

**Town of Gorham
 Planning Board Meeting
 March 4, 2024**

ITEM 8 – Discussion – Private Way – Greg McCormack – Samantha Drive – A request for approval to construct a 323 ft private way to serve a future single family house lot. M104, Lot 10.003, Map 24, Lot 7.004 and. Zoned UR. The applicant is represented by Andrew S. Morrell, P.E. with BH2M.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		February 6, 2023
Private Way Review		March 4, 2024

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and may not be all inclusive of project requirements. Staff notes are review comments and recommendations prepared by the Town Planner and, if applicable, the Town’s peer review consultant, regarding applicability to The Gorham Land Use 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 non-committal and all final decisions are those of the Planning Board and not Town Staff.

Vincent Grassi, Chair, Gorham Planning Board

1. OVERVIEW

This is the second time this application has come before the Planning Board to extend Samantha Drive as a private way.

The owner/applicant is Greg McCormack and is represented by Andrew Morrell, P.E. of BH2M.

2. ITEMS OF NOTE

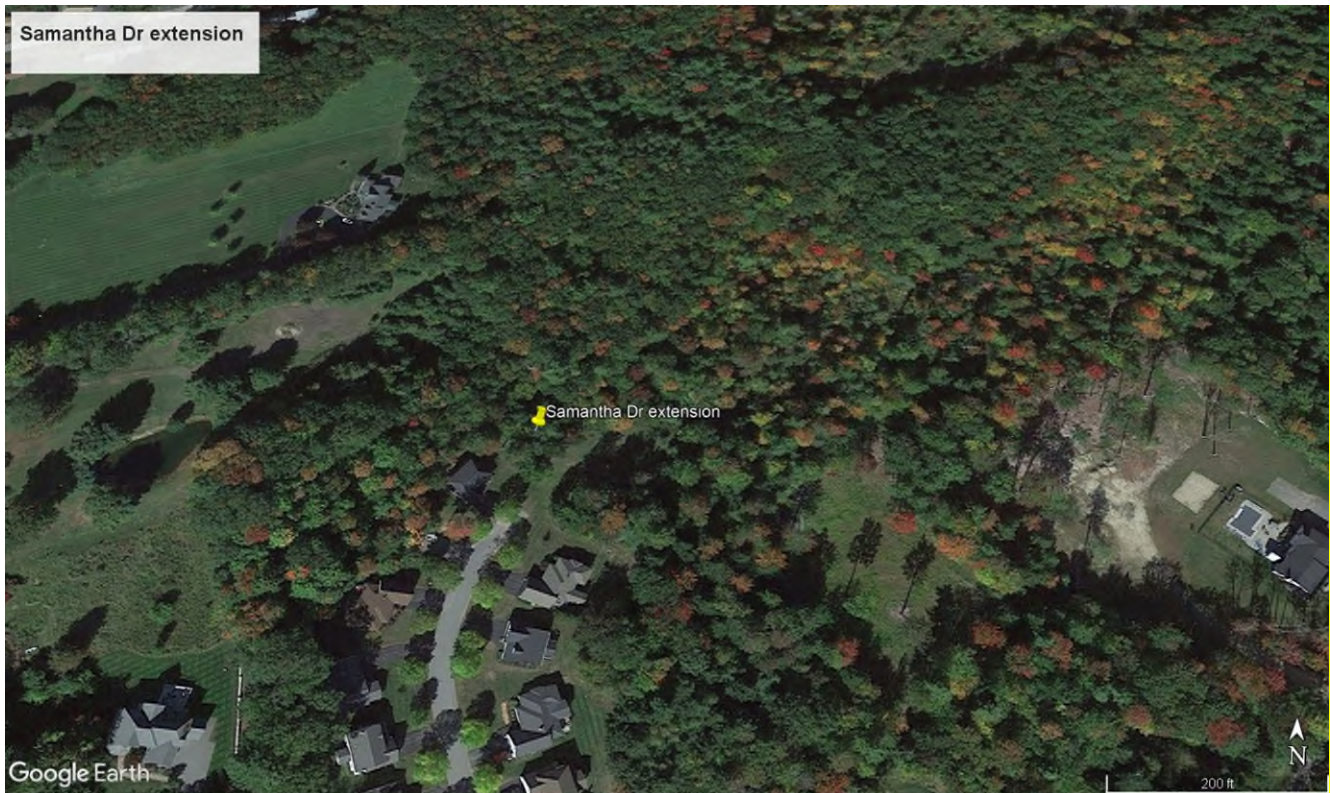
Below are topics the Planning Board may want to discuss with the applicant. The discussion topics are written as a guide for the Planning Board. It should be noted that the discussion topics are noncommittal and all decisions on relevant discussion topics are those of the Planning Board.

- At the project review meeting held with town staff on January 25, 2023, it was suggested that the applicant consider aligning the right of way for the private way with the southern boundary of parcel Map 104 Lot 10-3 instead of creating a 20-foot side setback. That has been done.
- Water utilities should be added to plans.

