

**TOWN MANAGER'S AGENDA NOTES  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
April 2, 2024**

**Public hearing #1  
On Item #2023-3-11**

**Public hearing to hear comments on a proposal to amend the shoreland zoning map to increase the stream protection sub-district to 100' for streams that have native brook trout as identified on the amended shoreland map. (Admin. Spon.)**

This public hearing and associated order adopts an increased 100' stream protection district for streams that have been identified by the state of Maine to have native brook trout populations. The increased buffer adds to the area in the Town's Land Use & Development Code where construction is limited and/or restricted in ways to protect the natural resource.

**Item #2024-04-1**

**Action to consider appointing election workers for a two-year term 2024-2026. (Admin. Spon.)**

This is an administrative item appointing election workers for 2024 through 2026.

**Item #2023-9-16**

**Action to consider amending the Land Use & Development Code with regards to Private Way Standards. (Ordinance Committee Spon.)**

This amendment to the LUDC allows the Planning Board to waive certain standards on private ways in order to meet certain site conditions.

**Item #2024-4-2**

**Action to consider instructing the Finance Committee to provide recommendations on new sewer rates. (Councilor Philips Spon.)**

This item instructs the Finance Committee to review sewer rates in the Town of Gorham and provide recommendations to the Town Council for adoption. The last time the Council increased rates was four years ago on a three-year increase plan as the result of the Town not having increased rates for years prior to that date. The Portland Water District sends an invoice for services every year based on their budget and our rate needs to cover those expenses. At the end of this fiscal year, the Town's rates will no longer be covering that assessment. There is contingencies that allow for a transition period between rate changes; however, the Town will need to adjust its rates to cover the higher assessment.

**Item #2024-4-3**

**Action to consider adopting Hessian Drive as a public way. (Councilor Gagnon Spon.)**

This item would accept Hessian Drive as a public way. The Town Council previously had this item on a prior agenda but did not take up the item. The original submission items are attached to this packet.

**Item #2024-4-4**

**Action to consider dissolving a contract zone on Map 6, Lot 43-1 and Map 6, Lot 19-1 at the request of the property owner. (Councilor Philips Spon.)**

The property owner for Maps 6, Lot 43-1 and Map 6, Lot 19-1 has requested the termination of a contract zone in South Gorham to take advantage of the new zoning adopted by the Town Council last year but what wasn't allowed during the creation of the contract zone prior. The contract termination would still need to go back to the Planning Board for public hearing and return to the Town Council for a public hearing. The contract zone for the parcels is attached.

**Item #2024-4-5**

**Action to consider instructing the Finance Committee to review programs available to assist working farms. (Councilor Philips Spon.)**

This item would instruct the Finance Committee to review any available programs that could help support local working farms in Gorham and report back to the Council on possible implementation and their financial viability.

**Item #2024-4-6**

**Action to consider adopting a Smart Growth Policy. (Councilor Simms Spon.)**

This item would instruct the Ordinance Committee to evaluate a Smart Growth Policy that could give guidance towards planning decisions and other decisions made by the Town Council in the future. Although not an ordinance or general law, a policy would give general guidance towards making effective decisions towards smart growth in the community. A policy could be simple or very encompassing but likely could look similar to a complete streets policy or other general guidance document adopted by a state agency or municipality.

## Street Acceptance Report

Hessian Drive  
Stonefield Subdivision, Phase 4 A, B -1 & 2  
Gilbert Homes, Inc.

August 15, 2023

**Request:** The applicant, Gilbert Homes, Inc., is requesting street acceptance of Hessian Drive of the Stonefield Subdivision. This phase is located between Harding Bridge Road and Huston Road.

**Street Classification:** Rural Access **Length:** 600 feet

**Description:** The Stonefield Subdivision, Phases 4 A, B -1, B-2 was approved by the Gorham Planning Board on August 1, 2016. The subdivision was approved as a clustered residential subdivision with 36 single-family house lots.

The development also provides recreation access to all Gorham residents along portions of the open space for recreation and trail access including but not limited to hiking, horseback riding, snowshoeing, snowmobiling, biking, fishing, canoeing, and swimming. The portions of open space open to all residents include the 120' along the Little River, identified as Open Space #1, as well as 100' that encompasses the PWD right-of-way area and a potential trail reroute into the open space area, identified as Open Space #2 on the approved subdivision plan. The access to both portions of open space is via Ichabod Lane Extension. No access to the open space is utilized from Hessian Drive. Only 2 lots within the subdivision are yet to have occupancy permits issued. Both of those lots are located on Hessian Drive.

**Utilities/ Mailbox Locations:** The subdivision is served by public water, private septic systems, and underground utilities. The subdivision lots are required to be served by a clustered mailbox along the side of the road. A cluster mailbox has been located on the west side of the road at a location approved by the Public Works Director. .

**Fire Protection:** A home sprinkler system is required to be installed for each dwelling unit.

**Inspections, Engineering Certification and Record Drawings:** The Town contracted with Woodard and Curran, for inspection services, while BH2M provided construction services to the developer. The applicant's engineer has provided the required test results, documents and record drawings, which have been reviewed and found acceptable by the Director of Public Works.

**Legal Documents:** The offer of cession for the roadway, the proposed roadway deed, appropriate drainage easements, trail and recreation easements, and the required transfer tax form have been reviewed by legal counsel and are in order for acceptance.

**Road Maintenance Guarantee:** The developer has provided a one-year road maintenance guarantee. The amount of the one-year, maintenance guarantee has been set at \$5,000.00 by the Public Works Director.

