

Town of Gorham Planning Board Meeting May 3, 2021

ITEM 6 - Private Way: Michael and Kevin Plowman are requesting approval of a 950 foot long private way extension for a 2-6 lot private way. The applicant intends to construct the private way to a 7-10 lot standard so that the road will be ready for paving if they want to support 7-10 lots in the future. The property is located off County Road on Map 4 Lot 102 in the Rural (R) zoning district. The applicants are Michael and Kevin Plowman and they are represented by Steve Blake, P.E., of BH2M.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)		None held
Private Way Review		January 4, 2021
Private Way Review		May 3, 2021

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.

Molly Butler-Bailey, Chairwoman, Gorham Planning Board

1. OVERVIEW

This is the second time the application has come before the Planning Board for review. The applicant is proposing a 950 foot long private way extension for a 2-6 lot private way and intends to construct the private way to a 7-10 lot standard so that the road will be ready for paving if they want to support 7-10 lots in the future. The applicant is represented by Steve Blake, P.E., with BH2M.

There are four (4) lots currently shown on the plan; two (2) are located on the extension under review. The two lots on the extension are each approximately four (4) acres in size and have roughly 400 feet or more of street frontage. The front portion of the main parcel is in the 100 year floodplain and Shoreland Overlay District.

2. WAIVER REQUEST

No waivers have been requested.

3. ITEMS OF NOTE

A. Google Earth image as of July 2019



4. PEER AND STAFF REVIEWS

Planning Department: No comments

Assessing Department: No comments

Code Department: No comments

Fire Department: April 5, 2021

I have reviewed the submitted plans dated 3-30-21

1. The hammer head as proposed needs to be 20' wide and 50' long.
2. The Driveway for Lot #1 is not showing.
3. Gorham Fire will not allow the hammer head to be used for any part of the driveway for Lot #1
4. Signage for no parking "Fire Lane" or a "No Parking – Tow Away Zone" or "No Parking – Fire Lane" should be added to the hammer head.

Police Department: No comments

Public Works Department – Stormwater Compliance: April 13, 2021

Outside the MS4 Urbanized Zone. No additional comments for stormwater/erosion control. The design of the BMPs on the site plan looks good.

Matt LaCroix, Stormwater Compliance Officer

Town Attorney: April 28, 2021

The recording information for the Amended Declaration says "Plan Book." This should say "Book" since it is a recorded document, not a plan. The actual book and page number references are correct.

My questions about the history of the splits have been answered.

Thanks, Natalie Burns

Woodard & Curran:

Woodard & Curran has reviewed the Amended Private Way Application for the proposed extension of Plowman Road located at 30 Plowman Road in Gorham, Maine. We have reviewed the project for compliance with the applicable Town of Gorham Land Use and Development Codes and General Engineering practices. The proposed project consists of extending the existing Private Way by approximately 950 feet. The following documents were reviewed:

- Private Way Application Comment Response Letter and attachments, dated March 29, 2021, prepared by BH2M, on behalf of Michael & Kevin Plowman.
- Engineering Plans, Sheets 1-6, dated March 30, 2021, prepared by BH2M, on behalf of Michael & Kevin Plowman.

We provide the following comments:

General Civil Engineering

- The Applicant confirmed a Maine DEP NRPA PBR permit and an Army Corps of Engineers General permit are required and will be filed for the project; the Applicant should forward copies of these permit approvals to the Town upon receipt.
- The grading of the level spreaders does not appear to be consistent with the detail. We recommend the Applicant review the grading and revise as needed.

Woodard & Curran takes no exception to the submission. Please contact our office if you have any questions.

**TOWN OF GORHAM PLANNING BOARD
REVIEW REPORT AND FINDINGS OF FACT
FOR
MICHAEL AND KEVIN PLOWMAN – PLOWMAN ROAD PRIVATE WAY EXTENSION**

May 3, 2021

Applicant/Property Owner: The applicants/owners are Michael and Kevin Plowman, 160 County Road, Gorham, Maine 04038.

Property: The lot is identified as Tax Map 4, Lot 102, and is located off County Road.

