

AGENDA NOTES

Gorham Town Council Regular Meeting

January 7, 2020 – 6:30pm

Burleigh H. Loveitt Council Chambers

****Starting in January 2020, we have rolled out a new Council Item and Order numbering system to better track items and orders throughout the year. Each month, item numbers will start with a four-digit year, followed by the month, then the item number starting with 1 until all items for that month are completed (2020-1-1). Order numbers will have two digits for the year and will start at number 1 in January and run consecutively throughout the year (20-001). Item numbers using the old format, i.e. - "9522" will still appear on Council agendas as they are brought back to the Council from committees and the Planning Board until the items are resolved, but will include new order numbers with the new system every time they appear for a vote before the Council.**

Public

Hearing #1

On Item #2020-1-2

Public hearing on a proposal to issue a new Liquor License to Azul Tequila, LLC. (Admin. Spon.)

Public hearing and vote on a new Liquor License at 29 School Street, Azul Tequila, LLC. Staff report that the application is complete. New Mexican restaurant in the former location of the Blue Pig off of State Street.

Public

Hearing #2

On Item #2020-1-3

Public hearing on a proposal to issue a renewal Liquor License to Sebago Brewing Company. (Admin. Spon.)

Public hearing and vote on a renewal Liquor License to Sebago Brewing Company, lower Main Street location.

Public

Hearing #3

On order #2020-1-4

Public hearing on a proposal to issue a renewal Special Amusement License to Sebago Brewing Company. (Admin. Spon.)

Public hearing and vote on a renewal Special Amusement License for Sebago Brewing at the lower Main Street location.

Public

Hearing #4

On order #2020-1-5

Public hearing on a proposal to amend Chapter 7 of the Land Use and Development Code. (Admin. Spon.)

This item and proposed order would amend the Land Use & Development Code Impact Fee language in Section 7-1.G to allow waiving fees charged to industrial uses, if no new net dwelling units are created because a dwelling unit is demolished or replaced and also allows for a reimbursement of a fee under that section for up

to five years prior to July 1, 2019 if an application is made to the Director of Community Development and Town Council approval is given. Planning Board language is included in the proposed order and recommended by staff.

Item # 2020-1-6

Action to consider hearing a presentation from Portland West Rail & Trail Alliance. (Councilor Hartwell Spon.)

A presentation by the Portland West Rail & Trail Alliance will be made after the order is seconded by the Council. The order is a general directive for staff to work with the non-profit to promote the eventual use of the local rail network for commuter services into the Portland area.

Item # 2020-1-7

Action to consider two resignations from the Conservation Commission. (Admin. Spon.)

Formal acceptance of two resignations from the Conservation Commission.

Item # 2020-1-8

Action to consider naming the new "Bike Park" off of Weeks Road. (Councilor Philips Spon.)

This item and proposed order would officially name the new Pump Track located off of Weeks Road as the "Lavoie Bike Park" in recognition of Rob Lavoie's dedication to the Conservation Commission and the project.

Item # 2020-1-9

Action to reconsider Order # 9528 from the December 3, 2019 Regular Town Council Meeting. (Councilor Hartwell Spon.)

This item and order would reconsider the Council's vote of Order 9528 from the December 3, 2019 Town Council meeting where the Council voted to send a proposed amendment of the Contract Zone of Hans Hansen in South Gorham to the Ordinance Committee for review. The vote on Order # 20-009 on the agenda is to first reconsider the item. If that order passes, the Council will take another vote on the original order which reads as the following:

Proposed
Order #9528

Ordered, that the Town Council forward to the Ordinance Committee, for their recommendation, a proposal to amend the contract zone of Hans Hansen in South Gorham to allow for senior housing units.

Item # 2020-1-10

Action to consider instructing staff to prepare recommendations on updates to the Employees Personnel Policy for Ordinance Committee review and recommendation. (Councilor Philips Spon.)

This item and order is at the request of the Town Manager's Office to start the process of general updates to the Town's Personnel Policy which has not been updated since 2015. Staff will prepare general recommendations on legal updates, etc. for committee review and potential adoption. A copy of the current policy can be found on the Town's website under ordinances.

Item # 2020-1-11

Action to consider instructing the Finance Committee to review Portland Water District Sewer rates for the Town of Gorham. (Councilor Philips Spon.)

This item and order would instruct the Finance Committee to review Portland Water District (PWD) Sewer rates, which are set by the Town. Staff meets with the PWD yearly to discuss long term outlook, financial status and other issues. The PWD has determined that future projects they are constructing that impact the Gorham sewer system may eventually require that rates be increased to cover these expenditures. The last time that Gorham increased rates was in 2006, the longest period of any community served by the PWD.

Item # 2020-1-12

Action to consider accepting Benjamin Way as a public way. (Admin. Spon.)

This item would accept Benjamin Way as a public road, which is a dead end roadway off of Clay Road. Memos from the Public Works Director and Community Development Director are attached. Also included is information from the MMA Roads manual and an article from Strong Towns at the request of Councilor Hartwell.

Item # 2020-1-13

Action to consider accepting Burton Drive as a public way. (Admin. Spon.)

This item would accept Burton Drive as a public road which is a cul-de-sac subdivision roadway off of Files Road. Memos from the Public Works Director and Community Development Director are attached. Also included is information from the MMA Roads manual and an article from Strong Towns at the request of Councilor Hartwell.

Item # 2020-1-14

Action to consider appointing three Councilors to the Comprehensive Plan Amendment Committee. (Admin. Spon.)

This item and proposed order would appoint three Town Councilors to the Comprehensive Plan Amendment Committee, which has been tasked with looking at the map zones of South Gorham. A motion will need to be made at the meeting to appoint three specific Councilors. The committee is comprised of a total of seven members, which includes three Councilors, one Planning Board member, one GEDC member and two members from the last Comprehensive Plan Committee.

Item # 2020-1-15

Action to consider instructing staff to review traffic calming measures on state collector roads approaching the Gorham Village. (Councilor Hartwell, Wilder Cross, Hager and Pratt Spon.)

This item and proposed order would instruct staff to bring recommendations to the Town Council on traffic calming measures on the state roadway approaches to the Gorham Village. To date, Town departments have been collecting speed data on South Street and researching approved traffic control devices that are permitted to be installed in these areas. Recommendations would be brought back to the Council in the spring of 2020.

Item # 9522

Action to consider accepting the recommendation of the Ordinance Committee to amend the Land Use & Development Code to allow for Self-Storage Facilities in the Roadside Commercial Zone. (Ordinance Committee Spon.)

Item 9522 and proposed Order #20-016, would accept the recommendation of the Ordinance Committee that Self-Storage Facilities be allowed in the Roadside Commercial District. The Committee also recommended that the Planning Board incorporate basic design standards into the language that they return to the Town Council.

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT



Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

Section I: Type of License, Status and Applicant Information

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: _____

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$ 8,000.00/month Beer, Wine or Spirits: \$ 2,000.00/month Guest Rooms: _____

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

3. Indicate the type of license applying for: (choose only one)

- Restaurant (Class I, II, III, IV) Class A Restaurant/Lounge (Class XI) Class A Lounge (Class X)
- Hotel (Class I, II, III, IV) Hotel – Food Optional (Class I-A) Bed & Breakfast (Class V)
- Golf Course with auxiliary and mobile cart options (Class I, II, III, IV) Tavern (Class IV)
- Qualified Caterer Self-Sponsored Events (Qualified Caterers Only)

Other: _____

Refer to Section VI For Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

01/27/2020

Section II: Licensee/Applicant(s) Information

Legal Business Entity Applicant Name (corporation, LLC): Azul Tequila, LLC	Business Name (D/B/A): Azul Tequila
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 29 School Street, Gorham, ME 04038
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: juangdl@live.com
Telephone # Fax #: (614) 254-4976	Business Telephone # Fax #:
Federal Tax Identification Number: 84-3701892	Maine Seller Certificate # or Sales Tax #: - Applied for 12-4-19
Federal Basic Permit Number:	Website address:

1. Business records are located at the following address:

29 School Street, Gorham, ME 04038

2. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Attachment 1 at the end of this application

3. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
El Grand Rodeo	CAR201810888	147 Western Ave. South Portland, ME 04106

4. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Juan Sanchez Mata	08/19/1986	Guanajuato, Mexico
Isle Priscila Fernandez Herrera	04/21/1989	Guadalajara, Mexico

Residence address on all of the above for previous 5 years

Name Address:
Juan Sanchez Mata Scarborough, ME
Name Address:
Isle Priscila Fernandez Herrera Scarborough, ME
Name Address:
Name Address:

5. Is the licensee/applicant(s) citizens of the United States? Yes No

6. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

7. For a licensee/applicant who is a business entity as noted in Section II, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No Not applicable – licensee/applicant(s) is a sole proprietor

8. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No

9. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

10. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

11. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

12. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

13. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

JCS2, LLC, 20 Mechanic St., Gorham, ME 04038

14. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

15. Do you permit dancing or entertainment on the licensed premises? Yes No

If yes, please check that you have received authorization from the municipality in which you are doing business to conduct this type activity.

The licensee/applicant affirms that permission has been granted by the municipality for dancing or other allowed entertainment at this place of business.

16. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section III. (Use additional pages as needed)

Retail restaurant area

17. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: First Parish Congregational Church

Distance: 300 feet

Section III: Signature; Fee; Delivery of application

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 12/04/2019



 Signature of Duly Authorized Person*

 Signature of Duly Authorized Person*

Juan Sanchez Mata

 Printed Name Duly Authorized Person

 Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VIII on this application.

**Section IV: For use by Municipal Officers and County Commissioners only
 Approval of an application for an on-premises liquor license –**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 County Commissioners of _____ County

Signature of Officials	Printed Name and Title

This Approval Expires in 60 Days

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section V: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section VI: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<u>Class of License</u>	<u>Type of liquor/Establishments included</u>	<u>Fee</u>
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

Section VII Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

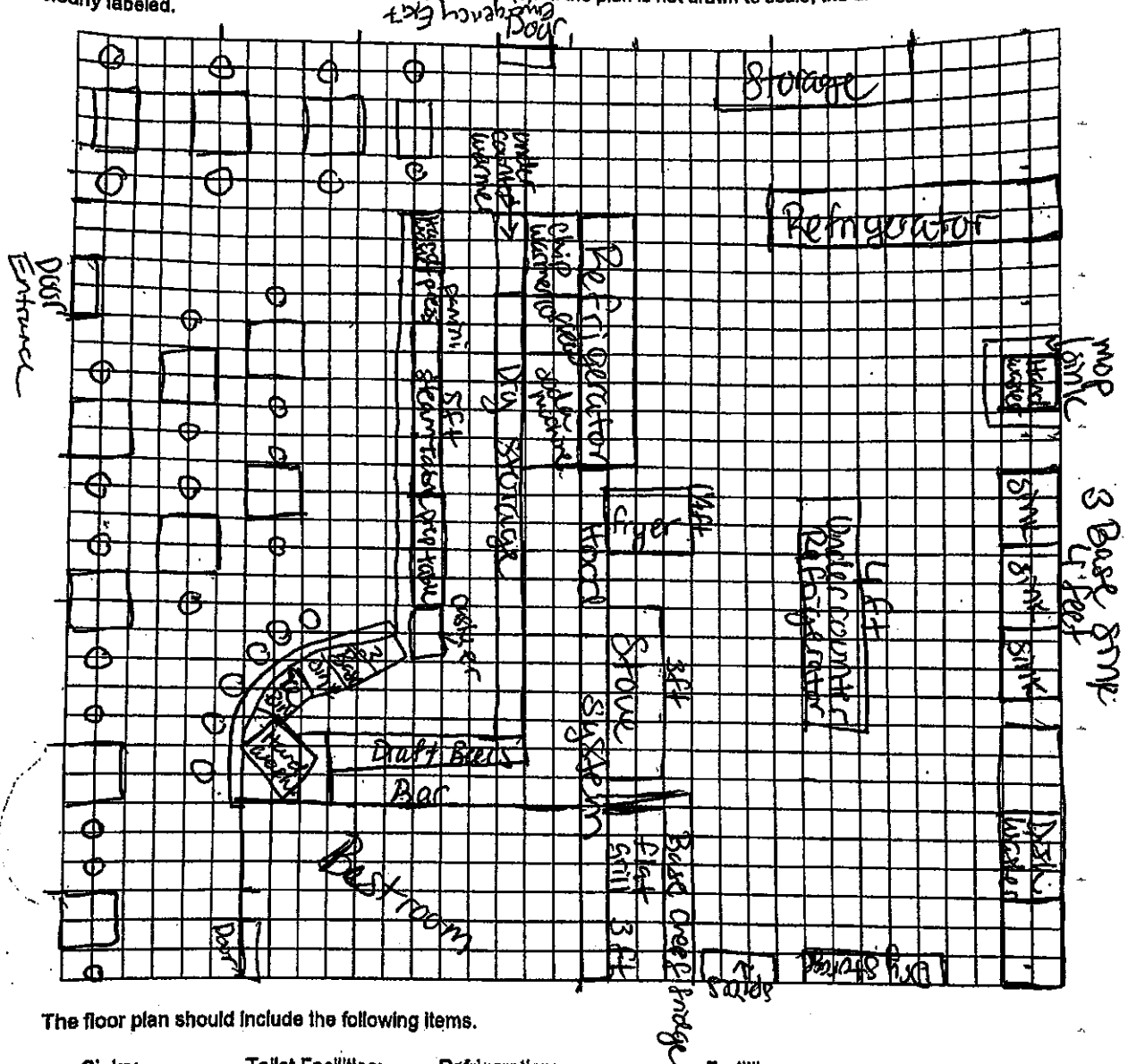
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

Attached as Exhibit "A"

Exhibit "A"

9: Kitchen or Food Preparation Area Plan:

Use this grid or a separate sheet of graph paper to draw a floor plan, or provide a floor plan prepared by a knowledgeable party, for eating place food preparation area(s)/kitchen(s). If the plan is not drawn to scale, the dimensions must be clearly labeled.



The floor plan should include the following items.

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
1. Hand Washing	1. Toilets	1. Walk-In Coolers	1. Food Preparation Areas
2. Ware Washing	2. Sinks	2. Walk-In Freezers	2. Food Storage Areas
3. Utility	3. Urinals	3. Freestanding Coolers	3. Trash/Refuse/Redemption Areas
4. Food Prep	4. Other	4. Freestanding Freezers	4. Dining Areas
5. Dipper Wells		5. Ice Maker	5. Equipment/Counters/Seats/Tables
6. Other		6. Other	6. Dry Storage/All Other Storage

Section VIII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section II of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Azul Tequila, LLC
2. Doing Business As, if any: Azul Tequila
3. Date of filing with Secretary of State: 11/13/2019 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Juan Sanchez Mata	Scarborough, ME		Manager	50.0000
Ilse Priscila Fernandez Herrera	Scarborough, ME		Manager	50.0000

(Ownership in non-publicly traded companies must add up to 100%.)

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA:	YES <input type="checkbox"/> NO <input type="checkbox"/>

PRESENT LICENSE EXPIRES: 02/22/2020

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV) RESTAURANT/LOUNGE (Class XI) CLASS A LOUNGE (Class X)
 HOTEL (Class I,II,III,IV) HOTEL, FOOD OPTIONAL (Class I-A) BED & BREAKFAST (Class V)
 GOLF COURSE (Class I,II,III,IV) TAVERN (Class IV)
 QUALIFIED CATERING
 OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Sebago Brewing Company	Business Name (D/B/A) Sebago Brewing Company
APPLICANT(S) –(Sole Proprietor) DOB:	Physical Location: 616 Main St
DOB:	City/Town State Zip Code Gorham ME 04038
Address 616 Main St	Mailing Address 616 Main St
City/Town State Zip Code Gorham ME 04038	City/Town State Zip Code Gorham ME 04038
Telephone Number Fax Number 207 856-2537	Business Telephone Number Fax Number 207 856-2537
Federal I.D. # 01-0515966	Seller Certificate #: or Sales Tax #:
Email Address: Please Print harv@sebagobrewing.com	Website: Sebagobrewing.com

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license:

ROOMS \$ _____ FOOD \$ 1,138,377 LIQUOR \$ 799,123

3. Is applicant a corporation, limited liability company or limited partnership? YES NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

18. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2 mile

Which of the above is nearest? School

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: SBA Loan from TD Bank

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Gorham, ME on 12/11, 20 19
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

G Scott Harvey (Harv)

Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be <u>included</u> on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns;	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	

P

pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control: [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner: [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises: [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title: [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601: and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD) .]

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A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

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An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

*Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov*



ON PREMISE DIAGRAM
(Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • **Entrances** • **Office area** • **Kitchen** • **Storage Areas** • **Dining Rooms** • **Lounges** • **Function Rooms** • **Restrooms** • **Decks** • **All Inside and Outside areas that you are requesting approval.**

See Attached



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

**Corporate Information Required for
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Sebago Brewing Company
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: February 97 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Kai Adams	5 Sylvan Dr, Falmouth, ME 04105		Vice President	33 1/3
Timothy Haines	PO Box 786, Gorham, ME 04038. 309 Mosher Dr, Gorham, ME		Treasurer	33 1/3
Brad Monarch	8 Yankee Dr, Windham, ME 04062		President	33 1/3
G Scott Harvey	18 Galvin St, Portland, ME 04103		Brewery Admin.	0

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? Yes No

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Owner or Corporate Officer






Date

G Scott Harvey (Harv)
Print Name of Owner or Corporate Officer

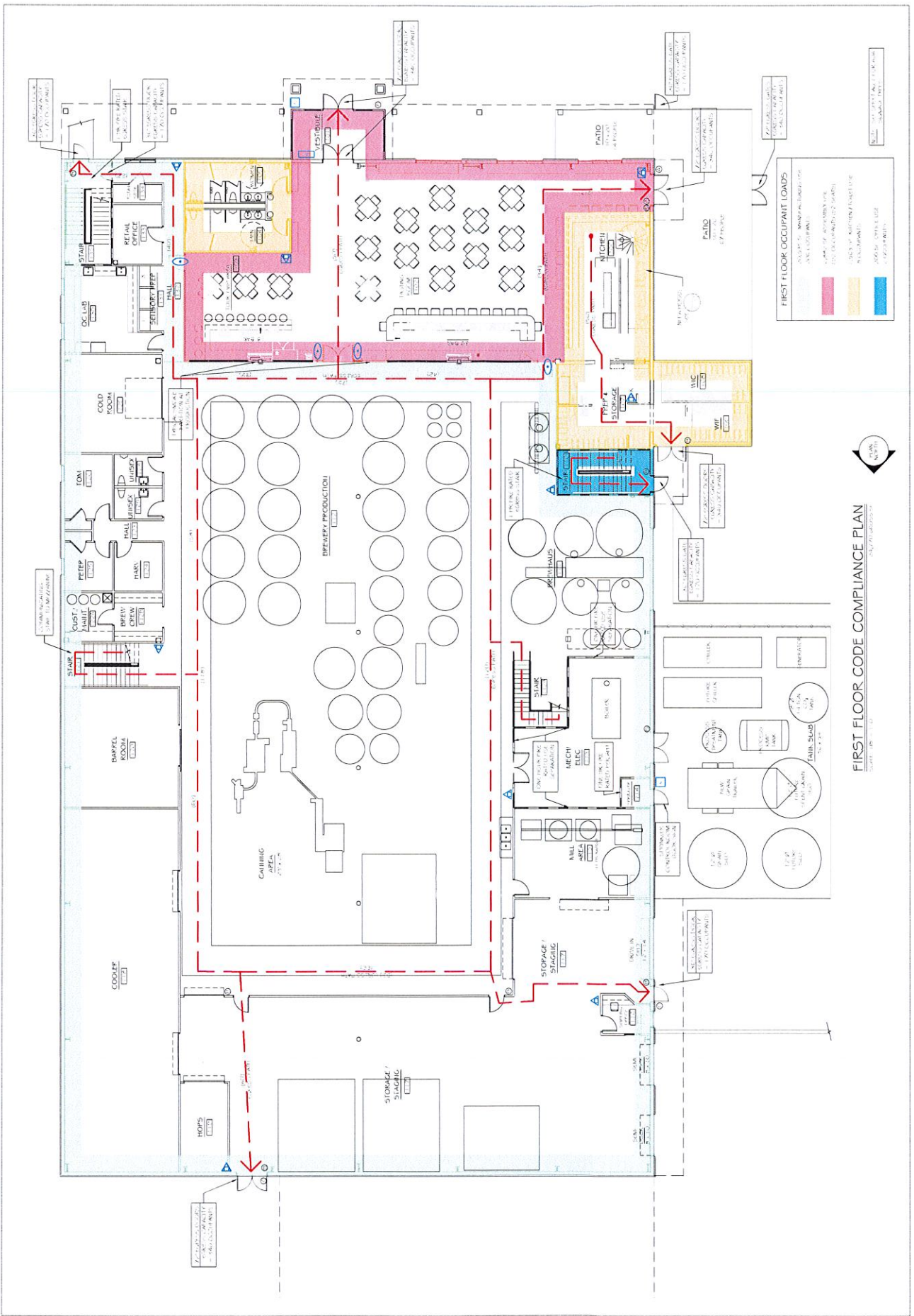
Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

#5. License #	Name	Address
5935	Sebago Brewing Company	29 Elm St, Gorham, ME 04038
5153	Sebago Brewing Company	201 Southborough Dr, Scarborough, ME 04074
7680	Sebago Brewing Company	67 Portland Rd, Kennebunk, ME 04043
5672	Sebago Brewing Company	211 Fore St, Portland, ME 04101

#10	Name	DOB	Place of Birth
	Kai Adams		Munich, Germany
	Brad Monarch		Marlborough, MA
	Timothy Haines		Beverly, MA
	G Scott Harvey		Fort Ord, CA
	Matt St Hilaire		Lewiston, ME

#11	Name	City	State
	Kai Adams	Falmouth	ME
	Timothy Haines	Gorham	ME
	Brad Monarch	Windham	ME
	G Scott Harvey	Portland	ME
	Matt St Hilaire	S. Portland	ME



FIRST FLOOR CODE COMPLIANCE PLAN



Laurie Nordfors <lnordfors@gorham.me.us>

(no subject)

Robert Lefebvre <rlefebvre@gorham.me.us>
To: Laurie Nordfors <lnordfors@gorham.me.us>

Mon, Dec 16, 2019 at 2:44 PM

fire is all set

[Quoted text hidden]

[Quoted text hidden]



NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.



