.

2. WP Original Comment 5: Size of the iron rod monuments should be labeled on the plans.

Applicant Response: The Plans have been updated to reflect this.

WP Follow Up Response: Since the private way is to be built per public street standards, the proposed monumentation for the right-of-way should be granite or concrete monuments 5 inches square.

3. **WP Original Comment 6:** There are backslopes proposed that are steeper than 2:1; however, the 1.5:1 slopes are proposed to be treated with riprap. We do not have concerns with the steeper backslopes, since they are proposed to be treated with riprap; however, it should be confirmed whether the Town requires a waiver request to be submitted for this variance.

Applicant Response: The need for a waiver on this item was not raised in either the Staff Review or Public Works comments on the proposed application materials, however in the event it is deemed necessary to seek a waiver on this item, the applicant is hereby respectfully requesting that riprapped 1.5:1 slope be authorized in lieu of a 2:1 slope.

As shown on the enclosed plans the use of riprap slope allows the grading to be kept within the Right of Way.

WP Follow Up Response: Town to provide comment on whether a formal waiver request is required. We do not have concerns with the proposed slopes.

Stormwater Management Requirements

1. **WP Original Comment 1:** Although the proposed private way is located within the Town's MS4 Urbanized Area, it is not required to comply with Chapter 2 of the Town's Stormwater Ordinance (Post-Construction Stormwater Management) because the construction activity results in less than one acre of disturbed area. However, it is recommended that maintenance of the proposed ditches, culverts, and level lip spreader be included in the maintenance agreement for the private way.

Applicant Response: The Proposed Public Access Easement and Maintenance Agreement has been updated to refer to the enclosed Inspection and Maintenance Plan prepared by our office.

The enclosed Inspection and Maintenance Plan includes provisions for inspection and maintenance of the stormwater features during construction and describes the responsibilities once the construction of the roadway is complete.

As noted in the Inspection and Maintenance Plan, once the Town takes over the maintenance of the extension of Libby Avenue and the hammerhead turn around, the inspection and maintenance requirements for the areas maintained by the Town will follow the standard Public Works protocols.

WP Follow Up Response: The reference to the Inspection and Maintenance Plan in the Proposed Public Access Easement and Maintenance Agreement could not be located. Consider including the Inspection and Maintenance Plan as an attachment to the Public Access Easement and Maintenance Agreement.

**TOWN OF GORHAM PLANNING BOARD
PRIVATE WAY REVIEW
FINDINGS OF FACT
FOR
CORREALE, ANTHONY – LIBBY AVENUE PRIVATE WAY**

January 9, 2023

Applicant/Property Owner: The applicant is Anthony Correale; 211 Chandlers Wharf, Portland, Maine 04101. The owner of the property is Anthony M. Correale, Trustee of the Anthony M. Correale Revocable Trust; 211 Chandlers Wharf, Portland, Maine 04101.

Property: The lot is identified as Tax Map 50, Lot 12-2.

Consultants: David C. St. Clair Jr., P.L.S., #2317, with St. Clair Associates; Nancy J. St. Clair, P.E., #6877, with St. Clair Associates.

Project Description: The applicant is requesting approval to construct a private way at the north end of Libby Avenue. The lot is identified as Map 50, Lot 12-2, and is located in the Suburban Residential (SR) zoning district.

Applicability: The Planning Board has the ability to approve private ways.

Zoning: Suburban Residential (SR)

Variances: None requested.

Waivers:

A waiver has been requested from Chapter 2 Section 2-5 H 5 a) Private Ways shall meet the standards presented in Tables 2 and 3 and the typical cross sections depicted in Figures 9 and 10.

- In a telephone conversation on December 30, 2022, the Public Works Director stated that a waiver to allow a 1.5 to 1 slope be granted to allow the grading to be kept in the right of way.

Pursuant to the Application:

A private way review was held on November 7, 2022 and January 9, 2023.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Private way plans, prepared by St. Clair Associates, consist of the following:

Sheet 1 – Plan of Private Way – 1 Lot – Dated, 08/08/2022; Revised through, 12/16/2022; Received, 12/19/2022
Sheet 2 – Plan and Profile – Private Way – Dated, 08/08/2022; Revised through, 12/16/2022; Received, 12/19/2022
Sheet 3 – Details – Dated, 08/08/2022; Revised through, 12/16/2022; Received, 12/19/2022

Other documents submitted consist of the following:

Private Way Application – 10/17/2022
Response to Comments – 12/19/2022
Plans – 10/17/2022, 12/19/2022
Inspection and Maintenance Plan, Log – 12/19/2022
Maintenance Agreement and Easement – 10/17/2022, 12/19/2022
Legal Memo – 10/28/2022
Gorham Town Planner – 10/31/2022, comments within this review memo
Director of Community Development – 01/03/2023
Gorham Fire Department – 10/25/2022, 12/23/2022
Gorham Assessor Comments – 10/24/2022
Gorham Code Enforcement – No Comments Received
Gorham Public Works Director – 11/01/2022, 12/28/2022
Town Attorney – 11/01/2022; 12/29/2022
Wright-Pierce – 11/11/2022, 12/29/2022

6. FINDINGS OF FACT

CHAPTER 2, SECTION 2-5, 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 lots served by the private way are required to meet the requirements of the Suburban Residential zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is one (1) lot or dwelling unit.

The name of the private way extension has been determined to be Libby Avenue.

Finding: The private way is designed to the one (1) lots/dwelling units private way standard and no more than one (1) dwelling units can be 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 private way plan was designed by Nancy J. St. Clair, P.E.

The Plan title block reads "Plan of a Private Way -1 Lot."

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 Plans shows information sufficient to establish the exact location on the ground, direction, width and length of the private way right-of-way.

The street plan and profile, and street cross sections are in accordance with Chapter 2, Section 2-5., 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 Plan of Private Way has been sealed by a registered land surveyor and by a registered professional engineer 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 applicant has proposed only one lot for this private way. However, the town has requested a turnaround area. This turnaround area and private way will be covered in a warranty deed.

Finding: *The town has requested a warranty deed instead of a maintenance agreement.*

- 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 proposed private way paved apron will be built 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 and a paved apron shall be designed to conform 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 extend an existing paved street, Libby Avenue, and create a private way to one lot.

A waiver was requested from this section.

Finding: 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.

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 proposed private way may serve one (1) lot. As described in the written materials, the applicant proposes to serve one (1) lot.

Finding: The private way is proposing to serve one (1) lot.

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 retains enough area to meet the lot sizes in the Suburban Residential Zoning District.

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.

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.

The proposed private way extension will be off Libby Avenue which is off Gray Road, both of which are suitable to serve the proposed private way extension.

Finding: The proposed private way will be off of Libby Avenue and Gray Road which are both suitable to serve the proposed private way.

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 the revision details from staff and Wright Pierce shall be completed prior to Planning Board signature;
5. The warranty deed shall be reviewed for possible acceptance by the Town Council;
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 and meeting the requirements of Gorham’s Land Use and Development Code;
9. 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;
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
11. 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 copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.

SUGGESTED MOTIONS:

FOR APPROVAL:

Move to grant Anthony Correale’s request for approval for Libby Avenue extension, a private way designed to the Town’s private way standard, located on Map 50, Lot 12-2 and situated in the Suburban Residential (SR) zoning district, based on Findings of Fact and with Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

OR

TO TABLE APPROVAL:

Correale – Extension of Libby Avenue

Private Way Review

M50 / L12-2

Move to table further review of Anthony Correale's request for private way extension approval pending responses to remaining issues (and finalizing revisions to the plan).