Consultants: Steve Blake, P.E. of BH2M Engineers and Robert Libby, PLS

Project Description: The applicant is requesting approval to construct a 950 foot extension to an existing private way to the 2-6 lot standard, located off County Road. The lot is identified as Map 4, Lot 102, and is located in the Rural (R) zoning district.

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

Zoning: Rural (R) and Shoreland Overlay

Variances: None required.

Waivers: None requested.

Pursuant to the Application:

Private way reviews were held on January 4, 2021 and May 3, 2021.

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:

BH2M plans (the plans) for a private way, prepared by Steve Blake, P.E., consist of the following:

Sheet 1 – Lot Division – 03/29/21
Sheet 2 – Existing Conditions - 03/29/21
Sheet 3 - Second Amended Plan of Private Way – 03/29/21
Sheet 4 – Second Amended Plan of Private Way – 03/29/21
Sheet 5 – Erosion Control Details – 03/29/21
Sheet 6 – Standard Details – 03/29/21

Other documents submitted consist of the following:

Private Way Application – 12/01/20
Plans – 12/01/20
Approved Private Way Plan - 1996
Plan Revisions – 03/29/21
Wetland Report – Albert Frick Associates, Inc. - 12/01/2020
Declaration of Maintenance of Private Way – 12/01/2020; Revised Draft Road Maintenance Declaration – 03/29/21
Level Spreader Analysis – 25 year – 03/29/21
Gorham Town Planner – 04/28/21
Gorham Fire Department – 04/05/21
Gorham Assessor – No comments –
Gorham Code Enforcement – 12/22/20
Gorham Public Works – Stormwater Compliance – 04/13/21
Woodard & Curran – 04/23/21
Town Attorney – 04/28/21
Abutter Comments – Cheryl Begin – 04/28/21 – on the google drive

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) 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 gravel private way – up to 6 lots, with no more than 6 total dwelling units served by the private way; 7-10 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.

The lots served by the private way are required to meet the requirements of the 2-6 gravel paved private way standards. The maximum number of lots/dwelling units allowed to be served by the private way is up to 6 lots or dwelling units. The applicant proposes to construct the private way to a 7-10 lot standard so that the road will be ready for paving if they want to support 7-10 lots in the future.

The name of the private way extension will be the same “Plowman Road.” The name meets the required E911 standards.

Finding: *The private way is designed to the 2-6 gravel paved private way standards and no more than six dwelling units can be served by the private way until it is paved and meets the 7-10 paved private way standards..*

- 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 is designed by Steve Blake, P.E. 1695.

The Plan title block reads "Second Amended Plan of a Private Way."

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

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

The 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.

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 private way maintenance agreement has been submitted and meets the requirements of this section.

Finding: The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.

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 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 have been 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 construct the 2 – 6 lot private way to meet the private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section.

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

- 6) 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 up to six (6) lots. The applicant proposes to serve two (2) residential dwelling units.

Finding: The private way is proposing to serve two (2) residential dwelling units.

...

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a 950 foot long private way extension for a 2-6 lot private way and intends to construct the private way to a 7-10 lot standard so that the road will be ready for paving if they want to support 7-10 lots in the future.

Finding: The private way is proposing to serve two (2) additional residential dwelling units.

- 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 lots will need to retain enough area to meet the lot sizes in the Rural 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 will be off County Road which is suitable to serve the proposed private way.

Finding: The proposed private way will be off of County Road which is 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 Woodard & Curran comments shall be completed prior to Planning Board signature;
5. That all staff and legal review comments will be addressed prior to the pre-construction meeting;
6. 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;
7. 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;
8. 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;
9. 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;
10. That the approved amended private way maintenance agreement shall be recorded in the Cumberland County Registry of Deeds prior to a certificate of occupancy being given to any proposed new lot with a recorded copy of the private way maintenance agreement to be returned to the Planning Office;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. 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 Michael and Kevin Plowman’s request for approval of an extension of Plowman Road, a 950 foot private way designed to the Town’s 2-6 lot/dwelling unit private way standard, located on Map 4, Lot 1-102 and situated in the Rural zoning district, based on Findings of Fact and with Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

FOR CONSENT AGENDA APPROVAL:

Move to place further review of Michael and Kevin Plowman’s request for approval of an extension of Plowman Road, a 950 foot private way, on the next Consent Agenda pending responses to remaining issues (and revisions to the plans).