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Laurie Nordfors <lnordfors@gorham.me.us>

(no subject)

Christopher Sanborn <csanborn@gorham.me.us>

Mon, Dec 16, 2019 at 3:01 PM

To: Laurie Nordfors <lnordfors@gorham.me.us>

Cc: Charles Jarrett <cjarrett@gorham.me.us>, Freeman Abbott <fabott@gorham.me.us>, Robert Lefebvre <rlefebvre@gorham.me.us>, Sharon Laflamme <slaflamme@gorham.me.us>

Police Department is all set

On Mon, Dec 16, 2019 at 2:43 PM Laurie Nordfors <lnordfors@gorham.me.us> wrote:

[Quoted text hidden]



NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

Christopher Sanborn
Chief of Police
Gorham Police Department
270 Main Street
Gorham, Maine 04038

Telephone (207) 222-1660
FAX (207) 839-5045
csanborn@gorham.me.us
www.gorham-me.org

[Quoted text hidden]



Laurie Nordfors <lnordfors@gorham.me.us>

Re: code is all set

1 message

Freeman Abbott <fabbott@gorham.me.us>

Mon, Dec 16, 2019 at 8:37 PM

To: Christopher Sanborn <csanborn@gorham.me.us>

Cc: Charles Jarrett <cjarrett@gorham.me.us>, Laurie Nordfors <lnordfors@gorham.me.us>, Robert Lefebvre <rlefebvre@gorham.me.us>, Sharon Laflamme <slaflamme@gorham.me.us>

On Mon, Dec 16, 2019 at 3:00 PM Christopher Sanborn <csanborn@gorham.me.us> wrote:

Police Department is all set

On Mon, Dec 16, 2019 at 2:43 PM Laurie Nordfors <lnordfors@gorham.me.us> wrote:

Hello,

Sebago Brewing Company has applied for their renewal liquor license and special amusement license. Please let me know if you have any issues with either.

Thank you,

Laurie

Laurie K Nordfors, CCM

Town Clerk

Registrar of Voters

Motor Vehicle Agent

Assistant Tax Collector

Town of Gorham

75 South Street

Gorham, ME 04038

207-222-1670

fax - 207-839-5036



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--

Christopher Sanborn

Chief of Police

Gorham Police Department

270 Main Street

Gorham, Maine 04038

Telephone (207) 222-1660



Laurie Nordfors <lnordfors@gorham.me.us>

Re:

1 message

Sharon Laflamme <slaflamme@gorham.me.us>
To: Laurie Nordfors <lnordfors@gorham.me.us>

Tue, Dec 17, 2019 at 11:27 AM

Taxes are all set

Sharon

Sharon LaFlamme
Finance Director
Town of Gorham
75 South Street, Ste., 1
Gorham, ME 04038
207-222-1611
slaflamme@gorham.me.us

On Mon, Dec 16, 2019 at 2:43 PM Laurie Nordfors <lnordfors@gorham.me.us> wrote:

Hello,
Sebago Brewing Company has applied for their renewal liquor license and special amusement license.
Please let me know if you have any issues with either.

Thank you,
Laurie
Laurie K Nordfors, CCM
Town Clerk
Registrar of Voters
Motor Vehicle Agent
Assistant Tax Collector
Town of Gorham
75 South Street
Gorham, ME 04038
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BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA:	YES <input type="checkbox"/> NO <input type="checkbox"/>

PRESENT LICENSE EXPIRES: 02/22/2020

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV) RESTAURANT/LOUNGE (Class XI) CLASS A LOUNGE (Class X)
 HOTEL (Class I,II,III,IV) HOTEL, FOOD OPTIONAL (Class I-A) BED & BREAKFAST (Class V)
 GOLF COURSE (Class I,II,III,IV) TAVERN (Class IV)
 QUALIFIED CATERING
 OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Sebago Brewing Company	Business Name (D/B/A) Sebago Brewing Company
APPLICANT(S) –(Sole Proprietor) DOB:	Physical Location: 616 Main St
DOB:	City/Town State Zip Code Gorham ME 04038
Address 616 Main St	Mailing Address 616 Main St
City/Town State Zip Code Gorham ME 04038	City/Town State Zip Code Gorham ME 04038
Telephone Number Fax Number 207 856-2537	Business Telephone Number Fax Number 207 856-2537
Federal I.D. # 01-0515966	Seller Certificate #: or Sales Tax #:
Email Address: Please Print harv@sebagobrewing.com	Website: Sebagobrewing.com

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license:

ROOMS \$ _____ FOOD \$ 1,138,377 LIQUOR \$ 799,123

3. Is applicant a corporation, limited liability company or limited partnership? YES NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES NO

5. Do you own or have any interest in any another Maine Liquor License? Yes No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

_____ See attached
License # Name of Business

Physical Location _____ City / Town _____

6. If manager is to be employed, give name: Matt St Hilaire

7. Business records are located at: 616 Main St, Gorham, ME 04038

8. Is/are applicants(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES NO

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
See attached		
11. Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Name: <u>See attached</u>	City:	State:
Name:	City:	State:
Name:	City:	State:

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United

States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____

Disposition: _____ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes No If Yes, give name: _____

14. Has/have applicant(s) formerly held a Maine liquor license? YES NO

15. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

KBT Realty LLC, 616 Main St, Gorham, ME 04038

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

Open seating concept Restaurant with patio and lawn

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: _____

18. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2 mile

Which of the above is nearest? School

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: SBA Loan from TD Bank

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Gorham, ME on 12/11, 20 19
Town/City, State Date



Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

G Scott Harvey (Harv)

Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
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CLASS I-A: Hotels only that do not serve three meals a day.	
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Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov*



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See Attached



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Sebago Brewing Company
- Doing Business As, if any: _____
- Date of filing with Secretary of State: February 97 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Kai Adams	5 Sylvan Dr, Falmouth, ME 04105	[REDACTED]	Vice President	33 1/3
Timothy Haines	PO Box 786, Gorham, ME 04038. 309 Mosher Dr, Gorham, ME		Treasurer	33 1/3
Brad Monarch	8 Yankee Dr, Windham, ME 04062		President	33 1/3
G Scott Harvey	18 Galvin St, Portland, ME 04103		Brewery Admin.	0

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? Yes No

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Owner or Corporate Officer






Date

G Scott Harvey (Harv)
Print Name of Owner or Corporate Officer

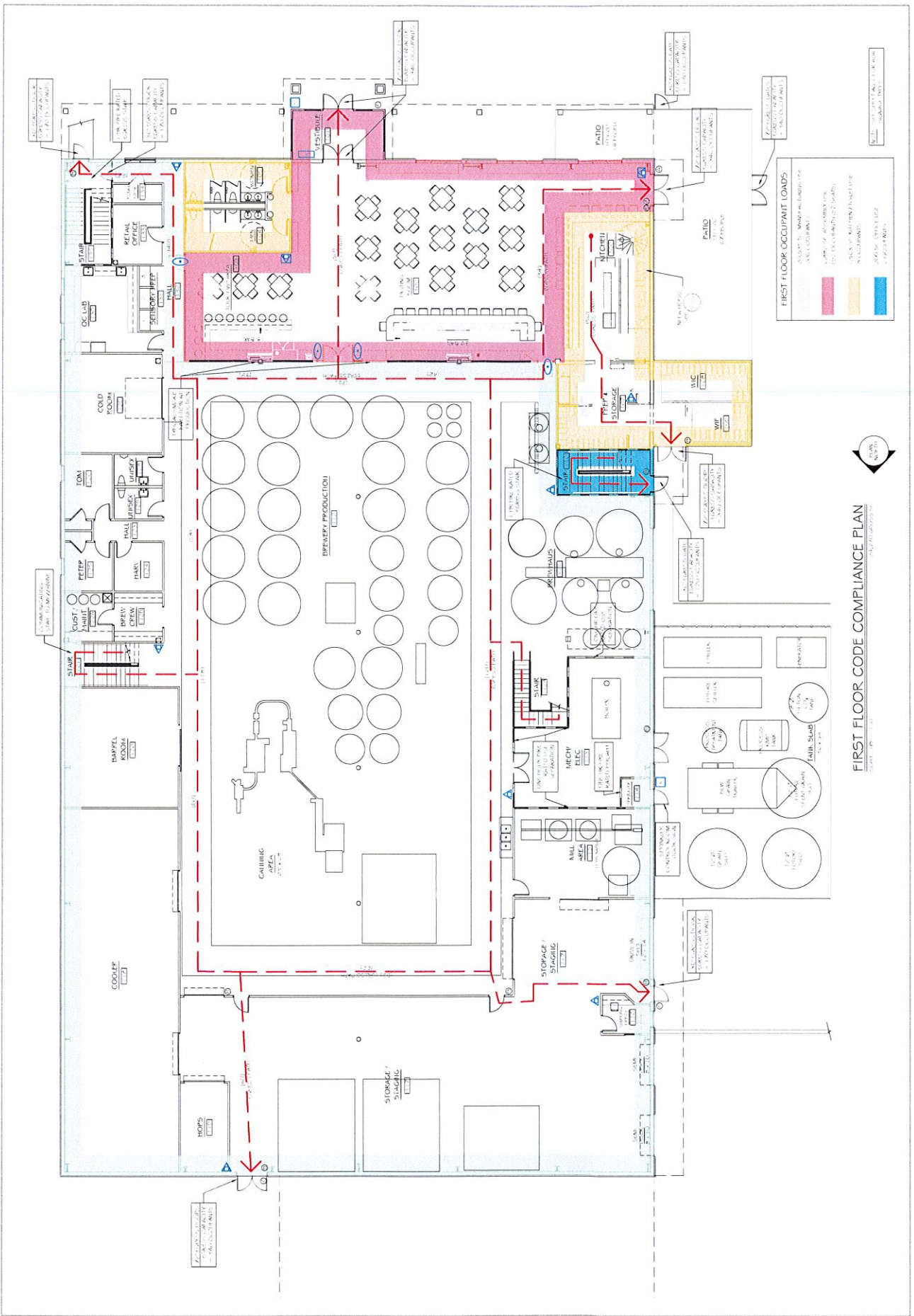
Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

#5. License #	Name	Address
5935	Sebago Brewing Company	29 Elm St, Gorham, ME 04038
5153	Sebago Brewing Company	201 Southborough Dr, Scarborough, ME 04074
7680	Sebago Brewing Company	67 Portland Rd, Kennebunk, ME 04043
5672	Sebago Brewing Company	211 Fore St, Portland, ME 04101

#10	Name	DOB	Place of Birth
	Kai Adams		Munich, Germany
	Brad Monarch		Marlborough, MA
	Timothy Haines		Beverly, MA
	G Scott Harvey		Fort Ord, CA
	Matt St Hilaire		Lewiston, ME

#11	Name	City	State
	Kai Adams	Falmouth	ME
	Timothy Haines	Gorham	ME
	Brad Monarch	Windham	ME
	G Scott Harvey	Portland	ME
	Matt St Hilaire	S. Portland	ME



FIRST FLOOR OCCUPANT LOADS

100 PER 150 SQ. FT. (GENERAL OCCUPANCY)
 150 PER 100 SQ. FT. (KITCHEN / SERVICE)
 100 PER 100 SQ. FT. (STORAGE)
 100 PER 100 SQ. FT. (OFFICE)



FIRST FLOOR CODE COMPLIANCE PLAN





Laurie Nordfors <lnordfors@gorham.me.us>

(no subject)

Robert Lefebvre <rlefebvre@gorham.me.us>
To: Laurie Nordfors <lnordfors@gorham.me.us>

Mon, Dec 16, 2019 at 2:44 PM

fire is all set

[Quoted text hidden]

[Quoted text hidden]



NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.



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Laurie Nordfors <lnordfors@gorham.me.us>

(no subject)

Christopher Sanborn <csanborn@gorham.me.us>

Mon, Dec 16, 2019 at 3:01 PM

To: Laurie Nordfors <lnordfors@gorham.me.us>

Cc: Charles Jarrett <cjarrett@gorham.me.us>, Freeman Abbott <fabott@gorham.me.us>, Robert Lefebvre <rlefebvre@gorham.me.us>, Sharon Laflamme <slaflamme@gorham.me.us>

Police Department is all set

On Mon, Dec 16, 2019 at 2:43 PM Laurie Nordfors <lnordfors@gorham.me.us> wrote:

[Quoted text hidden]



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Christopher Sanborn
Chief of Police
Gorham Police Department
270 Main Street
Gorham, Maine 04038

Telephone (207) 222-1660
FAX (207) 839-5045
csanborn@gorham.me.us
www.gorham-me.org

[Quoted text hidden]



Laurie Nordfors <lnordfors@gorham.me.us>

Re: code is all set

1 message

Freeman Abbott <fabbott@gorham.me.us>

Mon, Dec 16, 2019 at 8:37 PM

To: Christopher Sanborn <csanborn@gorham.me.us>

Cc: Charles Jarrett <cjarrett@gorham.me.us>, Laurie Nordfors <lnordfors@gorham.me.us>, Robert Lefebvre <rlefebvre@gorham.me.us>, Sharon Laflamme <slaflamme@gorham.me.us>

On Mon, Dec 16, 2019 at 3:00 PM Christopher Sanborn <csanborn@gorham.me.us> wrote:
Police Department is all set

On Mon, Dec 16, 2019 at 2:43 PM Laurie Nordfors <lnordfors@gorham.me.us> wrote:

Hello,
Sebago Brewing Company has applied for their renewal liquor license and special amusement license.
Please let me know if you have any issues with either.

Thank you,
Laurie
Laurie K Nordfors, CCM
Town Clerk
Registrar of Voters
Motor Vehicle Agent
Assistant Tax Collector
Town of Gorham
75 South Street
Gorham, ME 04038
207-222-1670
fax - 207-839-5036



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--
Christopher Sanborn
Chief of Police
Gorham Police Department
270 Main Street
Gorham, Maine 04038

Telephone (207) 222-1660



Laurie Nordfors <lnordfors@gorham.me.us>

Re:

1 message

Sharon Laflamme <slaflamme@gorham.me.us>
To: Laurie Nordfors <lnordfors@gorham.me.us>

Tue, Dec 17, 2019 at 11:27 AM

Taxes are all set

Sharon

Sharon LaFlamme
Finance Director
Town of Gorham
75 South Street, Ste., 1
Gorham, ME 04038
207-222-1611
slaflamme@gorham.me.us

On Mon, Dec 16, 2019 at 2:43 PM Laurie Nordfors <lnordfors@gorham.me.us> wrote:

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Sebago Brewing Company has applied for their renewal liquor license and special amusement license.
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Thank you,
Laurie
Laurie K Nordfors, CCM
Town Clerk
Registrar of Voters
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PWR**PWR**Portland West Rail+Trail
ALLIANCE

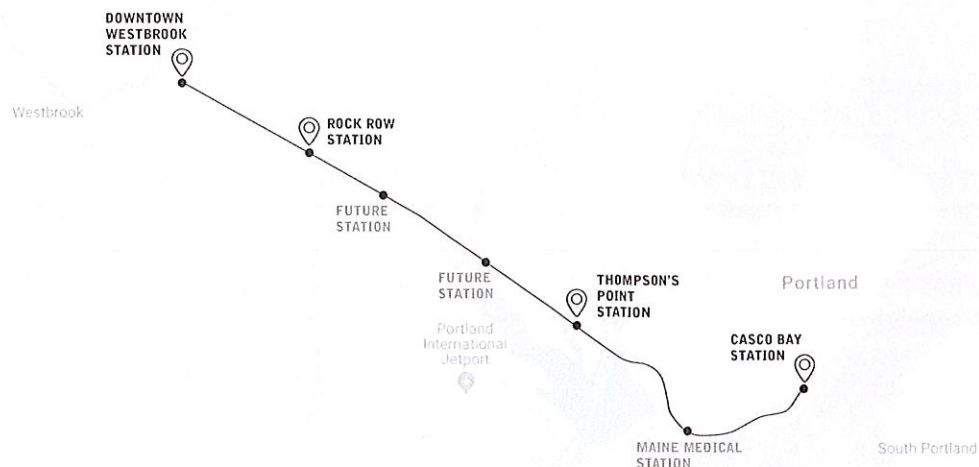
JOINING FORCES FOR A GREENER, MORE CONVENIENT COMMUTE

Portland West Rail+Trail Alliance (PWR Alliance) is a coalition of individuals and businesses that support creating a commuter rail line and paved pedestrian trail from downtown Portland to downtown Westbrook. As the Greater Portland area grows, both in terms of year-round population and as a tourism destination, a commuter rail-with-trail line is one of several public transportation and infrastructure solutions that, working in concert with one another, can make it easier to get in and out of the city and explore the surrounding areas.

THE ROUTE

A commuter rail service could be created by bringing existing unused tracks back into service, and adding two new terminal stations — one on Commercial Street in Portland near the Casco Bay Bridge and one on Main Street in Westbrook, either adjacent to the existing Stockhouse Station restaurant or across the street. Two intermediate stations would also be created — one at the Portland Transportation Center (Thompson’s Point) and another at Rock Row, with the possibility of adding up to three additional stops in the future. Continuing to expand the line westward along existing tracks (which run through Gorham, the lakes region, and beyond) would be another natural next phase.

Rolling parallel trail plans into the commuter rail planning process would be an affordable and efficient way for Portland and Westbrook to apply for Federal funds that are already designated specifically for railroad corridor trails. When completed, the trail would connect Portland’s West end with Westbrook and the Sebago to the Sea trail beyond.



PWR ALLIANCE MEMBERS

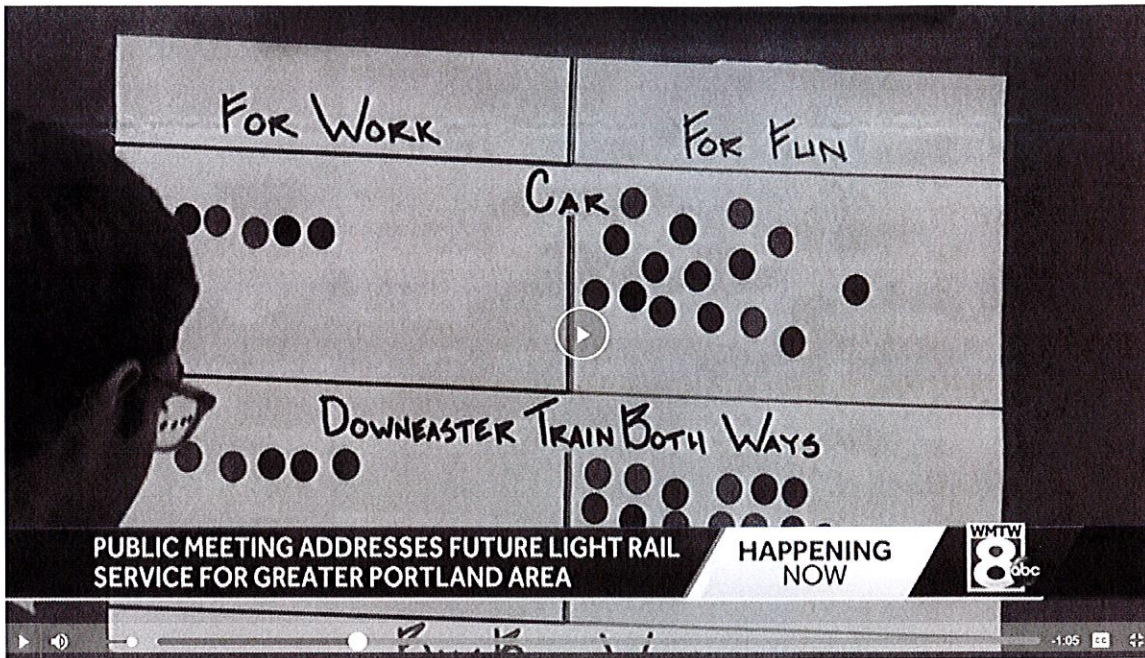
The following businesses and organizations lend their support to the Portland-to-Westbrook commuter rail+trail initiative:



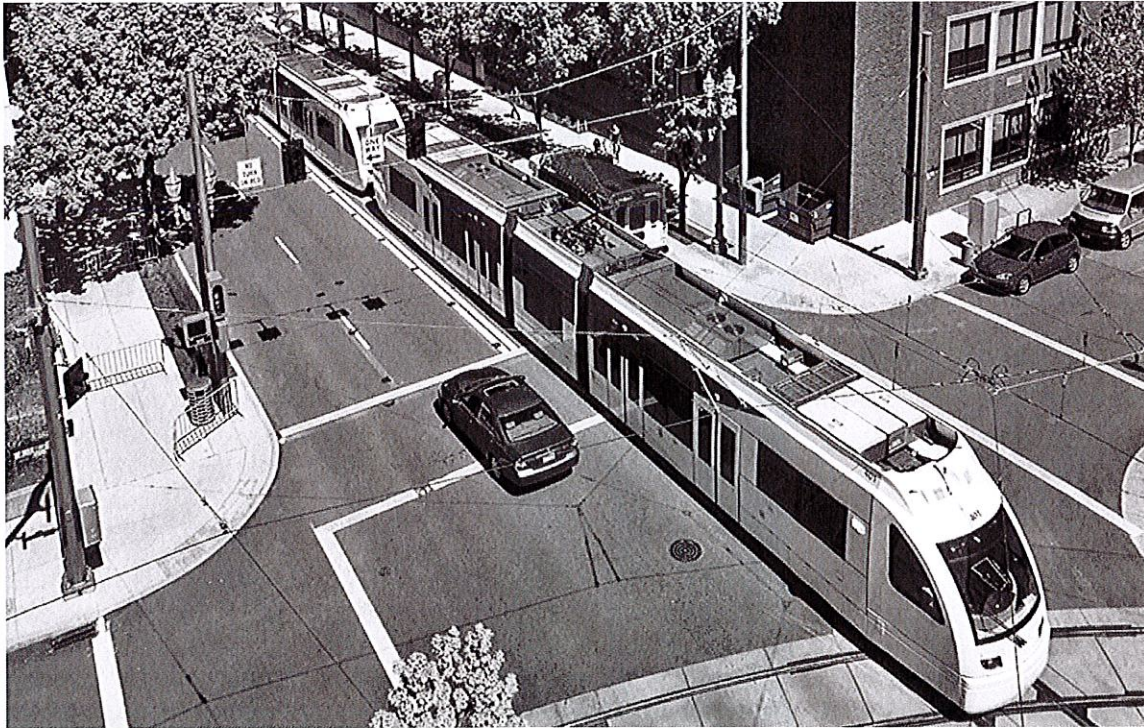
“ The current model, honestly, isn’t work

“It’s a real balancing act between growing Maine and gro with but stand behind ... it is imperative that we find new current model, honestly, isn’t working. I am proud that pro during my administration, are helping companies establish two. And the Portland West Rail with Trail is the kind of i reliable transporta

Senior advisor for Ecor



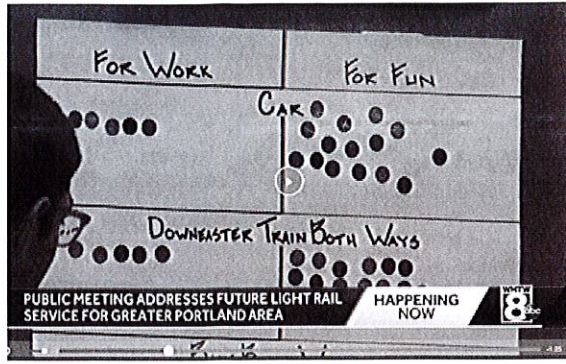
GPCOG collects public input on Maine's transportation future



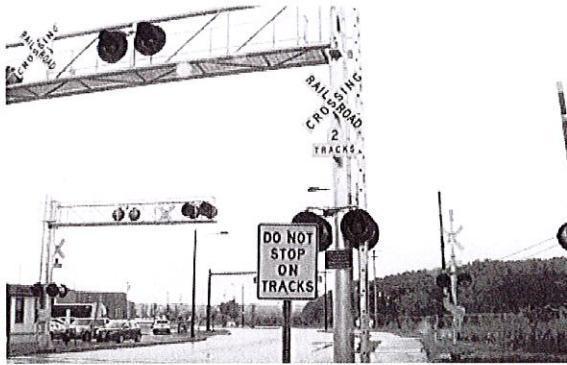
Featured Success Story: Light Rail in Portland, Oregon



[Portland Regional Chamber Of Commerce Says Improving Public Transit Could Attract New Talent](#)



[GPCOG collects public input on Maine's transportation future](#)



[News Center Maine: Exploring rail service between two Maine cities](#)



[Maine Public: On Restoring the Rail Link Between Portland And Westbrook](#)

ALL NEWS

BE HEARD.

Are you an individual or business owner who would support and/or use a daily commuter rail service from Portland to the west, using existing tracks, and incorporating a paved pedestrian trail? Contact us to learn how you can join the PWR Alliance and give this idea the community support it will need. Do you have questions or concerns? We'd love to hear those, too - we need to consider

all angles in order to achieve the best possible outcome. Either way, contact us at info@pwralliance.org.

STAY INFORMED

Stay informed on progress, news articles, and more.
Subscribe to PWR Alliance e-mail alerts.

First Name

Last Name

Email

SIGN UP

LIKE US ON FACEBOOK

Like 668

Share

PORTLAND WATER DISTRICT RATE SHEET

Typical monthly consumption and charges for Residential users with 5/8" meter on daily usage of 60 gallons per person
Usage is rounded to nearest hundred cubic feet (hcf). 1 HCF = 748 gallons.

WATER RATES			05/01/19	
Effective Date			MEMBERS	NON-MEMBERS
# OF PEOPLE	GALLONS = HCF			
1	1,800 =	2	12.19	14.02
2	3,600 =	5	19.51	22.45
3	5,400 =	7	24.39	28.07
4	7,200 =	10	31.71	36.50
5	9,000 =	12	36.59	42.12
6	10,800 =	14	41.47	47.74
7	12,600 =	17	48.79	56.17
8	14,400 =	19	53.67	61.79
9	16,200 =	22	60.99	70.22

SEWER RATES									
07/01/19	09/01/18	07/01/19	03/01/16	01/01/19	04/01/09	11/01/06			
PORTLAND	CUMBERLAND	SOUTH PORTLAND	CAPE ELIZABETH	WESTBROOK	WINDHAM	GORHAM			
20.80	47.96	10.40	55.18	18.06	48.84	20.03			
52.00	64.52	26.00	72.22	37.65	48.84	38.90			
72.80	75.56	36.40	83.58	50.71	55.32	51.48			
104.00	92.12	52.00	100.62	70.30	65.04	70.35			
124.80	103.16	62.40	111.98	83.36	71.52	82.93			
145.60	114.20	72.80	123.34	96.42	78.00	95.51			
176.80	130.76	88.40	140.38	116.01	87.72	114.38			
197.60	141.80	98.80	151.74	129.07	94.20	126.96			
228.80	158.36	114.40	168.78	148.66	103.92	145.83			

WATER RATES	Min Charge includes 1 HCF	Per additional HCF 2-30 HCF	Per additional HCF 31-100 HCF
MEMBERS	9.75	2.44	2.13
NON-MEMBERS	11.21	2.81	2.47

Lifeline Water Rate (Reduction in Monthly Minimum Charge)	Minimum includes 1 HCF
MEMBERS	2.44
NON-MEMBERS	2.81

SEWER RATES	Min HCF	MIN CHARGE	HCF
PORTLAND	1	10.40	10.40
CUMBERLAND	0	36.92	5.52
SOUTH PORTLAND	1	5.20	5.20
CAPE ELIZABETH	1	49.50	5.68
WESTBROOK	1	11.53	6.53
GORHAM	1	13.74	6.29
WINDHAM	5 hcf per unit	48.84	3.24
FALMOUTH eff 07.01.2019	RATE PER LIVING UNIT \$44.19 x # of units (Residential)	Commercial Fixtures > 17 (\$44.19 x # of units) + (# of fixtures - 17 fixtures x \$2.09) (Com'l combination of fixtures)	SCHOOLS \$39.06 for every 15 students (Schools)

Municipal Contacts for Sewer
Rachel Smith 874-8833
Pam Bosarge 829-2207
Colleen Mitchell 767-7675
Mike McGovern 799-5251
Eric Dudley 854-9105 x222
Freeman Abbott 222-1608
Laurie Nordfors 222-1675
Anthony Plante 892-1907
Diane Moore 781-4462
Note: These are the most common sewer rates, but this is not a complete list.



Town of Gorham Community Development

Thomas M. Poirier, *Director of Community Development*
tpoirier@gorham.me.us
Carol Eyerman, *Town Planner*
ceyerman@gorham.me.us

GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038 Tel: 207-222-1620 / Fax: 207-839-4793

TO: Town Council
FROM: Thomas M. Poirier, Director of Community Development
SUBJECT: Streets Offered for Street Acceptance
DATE: JANUARY 2, 2020

IMP

In addition to the 2 street, Burton Drive and Benjamin Drive, on for street acceptance for the January Town Council meeting the Town anticipates at least 12 more streets that are or may move forwarded with the street acceptance in the near future. The Community Development Department is in receipt of 3 other street acceptance applications and are in varying steps of the street acceptance review process.

1. Madison Way – 1,222' Dead End Rural Access Road located off Gordon Farms Road
2. Winding Brook Way – 850' Dead End Rural Access Road located off of Plummer Road
3. Ichabod Lane Extension – 1,100' Dead End Rural Sub-collector Road located at the end of 1st phase of Ichabod Lane Extension

The Town has also received two incomplete submissions for street acceptance in the Annie's Woods Subdivision. The incomplete applications were returned and the applicant informed what was required to be submitted for street acceptance review.

4. Hackmatack Way – 1,110' Rural Access Road connecting Annies Way and Fort Hill Road
5. Annies Way – 1,918' Dead End Rural Access Road located off of Fort Hill Road

Staff expects to receive the following streets for acceptance at some point in the near future. These roads are in varying stages of construction.

6. Ichabod Lane Extension – 3,113' Rural Sub-collector Road completing the connection between Ichabod Land Extension and Ichabod Lane. (This connection gives Harding Bridge Road a second means of access from Huston Road.)
7. Hessian Drive – 600' Dead End Rural Access Road located off Ichabod Lane Extension
8. Cotton Drive – 1,131' Dead End Rural Access Road located off Farrington Road
9. Musket Drive – 623' Dead End Rural Access Road located off Ossipee Trail, State Route 25.
10. Grove Street – 505' Urban Access Road completing the connection between the Glenwater Avenue and Dogwood Lane.
11. Dogwood Lane – 604' Urban Access Road completing the connection between the Water Street extension and Grove Street.
12. Water Street Extension – 278' Urban Access Road completing the connection between the Water Street and Dogwood Lane.

Town of Gorham
PUBLIC WORKS DEPARTMENT
80 Huston Road

Mailing Address:
75 South Street, Suite 1
Gorham, Maine 04038-1382

Tel. (207) 892-9062
Fax (207) 893-2092
www.gorham-me.org



Item # 2020-1-12 &
Item # 2020-1-13
Robert Burns, P.E.
Public Works Director
rburns@gorham.me.us

Terry Deering
Deputy Director
tdeering@gorham.me.us

MEMORANDUM

TO: Ephrem Paraschak
FROM: Bob Burns
DATE: January 2, 2020
CC: File

RE: Life Cycle Cost Analysis for Residential Street

I've assumed that the street that I'm conducting this life cycle cost analysis on is a dead end residential street with ditches and 15 homes or less on it and that it is constructed like our rural access road section shown in the Land Use Code. I've further assumed that approximately 80 percent of the Public Works Operating Budget can be attributed solely to road maintenance. The remaining 20 percent is for the miscellaneous other activities not involving road maintenance such as building and facility maintenance, stormwater management, etc.

Please refer to the attached table for the following information. I referred back to the FY2004 DPW Operating budget to find that it was \$1,173,584 for 133.7 miles of road maintenance with Hot Mix Asphalt costing \$35/ton. Today in the FY2020 DPW Operating budget we are funded \$1,816,658 for 148.97 miles of road maintenance and HMA costs \$67/ton. Interestingly, if we plug the FY2004 numbers into the CPI inflation calculator it would adjust the numbers to \$12,191/mile and \$48.61/ton for HMA cost. If the past 16 years are any guide, it is apparent that this cost analysis has many variables that are unknown such as inflation, be it wages or asphalt cost. Another is changing technologies in road maintenance and construction. Still yet another is the value of the land or right of way in the future.

In my experience, this residential street would require the \$9,756 annually for maintenance and would last 20 years before needing a HMA overlay. This would continue out to 40 and 60 years respectively. At the 80 year mark, a roadway reclamation and repave with 4" HMA would be needed. This for all intents would make it like a new road again. So after 80 years of ownership, total cumulative cost in 2020 dollars would be in the realm of \$1,370,000 per mile. This number would be greater for roads with more traffic and significantly greater if it is a higher use classification such as a collector roadway or arterial roadway.

Residential Street Life Cycle Analysis

Budget Year	Total DPW Operating Budget	Miles of Town Road	Operating Dollars per mile	Asphalt Cost \$/ton
2003-2004	\$1,173,584	133.7	\$8,778	\$35.00
FY04 costs adjusted for inflation	\$1,629,888		\$12,191	\$48.61
2019-2020	\$1,816,658	148.97	\$12,195	\$67.00

life cycle costs	Maintenance	Capital Repair/Rebuild
	80% (\$12,195)=\$9,756/mile/year	\$296,446 per mile reclaim and repave 4" HMA after 70 years \$96,945 per mile 1-1/4" HMA overlay after 20 years

Year	Maintenance	Capital Repair/Rebuild	Cumulative Cost
1	\$9,756	\$0	\$9,756
2	\$9,756	\$0	\$19,512
3	\$9,756	\$0	\$29,268
4	\$9,756	\$0	\$39,024
5	\$9,756	\$0	\$48,780
6	\$9,756	\$0	\$58,536
7	\$9,756	\$0	\$68,292
8	\$9,756	\$0	\$78,048
9	\$9,756	\$0	\$87,804
10	\$9,756	\$0	\$97,560
11	\$9,756	\$0	\$107,316
12	\$9,756	\$0	\$117,072
13	\$9,756	\$0	\$126,828
14	\$9,756	\$0	\$136,584
15	\$9,756	\$0	\$146,340
16	\$9,756	\$0	\$156,096
17	\$9,756	\$0	\$165,852
18	\$9,756	\$0	\$175,608
19	\$9,756	\$0	\$185,364
20	\$9,756	\$0	\$195,120
21	\$9,756	\$96,945	\$301,821 1-1/4" HMA overlay
22	\$9,756	\$0	\$311,577
23	\$9,756	\$0	\$321,333
24	\$9,756	\$0	\$331,089
25	\$9,756	\$0	\$340,845
26	\$9,756	\$0	\$350,601
27	\$9,756	\$0	\$360,357
28	\$9,756	\$0	\$370,113
29	\$9,756	\$0	\$379,869
30	\$9,756	\$0	\$389,625
31	\$9,756	\$0	\$399,381
32	\$9,756	\$0	\$409,137
33	\$9,756	\$0	\$418,893
34	\$9,756	\$0	\$428,649
35	\$9,756	\$0	\$438,405
36	\$9,756	\$0	\$448,161
37	\$9,756	\$0	\$457,917
38	\$9,756	\$0	\$467,673
39	\$9,756	\$0	\$477,429
40	\$9,756	\$0	\$487,185
41	\$9,756	\$96,945	\$593,886 1-1/4" HMA overlay
42	\$9,756	\$0	\$603,642
43	\$9,756	\$0	\$613,398
44	\$9,756	\$0	\$623,154
45	\$9,756	\$0	\$632,910
46	\$9,756	\$0	\$642,666
47	\$9,756	\$0	\$652,422
48	\$9,756	\$0	\$662,178
49	\$9,756	\$0	\$671,934
50	\$9,756	\$0	\$681,690
51	\$9,756	\$0	\$691,446
52	\$9,756	\$0	\$701,202
53	\$9,756	\$0	\$710,958
54	\$9,756	\$0	\$720,714
55	\$9,756	\$0	\$730,470
56	\$9,756	\$0	\$740,226
57	\$9,756	\$0	\$749,982
58	\$9,756	\$0	\$759,738

Residential Street Life Cycle Analysis

59	\$9,756	\$0	\$769,494
60	\$9,756	\$0	\$779,250
61	\$9,756	\$96,945	\$885,951 1-1/4" HMA overlay
62	\$9,756	\$0	\$895,707
63	\$9,756	\$0	\$905,463
64	\$9,756	\$0	\$915,219
65	\$9,756	\$0	\$924,975
66	\$9,756	\$0	\$934,731
67	\$9,756	\$0	\$944,487
68	\$9,756	\$0	\$954,243
69	\$9,756	\$0	\$963,999
70	\$9,756	\$0	\$973,755
71	\$9,756	\$0	\$983,511
72	\$9,756	\$0	\$993,267
73	\$9,756	\$0	\$1,003,023
74	\$9,756	\$0	\$1,012,779
75	\$9,756	\$0	\$1,022,535
76	\$9,756	\$0	\$1,032,291
77	\$9,756	\$0	\$1,042,047
78	\$9,756	\$0	\$1,051,803
79	\$9,756	\$0	\$1,061,559
80	\$9,756	\$296,446	\$1,367,761 Reclaim and repave 4" HMA

Subdivision Roads

In 1971, the Maine State Legislature enacted what is known as the subdivision law. Local planning boards administer that law in municipalities, and commonly a municipality has its own local subdivision ordinance or regulations. State law and local subdivision ordinances authorize a municipality to regulate subdivision roads in terms of size, design and construction, even though the roads are and may always be privately owned. Many subdivisions were created before 1971, but absent local planning ordinances with road standards, roads in these subdivisions were voluntary creations of the developer and were largely unregulated by State or local laws.

Title to Subdivision Roads

Subdivision roads are built on private property, and the developer (landowner) initially holds title (fee simple interest) to the road. Often, upon the developer's satisfactory completion of subdivision roads in accordance with the local road standards, the municipality accepts the roads and acquires title to the roads. In some cases, a "homeowners association" is established and the association takes title to the roads, along with responsibility for upkeep and repair, while in other cases, the developer retains title to and responsibility for the roads. In either event, the roads would remain private roads. In short, determining title to a subdivision road may require a review of the chain of title in the Registry of Deeds.

Acceptance of Subdivision Road as a Public Way

Subdivision roads can become town ways or public easements by any of the methods described in Chapter 2, "Creation of Municipal Roads." **Acceptance by the municipality's legislative body is discretionary, and the fact that a subdivision road has been built to ordinance standards does not require its acceptance by the municipality. Municipal officials must be very careful not to promise a subdivider that a road will be accepted if it meets specifications.** Also, the "conditional" acceptance of a road (if it is constructed to standards, for example) is improper (see that topic in Chapter 2 for details).

Effect of Subdivision on Public Access Roads; Impact Fees

Maine law allows a municipality, by ordinance, to charge an "impact fee" to a developer (or alternatively to require that the developer construct off-site capital improvements) if a development results in the need for additional road improvements or upgrading.¹ In at least one other jurisdiction, these improvements include signs and traffic lights.² However, Maine law also limits municipal home rule authority to adopt such an ordinance, and so an impact fee ordinance must comply with the limitations of this

section. MMA Legal Services Department has available, upon request, detailed information on impact fees.

Even without an impact fee provision, a municipal planning board can limit the size or location of a subdivision or deny approval on the basis that, as proposed, it will cause unreasonable congestion or unsafe conditions on public access roads, existing or proposed.³

Performance Guarantee

The municipality may (and should) require a subdivider to post a performance guarantee such as a bond, irrevocable letter of credit or escrow. The purpose of the performance guarantee is to ensure that subdivision roads and any other public improvements (such as drainage structures or basins, lighting, fire ponds, and sewer and water lines) will be completed in accordance with the approved plan and with any local road standards ordinance or provision.⁴ This is useful in the event that the subdivider encounters financial trouble, leaves town or otherwise is unavailable to finish the roads. Also, it is possible by ordinance to impose a “defects warranty” making the subdivider responsible for repair of any defects in the road for a period of time (usually limited to one year) after it is accepted as a town way.

Failure to Complete Subdivision Road; Municipality’s Rights and Obligations

In times of slow real estate development, subdivision roads often go unfinished. In many cases, developers’ businesses fail. In the absence of performance bonds guaranteeing completion of the roads, the work is left incomplete. Lot owners in the development usually turn to the municipality for relief. Below are some commonly asked questions and suggested answers.

- **Is the municipality responsible for completing the road up to ordinance specifications?** No, not unless the municipality has already accepted it as a town way (which requires a vote by the legislative body). The developer still is legally responsible for completing the road, although as a practical matter he or she may not have the funds. The municipality should not repair, construct or otherwise work on privately owned subdivision roads, whether finished or unfinished.
- **Can the municipality sue the developer to finish the road?** Yes, but the developer may not have the financial ability to do so. The municipality can bring a legal action under State law against the developer for failure to comply with the approved subdivision plan or the subdivision ordinance.⁵ However, it may not be worth the legal fees to pursue a developer who is insolvent or no longer in the area, so the municipal officers are advised to look at all circumstances before charging ahead with litigation.

- **Is the municipality required to take legal action against the developer to complete the road?** No. The municipality has the right to take action to enforce the terms of an ordinance or approved plan, but the initial decision whether to litigate rests with the municipal officers. If they decide to take legal action, there must be sufficient funds appropriated for legal representation. Neither the municipality itself nor individual officials are liable for performing or failing to perform a prosecutorial function involving civil, criminal or administrative enforcement of laws and ordinances.⁶
- **Can the municipality finish an incomplete subdivision road and recover its expenses from the developer?** No. As long as the road remains privately owned, the municipality may not generally spend public funds to repair or improve it. One exception to this rule is where the municipality has obtained a court order specifically allowing it to complete the road and record a lien against the property to recover costs. However, where a developer has posted a performance guarantee for the construction of public improvements and the developer has failed to construct these by the required time, the municipality may make a claim for payment under the guarantee and may use the proceeds to restore the site (if little or no work has been done) or to complete the public improvements.
- **Can subdivision lot owners sue the developer to force completion of the road?** The subdivision lot owners may have the right to bring a private civil action for this purpose. This should be pointed out to lot owners when they insist on municipal action.