3. AERIAL PHOTOGRAPH

Google earth images





4. STAFF COMMENTS

Assessing Department: No comments

Code Division: No comments

Fire Department: 02/19/2024

Greg McCormack 1 Lot off Samantha Drive

I have reviewed the Plans dated Jan. 22, 2024,

1. The Drive way / private way for this lot looks like it is off the Sub-Division hammer head.

I do not want any drive ways off a hammer head. I believe this hammer head is part of our turn around requirements for the Samantha drive sub-division.

I question who will keep the hammer head clear of snow if this is allowed.

Planning Division: 02/24/2024

- The proposed lot line should be removed if the applicant does not intend to create it at this time.
- One lot private way standard is proposed to be followed, which includes:
 - The Plan requires an approval block that reads: “Private Way, Approved by the Town of Gorham Planning Board.”
- The proposed private way is to be constructed through a publicly owned right of way, therefore it will need to be open to public use.
- The plans list a “20’ snow storage easement to Town”. The Town already owns this land, therefore granting of such an easement is irrelevant and the plan can be revised to simply refer to a “20’ wide snow storage area”
- The Private way is superelevated in order to promote improved winter maintenance management. The superelevation will cause snow melt to drain to the norther side of the way towards the snow storage area, in order to reduce ice buildup in winter.
- The applicant should be aware that they will be required to connect development at the lot serviced by this private way to public water and sewer, not on-site well and septic, and should plan accordingly during the construction of the private way. The plans do not currently show any water utilities.

Police Department: No comments

Recreation Department: No comments

Town Engineer: 2/28/2024

Carol,

This design looks good to me, I believe it satisfies our 1-lot private way standard.

Thanks,

Chuck

**TOWN OF GORHAM PLANNING BOARD
FINDINGS OF FACT
FOR
GREG MCCORMACK – SAMANTHA DRIVE EXTENSION WITH PRIVATE WAY**

March 4, 2024

Applicant/Property Owner: The applicant/owner is Greg McCormack, 24 Strawberry Ln, Gorham, ME 04038.

Property: The lot is identified as Tax Map 104, Lot 10-3 and Tax Map 24 Lot 7-4, and is located off Samantha Drive.

Consultant: Anrew Morrell, P.E. with BH2M.

Project Description: The applicant is requesting approval to construct a 323 foot private way extension to the 1 lot private way standard, located off Samantha Drive to serve one (1) lot. The lot is identified as Tax Map 104, Lot 10-3 and Tax Map 24 Lot 7-4, and is located in the Urban Residential (UR) zoning district.

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

Zoning: Urban Residential (UR)

Variances: None requested.

Waivers: None requested.

Pursuant to the Application:

A private way review was held on February 6, 2023 and March 4, 2024.

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’s plans (the plans) for a private way, prepared by Andrew Morrell, P.E., consist of the following:

Sheet 1 of 4 – Overall Plan – Dated: 06/2022; Revised through: 01/19/2024; Received: 01/22/2024
Sheet 2 of 4 – Plan of Private Way – Dated: 06/2022; Revised through: 01/19/2024; Received: 01/22/2024

Sheet 3 of 4 – Erosion Control Details – Dated: 06/2022; Revised through: 01/19/2024; Received: 01/22/2024
Sheet 4 of 4 – Standard Details – Dated: 06/2022; Revised through: 01/19/2024; Received: 01/22/2024

Other documents submitted consist of the following:

Private Way Application – 01/22/2024
Declaration of Maintenance – 01/22/2024
Planning Department – 02/06/2024; 02/24/2024
Fire Department – 02/19/2024
Assessor Comments – No comments
Code Department – No comments
Public Works Department – No comments
Town Engineer – 2/28/2024

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 lot served by the private way are required to meet the requirements of the Urban 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.

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 prepared and sealed by Robert C. Libby, P.L.S. and sealed by Andrew Morrell, P. E.

The Plan title block reads "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., 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.

This section does not apply since this is a one lot private way.

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 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 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 a one (1) lot private way. Sheet 2 of 3 shows the required one (1) lot/dwelling unit private way standard cross section. The cross section shows the private way is superelevated.

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.*

- 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 up to one (1) lot. The applicant proposes to serve one (1) dwelling unit.

Finding: *The private way is proposing to serve one (1) dwelling unit.*

- 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).

Each of the lots will need to retain enough area to meet the lot sizes in the Urban 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 will be off Samantha Drive, which is suitable to serve the proposed private way extension.

Finding: *The proposed private way will be off Samantha Drive, 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. 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 comments from staff and the Town Engineer shall be completed prior to Planning Board signature.
5. 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.
6. 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. 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 the Planning Board Chair is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
10. 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 Greg McCormack's request for approval for Samantha Drive extension, a 353 foot private way designed to the Town's 1 lot/dwelling unit gravel private way standard, located on Map1041 10-3 and Map 24 Lot 7-4 and situated in the Urban Residential 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 CONSENT AGENDA:

Move further review of Greg McCormack's request for private way extension approval to a future Consent Agenda pending the submission of revised information addressing outstanding staff and Planning Board comments.