**Right-of-Way to Abutting Properties:** The street acceptance does include potential access to abutting undeveloped land through a 50 right-of-way. The undeveloped land is also land considered landlocked because they don't have legal road frontage on another public street or private way. The land locked parcels are identified as map/ lot numbers 52-9 and 50-5.

# PLANNING DEPARTMENT STREET ACCEPTANCE CHECKLIST

(To be completed by the Director of Community Development)

Street Name: Hessian Drive - Extension

Subdivision/Project Name Stonefield Subdivision – Phase 4 A, B-1, B-2

OWNER/Developer Gilbert Homes, Inc.

Street Classification Rural Access Street Length 600'

Type of Approval:  Final  Acceptance Prior to Final Paving

Verification of occupancy permits for 50% of the housing units in the subdivision, if there are more than 20 lots in the subdivision or 50% of the approved construction phase.

Total number of lots 36

Number of occupancy permits issued 34, 94%

Number of lots in phase 16

Number of occupancy permits issued 14, 87.5%.

**Please mark each of the following items Yes, No or NA (Not applicable)**

1. Y Letter of Cession.
2. Y Road Deed (NA includes center of turning circle). -- Signed and Notarized
3. Y Real Estate Transfer Tax Form. -- Signed by Applicant (Grantor)
4. Y Easement deeds for road drainage. Signed and Notarized
5.    Other documents
6. Y Reviewed by Town Attorney and approved on December 8, 2022.
7. NA Fire pond/dry hydrant installations reviewed & approved by Fire Chief.
8. Y PWD: Water/Final Inspection Report received.
9. NA PWD: Sewer/Final Inspection Report received.
10. Y Color As-Built drawings delivered to:  Engineer  Public Works  Planner.
11. Y Maintenance Guarantee Acct.: Amount \$5,000.00 Type Cash Date December 27, 2022.
12. NA Road Improvement Acct.: Amount \$    Date Established
13. Y Legal Documents & Plan ROW provided to Town Clerk. Date.
14. Y Public Works Director's Final Report.

Note any incomplete items or compliance issues: This street does not comply with the new standards regarding street acceptance in particular:

- The road does not serve a minimum of 25 lots.
- The road does not provide 2 points of connection to other interconnected streets and is not eligible for a waiver because it does not provide access to Town or State property.

The project was approved prior to the adoption of the new standards.

The applicant has not provided verification by a qualified professional that no invasive terrestrial plants are located within the proposed road right-of-way. The street acceptance application had been submitted and reviewed before the new requirements regarding documentation of invasive species were adopted.

# PUBLIC WORKS DEPARTMENT STREET ACCEPTANCE CHECKLIST

(To be completed by Director of Public Works)

Street Name: HESDIA DR  
Subdivision/Project Name: Stonefield  
OWNER/Developer: Gilbert  
Final Inspection by: T. Deery Date: 8-3-23

**Please mark each of the following items Yes, No or NA (Not applicable)**

1.  Road Deed and Easement Deeds reviewed by the Public Works Director.
2.  Easement Deeds reviewed by the Public Works Director.
3.  Roadway and shoulders constructed per plans.
4.  Drainage installed per plans.
5.  Curbing installed per plans.
6.  Sidewalks installed per plans.
7.  Roadway monumentation installed per plans. *~ some under Rip Rap*
8.  Catch basins cleaned.
9.  Detention ponds constructed per plans.
10.  Fire ponds constructed per plans.
11.  Fire ponds inspected, tested and approved by the Gorham Fire Department.
12.  Hydrants inspected, tested and approved by the Gorham Fire Department.
13.  No. of new hydrants 0.
15.  Paved driveway aprons.
16.  Mailbox locations per plans.
17.  Street trees and landscaping completed per plans.
18.  Street signs and traffic control signs installed per plans.
19.  Loaming and seeding completed per plans.
20.  Permanent erosion control installed per plans.
21.  Water mains inspected and approved by Portland Water District.  
Final inspection report received.
22.  Sewer mains and pump stations inspected and approved by Portland Water District.  
Final inspection report received.
23.  Final clean up completed.
24.  Core Sample(s) measured and met the Town's minimum standards.

Note any incomplete items or compliance issues:

Road side Vegetation should mowed

**ANDREW L. BROADDUS**  
ATTORNEY AT LAW  
706 MAIN STREET  
P.O. BOX 368  
WESTBROOK, MAINE 04098

Telephone  
(207) 854-1236

Fax  
(207) 854-1237  
Email  
[Abroaddus@aol.com](mailto:Abroaddus@aol.com)

December 20, 2022

Thomas M. Poirier  
Director of Community Development  
Town of Gorham  
75 South Street  
Gorham, ME 04038

RE: Gilbert Homes, Inc. to Town of Gorham Deeds and Easements,  
Stonefield Subdivision, Gorham, ME

Dear Tom:

As requested, I am attaching a copy of the signed Deeds and Easements from Gilbert Homes, Inc. to the Town of Gorham as follows:

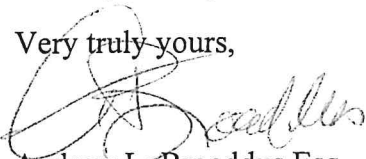
1. RETTD and Warranty Deed from Gilbert Homes, Inc. to the Town of Gorham for Ichabod Lane.
2. RETTD and Warranty Deed from Gilbert Homes, Inc. to the Town of Gorham for Hessian Drive and Reserved 50' Right of Way.
3. Open Space Access and Recreational Trail Easements.
4. Drainage and Utility Easements for Phase IV-B-1.
5. Drainage and Utility Easements for Phase IV-B-2.
6. Drainage Easement for Phase IV-B-2.