¹ 30-A M.R.S.A. § 4354.

² See *Landvest Properties, Inc. v. Town of Plainfield*, 379 A.2d 200 (N.H. 1977).

³ 30-A M.R.S.A. § 4404(5).

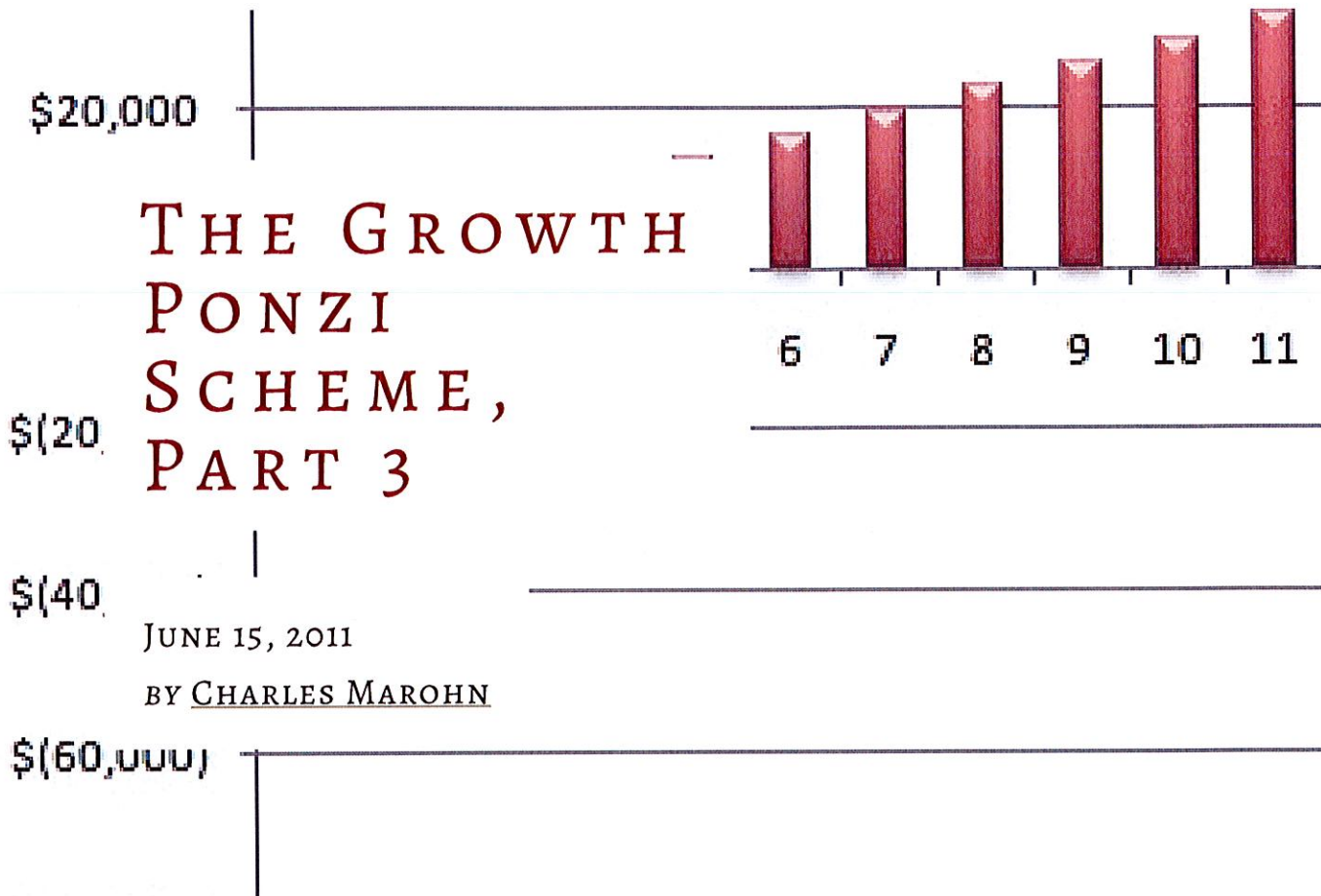
⁴ 30-A M.R.S.A. § 4404.

⁵ 30-A M.R.S.A. § 4452 and Rule 80K of the Maine Rules of Civil Procedure.

⁶ 14 M.R.S.A. § § 8104-B and 8111.

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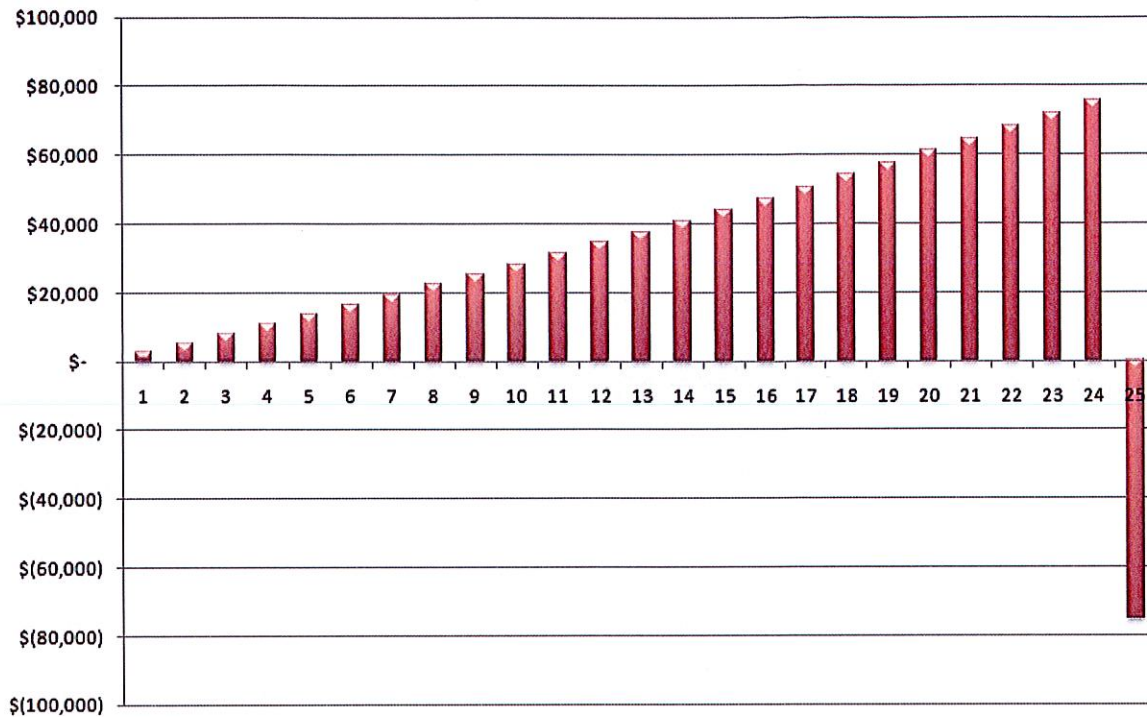
JUNE 15, 2011
 BY CHARLES MAROHN

So far this week we have examined how the American development pattern of the post-WW II era entices cities to exchange the near-term cash advantages of new growth for the long-term maintenance obligation of new infrastructure. This is a bad trade, because as we also looked at yesterday, the pattern of development costs more to maintain over the long run than it produces in revenue. In short, our development pattern is not productive enough to sustain itself.

A new development goes in. The developer builds the street and then turns it over to the city for maintenance. Houses are built and the city sees its property tax receipts rise. Imagine for a moment that the city took and saved the portion of those new receipts that was to be used for street maintenance. If the city did that every year throughout the life of the street, adding the new

tax receipts to those already saved, and then used the cumulative savings to repair the street, here is how the cash flow diagram would look.

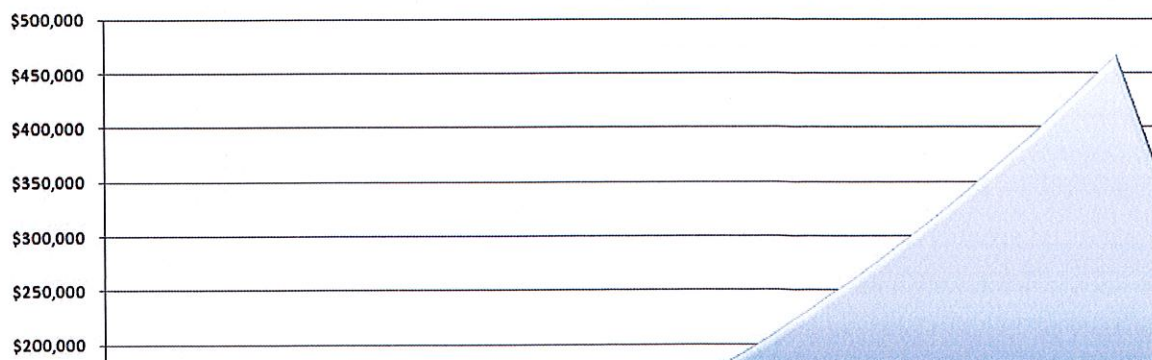
Cumulative Cash Flow - One Life Cycle

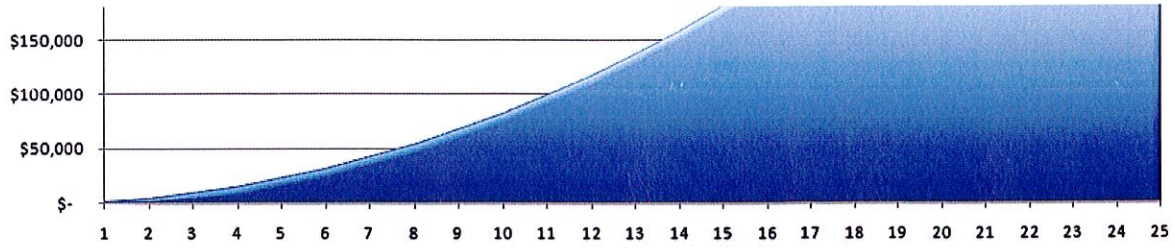


Revenues are from collected taxes and expenses are due to infrastructure maintenance costs. Everything looks great until the end of the street's life cycle. At that point, the cost of the repairs far outweighs the revenue collected. If the city were reduced to this one street, it would be insolvent.

But a city is not one street. A city has many Peters to rob in which to pay Paul. For example, if the project modeled above were repeated every other year -- a condition where the city was growing at a steady rate -- the cumulative cash flow diagram changes substantially at the end of that first life cycle. By adding the tax receipts from multiple projects together, here is what it would look like.

Cumulative Cash Flow - Multiple Projects



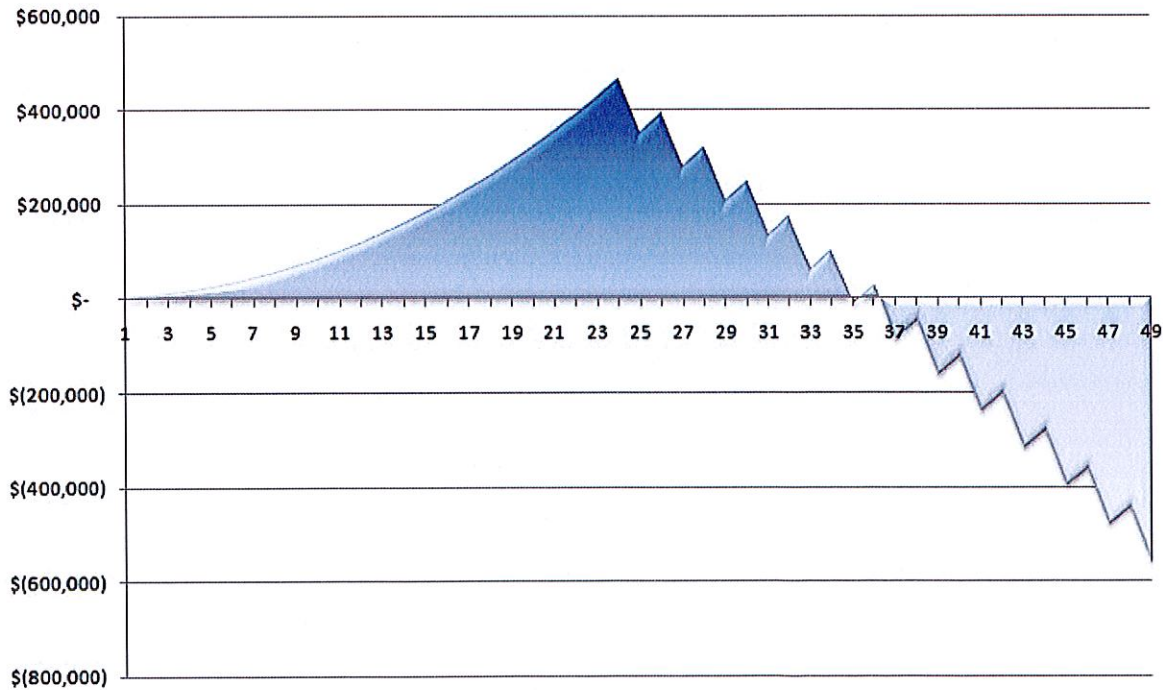


The cumulative cash flow of multiple projects in succession.

So growth "solves" the insolvency problem. As long as a city continues to grow, as long as it can continue to exchange near-term cash flow for long-term liabilities, it will be just fine. Or so it may appear at the end of the first life cycle.

Here is what happens during that second life cycle. The model I am using assumes that growth continues at the same moderate pace, with a new development of similar size added every other year.

Cumulative Cash Flow - Two Life Cycles



The cumulative cash flow of multiple projects in succession over two life cycles. The results are obvious and devastating. When the private-sector investment does not yield enough tax revenue to maintain the underlying public infrastructure, the balance can be made up in the short term with new growth. Over the long run, however, insolvency is unavoidable.

We need to pause here and point out a couple of important things. First, this is actually a model of a well-run city, one that puts money away for future improvements. I've yet to see one that has such fiscal discipline. We can spend all day blaming politicians for wasting money on "big government" or giving unwarranted tax breaks to "the rich". These debates are ultimately tragic sideshows to the underlying lack of productivity in our development pattern.

Second, this model shows the impact of continuous and steady growth. In reality, that is not the pattern most cities experience. Most cities have a phase of rapid growth followed by stagnation and then decline, as described by Jane Jacobs in *The Economy of Cities*. Superimpose the financial underpinnings of the American model of development and the results are even more devastating - a flood of liabilities all coming due right at the time that growth is starting to wane.

I know I promised "rational responses" for tomorrow, but I need to put that off until Friday. Tomorrow we will examine how America has responded to the economic reality of our places thus far.

[LEARN MORE ABOUT THE GROWTH PONZI SCHEME.](#)

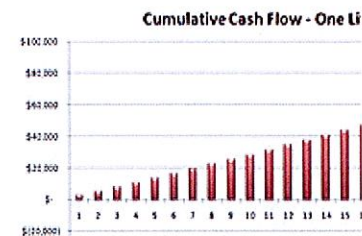
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[The Growth Ponzi Scheme, Part 4](#)



Charles Marohn

Charles Marohn - known as "Chuck" to friends and colleagues - is the **Founder and President** of Strong Towns and the author of [*Strong Towns: A Bottom-Up Revolution to Rebuild American Prosperity*](#). He is a Professional Engineer (PE) licensed in the State of Minnesota and a land use planner with two decades of experience. He holds a bachelor's degree in Civil Engineering and a Master of Urban and Regional Planning, both from the University of Minnesota.

Marohn is also the lead author of *Thoughts on Building Strong Towns* — [*Volume 1*](#), [*Volume 2*](#) and [*Volume 3*](#) — as well as the author of [*A World Class Transportation System*](#). He hosts the [*Strong Towns Podcast*](#) and is a primary writer for Strong Towns' web content. He has presented Strong Towns concepts in hundreds of cities and towns across North America. He is featured in the documentary film [*Owned: A Tale of Two Americans*](#), and was named one of the [*10 Most Influential Urbanists of all time*](#) by Planetizen.

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**PLANNING BOARD MEETING
March 6, 2017**

Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine

Members Present

EDWARD ZELMANOW, Chairman
SCOTT HERRICK, Vice Chairman
SCOTT FIRMIN
GEORGE FOX
LEE PRATT

Members Absent

JAMES ANDERSON

Staff Present

THOMAS M. POIRIER, Town Planner
BARBARA C. SKINNER, Clerk of the Board

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that James Anderson was absent.

APPROVAL OF THE FEBRUARY 6, 2017 MINUTES

Scott Herrick MOVED and Lee Pratt SECONDED a motion to approve the minutes of February 6, 2017, as written and distributed. Motion CARRIED, 5 ayes (James Anderson Absent). [7:02 p.m.]

COMMITTEE REPORTS

A. Ordinance Review Committee – Mr. Herrick reported that the Committee met last week on February 28, 2017, to discuss two items: agricultural events buildings and retail sales in the Office Residential zoning district, which is on this evening for discussion.

B. Streets and Ways Committee – Mr. Zelmanow reported that this Committee has not met since the last Board meeting.

CHAIRMAN'S REPORT – Mr. Zelmanow said that it is hoped that the Town Council at its meeting on March 7, 2017, will announce the appointment of the Planning Board's seventh member. He noted that there will be a second Planning Board meeting this month, on the 20th.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that two active projects are under review: Greg Isherwood at 19 Bartlett Road and V&M rentals.

ITEM 1 PUBLIC HEARING – Site Plan Review – Carter Development, LLC – request for approval to construct a new two-story, 2,880 sf building at 18 Elm Street, having 2 commercial areas on the first floor and 2 residential areas on the second floor, located on Map 102 L165, Urban Commercial zoning district.

Mr. Poirier said that the item was last before the Board on November 7, 2016 as a pre-application discussion with the applicant self-represented. Since that time, the applicant has retained BH2M Engineers, William Thompson, to represent them through the process. Mr. Poirier said that in addition to Chapter 4, Site Plan, as well as Chapter 2, General Standards of Performance, this project is also governed by performance standards under Chapter 1, Section 1-10, Urban Commercial district.

William Thompson, BH2M, introduced Doug Carter of Carter Development, LLC, and described the project as a mixed use building at 18 Elm Street, abutting Mr. Carter's property, Carter's Automotive, on 2 Railroad Avenue. The lower level of the proposed building will be split into two retail specialty stores, and on the second floor there will be two 2-bedroom apartments. The building currently on site will be demolished. An access easement will be granted from the abutting automotive use for a shared driveway into the two uses. The site is graded toward the back, so all stormwater come back into a collection system at the rear of the site, which will be curbed behind it to keep any transfer of stormwater into the Hannaford site. Stormwater will proceed through two catch basins in a perforated pipe and will go into the automotive site's existing system. The site will be served by public water and sewer, gas and underground electric and other utilities. There will be a handicapped ramp with a 5-foot wide raised walkway along the back of the building

There will be a walkway from the street and 11 parking spaces at the back of the site with one handicapped spot, all accessed in from Elm Street. Because the parking requirement for the mixed use is 17 spaces, Mr. Thompson said that they will request a parking waiver because there is on-street parking available on both sides of Elm Street and because they believe there will be a greater amount of foot traffic to the specialty shops coming from other uses in the area.

Landscaping and lighting will be submitted. Mr. Thompson described the elevations of the proposed building, with a combination of entrances at the rear and the front of the building having a retail entry door with a split entry inside the building. The height of the proposed building will be 30 to 32 feet, measured from ground level to the midpoint on the pitched roof. He said there will be some 3,500 sf of green space. Mr. Poirier will confirm that proposed height with the Code Officer. There will be a combined shielded dumpster use with the abutting Carter's Automotive use. Mr. Thompson described the calculations for the trip generation figures of a total of 90 to 95. A letter of financial capacity will be provided. A curbed concrete sidewalk will be installed in front of this property.

Mr. Herrick commented that Zoning Board Appeal approval was granted for the enlargement or replacement of the existing non-conforming use at 18 Elm Street but it appears that the plan attached to that approval is for a smaller retail space with fewer parking requirements than that before the Board. He asked if there are issues if Board has before it something that is significantly bigger. Mr. Poirier said that he will confirm with the Code Office to get the ZBA findings to clarify that approval.

The Board, Mr. Thompson and Mr. Carter discussed the width of the proposed combined shared access driveway, 36 to 37 feet of paved area, which is too wide to meet standard Village character for the type of use proposed. Mr. Poirier said the drive needs to be narrowed and clearly delineated; Mr. Carter said that he could extend the grass area on Carter's Automotive to close off the parking area. In response to Mr. Herrick, Mr. Poirier said that the Carter's Automotive plan could be amended as part of this project. Mr. Fox suggested the possibility of parallel parking in that area, which could ameliorate the parking waiver request. Mr. Poirier replied to Mr. Herrick that there is no requirement for screening between the two properties because the shared entry will be considered as a creative parking solution.

PUBLIC COMMENT PERIOD OPENED: Phil Gagnon, 91 Gordon Farms Road, said that the proposed plan is an improvement of what is there now and he supports it.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow said that a waiver for the required parking should include showing 6 off-street parking spaces on the plan if the applicant will be relying on those spaces to meet the site's parking requirements. Mr. Thompson told Mr. Fox that he will take a look at more parallel parking spots as a result of a reconfigured shared entrance so that the waiver will hopefully be for less than 6 spaces. Mr. Thompson said that the applicant will meet with the Town to determine what is required to match the sidewalks on either side of the site. Mr. Poirier advised the applicant that a master sign plan is required to identify the locations for both retail building signs and their sizes, and a free-standing sign.

The Board concurred that no site walk for the project is necessary.