I have the originals and will record at the Cumberland County Registry of Deeds once these items have been accepted by the Town Council.

If you have any questions or comments, please contact me.

Thank you for your attention to this matter.

Very truly yours,



Andrew-L. Broaddus, Esq.

Encs.

cc: Donald J. Gilbert





**MAINE REAL ESTATE  
TRANSFER TAX DECLARATION  
Form RETTD**  
Do not use red ink.

1. County **Cumberland**

2. Municipality **Gorham**

3. GRANTEE/PURCHASER

3a. Last name, first name, MI; or business name

**Town of Gorham**

3c. Last name, first name, MI; or business name

3e. Mailing address after purchasing this property

**75 South Street**

3f. Municipality

**Gorham**

3g. State 3h. ZIP Code

**ME 04038**

BOOK/PAGE - REGISTRY USE ONLY

3b. Federal ID

3d. Federal ID

4. GRANTOR/SELLER

4a. Last name, first name, MI; or business name

**Gilbert Homes, Inc.**

4b. Federal ID

**01-0414672**

4c. Last name, first name, MI; or Business name

4d. Federal ID

4e. Mailing address

**317 Mosher Road**

4f. Municipality

**Gorham**

4g. State 4h. ZIP Code

**ME 04038**

5. PROPERTY

5a. Map

**50**

Block

**6**

Lot

Sub-lot

Check any that apply

No maps exist  
Multiple parcels

Portion of parcel

Not applicable

5b. Type of property - enter the code number that best describes the property being sold (see instructions).

5d. Acreage (see instructions)

5c. Physical location

**Ichabod Lane Stonefield Sub IV-B1 IV-B2, IV-A**

6. TRANSFER TAX

6a. Purchase price (If the transfer is a gift, enter "0")..... 6a.

**.00**

6b. Fair market value (Enter a value only if you entered "0" or a nominal value on line 6a) ..... 6b.

**\$ 10,000 .00**

6c. Exemption claim -  Check the box if either grantor or grantee is claiming exemption from transfer tax and enter explanation below.

**Conveyance to Town of Gorham exempt pursuant to 36 MRSA Section 4641-C(1)**

7. DATE OF TRANSFER (MM-DD-YYYY)

8. CLASSIFIED. WARNING TO BUYER - If the property is classified as farmland, open space, tree growth, or working waterfront, a substantial financial penalty may be triggered by development, subdivision, partition, or change in use.

**CLASSIFIED**

9. SPECIAL CIRCUMSTANCES. Were there any special circumstances with the transfer that suggest the price paid was either more or less than its fair market value? If yes, check the box and enter explanation below.

10. INCOME TAX WITHHELD. The buyer is not required to withhold Maine income tax because:

- Seller has qualified as a Maine resident
- A waiver has been received from the State Tax Assessor
- Consideration for the property is less than \$100,000
- The transfer is a foreclosure sale

11. DECLARATION(S) UNDER THE PENALTIES OF PERJURY. I declare that I have examined this return/report/document and (if applicable) accompanying schedules and statements and to the best of my knowledge and belief they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

PREPARER. Name of preparer: **Andrew L. Broaddus, Esq.**

Phone number: **(207) 854-1236**

Mailing address: **P.O. Box 368**

Email address: **Abroaddus@aol.com**

**Westbrook, ME 04098**

Fax number: **(207) 854-1237**

**EXHIBIT A**

**OFFER OF CESSION  
ICHABOD LANE EXTENSION  
STONEFIELD IV SUBDIVISION  
GILBERT HOMES, INCORPORATED**

Gilbert Homes, Incorporated, a Maine Corporation with a place of business in the Town of Gorham, County of Cumberland, State of Maine, without any compensation, for consideration paid, grants to the Town of Gorham, a body politic, with warranty covenants, the following described land in Gorham, County of Cumberland, State of Maine:

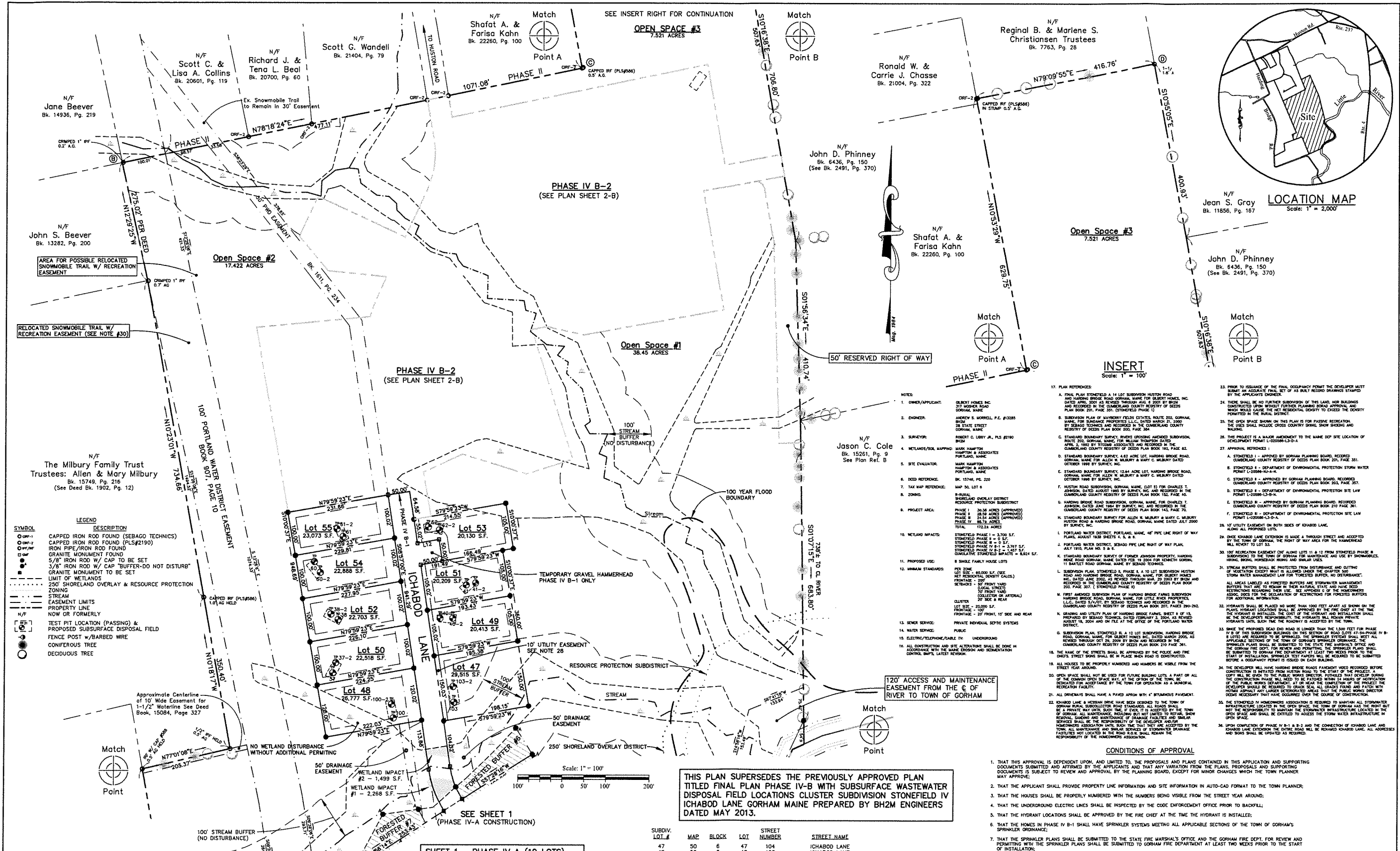
A certain parcel of land, together with rights, and easements, shown on a plan entitled Final Plan Phase IV-A with Subsurface Wastewater Disposal Field Locations Cluster Subdivision Stonefield IV” recorded in the Cumberland County Registry of Deeds, in Plan Book 215, Page 252, reference to which plan is made for further details and particulars, and being further described as follows:

The fee in a certain right of way identified on the above-referenced plan as Ichabod Lane Extension; in addition, the Town of Gorham, is hereby granted rights and easements to maintain the 20’ Drainage, Grading and Utility Easement running parallel with the said right of way, on the southerly side; the 10’ Utility Easement on both side of said right of way; the 20’ access and maintenance easement to the Little River; the 120’ access and maintenance easement along the Little River; the 30’ drainage easement on the westerly sideline of the right of way at Lot 42 on said Plan; the easement for recreational trails use on the 100’ Portland Water District (PWD) water main right of way; and the 10’ wide walking path to the Little River.

The Town of Gorham shall have no obligation to maintain the drainage areas outside the said right of way or outside of the said 20’ Drainage, Grading and Utility Easement.

Meaning and intending to convey a portion of the land conveyed to the Grantor herein, by deed dated September 22, 2000 and recorded in Cumberland County Registry of Deeds in Book 15749, Page 220.





**SYMBOL DESCRIPTION**

- CRP-1 CAPPED IRON ROD FOUND (SEBAGO TECHNICS)
- CRP-2 CAPPED IRON ROD FOUND (PLS#2190)
- CRP-3 IRON PIPE/IRON ROD FOUND
- CRP-4 GRANITE MONUMENT FOUND
- CRP-5 5/8" IRON ROD W/ CAP TO BE SET
- CRP-6 3/8" IRON ROD W/ CAP "BUFFER-DO NOT DISTURB" GRANITE MONUMENT TO BE SET
- CRP-7 250' SHORELAND OVERLAY & RESOURCE PROTECTION ZONING
- CRP-8 STREAM
- CRP-9 EASEMENT LIMITS
- CRP-10 PROPERTY LINE
- CRP-11 NOW OR FORMERLY
- CRP-12 TEST PIT LOCATION (PASSING) & PROPOSED SUBSURFACE DISPOSAL FIELD
- CRP-13 FENCE POST w/ BARBED WIRE
- CRP-14 CONFIDENTIAL TREE
- CRP-15 DECIDUOUS TREE

**LEGEND**

- CRP-1 CAPPED IRON ROD FOUND (SEBAGO TECHNICS)
- CRP-2 CAPPED IRON ROD FOUND (PLS#2190)
- CRP-3 IRON PIPE/IRON ROD FOUND
- CRP-4 GRANITE MONUMENT FOUND
- CRP-5 5/8" IRON ROD W/ CAP TO BE SET
- CRP-6 3/8" IRON ROD W/ CAP "BUFFER-DO NOT DISTURB" GRANITE MONUMENT TO BE SET
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- CRP-8 STREAM
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- CRP-13 FENCE POST w/ BARBED WIRE
- CRP-14 CONFIDENTIAL TREE
- CRP-15 DECIDUOUS TREE