Scott Herrick MOVED and George Fox SECONDED a motion to postpone further review of Carter's Development, LLC's request for site plan approval pending responses to remaining issues and/or finalizing revisions to the plans. Motion CARRIED, 5 ayes (James Anderson absent). [7:36 p.m.]

ITEM 2 PUBLIC HEARING – Site Plan Amendment – Shaw Earthworks – request for subdivision and site plan amendment to add storage, parking and additional drive areas to the existing shop location located at 11 Cyr Drive, Map 29 Lot 2.006 in the New Portland Parkway Subdivision, Industrial zoning district.

Mr. Poirier said this item was last before the Board on January 9, 2017, as a pre-application discussion and noted that the applicant is self-represented. Mr. Poirier said that the lot abuts the Rural district and residential properties, so therefore there are additional buffering requirements under Chapter 2, Section 2-1. In particular, #4 in this section applies, which requires the applicant to shield the contractor storage yard from the view of abutting residential properties as well as from the view of Cyr Drive and New Portland Road. Because the lot is in a subdivision, the applicant will also be required to amend the subdivision plan due to impervious and wetland impacts; if this amendment is done at the same time as the site plan amendment, staff has the ability to waive the subdivision amendment fee. If done separately, the applicant will need to pay the additional subdivision amendment fee.

Brian Shaw, Shaw Earthworks, came to the podium and introduced his brother Brad Shaw. Mr. Shaw said they will provide a subdivision amendment application, they are waiting on a DEP permit number for that amendment. Mr. Shaw said that DEP has reviewed the proposal and has forwarded it to the Army Corps of Engineers, and it is hoped that both approvals should be received within the next month.

Mr. Shaw said at this time their greatest concern is with their proposal to use a retaining wall with plantings on top to serve as the required screening from abutting properties, but staff has recommended that a fence should be erected on top of the wall instead. Mr. Shaw said their preference is for landscape plantings such as shrubs or trees. Mr. Poirier said that the fence on top of the wall is an option that would allow the applicant to utilize as much of the gravel storage area as possible without taking up a lot of area for landscaping.

The Board discussed with Mr. Shaw the options for planting landscaping as opposed to a fence. Mr. Herrick said he believes it would be a challenge to provide adequate buffering with landscaping on the wall. Mr. Shaw said he believes it would be more of softening rather than hiding. In reply to Mr. Pratt, Mr. Shaw said that the proposed wall would be some 12 feet higher than the road and 180 feet from the

road, with the abutters across on the other side of New Portland Road. Mr. Fox indicated that the landscaping on top of the wall would need to be more mature to truly provide any kind of buffer. Mr. Pratt agreed, noting that the plantings would need to be closer together to buffer the abutters at grade.

Mr. Shaw said they will contact a landscape architect to determine what kind of trees would be appropriate, especially so that their root systems do not adversely impact the wall itself. They also propose a timber guard rail and to give up some of the storage area for landscaping.

The Board concurred that no site walk is required for this project.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and George Fox SECONDED a motion to postpone further review of Shaw Earthworks, Inc.'s request for site plan approval pending responses to remaining issues and/or finalizing revisions to the plan. Motion CARRIED, 5 ayes (James Anderson absent). [8:00 p.m.]

ITEM 3 SUBDIVISION AMENDMENT – Diversified Properties – request for approval of a Third Amendment to Gordon Farms Subdivision Phase II to modify the approved alignment of the 50 foot right-of-way (Madison Way), located at 79 Gordon Farms Road, Map 45 Lot 23.422, Rural zoning district.

Mr. Poirier told the Board that in July of 2013 the applicant received approval for a private way and a right-of-way extension to abutting property at 79 Gordon Farms Road. The private way has not been constructed, and the applicant is now seeking approval to relocate the right-of-way and replace the private way with a road to serve a subdivision in a lot to the east, which is on for the Board's review this evening as Item 4, to be known as "Madison Way Subdivision." Net residential density calculations need to be done and added to the plan. Mr. Poirier said that all information pertaining to the construction of the road and utilities on that application will need to be added to this application and removed from the subdivision approval on the abutting lot.

Douglas Reynolds, Gorrill Palmer, came to the podium and told the Board that approval was granted for a right-of-way to access to Map 47 Lot 2, but a modification to the proposed right-of-way is now necessary to reduce wetland impacts. The proposed amendment includes the removal of the turnaround right-of-way at the beginning of the roadway. A remaining portion of 79 Gordon Farms Road will be conveyed to the applicant in the next item on the Board's agenda; 79 Gordon Farms Road will be approximately 69,000 square feet, which is greater than the required minimum lot size and will therefore remain a conforming lot after the land conveyance.

Mr. Herrick confirmed that the amendment is to re-align the road for the next project. Mr. Reynolds told Mr. Zelmanow that the original right-of-way location would have created 13,000 square feet of additional wetland impact, and DEP would not allow that.

PUBLIC COMMENT PERIOD OPENED: Phil Gagnon, 91 Gordon Farms Road, said that this subdivision was approved by the Planning Board and it has a homeowners' association with covenants that are applicable. A proxy vote of 24 out of the 38 subdivision lot owners oppose this application, that the last right-of-way dirt conveyance was not in accordance with the subdivision's deed restrictions and covenants and any proposed conveyance of utilities would also not be in accordance with those restrictions. Mr. Gagnon said that an attorney has advised that the applicant does not have sufficient

right, title or interest to proceed and their plan to install a right-of-way is clearly prohibited, as shown in an example cited by Mr. Gagnon of a similar case heard in Maine's Supreme Court. Mr. Gagnon asked the Board to deny approval to this application.

Mr. Reynolds replied to a question from Mr. Zelmanow that what is proposed now from what was approved in 2013 is an extension of a 20 foot wide road with 4 foot shoulders and is a way to access the back lot. Mr. Gagnon said the homeowners' association opposed the right-of-way in 2013 as not being in compliance with the association's deed restrictions, that the applicant never got the 20 signatures required, but the Planning Board approved it anyway; if it has been recorded, they will "go backwards" and file a restraining order. Mr. Poirier said that in 2013 the applicant received approval for a one-lot private way and a right-of-way to abutting property. Mr. Zelmanow confirmed with Mr. Gagnon that the homeowners' position is that the current approval was not authorized. Mr. Poirier said the Town does not enforce private covenants, so the subdivision association can take the matter to court asserting that the applicant is in violation of subdivision requirements. Mr. Poirier said that staff will ask the Town Attorney to review the submission of materials from Mr. Gagnon, including the court case he cited, and to provide an opinion for the Board, as well as a determination of whether the previous approval is still valid. Mr. Poirier said that the Board's charge is to determine if the proposal meets the Town's ordinance requirements.

Mr. Zelmanow asked that a copy of the existing plan be provided as well as the proposed plan, something he would like all applicants to provide going forward.

Jim Cupps, 33 Mercier Way, asked that the wetlands in the area and any impact on them be carefully evaluated.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow reiterated that the Town Attorney should be asked to review the subdivision homeowners' documents and restrictive covenants, and to determine whether or not the current amendment is valid, and if there is anything that the Board needs to do or if the homeowners need to do anything to invalidate that approval so the current proposed amendment cannot go forward. Mr. Herrick said once again that the Board does not enforce private covenants.

Scott Firmin MOVED and Lee Pratt SECONDED a motion to table further review of Diversified Properties' request for Gordon Farms Phase II third subdivision amendment approval pending responses to remaining issues. Motion CARRIED, 5 ayes (James Anderson absent). [8:40 p.m.]

ITEM 4 PRELIMINARY SUBDIVISION REVIEW – W.A. One – request for approval of a 9-lot subdivision on property located off Gordon Farms Road, Map 47 Lot 2, Rural zoning district.

Mr. Poirier advised the Board that this item was on for pre-application discussion on August 1, 2016, at which time the Board determined that the clustered form of development was the best form for the site with some configurations to lots 1 and 2. No vote was taken at the pre-application conference, so the Board will need to vote that the clustered subdivision is the best form of development for the site at some time in the review process. He said the applicant is requesting a waiver from the requirement for a high intensity soil survey, the location of trees over 5 inches in diameter, and a nitrate plume analysis. Mr. Poirier said that this project does require a net acreage calculation so a high intensity soil survey is required and cannot be waived for the entire site. However, the Board could agree that those areas already deducted from the net acreage calculations do not need to have the high intensity soil survey, but those areas that are not deducted would require the high intensity soil survey to be completed.

Mr. Poirier said that staff has received some requests for connections to abutting lands with a right-of-way, the latest being from Nate Hurteau on March 5, which has been provided to the Board. Staff has also received a letter from Rob Lavoie, Chairman of the Gorham Conservation Commission, identifying a request that this project's open space be deeded to the Town for both use of the trail use and the open space.

Douglas Reynolds, Gorrill Palmer, representing the applicant W.A. One, advised that the traditional subdivision meets all zoning requirements, has a much larger footprint over the development area, whereas the clustered subdivision provides a much larger open space. The traditional subdivision encompasses close to a 9.8 acre development window versus the clustered window which is approximately 4.5 acres. The conventional road way is approximately 1,500 feet and in the clustered it is 1,200 feet. Wetland impacts from the traditional subdivision are some 17,000 square feet as opposed to 9,000 square feet of impact with the clustered. Of the total parcel of 41.5 acres, the proposal is to donate to the Town of Gorham approximately 8.5 acres as a conservation parcel, with the remaining 33 acres of land to contain 9 residential lots. For these reasons the developer prefers the clustered form of development.

Mr. Reynolds said that the road way is proposed to be 20 feet paved width with 4 foot gravel shoulders. An existing 8" water main is proposed to be extended from Gordon Farms Road to the turnaround, and conduits for electric, telephone and cable will also be extended to the lots. Each lot will be served by a private septic system. The site has been delineated for wetlands impact and permits from DEP will be required for stormwater and NRPA. Stormwater will be managed by the use of a wet pond, located behind lots 7 and 8, and a underdrained soil filter located behind lots 5 and 6. The lots would be developed by the developer and the stormwater improvements would be constructed by the developer as well. Mr. Reynolds said they will meet with staff to address the issues brought on by the Gordon Farms Subdivision covenants.

Mr. Pratt confirmed that the lots will be served by public water and private septic systems. In reply to Mr. Zelmanow, Mr. Reynolds said that the existing snowmobile trails slightly to the back of the property will be moved into the open space so as not to cross any property lines. Mr. Reynolds said that the open space does provide access down to the Little River, allowing the Town to use that and the trails as well. Nothing will be constructed down to the River, but access will be allowed. Mr. Fox said that in a clustered subdivision there is a higher expectation regarding the use of open space, and he questioned whether maintaining existing trails is the best use of the open space.

Mr. Herrick asked about the man-made pools on lot 9; Mr. Reynolds said they are considered man-made and not vernal pools by the wetlands scientist and were created by skidder trails or 4-wheeler trails. Mr. Reynolds said that none of the man-made pools are being filled because the building envelopes on each lot will restrict that.

Mr. Zelmanow asked the Board whether the conventional or the clustered development is preferred. Mr. Fox said he would prefer the clustered if there are some improvements made in how the open space is utilized. Mr. Zelmanow agreed. Mr. Pratt asked how wet is the open space on the property; Mr. Reynolds pointed out areas on the plans that are wetlands and upland dry areas.

As Mr. Zelmanow was asking for a motion for the Board's preferred form of development, members of the public asked if they could comment on which form would best suit the site.

PUBLIC COMMENT PERIOD OPENED: Andrew Christakis, 110 Gordon Farms Road, said he does not believe that the clustered form of development is in keeping with the abutting neighborhood to which it would be connected, and he feels there is no suitable area for public parking to access the open

space or trails because parking could only occur in people's driveways or in front of their houses which would be improper on a 20 foot wide road.

Phil Gagnon, 91 Gordon Farms Road, asked if the proposed re-alignment of the private way due to wetland impact on the traditional did not indicate that the traditional form has been chosen. Mr. Zelmanow said that nothing is final until the Board votes. Mr. Fox noted that the clustered form of development would have a much smaller impact on the wetlands. Mr. Reynolds said that with the realigned road and the cluster, wetland impact is around 9,000 square feet.

Janet Zidle, 46 Mercier Way, said that she understands that the clustered lots would be smaller, so that would mean that the houses would have to be smaller than what their subdivision covenants required them to build. She believes this would impact resale value in their neighborhood.

Jenny Skolfield, 73 Gordon Farms Road, abutter to the parcel under discussion, said that the lots and house sizes would be smaller than in their neighborhood.

Mr. Zelmanow said that the Board cannot take into consideration the size of the homes that might go on the lots when it makes a determination of preference between conventional and clustered development; the Board considers wetland impact and impervious surface, but what may or may not be built on there and its potential valuation impact on neighboring communities cannot be taken into consideration. Mr. Herrick asked what is the footprint of the houses would be; Mr. Reynolds replied that a two-story house would be around 3,000 square feet. Mr. Herrick said it would be the same building envelope, even though the lots are smaller.

Ms. Skolfield said she uses the trails often, is very concerned about the wetlands, and cannot imagine anyone taking a kayak down to the River. She encourages the Board to do a site walk in the area. Mr. Fox asked Ms. Skolfield if, as an active user of the area, she has any suggestions on how the area could be bettered. Mr. Zelmanow said that question should be saved for the open public comment period as a question to be posed to the abutters on a more developed usage of the open space.

Andrew Christakis, 110 Gordon Farms Road, asked if it would be advantageous for the Board to consider doing a site walk. Mr. Zelmanow said that the wetlands are delineated on the plans, but he would recommend having a site walk.

The Board concurred that the clustered form of development is the better form for the site because of its lesser impact on the wetlands, but agreed that some better use of the open space should be considered.

Scott Herrick MOVED and Lee Pratt SECONDED a motion finding that the clustered form of development with better open space use is the preferred form of development for the site. Motion CARRIED, 5 ayes (James Anderson absent).

PUBLIC COMMENT PERIOD OPENED: Jim Cupps, 33 Mercier Way, asked if the clustered form would be the same number of residences, and has a traffic assessment impact been done of those residents on the existing neighborhood. He said there are many children playing out in the streets and they are concerned what impact the higher level of traffic will have. Mr. Cupps said that the wetlands are very wet and the Board should look at them. Lastly, Mr. Cupps asked what are the plans for beyond this piece of property because these designs have a negative impact and change the fundamental character of their neighborhood.

Mr. Reynolds said there are 9 lots proposed on both forms of development, the traffic generated from 9 houses is a couple of trips per house per hour. The wetlands were delineated by a certified wetlands

scientist and it is tough to know where you are when you are out walking in the woods. Mr. Zelmanow confirmed that a permit is required from the DEP for the wetland impact.

Andrew Christakis, 110 Gordon Farms Road, the average lot size in the Gordon Farms neighborhood is 2.3 acres and it is going down to 1.2 acres in the proposed development, a significant difference and it won't feel like a part of the neighborhood. The average assessment in their neighborhood is \$380,400 and he believes that these houses will be much less, again impacting their values. Gross square footage in their neighborhood averages at 5,293 square feet both in Gordon Farms and Mercier Way. Average living square footage is 2,600 square footage as compared to 1,800. Mr. Christakis said they have protective deeded covenants and asked if this proposed development will also have them. Examples of their covenants is a minimum of 2,000 sf for a two story home, single story 1,700 sf, split foyers are not permitted. He is concerned that these homes would be of much small size and stature. Their protective covenants are to protect their investments, there are designed to create a shared standard and insure that there is relative value that is maintained. There is no intent to extend to a neighborhood that doesn't have the same covenants.

Mr. Christakis asked why the developer is proposing to go from a 24 foot road to a 20 foot road, especially in light of the usage of the open space as there will be no parking that would be available on a 20 foot road. He also does not understand why a hammerhead is proposed instead of a cul-de-sac, especially for safety concerns. Mr. Christakis asked why there would be an extension to abutting property such as a 50-foot right-of-way to Mr. Hurteau's property at the back of lot 4, if that would be turned into a right-of-way to extend to Libby Ave, which would create an unreasonably large amount of traffic going through. Mr. Christakis said there are issues in the open space now and opening additional space without adequate lighting would attract more of that kind of use. He said he hoped that the trails could be improved with the road extended perhaps in gravel form to create parking down by the River.

Phil Gagnon, 91 Gordon Farms, said when the performance bond was dropped by the Town there was unfinished electrical work to some of the lots.

Michelle Christakis, 110 Gordon Farms, said she is dismayed that the Board cannot consider property values. She said she has concerns with going to a 20 foot road without a cul-de-sac and related safety issues. She would like a guarantee that this will not abut to a third neighborhood and this will not be a conduit to somewhere else. She is concerned about the open space being set up for public use, which will mean much more traffic. She said she is not opposed to development in Gorham within proper constraints.

Mr. Zelmanow said it is refreshing to hear that someone is not opposed to development, because many times people lose sight of the fact that the house they live in was part of a development at one time when abutters would have preferred open space instead of a development. Mr. Zelmanow stressed that the Board cannot predict or forecast or take into consideration what may be built next to it, what a third community might be built off it, but must limit consideration to what is in front of it, to the four corners of the application and the plan. Mr. Herrick said that staff's concerns about safety are always taken into consideration.

Paul Ottoson, 72 Gordon Farms Road, disagreed with traffic numbers, where will people park to access all this public land, which is mostly wetland, safety issues, proposed right-of-way seems it is obvious someone is looking to access more land. Has concerns about traffic cutting over to Libby Ave, which will be a cut-through.

Mr. Zelmanow commented that to cut over to Libby would mean spanning Tannery Brook, which would be very costly. He also noted that every property owner has the right to develop his land so long as it meets the requirements of the Land Use Code.

Will Zidle, son of Matt and Janet, 46 Mercier Way, expressed concerns about traffic issues and safety problems that can come with developments other than this one that can affect the neighborhood. Mr. Zelmanow commended Will for coming to the podium and offering his perspective.

Tiffany Cupps, 33 Mercier Way, asked what the Town proposes to do with the land it is getting from the developer. Mr. Zelmanow said that this is where the Conservation Commission comes in. Mr. Poirier said that it would be used for recreation and trails. Ms. Cupps asked if the whole town would be using this community park, they did not buy their home for traffic to come like that, and it wouldn't be safe for children. She said that the Planning Board should be planning for their future. Mr. Zelmanow and Ms. Cupps discussed at length how open space is provided throughout the Town to its residents.

Mr. Herrick said that the recourse for people who don't want development is to buy the land that abuts them. Ms. Cupps said she is not opposed to the development of an addition to their subdivision, she is opposed to opening up traffic flow from the entire Town on the roads in their subdivision which are dangerous for people who are not familiar with them who would be looking for this public park. Mr. Poirier said it would not be a "park" and the roads are designed by engineers to safety standard protocols set out in the Land Use Code. Mr. Zelmanow asked staff to check with the Conservation Commission to see what traffic uses are in residential communities which already have open access to the public.

E-mail correspondence from Nate Hurteau, March 5, 2017:

"Hi, Tom,

This is Nate Hurteau. Tis email is to follow up our conversation that we had a few months ago regarding the subject property. The property I own at 439 Libby Ave map 47 lot 4 abuts the proposed subdivision continuation of Gordon Farms. My property contains approximately 14 +/- acres. Due to the site restrictions of the Libby Ave side of my property, future development of the parcel would be difficult. Such restrictions include but are not limited to: A excessive elevation drop coming off of Libby, well exceeding a ten percent grade and a wide section of the Tannery Brook that would need to be crossed. With respect to future development of my parcel, I am asking the planning board to consider a ROW from Gordon Farms to my parcel be added to the subdivision plan before the approval process. My engineer/surveyor can provide any necessary information/fieldwork necessary. If anyone has any questions, I can be reached any time via email or phone at 207-839-5615. Thank you for your consideration.

Nate Hurteau"

PUBLIC COMMENT PERIOD ENDED

Mr. Zelmanow said that in order to accommodate parking for use of the open space, the road could be extended past lot 3 and along side lot 2 and into the beginning of the open space and creating a small gravel parking area for 3 or 4 vehicles to park. Mr. Reynolds said they would certainly consider doing that. Mr. Zelmanow suggested creating access to the River. Mr. Poirier said that Rob Lavoie, Chairman of the Conservation Commission, probably is familiar with the area and could offer some suggestions.

Mr. Reynolds said that there will be covenants for this development, the developer owns lot 22 in the Gordon Farms Subdivision and is familiar with those covenants and can add to them. The 20 foot wide road meets the rural standard, has 4 foot shoulders along each side and ditching so snow will cascade off.

The hammerhead design meets the standards of the Town and is designed so that fire trucks and all other vehicles can maneuver properly. The suggestion about the parking area for use of the trails is acceptable. The right-of-way shown to abutting property is required by the Town, but Tannery Brook is a considerable barrier to access Libby Ave and the developer has no ownership on any of those properties. Mr. Fox commented that the width of this roadway is different from that in Gordon Farms Subdivision, and asked Mr. Reynolds if they would be open to reconsidering that width to be more in line with what already exists. Mr. Reynolds said he would discuss that with the developer. Mr. Zelmanow suggested a width of 22 feet.

Jim Wolfe, developer, said they have not discussed with anyone what is going to be built in that area, there are no plans and no contracts, now their intent is to get the project approved, and see what the market demands. Basically they are thinking of houses such as those in The Crossing. They have had no conversations with anyone out back, their intent is to do this project only. They would welcome input from representatives of the neighborhood to incorporate into their next submission to the Town.

Even though the issues raised in Item 3 need to be addressed, Mr. Zelmanow directed staff to schedule a site walk. The center line of the roadway and corners of the lots should be staked out.

Ten Minute Break to 9:05 p.m.