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

- NO SURVEYORS REPORT

**SHEET INDEX**

- FINAL SUBDIVISION PLAN - PHASE IV-A
- FINAL AMENDED SUBDIVISION PLAN - PHASE IV-B-1
- FINAL AMENDED SUBDIVISION PLAN - PHASE IV-B-2
- NET RESIDENTIAL DENSITY CALCULATIONS
- STANDARD BOUNDARY SURVEY
- HIGH INTENSITY SOIL SURVEY
- HIGH INTENSITY SOIL SURVEY
- PLAN AND PROFILE - ICHABOD LANE EXT. (STA. 0+00 TO 8+00)
- PLAN AND PROFILE - ICHABOD LANE EXT. (STA. 8+00 TO 17+00)
- PLAN AND PROFILE - ICHABOD LANE (STA. 17+00 TO 25+00)
- PLAN AND PROFILE - ICHABOD LANE (STA. 25+00 TO 32+13.48)
- PLAN AND PROFILE - HESSIAN DRIVE
- POUD DETAILS
- STANDARD DETAILS
- EROSION CONTROL DETAILS
- STORMWATER DETAILS
- WATER DETAILS
- PRE DEVELOPMENT DRAINAGE PLAN
- POST DEVELOPMENT DRAINAGE PLAN
- STORMWATER TREATMENT

**COORDINATE POINTS**

- A 320585.2276  
2881843.9894
- B 320058.3138  
2880452.3500
- C 320435.8016  
2880403.5547
- D 321060.1741  
2880896.3509
- E 321507.6539  
2881657.8520

**LINE/CURVE DATA**  
L12 - N79°59'23"E, 50.00'

**THIS PLAN SUPERSEDES THE PREVIOUSLY APPROVED PLAN TITLED FINAL PLAN PHASE IV-B WITH SUBSURFACE WASTEWATER DISPOSAL FIELD LOCATIONS CLUSTER SUBDIVISION STONEFIELD IV ICHABOD LANE GORHAM MAINE PREPARED BY BH2M ENGINEERS DATED MAY 2013.**

SUBDIV. LOT #	MAP	BLOCK	LOT	STREET NUMBER	STREET NAME
47	50	6	47	104	ICHABOD LANE
48	50	6	48	103	ICHABOD LANE
49	50	6	49	98	ICHABOD LANE
50	50	6	50	99	ICHABOD LANE
51	50	6	51	94	ICHABOD LANE
52	50	6	52	95	ICHABOD LANE
53	50	6	53	90	ICHABOD LANE
54	50	6	54	91	ICHABOD LANE
55	50	6	55	87	ICHABOD LANE

**NOTES:**

- OWNER/APPLICANT: GILBERT HOMES INC. 207 WOODEN ROAD GORHAM, MAINE
- ENGINEER: ANDREW S. MORRILL, P.E. #13383
- SURVEYOR: ROBERT C. LIBBY, P.L.S. #2190
- NETLANDS/SOIL MAPPING: MARK HAMPTON HAMPTON & ASSOCIATES PORTLAND, MAINE
- SITE EVALUATOR: MARK HAMPTON HAMPTON & ASSOCIATES PORTLAND, MAINE
- DEED REFERENCES: BK. 15746, PG. 228
- TAX MAP REFERENCE: MAP NO. LOT 8
- ZONING: B-RURAL SHORELAND OVERLAY DISTRICT RESOURCE PROTECTION SUBDISTRICT
- PROJECT AREA: PHASE I - 30.36 ACRES (APPROXIMATE)  
PHASE II - 28.10 ACRES (APPROXIMATE)  
PHASE III - 24.54 ACRES (APPROXIMATE)  
PHASE IV - 28.10 ACRES (APPROXIMATE)  
TOTAL - 112.10 ACRES
- NETLAND IMPACTS: STONEFIELD PHASE I - 3,700 S.F.  
STONEFIELD PHASE II - 0 S.F.  
STONEFIELD PHASE III - 2,573 S.F.  
STONEFIELD PHASE IV - 1,427 S.F.  
CORRELATIVE STONEFIELD IMPACTS - 6,680 S.F.
- PROPOSED USE: 8 SINGLE FAMILY HOUSE LOTS
- URBAN STANDARDS: PER ZONE: 60,000 S.F. USE NET RESIDENTIAL DENSITY CALCULATIONS  
STREETS: 20' FRONT YARD (LOCAL STREET)  
10' FRONT YARD (COLLECTOR OR ARTERIAL)  
20' SIDE & REAR
- SEWER SERVICE: PRIVATE INDIVIDUAL SEPTIC SYSTEMS
- WATER SERVICE: PUBLIC
- ELECTRIC/TELEPHONE/FIBER TV: UNDERGROUND
- ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENTATION CONTROL RULES, LATEST EDITION.

**CONDITIONS OF APPROVAL**

- 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.
- THE APPLICANT SHALL PROVIDE PROPERTY LINE INFORMATION AND SITE INFORMATION IN AUTO-CAD FORMAT TO THE TOWN PLANNER.
- THE TOWN PLANNER SHALL BE PROPERLY NUMBERED WITH THE NUMBERS BEING VISIBLE FROM THE STREET YEAR AROUND.
- THE UNDERGROUND ELECTRIC LINES SHALL BE INSPECTED BY THE CODE ENFORCEMENT OFFICE PRIOR TO BACKFILL.
- THE HYDRANT LOCATIONS SHALL BE APPROVED BY THE FIRE CHIEF AT THE TIME THE HYDRANT IS INSTALLED.
- THE HOMES IN PHASE IV-B-1 SHALL HAVE SPRINKLER SYSTEMS MEETING ALL APPLICABLE SECTIONS OF THE TOWN OF GORHAM'S SPRINKLER ORDINANCE.
- THE SPRINKLER PLAN SHALL BE SUBMITTED TO THE STATE FIRE MARSHAL'S OFFICE AND THE GORHAM FIRE DEPT. FOR REVIEW AND APPROVAL. THE SPRINKLER PLAN SHALL BE SUBMITTED TO THE GORHAM FIRE DEPARTMENT AT LEAST TWO WEEKS PRIOR TO THE START OF CONSTRUCTION.
- THE SPRINKLER TEST PAPERS WILL BE REQUIRED TO BE SUBMITTED BEFORE A CERTIFICATE OF OCCUPANCY IS ISSUED ON EACH BUILDING LOCATED IN PHASE IV-B-1.
- THE APPLICANT SHALL ESTABLISH AN INSPECTION ESCROW MEETING THE APPROVAL OF TOWN STAFF AND THE APPLICANT SHALL HAVE A PRE-CONSTRUCTION MEETING WITH TOWN STAFF, THE TOWN'S INSPECTING ENGINEER, DESIGN ENGINEER, AND EXISTING CONTRACTOR PRIOR TO THE START OF CONSTRUCTION FOR EACH PHASE OF THE DEVELOPMENT.
- THE APPLICANT IS RESPONSIBLE FOR RECORDING THE APPROVED STONEFIELD IV HOMEOWNERS' ASSOCIATION DOCUMENTS WITHIN 90 DAYS OF THE DATE OF APPROVAL OF THE SUBDIVISION BY THE PLANNING BOARD AND A RECORDED COPY OF THE HOMEOWNERS' ASSOCIATION DOCUMENTS SHALL BE RETURNED TO THE PLANNING DEPARTMENT FROM A PRE-CONSTRUCTION MEETING BEING HELD.
- DURING THE CONSTRUCTION OF STONEFIELD IV PHASES B-1 AND B-2 SUBDIVISION THE DEVELOPER IS RESPONSIBLE FOR PAVEMENT MONITORING AND REPAIRS AS OUTLINED BY THE GORHAM PUBLIC WORKS DIRECTOR AND DETAILED ON PLAN NOTE 34.
- THE PLANNING BOARD CHAIRMAN IS AUTHORIZED BY THE PLANNING BOARD TO SIGN THE FINDINGS OF FACT ON BEHALF OF THE ENTIRE BOARD.
- THE SUBDIVISION PLANS SHALL NOT BE RELEASED FOR RECORDING AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS UNTIL THE REQUIRED PERFORMANCE GUARANTEE FOR EACH PHASE HAS BEEN POSTED MEETING THE APPROVAL OF TOWN STAFF, AND THE SUBDIVISION PLAN FOR PHASE IV-B-1 IS REQUIRED TO BE RECORDED WITHIN ONE YEAR OF ORIGINAL APPROVAL AND THE SUBDIVISION PLAN FOR PHASE IV-B-2 IS REQUIRED TO BE RECORDED WITHIN FIVE YEARS OF THE ORIGINAL APPROVAL OR THE APPROVALS BECAME NULL AND VOID; AND
- ONCE THE SUBDIVISION HAS BEEN RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS, A DATED MYLAR COPY OF THE RECORDED SUBDIVISION PLANS SHALL BE RETURNED TO THE TOWN PLANNER PRIOR TO A PRE-CONSTRUCTION MEETING BEING HELD.

**AMENDED FINAL PLAN PHASE IV-B-1 WITH SUBSURFACE WASTEWATER DISPOSAL FIELD LOCATIONS CLUSTER SUBDIVISION STONEFIELD IV ICHABOD LANE GORHAM, MAINE**

DESIGNED: W. Thompson  
DATE: May 2013

DRAWN: W. Pelkey  
SCALE: As Noted

CHECKED: R. Libby Jr.  
JOB NO.: 13033 AM

SHEET 2A

REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE EXPRESSED WRITTEN CONSENT OF BH2M INC. IS PROHIBITED

**RECORD DRAWING**

**LOCATION MAP**  
Scale: 1" = 2,000'

**INSERT**  
Scale: 1" = 100'

**REVISION DESCRIPTION**

NO.	DATE	REVISION DESCRIPTION
1	4/12/21	Record Drawing

**BH2M**  
FOR  
Gilbert Homes Inc.  
311 Miller Street  
Gorham, Maine 04038

Berry, Huff, McDonnell, McMilligan Inc.  
Engineers, Surveyors

20 State Street  
Gorham, Maine 04038  
Tel: (207) 839-2771  
Fax: (207) 839-6250

**AMENDED FINAL PLAN PHASE IV-B-1 WITH SUBSURFACE WASTEWATER DISPOSAL FIELD LOCATIONS CLUSTER SUBDIVISION STONEFIELD IV ICHABOD LANE GORHAM, MAINE**

**RECORD DRAWING**

**CONTRACT ZONING AGREEMENT  
BETWEEN BARRY KING  
AND THE TOWN OF GORHAM**

This Contract Zoning Agreement, made this 13<sup>th</sup> day of April, 2015, by and between the **TOWN OF GORHAM**, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter "the Town") and **BARRY KING**, resident of the Town of Gorham, County of Cumberland and State of Maine, with a mailing address of 44 County Road, Gorham, Maine.