Mr. Zelmanow announced that due to time constraints, Items 7 and 8 will be continued to the Board's second March meeting on the 20th.

Scott Herrick MOVED and George Fox SECONDED a motion to take Item 6 out of order prior to Item 5. Motion CARRIED, 5 ayes (James Anderson absent). [9:06 p.m.]

ITEM 6 PUBLIC HEARING – Subdivision and Site Plan Amendment – STJ, Inc. request for approval of an amendment to Brackett Brook Condominiums, approved September 9, 2016, to change private water mains to public water mains and to transfer a small portion of the land to the Town of Gorham, on property located on 3.45 acres off 210 Huston Road, Map 111 Lot 46, Urban Residential and Manufactured Housing zoning districts.

Mr. Poirier said that this project was approved on September 9, 2013, with a private water main to serve the condominium units. The applicant would now like to consider an easement to the Portland Water District for a public water main and deeding over a small section of 550 square feet to the Town to be merged into the Huston Road right-of-way that contains a fire hydrant. The item is on for public hearing instead of as a consent agenda because it is a site plan approval amendment and everything is in order for approval.

Mr. Firmin said that while he works for the Portland Water District, he believes that he can participate impartially on the discussion of this item and does not believe he needs to recuse himself.

Edward Zelmanow MOVED and Scott Herrick SECONDED a motion to allow Mr. Firmin to participate in the review of the item. Motion CARRIED, 4 ayes (Scott Firmin abstaining and James Anderson absent).

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

The applicant is aware of the Conditions of Approval.

Scott Herrick MOVED and George Fox SECONDED a motion to grant STJ, Inc.'s request for a subdivision amendment to change ownership of the private water mains to public water mains and to transfer a small portion of land to the Town of Gorham on the 14-unit residential condominium project located on 3.45 acres off Huston Road on Map 111 Lot 46 in the Urban Residential and Manufactured Housing zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (James Anderson absent). [9:35 p.m.]

ITEM 5 FINAL SUBDIVISION REVIEW – John Peters LLC – request for approval of Webb Farm, a 7-lot residential subdivision on 12.14 acres off Clay Road on Map 54 Lot 19.101, Rural zoning district.

Mr. Poirier said that this applicant received preliminary approval at the Board's January 9, 2017 meeting. During that meeting, the Board discussed with the applicant open space, a right-of-way to abutting property owner's parcel on Watts Drive, the need for sidewalks, street trees and street widths. A letter has been received from Rob Lavoie, Chairman of the Gorham Conservation Commission, requesting an easement area over the proposed trail for the ability to maintain the trail but not the requirement to do so.

Bill Thompson, BH2M Engineers, introduced the applicant John Peters. The trail system will be developed with little or no disturbance with a 15-foot easement around it. A 50 foot right-of-way easement is shown to abutting property on Watts Drive. Net residential calculations and nitrate plumes have been added to the plans. There will be a continuous 10 foot easement outside the right-of-way to allow for utilities or transformer pads. There will be no sidewalks, the road will be designed to the rural standards, 20 feet wide with 4 foot shoulders. There will be a clustered mailbox at the road entrance. The applicant has agreed to the upgrades requested by the Public Works Director to the culvert improvements. Homeowners' documents and protective covenants will be addressed per the Town Attorney's comments.

In response to Mr. Zelmanow, Mr. Thompson said they have not yet received their Permit by Rule.

Mr. Herrick confirmed with Mr. Thompson that there will be no sidewalks. Mr. Thompson said sidewalks would have changed the stormwater design and there are no sidewalks on Clay Road to connect to. Mr. Zelmanow said he is comfortable with no sidewalks.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow asked if the remaining issues should be addressed by consent agenda or could be conditioned. Mr. Poirier said that the plans probably could not be signed until the Board's next meeting anyway. A consensus of the Board is that the project can be approved with a condition of approval covering all the outstanding issues. Mr. Poirier crafted a new Condition of Approval #15 as follows: "That the applicant will address all outstanding staff comments and will receive the Maine DEP Stormwater Protection by Rule permit prior to the Planning Board's endorsement of the final plan."

Mr. Thompson said they are satisfied with the Conditions of Approval as amended this evening.

George Fox MOVED and Lee Pratt SECONDED a motion to grant John Peters LLC's request for final subdivision and private way approval for Webb Farm Subdivision and Benjamin Way private way off Clay Road located on Map 54 Lot 19.101, Rural zoning district, based on

Findings of Fact and Conditions of Approval as written by the Town Planner and amended this evening by the Planning Board. Motion CARRIED, 5 ayes (James Anderson absent).
[9:52 p.m.]


OTHER BUSINESS Items 7 and 8 will be heard at the Board's March 20, 2017 meeting.

ANNOUNCEMENTS Mr. Zelmanow determined that the Board will have a workshop before the April meeting to discuss the proposed ordinance amendment for agricultural event centers.

ADJOURNMENT

Scott Firmin MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (James Anderson absent). [9:56 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
March 6, 2017

ITEM 5 STJ, Inc. Amendment to Brackett Brook Condominiums

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

The applicant is required to obtain all local, state, and federal permits needed for the proposed development.

The Comprehensive Plan identifies this area as Village Residential. The plans meet the requirements of the Urban Residential zoning district for density.

Finding: Brackett Brook Condominiums conform with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Access to Brackett Brook Condominiums is via Tucker Drive and Tall Pine Bluff, which will be constructed to the Town's Urban Access road standard. Tall Pine Bluff and Tucker Drive are dead end drives that exit onto Huston Road.

The roads have been named Tucker Drive and Tall Pine Bluff and both names have been approved under E911 naming requirements.

Finding: Brackett Brook Condominiums will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The condominium units will be served by underground power, telephone, cable lines, and natural gas as shown on Plan and Profile: Sheet 4 of 7.

Finding: Brackett Brook Condominiums will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The condominium units will continue to be served by a 4" public water main extended from the Portland Water District's 8" water main located in the Huston Road right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The applicant is proposing to convey over 550 sq.ft. of lot area off Huston Road for the area occupied with the existing fire hydrant.

Finding: Brackett Brook Condominiums provide for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The sewer mains and pumps located within the condominium development are required to be maintained by the Brackett Brook Condominium Association.

The southern 5 duplex condominium units will be served by 8" gravity sewer with the 2 northern duplex units being served by 2" low pressure force main sewer.

Finding: Brackett Brook Condominiums provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

The proposed condominium buildings will have two dwelling units per building. Storm water from the site will be treated in storm water infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. The dwellings units' sewage disposal will be treated in the Portland Water District public sewer system.

Finding: Brackett Brook Condominiums will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The proposed construction of the condominium units and proposed road will not impact any wetlands or waterbodies. The wetlands on the northern edge of the site will be located in common space and protected from development.

Finding: Brackett Brook Condominiums will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

Brackett Brook is located on the northern edge of the lot. The stream is not located in any of the Town's Shoreland Overlay districts. No disturbance is proposed to occur within 60' of the proposed stream.

Storm water maintenance has been designed in accordance with state, Federal, and local requirements prior to discharging into groundwater or into abutting wetland and stream.

Finding: Brackett Brook Condominiums will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The layout of the buildings and road will not impact any wetlands or other natural features on the site.

No historic site, rare or irreplaceable natural or manmade assets are located on the site.

Finding: Brackett Brook Condominiums will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

No changes to the applicants' financial or technical capacity are proposed.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards for the development.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits.

Finding: Brackett Brook Condominiums will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
a) Land Improvements: The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
b) Owners Association: A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is required to form a condominium association for the development. The condominium association will maintain the land located outside of the individual condominium units, storm water infrastructure, and utilities located on the lot.

Finding: Brackett Brook Condominiums will have common space within the subdivision in accordance with the Planning Board requirements and the condominium association shall be required to provide for the perpetual care of commonly owned land.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The approval of the application is an amendment to an approved subdivision so preliminary and final approvals are not required.

Finding: Not applicable.

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The approval of the application is an amendment to an approved subdivision so preliminary and final approvals are not required.

Finding: Not applicable.

CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Amendment Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The proposal is to construct six two-unit condominium buildings located on the western half of the lot. The very northern portion of the lot will remain undisturbed.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

Vehicular access to the site will be on Tucker Drive and Tall Pine Bluff which will be built to the Town's Urban Access road standard. Tucker Drive and Tall Pine Bluff will be dead end roads that exit onto Huston Road.

Finding: *Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.*

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

The proposed Tucker Drive and Tall Pine Bluff will be designed to the Town's Urban Access road standard.

Finding: *The vehicular access into the development will provide for safe and convenient access.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The western side of Tucker Drive will have a hammerhead meeting the requirements of the Town.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

A sidewalk will be located on the western side of Tucker Drive. The sidewalk will connect to the existing sidewalk located along Gray Road via a sidewalk proposed to be located along Huston Road.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to the development.*

F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

The applicant is proposing to construct a storm water pond located at the end of Tucker Drive and Tall Pine Bluff. Storm water will also be treated in a smaller pond located along the eastern property boundary. Storm water from the site will be collected, treated, and discharged via storm water level spreaders.

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

During construction a filter berm or silt fence will be installed along the edge of the disturbed area, as shown on the Plan and Profile: Sheet 4 of 7. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The condominium units will be served by public water from the Portland Water District. A 4" water main will be extended into the site from the existing 8" water main located in the Huston Road right-of-way. The water main design and installation are required to meet the requirements of the Portland Water District.

Finding: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The condominium units will be served by private sewer which will connect into the Portland Water District's sewer main in Huston Road. A gravity sewer system will collect sewerage from 10 units with 2 units having low pressure sewer mains. The maintenance and operation costs of the sewer system located on the lot are the responsibility of the Brackett Brook Condominium Association.

Finding: The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The units will be served by underground power, cable, and telephone.

Finding: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The proposal requires no clearing of trees to construct the condominium units, the proposed road, or storm water infrastructure. No wetland impacts are proposed.

The trees and wetlands located on the northeastern half of the site will remain undisturbed.

Finding: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as practical during construction.

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The applicant is proposing to treat storm water in a pond located at the end of the road and along the eastern property boundary which provide storm water an opportunity to infiltrate into the ground. The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

Finding: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The applicant is proposing residential scale lighting on the units. No flood lights or pole lights are proposed as part of the development.

Finding: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

Trash removal will be through the Town's solid waste provider.

Finding: The development will provide for adequate disposal of solid wastes and hazardous wastes.

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The applicant has submitted a Landscaping Plan: Sheet 5 of 7 showing the location of 14 street trees along the western side of the proposed road. The applicant is proposing not to disturb the trees located along the northern edge of the lot.

Finding: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is not located in a Shoreland Overlay District. The applicant is proposing to treat storm water in storm water ponds before being discharged into upland areas near the wetland and Brackett Brook. No impacts are proposed to the stream or associated wetlands.

Finding: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

R. Technical and Financial Capacity: The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has submitted a letter from Gorham Savings Bank, dated April 27, 2016, from Karl Suchecki, Senior Vice President.

Finding: *The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.*

S. Buffering: *The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.*

The proposal is to retain the existing trees located along the northern property line.

Finding: *The development will provide for buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas.*

T. Noise: *The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.*

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

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 the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year round;
4. That the street name shall be approved by the Police and Fire Chiefs;
5. That the underground electric lines shall be inspected by the Code Enforcement Officer prior to backfill;
6. That the streets shall be properly named and signed with Town approved street signs and street signs shall be in place as soon as the driveway is constructed;
7. That the applicant shall make all the required changes to the plan meeting Town Staff approval prior to the Planning Board's endorsement of the final plan;
8. That prior to the 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;
9. That the private driveway shall be properly maintained for access of emergency vehicles year round;

10. That the applicant shall put a cash escrow of \$12,000.00 for sidewalk construction and \$12,000 for road repairs in the vicinity of Huston Road;
11. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Condominium Association documents shall be returned to the Planning Department prior to a preconstruction meeting being held;
12. That the proposed water main shall be designed and constructed to meet the requirements of the Portland Water District's email dated March 2, 2017;
13. That the applicant shall submit all the required legal documents for the transfer of the 550 sq.ft. of land to the Town of Gorham to the Planning Office meeting the approval of Town staff and the Town Attorney prior to the issuance of the final occupancy permit being issued within the development;
14. That the two buildings located north of the proposed road must have their lower floors, including basement, a minimum of one foot above the 100 year floor elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
15. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
16. That the subdivision/site plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
17. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.

ITEM 5 JOHN PETERS LLC – Webb Farm, 7-lot Residential Development off Clay Road

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2

The single-family lots range in size from 30,000 square feet to 35,560 square feet with street frontage for the lots ranging in size from 120 ft. to 378.21 ft.

The Comprehensive Plan identifies the future land use designation of this lot as Rural.

The applicant has provided a Net Residential Density Plan, which shows that the lot can support 7 single-family house lots.

Finding: Webb Farm Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

The subdivision lots will have legal road frontage on Benjamin Way, which has been designed to the Town's Rural Access Road standards.

Finding: Webb Farm Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The single-family homes located in the subdivision will be served by underground power, electric and telephone lines, the Town's contracted waste disposal contractor, and residential home sprinkler systems.

Finding: Webb Farm Subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The subdivision lots will be served by individual drilled bedrock wells with well steel casings being installed at a minimum of 15 feet into competent bedrock and the annular space between bedrock boreholes and steel casings being sealed with grout. Sevee & Maher Engineers, Inc.'s Figure 2 Groundwater Nitrate Plumes identifies areas acceptable for placement of residential water supply wells. Lots will have wells located in the areas identified in the plan as being acceptable for placement of wells unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will comply with safe drinking water standards.

Finding: Webb Farm Subdivision provides for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Sevee & Maher Engineers, Inc.'s Figure 2 Groundwater Nitrate Plumes: identifies the locations for septic systems as well as the nitrate plume flows. Each lot will have its septic system located as shown on the plan, unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact the abutting lots' ability to locate drinking supply wells as shown on Sheet 4.

Finding: Webb Farm Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Storm water from a portion of the road will be served by road ditches which will direct storm water into the subdivision's open space. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Webb Farm Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

All the residential house lots and the open space will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the forested area in the subdivision's open space.

Finding: Webb Farm Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

A storm water management plan, dated December 2016, has been submitted which identifies that storm water will be managed by routing the flows into the forested area in the open space.

The applicant has also submitted Sheet 4, Details A, which identifies how erosion control measures will be implemented on the site.

Finding: Webb Farm Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The residential subdivision is proposing to protect 4.54 acres of open space which will remain in its natural state. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Webb Farm Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- k) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has provided a statement from Norway Savings Bank, identifying that it has sufficient funds to complete the project.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the seven (7) lots within the subdivision.

Finding: Webb Farm Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
- a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
 - b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is proposing to create 4.54 acres of open space with a walking trail. The remaining open space will be utilized as a buffer both visually and for storm water purposes. The Webb Farm Subdivision homeowners' association shall be required to take care of the common open space, hiking trails, and the storm water drainage infrastructure.

Finding: Webb Farm Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Webb Farm Subdivision homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The proposal was given preliminary subdivision approval on January 9, 2017. The applicant has provided a final subdivision review packet.

Finding: *The applicant has submitted the required subdivision plan and accessory documentation showing that the required changes requested by the Planning Board at Preliminary Subdivision approval have been completed.*

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The proposal was given preliminary subdivision approval on January 9, 2017.

Finding: *The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.*

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 the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year around;
4. That all the buildings shall be sprinkled meeting all applicable sections of the Town's sprinkler ordinance;
5. That the building sprinkler plans shall be submitted to the Gorham Fire Dept. and the State Fire Marshal's Office for review and permitting with the plans being submitted to the Fire Dept. at least two weeks prior to the start of installation of the system;
6. That Sprinkler test papers must be submitted to the Gorham Fire Dept. prior to the Certificate of Occupancy being issued;
7. The street name shall be approved by the Police and Fire Chiefs;
8. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
9. The streets shall be properly named and signed with Town approved Street Signs and street signs shall be in place as soon as the roads are constructed;
10. That 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 earthwork contractor prior to the start of construction for the development;
11. That the subsurface wastewater disposal systems for the lots will be located as shown on the approved subdivision plan unless the applicant can provide the Code Enforcement Officer with a report from a

certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots ability to locate drinking supply wells;

12. That the individual wells for the lots will be located in the acceptable well zone as shown on Final Subdivision Plan for Webb Farm Clustered Subdivision, Sheet 1 of 5, and the wells shall meet the requirements of Sevee & Maher Engineers, Inc., dated November 8, 2016, but the well zone may be altered if the applicant can provide the Code Enforcement Officer with a report from a certified hydro-geologist stating that the new location and well installation is suitable and safe for drinking water supply;
13. That the applicant is responsible for recording the approved Webb Farm 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 prior to a preconstruction meeting being held;
14. That the applicant shall complete off-site improvements outlined in Bob Burns' comments dated March 2, 2017 meeting the approval of the Gorham Public Works Director;
15. That the applicant will address all outstanding staff comments and will receive the Maine DEP Stormwater Protection by Rule permit prior to the Planning Board's endorsement of the final plan;
16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
17. That the subdivision plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
18. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.

PLANNING BOARD MEETING
January 9, 2017

Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine

Members Present

EDWARD ZELMANOW, Chairman
SCOTT HERRICK, Vice Chairman
JAMES ANDERSON
SCOTT FIRMIN
GEORGE FOX
LEE PRATT

Staff Present

THOMAS M. POIRIER, Town Planner
BARBARA C. SKINNER, Clerk of the Board

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that all members were present.

APPROVAL OF THE DECEMBER 5, 2016 MINUTES

George Fox MOVED and James Anderson SECONDED a motion to approve the minutes of December 5, 2016 as written and distributed. Motion CARRIED, 5 ayes (Scott Herrick abstaining as not have been present at the meeting). [7:05 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Herrick reported that the Committee met earlier this evening to discuss the proposed language for landscape companies and contractors' yards in the Rural District. The item will be placed on the Board's agenda for a full Board workshop review before the February 6, 2017 meeting.
 - B. Streets and Ways Committee** – Mr. Zelmanow noted that this Committee has not met since the last Board meeting.
-

CHAIRMAN'S REPORT – Mr. Zelmanow announced that there is still a vacancy on the Planning Board and invited anyone interested in serving to contact the Clerk's office for more information.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that the applicant for the 198 Main Street project needs to purchase additional land to accommodate his garage or reduce the size of the garage under consideration, and a review is starting for the 19 Bartlett Road application recently submitted.

Mr. Poirier advised the Board that the Town Council has forwarded to the Planning Board a requirement for ordinance language for agricultural event centers to allow the owners of large barns to have the flexibility to hold various events such as weddings. Mr. Poirier commented that the item would go to the Board's Ordinance Subcommittee for action. Mr. Zelmanow noted that input would be needed from the Code Enforcement Officer and the Fire Chief.

- ITEM 1 PUBLIC HEARING – Preliminary and Final Subdivision/Site Plan Review – Great Falls Construction Inc.** – request for subdivision and site plan approval for a 5-story 24,761 square foot multi-use building having a first level bowling facility with food and beverage services; first level commercial/retail space; recreation space; and studio, 1 and 2 bedroom

apartments with associated parking at 7 Railroad Avenue, Map 103, Lot 81, Urban Commercial and Contract Zone zoning districts.

Mr. Herrick stated for the record that while he was not present when this item was last reviewed by the Board on December 5, 2016, he has reviewed the minutes of that meeting and feels that he is qualified to participate in the discussion on the item this evening.

James Anderson MOVED and Lee Pratt SECONDED a motion to permit Mr. Herrick participate in the discussion on the item this evening. Motion CARRIED, 5 ayes (Scott Herrick recused).

Mr. Poirier said some items still remain since the item was last before the Board at the December 5, 2016 meeting. One involves the requirement of the ME Department of Traffic for a traffic movement permit; the Planning Board can condition approval based on the applicant's securing the DOT permit prior to receiving an occupancy permit for the site. The Town's traffic review engineer's comments involve making the traffic signal timing operate efficiently and making sure the crosswalks are ADA accessible; staff has drafted Conditions 17 and 18 to cover these concerns. Staff has not added a requirement for a speed study as a condition of approval as the Board made clear at the December meeting that a study was not warranted. Mr. Poirier said that concerning the applicant's master sign plan, the best solution would be to amend the Contract Zone to allow the proposed projecting signs to be in excess of that allowed by the sign ordinance, with all other signs meeting the ordinance. If the Board concurs, a condition of approval has been written that the Town Planner is authorized to approve that the master sign plan complies with the amended provisions of the Contract Zone and other provisions of the Land Use Code. Finally, Mr. Poirier said that the applicant has asked that condition of approval #13 be amended to read "... 125% of the costs to complete the site construction..."

Owens McCullough, Sebago Technics, appeared on behalf of the applicants Jon and Cindy Smith, also present. Mr. McCullough said that the Town's traffic peer review engineer's suggestions about adding a white stripe along the edge of Elm Street will be incorporated on the plans, as well as skewing the crosswalk at the 3-way stop at Elm and Railroad so the landing is not in a driveway. Mr. McCullough asked that clearing of "invasive species" be added to condition of approval #16 and that condition #18 be changed from "... shall *make* the crosswalks..." to "... shall *design* the crosswalks..." Mr. McCullough suggested that a condition of approval dealing with the traffic movement permit state "that the applicant shall obtain a letter of conformance or obtain a traffic movement permit and comply with any conditions of that permit prior to the issuance of a certificate of occupancy for the project." He noted that the size of the building is 24,761 square feet and that there will be no homeowners' association or condominium as the building will be owned by Jon and Cindy Smith. Mr. McCullough said that they are asking for preliminary and final approval in this meeting, commenting that this project has "been around for a while."