WHEREAS, Barry King (the "Property Owner") is the owner of two parcels of real estate located at or near 46 and 41 County Road in Gorham, Maine, consisting of approximately 1.86 acres and 3.5 acres located near the intersection of Route 22/ Route 114 and Burnham Road (hereinafter "the Properties"); and

WHEREAS, the Property consists of two lots identified on the Town's assessing records as Tax Map 6, Lot 19.001 and Tax Map 6, Lot 43.001, and

WHEREAS, the Property is currently located in the Suburban Residential District, as established by the Town's Land Use and Development Code; and

WHEREAS, the Property is located in an area with significant motor vehicle traffic, especially at the nearby intersection of Route 22 and Route 114; and

WHEREAS, a greater flexibility of uses than is allowed in the underlying zoning district is appropriate in light of the unique nature of the site and its proximity to the major intersection; and

WHEREAS, the high volume of traffic, particularly at the intersection, makes it difficult to develop the Property for residential purposes; and

WHEREAS, certain non-residential uses have been determined to be appropriate for the site, subject to the restrictions set forth in this Agreement, in addition to the applicable requirements of the Land Use and Development Code; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property, pursuant to 30-A M.R.S.A. § 4352(8) and Chapter I, Section I, Subsection H, as amended, of the Gorham Land Use and Development Code; and

WHEREAS, after notice and hearing and due deliberation upon this rezoning proposal, the Gorham Planning Board recommended the rezoning of the Property; and

WHEREAS, the rezoning will be consistent with the goals of the 1993 Gorham Comprehensive Plan, by promoting additional job opportunities and providing for development that is “carried out in a manner that is environmentally sound and which minimizes the impact on surrounding properties” (Chapter 3, Section 3.g); and

WHEREAS, a portion of the Property is located in an area shown on the Revised Land Use Plan in the Comprehensive Plan as “Neighborhood Center,” which calls for “a mix of land uses in these centers, including residential uses, services, small scale retail uses that primarily meet local needs, and specialty commercial uses that are appropriate to the area”; and

WHEREAS, the Town, by and through its Town Council, has determined that said rezoning will be pursuant to and consistent with the Town’s Comprehensive Plan and has authorized the execution of this Contract Zoning Agreement on 11/7, 2015;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. **Amendment of Zoning Map.** The Town will amend the Zoning Map of the Town of Gorham, as amended, a copy of which is on file at the Gorham Municipal Offices and

which is incorporated by reference in the Land Use and Development Code, Chapter I, Section I, Subsection C, by adopting the map change amendment shown on Attachment 1.

2. **Permitted uses.** The Property Owners are authorized to establish on the Property any of the following uses without additional Town Council authorization:

- a. Funeral home.
- b. Day Care Centers, as defined in Chapter I, Section V of the Land Use and Development Code.
- c. Business, Personal and Repair Service Establishments as defined in Chapter I, Section V of the Land Use and Development Code.
- d. Sit-down restaurants.
- e. Retail stores that are 7,000 square feet or less in total footprint.
- f. Professional offices, including real estate offices, medical offices, attorneys' offices, and similar offices that are not high generators of traffic.
- g. Banks.
- h. Any residential uses in existence on the Property on the date of this Agreement.
- i. Distilling and brewing.
- j. Residential dwelling units above the first floor as part of a mixed use building.
- k. Garden Center

No drive-through or drive-up facilities shall be allowed with any of the above-listed permitted uses, unless the Planning Board finds as part of site plan review, based upon a traffic study to be provided by the applicant, that the proposed use will not result in vehicles queuing in front of the proposed building or on the roadway serving the lot. The applicant for a use shall be responsible for all required traffic mitigation costs identified by the traffic study and/or the

Public Works Director and those required by the Planning Board. The applicant shall acquire any permits required by the Maine Department of Transportation.

3. **Additional uses allowed with Town Council approval.** The following uses may be established if specifically authorized by the Town Council:

Light industrial uses of 10,000 square feet or less in total floor area. Such uses shall include the assembly of materials but shall exclude basic processes such as smelting, refining, forging, and similar processes involving converting raw materials to a finished or semi-finished product. Examples of light industrial uses are bakeries, laboratories, and businesses that assemble materials into a finished product.

4. **Performance standards.** All development and uses shall be subject to all applicable performance standards set forth in Chapter II of the Land Use and Development Code.

5. **Dimensional requirements.** All development on the Property shall comply with the following dimensional requirements:

- a. Minimum lot size: None.
- b. Minimum street frontage: None.
- c. Minimum side and rear setbacks: 10 feet, unless the side or rear of a lot is located on Route 22/114.
- d. Minimum front setback: 10 feet, unless the lot has frontage on Route 22/114. For a lot without frontage, the front setback shall be measured from the property line parallel with the major access to the property.
- e. Minimum setback from Route 22/114: 40 feet for all uses.
- f. Maximum building height: None.
- g. Minimum setbacks from residential properties: 20 feet, measured from the property line.