In response to Mr. McCullough, Mr. Zelmanow noted that the first time this application came officially before the Board was at the October 3, 2016 meeting, so this complex plan has moved forward quite promptly. Mr. Anderson and Mr. McCullough discussed the traffic signal timing plan, which is to make sure the signals are operating efficiently and to make any recommendations required for the signaled intersections at New Portland and Mechanic, Mechanic and Main Street, and Elm and Main Street. Mr. Zelmanow and Mr. McCullough discussed the traffic movement permit process and the expectation is that because they are so low on the trip generation figure, it probably will not have any appreciable impact on any of the intersections. Mr. Smith said he believes that a scoping meeting will be set up with the Town within the next two or three weeks, which will determine what needs to happen with the traffic movement permit, but it could take 8 to 12 weeks for the permit to be issued. If any changes are required it will be the responsibility of the applicant and it is at his risk that he may be required to come back before the Board for an amendment. Mr. Zelmanow said he would have no problem conditioning approval on the applicant securing the traffic movement permit before an occupancy permit is issued. In reply to Mr. Zelmanow, Mr. Poirier replied that the Planning Department will be part of the traffic movement process, so staff will know early on what DOT

is asking for, and staff will make the determination if any change is de minimis or if it needs to come back before the Board for amendment. In response to Mr. Herrick, Mr. Poirier said that the performance guarantee to be posted will cover the improvements that the Town is approving. The Board agreed that condition of approval #19 shall read "That the applicant shall obtain a letter of conformance or obtain a traffic movement permit and comply with any conditions of that permit prior to the issuance of a certificate of occupancy for the project." The references to homeowners' association under D. Final Plan Review will be deleted.

The Board agreed to inserting the word "*site*" in condition #13 before the word "construction," "*invasive species*" should be added to condition #16, and the word "*make*" in condition #18 should be changed to "*design*." The Board also agreed that condition #20 will deal with the master sign plan as follows: "That the Planning Board authorizes the Town Planner to approve the master sign plan to comply with the amended provisions of the Contract Zone Agreement and other applicable provisions of the Land Use and Development Code."

Mr. Zelmanow asked that a sign be put up warning ahead of the raised crosswalk, saying "Slow – Raised Crosswalk Ahead." Mr. McCullough agreed to do so.

PUBLIC COMMENT PERIOD OPENED: Mr. Zelmanow noted that a memo has been received from Susan Robie, abutter at 34 Robie Street, which due to its length will not be read into the record but will be incorporated by reference into the minutes. Mr. Zelmanow referred to certain points in Ms. Robie's memo, saying that the Board has addressed most of her comments. He said that while there would be some traffic increases due to the project, there are pre-existing issues in the neighborhood with reckless driving and speeding, and the developer cannot control these issues. He said these are the Town's issues to deal with and residents need to bring this to the Council's attention at one of their meetings. Referring to Ms. Robie's comments dealing with the Comprehensive Plan and cut-through traffic, that does not apply in this instance as the development will become part of the neighborhood and the people living there and people looking to utilize the commercial businesses have every right to access any public street available to the businesses and their residences. Referring to Ms. Robie's comments about spill-over parking on neighborhood streets, Mr. Zelmanow said that these are public streets where parking is available to everyone.

Mr. Herrick said that Ms. Robie's comments contain nothing new that has not been vetted by the Board and the applicant, and the Board has done what it can to address reasonable concerns neither worsened by or created by this project. Mr. Zelmanow said the applicant should be commended for its attempts to work with the neighborhood. Mr. Pratt agreed, and said that the existing traffic problems in the neighborhood need to be addressed by the Town Council as the Board does not have the authority to do so.

PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and James Anderson SECONDED a motion to grant Great Falls Construction, Inc.'s request to receive preliminary and final subdivision approvals at one meeting. Motion CARRIED, 6 ayes.

Mr. Firmin asked about the wording in Finding g) concerning the capacity of the land to hold water which reads "*The majority* of stormwater will be collected and treated..." The language in the Finding was changed to "*A portion* of the stormwater will be collected and treated..."

Scott Herrick MOVED and James Anderson SECONDED a motion to grant Great Falls Construction Inc.'s request for preliminary and final plan/subdivision approval for a 5-story, 24,761 square foot multi-use building at 7 Railroad Avenue, having a first level bowling facility with food and beverage services; first level commercial/retain space; and studio, 1, and 2 bedroom apartments with associated parking on Map 103 Lot 81 in the Urban Commercial zoning district

based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board this evening. Motion CARRIED, 6 ayes. [7:58 p.m.]

Ten Minute Break to 8:15 p.m.

ITEM 2 Final Subdivision Review – Normand Berube Builders – request for approval of Shiers Meadows Subdivision, a 6-lot subdivision on approximately 17.67 acres, and Shiers Meadows Drive and Grassland Drive, located on Map 4, Lot 4.001 off County Road, Rural zoning district.

Mr. Poirier noted that the applicant received preliminary subdivision approval on December 5, 2016. He said that some additional legal documents and easement deeds are needed for review and approval.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and said it appears there are no significant outstanding issues.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow confirmed with Mr. Morrell that the applicant is satisfied with the Conditions of Approval.

Scott Herrick MOVED and George Fox SECONDED a motion to grant Berube Builders’ request for final subdivision approval for Shiers Meadows Subdivision and Shiers Meadows Drive and Grassland Drive, located off County Road on Map 4 Lot 4.001, Rural and Stream Protection Subdistrict zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes. [8:19 p.m.]

ITEM 3 Preliminary and Final Subdivision Review – Jane’s Woods – STJ, Inc. – request for approval of Jane’s Woods, a 9-lot subdivision with a public road (Burton Drive) on 14.94 acres, located between Files Road and Line Road, Map 74, Lot 4, Suburban Residential zoning district.

Mr. Poirier told the Board that this application was last before the Board on November 7, 2016, at which time the Board decided that a road connection to Line Road was not warranted. Based on that, the applicant has modified his plans from two roads to one road, proposed to be designed to the Rural access standards with a cul-de-sac. Mr. Poirier said that inasmuch as a western portion of the lot is located within the Town of Buxton, the Town Attorney has advised that the subdivision will need to be approved by that Town’s Planning Board. Once the project is approved by Gorham’s Planning Board, the applicant’s engineer will need to get the project approved by the Buxton Planning Board. Mr. Poirier said that the applicant has asked for a waiver of the Board’s requirement to hold separate meetings for preliminary and final subdivision approval.

Andrew Morrell, BH2M, came to the podium and introduced Mark Curtis and Tom Shaw of STJ. Mr. Morrell said that the required nitrate study has been completed and test pits have done on each lot for the subsurface waste water disposal system, as well as a high intensity soils survey. A stormwater analysis has also been performed. Mr. Morrell said that after Gorham’s Planning Board has approved the project, the Town of Buxton Planning Board will endorse the mylar prior to its being recorded at the Registry of Deeds. A revised letter of financial capacity has been provided. Legal documents will be provided prior to endorsement of the mylar.

The Board discussed with Mr. Morrell and Mr. Shaw the memo of January 9, 2017 received from the Public Works Director concerning proposed Town's and applicant's improvements to Files Road. Mr. Poirier said that the Public Works Director's memo will be included in the Findings of Fact, Preliminary Plan Review, 2), b) "Will not cause congestion or unsafe conditions with respect to use of the highway or public roads, existing or proposed on or off the site," as follows: "The applicant shall complete the improvements to Files Road identified in the Public Works Director's memo dated January 9, 2017 and emailed to the Town Planner."

Mr. Anderson asked Mr. Morrell about Woodard & Curran's request that the applicant show that the existing culvert in front of the adjacent property is adequately sized. Mr. Shaw said they will size up the culvert if necessary. After further discussion, Mr. Poirier drafted a new condition of approval #15 as follows: "That the applicant shall replace the 12 inch culvert under Files Road meeting the approval of the Public Works Director, should increased stormwater warrant the proposed replacement, based on the recommendation of Woodard & Curran."

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED.

P

George Fox MOVED and Scott Firmin SECONDED a motion to grant STJ, Inc.'s request to receive preliminary and final subdivision approvals at one meeting. Motion CARRIED, 6 ayes.

George Fox MOVED and James Anderson SECONDED a motion to grant STJ, Inc.'s request for preliminary and final subdivision approval for Jane's Woods Subdivision and Burton Road, located between Files Road and Line Road, Map 74, Lot 4, in the Suburban Residential zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board this evening.

ITEM 4 Preliminary Subdivision Review – John Peters LLC – request for preliminary approval of Webb Farm and Benjamin Way, a 7-lot residential development of 12.14 acres, located off Clay Road, Map 54, Lot 19.001, Rural zoning district.

Mr. Poirier said this application was before the Board as a pre-application discussion on July 11, 2016, at which time the Board determined that a clustered subdivision is the best form of development for the site. Mr. Poirier noted that the applicant is proposing a future right-of-way to a lot which is currently part of an existing subdivision; however, Mr. Poirier suggested that the Board may want to look for a future right-of-way connection to the north, which has a greater potential of being developed in the future. The Board also discussed a proposed trail and a possible sidewalk along the road. Staff has forwarded the applicant's plans to the Gorham Conservation Commission for recommendations on whether a public easement should be located for trail use, how the trail should be constructed, if it can be connected to other trails in the area, and if the Commission is willing to accept it for maintenance. Mr. Poirier said that a memo was received today from the Public Works Director requesting some improvements to some cross-road culverts and associated improvements.

Andrew Morrell, BH2M, gave the Board an overview of the 12 acre parcel off Clay Road, zoned Rural, on which the applicant is proposing 7 clustered subdivision lots, with an approximate 610 feet long public road, Benjamin Road. The road is proposed to be 20 feet wide, 4 foot gravel shoulders on either side. The development will have subsurface waste water disposal systems for all 7 lots, drilled wells, and underground electric. A nitrate study has been done. If the Board wants the right-of-way connection to the north, would it consider that being placed along the western boundary of the parcel as opposed to being off the end of the hammerhead, keeping the configurations of lots 4 and 6. Mr. Morrell said that the applicant believes that sidewalks are not warranted due to the site's rural setting. Stormwater for the site will be collected with

vegetated ditches on both sides of the roadway and discharged to one of two ditch turnouts and level spreaders. Net residential density calculations supporting 7.5 lots are shown on Sheet 1 of the plans; this figure will be added to Finding of Fact C. 2) a) that “The applicant has provided a Net Residential Density Plan..., ” which will be submitted. A cluster mailbox will be added. Homeowners’ documents will be provided. Per comments from Woodard & Curran, the profile of the road will be adjusted to meet the Town’s requirements.

Mr. Poirier explained that there is a substantial amount of undeveloped land to the north of this project, and providing a future right-of-way easement to Watts Drive will prevent the development of future dead end roads. Mr. Zelmanow suggested that staff determine the current status of Watts Drive. Mr. Poirier confirmed with Mr. Zelmanow that the Gorham Conservation Commission will provide their recommendations to Mr. Poirier, who will forward them to Mr. Morrell. Mr. Morrell said he will review the Public Works Director’s recommendations and get back to Mr. Poirier.

Mr. Anderson asked about a summary of proposed street trees; Mr. Morrell said he will show a summary of the two trees proposed per lot. Mr. Morrell told Mr. Zelmanow that no trees are proposed between the lots, but the applicant will try to save as many trees between the lots as possible.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and James Anderson SECONDED a motion to grant John Peters LLC’s request for preliminary subdivision approval for Webb Farm Subdivision and Benjamin Way located on Clay Road, Map 54, Lot 19.101, Rural zoning district, with Findings of Fact as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 6 ayes. [9:01].

ITEM 5 Pre-Application Discussion – Shaw Earthworks – request for subdivision and site plan amendment approval to add storage, parking and additional drive areas to their existing shop location, located at 11 Cyr Drive, New Portland Parkway subdivision, Map 29, Lot 2.006, Industrial zoning district.

Mr. Poirier said the applicant is coming forward with both site plan and subdivision amendments. The application proposes to increase the amount of wetland disturbance allowed on lots 2.005 and 2.006 in Map 29 of the New Portland Parkway commercial subdivision beyond what was originally approved, thereby necessitating an amendment to the subdivision’s Maine DEP Site Location of Development. The site plan and subdivision amendments will proceed concurrently. The applicant currently owns the lot at 11 Cyr Drive, has just purchased the abutting lot to the south at 5 Cyr, and is looking to expand the current contractor’s yard by locating outdoor industrial storage up to the southeastern edge of the 100’ setback. . These lots were re-zoned after November 30, 1998, so some additional performance standards are included that must be met, such as screening for storage areas.

Brian Shaw, Shaw Earthworks, told the Board that he and his brother have purchased the lot next door and are looking to expand their parking area and get approval now for a future cold storage building out back. He said that the impervious area and wetland impact areas were at a maximum in the New Portland Parkway subdivision, so they have spent two years with DEP coming up with a wetland restoration plan so they can impact a substantial amount of wetlands and have it compensated for. Mr. Shaw said his primary concern at this pre-application meeting is screening and buffering, which they are proposing to deal with by a 12-foot wall, 16 feet at its highest spot and 12 feet taller than New Portland Road. They are also proposing to add some kind of tree on top of the wall, such as fruit trees.

Mr. Anderson and Mr. Pratt agreed that some sort of shrubbery or trees on top of the wall would be better than fencing. Mr. Poirier suggesting that the applicant show what pine trees are proposed to be left on site which might be tall enough to serve as screening, which would help the Board decide what additional screening should be added. Mr. Shaw said he will have his engineer show those trees on the plan.

ITEM 6 Pre-Application Discussion – Maine Coast Kitchen – request for approval to construct a 7,150 square foot condo-plex including parking, access ways, sidewalks and landscaping on Little Wing Drive, located off New Portland Road, Map 12, Lot 12.001, Industrial zoning district.

Mr. Poirier said that the applicant is proposing to develop the front portion of a lot located off Little Wing Drive, a commercial driveway. This parcel was also rezoned after November 30, 1998 so additional performance standards are required concerning such things as perimeter setbacks and access. This applicant is requesting a reduction in the required 100' setback down to 50', which the Board may reduce if it finds that it would result in a better development for the site.

Jason Vafiades, Atlantic Resource Consultants, appeared on behalf of Maine Coast Kitchens. He said the site is an approximate 84,000 square foot lot that had a site plan approval in 2006 for the entire parcel. Maine Coast Kitchens owns a portion of the lot, and what is proposed is approximately 7,100 square foot condo-plex, having 4 units intended for high-end manufactured or construction tradesmen. Maine Coast's existing facility is in the back of the lot. Sewer and water will be private, with an existing septic service on site which will be amended and rebuilt. Underground electric, cable and telephone will be new from an existing pole. There will be external propane tanks. They are requesting a reduction from the 100' setback, and there is a landscape architect on site working on a robust landscaping plan for New Portland Road.

In reply to Mr. Herrick, Mr. Poirier said that the setback applies to New Portland Road but not to the abutting residence because it is zoned industrial. Mr. Vafiades said that primarily they are looking for the setback reduction from New Portland Road. Mr. Pratt said that he wouldn't have a problem with reducing the setback so long as the landscaping is adequate. Mr. Vafiades asked if the screening could be more ornamental because they would like the building to actually be visible. Mr. Zelmanow said that a seasonal buffer would not be appropriate, and their landscaping plan will be sent out for peer review. Mr. Herrick commented that it appears the southerly most parking space will have to be shifted.

Mr. Poirier advised the applicant that it may not be possible to tie into the existing septic system and that Mr. Vafiades should talk to the Code Enforcement Officer because joint septic systems may no longer be allowed and the applicant may need to be on his own system.

ITEM 7 Pre-Application Discussion – Southern Maine General Contracting request for approval of a site plan amendment to Pyaevna Meadows Subdivision to construct a driveway off Route 114, independent of Pastore's Way, located at 664 Fort Hill Road, Map 81, Lot 27.128, Suburban Residential zoning district.

Mr. Poirier said that this application deals with the four lots approved outside of the remaining portion of the Pyaevna Meadows Subdivision. Those four lots were sold and developed, with lots 28 and 29 being required to share a driveway and lots 30 and 31 also required to share a driveway. The applicant is looking to purchase lot 29, and there is currently a driveway on lot 28; however, the applicant would like to construct a separate driveway out of lot 29. Staff has researched the minutes from the Pyaevna approval to find any discussions about driveways and limiting curb cuts; a discussion was held on limiting curb cuts on arterial roads and their impact on traffic movement. Mr. Poirier noted that the four lots in questions are still located

outside the urban compact area for Route 114, and any changes to the driveways for lots 28 through 31 are subject to securing a driveway permit from the Maine DOT.

Todd Bacon, Southern Maine General Contracting, came to the podium and explained that his mother-in-law owns lot 28 and he is looking to purchase lot 29. Mr. Bacon said he has been advised by his in-laws that the shared driveway requirement was because of issues dealing with sight distance, and since Route 114 has been re-worked by the State, those sight distances are no longer problematic. Mr. Bacon said that because there is a great deal of ledge where the two driveways would connect, it would be a huge financial burden to try to connect the two driveways, and he hopes that with the sight distance problem corrected, two separate driveways would be possible.

In reply to a question from Mr. Herrick, Mr. Poirier said there is a 50-foot common easement so Mr. Bacon could run his driveway anywhere in the easement and connect into the existing driveway. In reply to Mr. Zelmanow, Mr. Poirier explained that the Board would now have to remove the requirement for shared driveways and allow lot 29 to have its own curb cut into Route 114. Mr. Poirier said this item is on for pre-application discussion so that the applicant need not incur additional expense for a subdivision amendment if the Board is not comfortable agreeing to remove a requirement that a past Planning Board has made. Mr. Herrick said he is hesitant to undo past Board decisions. After discussion, the Board concurred with the applicant that it would be more cost effective to relocate the existing easement and suggested that the applicant meet with the Town Planner to discuss other options for tying his driveway into the existing driveway.

ITEM 8 Discussion: Land Use and Development Code Amendment – Chapter 2, Section 3, D. Prohibited Signs, Displays and Related Materials, to allow rotating barber poles.

Mr. Poirier said this item appears to be straightforward and suggested that it be placed on a future agenda for public hearing. Mr. Zelmanow commented that a barber pole should be allowed to rotate only during business hours. The Board concurred that the item should be placed on the next Planning Board meeting agenda for public hearing.


ANNOUNCEMENTS None.

OTHER BUSINESS None.

ADJOURNMENT

George Fox MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [9:40 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
January 9, 2017

ITEM 1 GREAT FALLS BUILDERS – SUBDIVISION/SITE PLAN – 7 RAILROAD AVENUE

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section IV – D. Final Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

The applicant is required to obtain all local, state, and federal permits needed for the proposed development. The proposed development will conform to the Contract Zone adopted between the Town of Gorham and Railroad Avenue, LLC on December 6, 2016.

Finding: Railroad Avenue Commercial Development conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

A three way stop will be constructed at the intersection of Elm Street and Railroad Avenue to alleviate traffic concerns. A raised speed table is also proposed to be constructed just north of the Station Square driveway entrance on Elm Street.

The applicant will provide a traffic signal timing plan for implementation and approval by the Town that includes a review and update of the coordination program at the three Main Street traffic signals and includes upgrades to vehicle detection.

Finding: Railroad Avenue Commercial Development will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

Waste disposal for the site shall be from a private waste hauler hired by the owner and/or developer. Waste shall be held in one of two screened dumpster pads to be located along the southern edge of the existing disturbed area on the site.

The site is currently served by overhead power. The overhead power is proposed to be removed from the site and replaced with underground power coming from a power pole located on the northern side of Railroad Avenue.

Finding: Railroad Avenue Commercial Development will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The building is proposed to be served by public water from the existing water main located in Railroad Avenue. The building will have two water main stubs into the building: the first is a 6" water main stub currently serving the site, and the second is a new 4" water main stub to be installed into the site.

The applicant has provided an ability to serve letter dated October 5, 2016, from Gordon Johnson, Engineering Services Manager, with the Portland Water District, identifying that the Water District has the ability to serve the site.

The applicant has received Portland Water District's approval.

Finding: Railroad Avenue Commercial Development will provide for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The building is proposed to be served by public sewer from the sewer main located in Railroad Avenue. The building will connect into the existing 6" sewer stub that services the site.

Finding: Railroad Avenue Commercial Development will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

The applicant is proposing to treat storm water in two storm tree box filters. One tree box filter will be located on the western edge of the site, and the other tree box filter is to be located near the dumpster pad on the southern property boundary.

Finding: Railroad Avenue Commercial Development will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The proposed development of the site will utilize public water for the uses within the buildings. The applicant is not proposing to increase any impervious area on the site. A portion of stormwater will be collected and treated prior to release into the stream located along the southern property line.

Finding: Railroad Avenue Commercial Development will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

The southern edge of the parcel has a stream located along the southern edge of the property. The applicant is not proposing to disturb any closer to the stream than the existing chain link fence and the area previous disturbed for gravel storage and parking.

Finding: Railroad Avenue Commercial Development will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The layout of the buildings and road will not impact any wetlands or other natural features on the site.

No historic site, rare or irreplaceable natural or manmade assets are located on the site.

Finding: Railroad Avenue Commercial Development will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has provided a letter of intent to fund, dated December 1, 2016, from Francine V. Cram, Vice President Commercial Lending Market Manager, with Kennebunk Savings Bank.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards for the development.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permit.

Finding: Railroad Avenue Commercial Development will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant will maintain the land located outside of the proposed development, storm water infrastructure, and utilities located on the lot.