6. **Other requirements.** All development on the property shall comply with the following requirements:

- a. The required minimum landscape buffer along Rt. 22/114 shall be 40 feet of plants and materials as required by the Planning Board for all uses.
- b. The site shall be designed to minimize the number of entrances and exits.
- c. As needed, the hours of operation will be established by the Planning Board.
- d. To the extent possible, parking shall be behind the building. The Planning Board may consider parking at the side of the building if an applicant can show a hardship, but under no circumstances shall parking be allowed in the front yard or in the required buffer area as stated in paragraph 6(a). For purposes of this section, the front yard for a lot without street frontage shall be considered to be the area between the property line parallel with the principal access to the property and the front of the building on the lot.
- e. All property shall pay normally assessed property taxes or if the property is otherwise exempt from property taxes, shall make a payment in lieu of property taxes that is equal to 100 % of the amount that would have been paid if the business was subjected to the property tax.
- f. The application fee for the contract zone normally due at the time the application is submitted shall be deferred. The applicant shall pay a \$3,500 application fee as a final condition for the completion of any required site plan review, or, if more than one lot is subject to this Contract Zoning Agreement, shall pay the deferred application fee for the contract zone in the amount of \$3,500 divided by the subject number of lots, up to the first 7 lots, with the first payment due at the completion of any required site plan review and the per lot payment for the remaining lots due at the closing for each of the respective lots.
- g. The applicant shall make a contribution of \$10,000 per lot or business unit for each lot sold towards the future extension of public sewer. The contribution shall be due at closing for each individual lot or business unit.
- h. The building and lot design shall be consistent with a traditional New England Village Character.
- i. Vehicular and pedestrian connections shall be required between parking lots located on the Property and parking lots located in any adjoining contract zones, with the location and design to be approved by the Planning Board during site plan review.
  1. The Planning Board may delay the construction of interconnected vehicular parking lots until a specific land use is being proposed at

the site. The vehicular parking lot connection shall be designed on the plans approved by the Planning Board, along with a condition identifying which uses will require the vehicular connection.

2. The required vehicular parking lot connection shall be made prior to the use permit being granted by the Code Enforcement Office for the land use specified by the Planning Board.
3. The determination for deciding whether a specific land use requires the construction of interconnected vehicular parking lots shall be made by the Town Planner. An applicant may appeal the Town Planner's determination to the Planning Board. The appeal will require the applicant to pay a site plan amendment fee and provide all necessary documentation in order for the Planning Board to make a determination regarding the land use in question.
  - j. Sidewalks shall be required along any roads created on the Property.
  - k. Signage on the Property shall be governed by the Roadside Environment requirements of Chapter II, Section III of the Land Use and Development Code.

7. **Agreement to be recorded.** The Property Owners shall record this Contract Zoning Agreement in the Cumberland County Registry of Deeds and shall submit proof of recording to the Gorham Code Enforcement Officer and the Town Planner before any site work is undertaken or any building permits are issued.

8. **Amendments to Agreement.** The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the property and shall be amended only upon further written agreement of the Town of Gorham and the Property Owners or their successors in interest to the Property.

9. **Site plan and subdivision review.** Approval of this Agreement will not serve as a waiver of site plan or subdivision review if otherwise required by the Land Use and Development Code.



The above stated restrictions, provisions, and conditions, are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Property Owners, any entity affiliated with the Property Owners that takes title to the Property, their successors and assigns, and any party in possession or occupancy of the Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives.

The provisions of this Agreement, including the permitted uses listed in paragraph 2 and 3 and the dimensional requirements, are intended to replace the uses and dimensional requirements of the existing Rural District. The above restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind the Property Owners, their successors in interest and any assigns of said Property or any part thereof or interest therein, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town of Gorham.

If any of the restrictions, provisions, conditions, or portions of this Agreement is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use and Development Code of the Town of Gorham and any applicable amendments thereto or replacement thereof.

This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and the Land Use and Development Code. Following any determination of a zoning violation by the Court or the Code

Enforcement Officer, the Town Council, after recommendation of the Planning Board, may amend, modify or rescind its conditional rezoning of the site.

In the event that the Property Owners or their successors or assigns fail to develop and operate the project in accordance with this Agreement, or in the event of any other breach of any condition set forth in this Agreement, the Town Council shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to develop or operate. The resolution may include a termination of the Agreement by the Town Council and a rezoning of the Property to the prior or any successor zoning districts. In such an event, the Property shall then be used only for such other uses as are otherwise allowed by law.

WITNESS:

Jeri L. Sheldon

TOWN OF GORHAM

David O. Cole

David O. Cole  
Its Town Manager  
(duly authorized by vote of the Gorham  
Town Council on April 7, 2015)

Barry King  
Barry King

STATE OF MAINE  
CUMBERLAND, ss

April 13, 2015

Personally appeared the above-named David O. Cole, in his capacity as Town Manager for the Town of Gorham, and made oath that the foregoing instrument is his free act and deed in his said capacity and the free act and deed of the Town of Gorham.

Bethany Benson  
Notary Public/Attorney at Law

Bethany Benson  
Print Name

SEAL

STATE OF MAINE

BETHANY M. BENSON  
Notary Public, Maine  
My Commission Expires September 11, 2017

CUMBERLAND, ss

April 13, 2015

Personally appeared the above-named Barry King and made oath that the foregoing instrument is his free act and deed.

*Bethany Benson*  
Notary Public/Attorney at Law

Bethany Benson  
Print Name

BETHANY M. BENSON  
Notary Public, Maine  
My Commission Expires September 11, 2020

SEAL

Received  
Recorded Register of Deeds  
Apr 27, 2015 08:27:19A  
Cumberland County  
Nancy A. Lane