Finding: Railroad Avenue Commercial Development will have common space within the subdivision in accordance with the Planning Board requirements and shall be required to provide for the perpetual care of commonly owned land.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The applicant is requesting a waiver from the requirement from the Planning Board's policy to grant preliminary and final approvals at separate meetings.

Finding: Not applicable.

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The applicant is requesting preliminary and final approvals at the same meeting.

Finding: The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.

CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The proposed use and size of the building conform to the requirements of the Land Use and Development Code.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

Access to the site will be from Elm Street and Railroad Avenue. Elm Street is accessed by Main Street, Preble Street, and Robie Street. Railroad Avenue is accessed from Mechanic Street and Elm Street.

A three way stop will be constructed at the intersection of Elm Street and Railroad Avenue to alleviate traffic concerns. A raised speed table is also proposed to be constructed just north of the Station Square driveway entrance on Elm Street.

The applicant will provide a traffic signal timing plan for implementation and approval by the Town that includes a review and update of the coordination program at the three Main Street traffic signals and includes upgrades to vehicle detection.

Finding: *Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.*

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

Vehicular access into the site will be from 2 driveways located on the site. One 27' wide driveway is to be located off Railroad Avenue and one 24' wide driveway is to be located off Elm Street. The two driveways will allow access to the parking spaces located to the rear and the side of the building.

Finding: *The vehicular access into the development will provide for safe and convenient access.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

Customers to the retail, bowling, and office space portion of the site will be directed to parking along the street on either Railroad Avenue or Elm Street because the only entrances into those spaces are located on the western and northern sides of the building.

Residential tenants will be directed to park to the south and east of the building because the only entrances into the residential portion of the building will be on the southern or eastern sides of the building.

Drive aisles in the parking lots are wide enough to allow two-way traffic around the site.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

The applicant is proposing to locate a concrete sidewalk along three sides of the building to promote pedestrian circulation around the building. The on-site sidewalk will connect to the existing sidewalk in the following locations:

A new crosswalk located in the middle of Railroad Avenue.

A new crosswalk on Railroad Avenue located at the intersection of Elm Street and Railroad Avenue.

A new crosswalk on Elm Street located at the intersection of Elm Street and Railroad Avenue.

A new raised table crosswalk located to the north of the Railroad Brook.

Off-site sidewalk improvements include the construction of a new sidewalk along the western side of Elm Street and a small portion on Robie Street. The new sidewalk will connect the existing sidewalk along Robie Street to the existing sidewalk along Elm Street. The sidewalk will also look to close off some of the large curb cut located to the front of 29 Elm Street.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to the development.*

F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

Storm water from the site will be collected in a closed storm water system. A small amount of storm water from the northern edge of the site will be collected into a catch basin and connected into the Town's storm water infrastructure located in Railroad Avenue. A portion of the storm water collected from the eastern, western, and the southern portions of the site will be directed into a closed water drainage system and into Railroad Brook.

Two tree box filters are proposed to be installed on the eastern and southern edges of the site to treat storm water before it is discharged into Railroad Brook.

The lot is located within the Town of Gorham's Urbanized Area and subject to the Town of Gorham's Post-Construction Stormwater Management Ordinance.

Finding: The site has adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system and maintenance plan which does not have adverse impacts on abutting or downstream properties.

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

"Grading and Utility Plans," sheets 5 and 6 of 11: illustrate the locations and type of erosion control devices to be installed during construction. "Details" plan, sheet 8 of 11: identifies parameters for erosion control and winter erosion control measures to be utilized on site.

The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The building is proposed to be served by public water from the existing water main located in Railroad Avenue. The building will have two water main stubs into the building: the first is a 6" water main stub currently serving the site and the second is a new 4" water main stub to be installed into the site.

Finding: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The building is proposed to be served by public sewer from the sewer main located in Railroad Avenue. The building will connect into the existing 6" sewer stub that services the site.

Finding: The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The proposed units will be served by natural gas, underground power, cable, and telephone.

Finding: *The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The applicant is proposing to leave undisturbed the area along the southern edge of the parcel near Railroad Avenue which has not been previously disturbed. No wetlands are proposed to be disturbed.

Finding: *The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

Any storage of hazardous materials must be in compliance with federal, state, and local requirements. No impact to the site's groundwater is proposed.

Finding: *The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The applicant has provided a photometric plan and lighting details as part of the plan sheet submission. The parking lot light poles and building wall packs shall be full cut-off style of lights.

Finding: *The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

Waste disposal for the site shall be from a private waste hauler hired by the owner and/or developer. Waste shall be held in one of two screened dumpster pads to be located along the southern edge of the existing disturbed area on the site.

Finding: *The development will provide for adequate disposal of solid wastes and hazardous wastes.*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The applicant has submitted a "Landscape Plan", Sheet 7 of 11. The plans show the installation of a line of street trees between the building and the parking area along both Elm Street and Railroad Avenue. Four trees are also proposed to be installed in the parking lot between the two buildings on the site.

Some small shrubs and plants are proposed to be installed in the northeast corner of the lot, along the northern and eastern side of the building, as well as along the other building located on the site.

Finding: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

Railroad Brook is located along the southern edge of the parcel. The applicant is not proposing to disturb any new area that has not been previously disturbed before. The applicant has received approval for the disturbance to the plan as currently shown.

Finding: The development plan will not adversely affect the water quality or shoreline of any adjacent water body and will provide for access to abutting navigable water bodies for the use of occupants of the development.

R. Technical and Financial Capacity: The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicants have provided proof of their 30 years of construction experience as construction managers. The applicant has provided a letter of intent to fund, dated December 1, 2016, from Francine V. Cram, Vice President Commercial Lending Market Manager, with Kennebunk Savings Bank.

Finding: The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with the Code and the approved plan.

S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

Both of the dumpster pads will be buffered from view by a 6' high wooden fence. The applicant is proposing to consult with the Town of Gorham about the planning and buffering of existing vegetation along the southern property boundary.

The southern property line is also the zoning boundary line between the Urban Commercial District and the Urban Residential District. The applicant is proposing to leave the existing vegetation along the Brook as shown on the plan. The vegetation along the Brook to remain is any vegetation located on the south side of the existing chain link fence. No clearing of trees is allowed in this area except dead, diseased, and dying trees with the approval of the Town Planner.

Finding: The development provides buffering to screen service and storage areas.

T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – *Sound Level Limits* and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm-7am).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

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 or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
6. That a complete set of building plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department before the building permit is issued and a stamped set of plans from the Fire Marshal's Office shall be supplied to the Fire Department and the Code Enforcement Office;
7. That the building shall be completely sprinkled meeting all applicable sections of the Towns Sprinkler Ordinance and the sprinkler plans shall be submitted to the Fire Department for review and permitting at least two weeks prior to the start of installation of the system;
8. That the building shall have a separate sprinkler control room with a separate outside door marked, "Sprinkler Control Room";
9. That the building will require a full Fire Alarm System meeting all the requirements of NFPA 72 and the main Fire Alarm Panel shall be located in the sprinkler control room with a remote panel located in the front lobby;
10. That the Fire Alarm installer and designer shall meet with Gorham Fire Department before the start of installation to determine layout and zoning of the alarm system;
11. That the building shall have at least two lock boxes with master keys for the building, one located outside the sprinkler control room and one at the front entrance of the building;
12. That all gas meters shall be protected by bollards;
13. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the site construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;

14. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
15. That the owner of the site is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
16. That no clearing of vegetation is allowed along the brook except dead, diseased, invasive species, and dying trees, shrubs, and plants with the approval of the Town Planner;
17. That within a year of the project completion the applicant shall complete a traffic signal timing plan for implementation and approval by the Town Public Works Director that includes a review and update of the coordination program at the three Main Street traffic signals and includes upgrades to vehicle detection if warranted;
18. That prior to the Planning Board's endorsement of the final plan the applicant shall design the crosswalks to be ADA compliant meeting the Public Works Director's approval prior to the Planning Board's signature of the final plan;
19. That the applicant shall obtain a letter of conformance or obtain a traffic movement permit and comply with any conditions of that permit prior to the issuance of a certificate of occupancy for the project;
20. That the Planning Board authorizes the Town Planner to approve the master sign plan to comply with the amended provisions of the Contract Zone Agreement and other applicable provisions of the Land Use and Development Code;
21. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
22. That the subdivision/ site plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision/ site plans are required to be recorded within one year of original approval or the approval becomes null and void; and
23. That once the subdivision / site plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision/ site plans shall be returned to the Town Planner prior to a pre-construction meeting being held.

010417 Memorandum from Susan Robie, 34 Robie Street, Gorham, ME 04038:

To: Gorham Planning Board
From: Susan P. Robie
Agenda Item: Railroad Avenue Development
Recommendations for Conditions of Approval

I am unable to attend the January 9 Planning Board Meeting. The agenda item that I am writing about is the Railroad Avenue Development request for Preliminary and Final Approval. I request that this memo be read into the record at the planning board meeting on January 9, 2017.

I have very little objection to the project as a whole. However, I do have concerns regarding the impact of the development on the adjacent neighborhood. These concerns, from my point of view, are legitimate based on the current Land Use and Development Code and the approved comprehensive plan changes of 2016. My purpose in writing this letter is to propose possible conditions of approval to address those issues. I do not believe that the application as written nor the measures proposed to date by the planning board address these concerns. I am requesting that this letter be read into the proceedings at the Planning Board Meeting of January 9, 2017. I respectfully ask that the suggestions be considered by the planning board.

Impact of the Development on Adjacent Residential Neighborhoods

The amount of traffic through the neighborhood and the speed of traffic are of concern in the neighborhood area encompassed by Robie Street and Lincoln Street as described by residents at the first Planning Board meeting on the project. Any significant addition/change to the existing traffic will constitute a further reduction in safety for school children, particularly in the morning and afternoon peak traffic. Further an increase/change in traffic, particularly cut through traffic in the late afternoon or evening hours will constitute a reduction in the livability of the neighborhood.

Mr. Smith has responded to these concerns by modestly changing the angle of the rear exit onto Robie Street and striping the rear entrance/exit so as to not encourage turns in and out into the neighborhood. A raised crosswalk has been added to the plan across Elm Street between the development and the sidewalk continuation on the West side of the street. These improvements are greatly appreciated.

Mr. Smith has stated that he does not believe the change in traffic into and through the neighborhood will be significant. I and others in the area disagree. Four businesses, one with high hourly turnover, in addition to 40 residential units is not an insignificant addition to the area.

Since we are fortunate enough to have base line data traffic data at the intersection of Lincoln, Robie and the School it will be possible when the development is completely built, occupied and operational to determine whether the traffic increases significantly, or the patterns change.

Also, I believe it is possible, with the appropriate measures taken by the developers of the Railroad Street Project, to mitigate significant increases should they occur. There are measures such as signage, gates, and traffic circulation that can occur on site. Additionally, stop signs on Robie and Lincoln combined with speed bumps can be predicted to calm traffic down and discourage cut through traffic. These are not expensive solutions.

A second concern that has been discussed briefly and dismissed has been potential noise from the bowling alley. The developers have asserted that this noise will not be a problem because it will be contained within the structure. No data has been provided to support this assertion. Our Land Use and Development Code describes short term high impact noise and a standard for measurement on p 249-250, it is reproduced at the end of this letter. The Land Use and Development Code also provides for a condition of approval to contain a requirement for post development measurements subject to enforcement action.

A third question raised that has been dismissed "as not our problem" is parking. If parking spills into the neighborhood along the sides of Robie and Lincoln because, contrary to expectations, there is not enough parking with the shared model presented by the developer this will constitute a further nuisance to the neighborhood. The premise of a shared parking model sufficient for the development on the development site was used as an argument for the parking reduction from the Land Use and Development Code contained in the contract zone.

Much of the discussion of the Planning Board that I have listened to has revolved around the issue of existing conditions not being a legitimate concern of the developer. I agree that is true. However, not significantly

increasing the severity of the condition is a legitimate requirement of any developer abutting a zone of different use according to our Land Use and Development Code. As stated above, base line data exists to determine whether or not the development has a significant effect on traffic when completed. Further the Gorham Comprehensive Plan adopted in 2016 has a specific goal to *“To minimize the impact of vehicular traffic on established residential neighborhoods.”* The Planning Board has the biggest potential to fulfill requirements of the current Land Use and Development Code and implement this goal by providing appropriate input to site plans and using conditions of approval at the time of development to provide for post development mitigation.

I would propose that conditions of approval be added to the plan to address the above issues:

- 1) When fully operational if traffic through the Lincoln Robie intersection increases by 150% either in total, or during an existing peak interval and/or a new peak period interval develops specific mitigation measures be employed to include but not be limited to onsite changes, such as signage restricting the use of the rear entrance to residents only and onsite circulation changes. If onsite changes do not mitigate the traffic, off site measures such as installation of stop signs at the Robie Street “corner” and the installation of speed bumps on both Robie and Lincoln Street will be implemented.
- 2) When fully operational the development must comply with the noise ordinance.
- 3) If spillover parking occurs on a regular basis on Robie and Lincoln Street, the developer is required to mitigate this impact to the neighborhood by supplying appropriate No Parking signs.

Page 144 of the Gorham Land Use and Development Code describes the buffering required between non-resident uses and residential uses.

BUFFER AREAS (p 144 Gorham Land Use and Development Code)

H. NOISE ABATEMENT 1) Noise is required to be muffled so as not to be objectionable to surrounding land uses ... After April 7, 2009 developments subject to site plan review are required to meet Chapter IV, Site Plan Review, Section IX

Further p. 249-250 * Approval Criteria and Standards, T, Noise Abatement. Where there is a conflict between those noise requirements and the standards of this section, the more restrictive requirements shall govern.

K1) Any non-residential yard space abutting a residential area shall be maintained as a buffer strip by the developer. Such buffer area shall be for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Gorham.

The relevant Comprehensive Plan passages are listed below:

“Our vision of Gorham is a neighborly community and the most desirable plan in Maine to live, raise a family or build a business in a healthy, robust and aesthetically pleasing environment.

Gorham Village and Little Falls are vibrant village centers. In Gorham Village, a range of businesses meet the day-to-day needs of residents of the community and the larger region while in Little Falls the businesses are more locally focused. Both villages are attractive, pedestrian friendly places where people are comfortable and want to be. The village residential neighborhoods provide highly livable environments with easy access to services and community facilities. The Town and the University of Southern Maine make the Village more inviting and attractive to USM students and their families so they integrate more with the downtown area.” Gorham 2016 Comprehensive Plan p. 29

“D. Transportation:

(Maine) State Goal: To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development. (Growth Management Act)”
Gorham 2016 Comprehensive Plan p. 35

“Local Objection:

- *To maintain and enhance the ability of the road network to move traffic safely and efficiently while providing a high level of accessibility to residential neighborhoods, commercial areas and job centers.*
- ***To minimize the impact of vehicular traffic on established residential neighborhoods.***
- *To create a transportation system that provides a number of ways for people to move about the community including opportunities for walking and biking in addition to the use of the automobile.*
- *To expand the range of transportation alternatives available to the Town’s residents, workforce, and visitors including transit service.”* Gorham 2016 Comprehensive Plan p. 35

“Complete Streets

6. *Complete Streets is a concept of designing and constructing streets to meet the needs of all users, motor vehicles, pedestrians, bicyclists, and public transit. The Town should apply the Complete Streets concept to the construction of new streets and to the reconstruction or substantial improvement of existing streets especially with the village areas.*

Traffic in Residential Neighborhoods

7. *The Town should continue to encourage/require the development of a pattern of interconnected local streets where that is feasible while at the same time discouraging the use of local, residential streets as short cuts for commuter and similar through traffic including assuring that the design of new streets does not encourage “short-cutting” through residential neighborhoods. The Town should work with established residential neighborhoods that are experiencing significant “cut-through” traffic to improve the situation. Gorham 2016 Comprehensive Plan p. 36*

Thankyou for your consideration of my suggestions

Susan Robie”

ITEM 2 NORMAND BERUBE BUILDERS – SHIERS MEADOWS SUBDIVISION; SHIERS MEADOWS DRIVE AND GRASSLAND DRIVE

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

The single-family lots range in size from 50,700 square feet to 200,745 square feet with street frontage for the lots ranging in size from 214 feet to 561.96 feet.

The Comprehensive Plan identifies the future land use designation of this lot as in the Rural district.

Finding: Shiers Meadows Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Four of the subdivision lots will have legal road frontage on Shiers Meadows Drive, designed as a paved private way serving 7-10 lots/dwelling units, and two lots having legal road frontage from Grassland Drive, designed as a gravel private way serving 2-6 lots/dwelling units.

Both roads connect to County Road, State Route 22, which is classified as an arterial road by the Town of Gorham.

Finding: Shiers Meadows Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The single-family homes will be served by underground power, cable, and telephone lines from Shiers Meadows Subdivision. The Town's contracted waste disposal contractor will pick up trash and recyclables. The homes are required to have residential home sprinkler systems.

Finding: Shiers Meadows Subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The subdivision lots will be served by individual water supply wells located up-gradient of the wastewater disposal systems.

Finding: Shiers Meadows Subdivision provides for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems must meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

A nitrate plume analysis has been completed for the subdivision by Andrew Gobeil, C.G. , L.S.E, with Sevee & Maher Engineers, Inc. showing nitrate plumes and zones where wells could be located.

Finding: Shiers Meadows Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Storm water from the house lots will be allowed to sheet flow into nearby wooded areas. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Shiers Meadows Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The lot area disturbed as part of construction activity will be loamed and seeded to prevent soil erosion. Storm water from the subdivision will be treated in a series of meadow buffers located along Grassland Drive and the South Branch of the Stroudwater River and forested buffers located along the Stroudwater River.

Finding: Shiers Meadows Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

The northern property line follows the Stroudwater River and the eastern property line follows the South Branch of the Stroudwater River. The applicant is not proposing any clearing or disturbing of land within the 75' stream setback or on steep slopes leading down to the streams. Wetland impacts are limited to the greatest extent practical.

Sheet 7, Details, identifies how erosion control measures will be implemented on the site.

Finding: Shiers Meadows Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The residential subdivision is not proposed to impact any land within 75' of the Stroudwater River or the South Branch of the Stroudwater River. No scenic vistas, historic sites or manmade assets have been identified on the site.

Finding: Shiers Meadows Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- k) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has submitted a letter of intent to fund dated December 9, 2016 from Philip D. Fearon, Senior Vice President, Saco & Biddeford Savings Institution, regarding the applicant's ability to fund the project.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the six (6) lots within the subdivision that will have new single-family homes constructed on them.

Finding: Shiers Meadows Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
a) Land Improvements: The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
b) Owners Association: A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is proposing to form a homeowners' association to maintain the stormwater infrastructure for the project as well as both of the private ways.

Finding: Shiers Meadows Subdivision will have common elements, such as the stormwater wet pond, within the subdivision in accordance with the Planning Board requirements and the homeowners association shall be required to provide for the perpetual care of commonly owned elements.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The applicant was granted preliminary subdivision approval on December 5, 2016.

Finding: The final plan incorporated all changes requested by the Planning Board as part of preliminary approval.

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The applicant was granted preliminary subdivision approval on December 5, 2016.

Finding: The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.

CHAPTER 2, SECTION 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.

Shiers Meadows Drive is a paved private way that will serve a total of nine lots/dwelling units within the subdivision. The total of nine lots includes three existing single-family dwelling units along Shiers Meadows Drive, with an additional four single family lots being proposed to be located off Shiers Meadows Drive. An additional two single family lots are being proposed off Grassland Drive, which will be accessed off Shier Meadows Drive.

Grassland Drive will be a gravel private way which will serve a total of two lots/dwelling units in the subdivision.

Finding: Grassland Drive private way is designed to the 2-6 lot gravel private way standard and no more than two dwelling units can be located on a lot served by the private way to a total of no more than 3 dwelling units and/or lots.

- 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 applicant has hired BH2M to prepare the private way plan, which has been prepared by a registered land surveyor, Robert C. Libby, Jr., P.L.S. #2190, and sealed by a registered professional engineer, Andrew Morrell, P.E. # 13285.

The private way plans have "Private Way Plan" included in their title.

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 show information sufficient to establish on the ground the exact location, direction, width and length of the private ways.

Both of the private way plans include a street plan and profile, and street cross sections are in accordance with Chapter 2, Section 5., E., 3.

Each private way plan includes the following plan note: "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 Plans of Private Way for Shiers Meadows Drive and Grassland Drive have been prepared by a registered land surveyor, Robert Libby, Jr., P.L.S. #2190, and sealed by a registered professional engineer, Andrew Morrell, P.E. # 13285, 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 will provide homeowners’ association documents as part of final subdivision approval that will detail the maintenance responsibilities for all lots served by Shiers Meadows Drive and Grassland Drive.

The homeowners’ association documents are required to be recorded within 30 days of approval by the Planning Board.

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.

Both private ways will have a 50’ right-of-way width. Shiers Meadows Drive is proposed to have a paved apron along County Road and Grassland Drive is proposed to have a paved apron off Shiers Meadows Drive.

Finding: The private way right-of-way width for both private ways is 50’ and paved aprons are proposed for both private ways.

- 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 Shiers Meadows Drive to a length of 1,275’ to the Town’s 7-10 lot/dwelling unit paved private way standard.

The applicant is also proposed to construct a 412’ private way to the Town’s 2-6 lot/dwelling unit gravel private way standard.

Both private ways will have the required turnarounds built to the Town’s requirements. .

Finding: Shiers Meadows Drive and Grassland Drive private ways meet all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10 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 shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a 2-6 lot/dwelling unit gravel private way to serve two lots. The paved 7-10 lot/dwelling unit paved private way is proposed to serve nine lots.

Three existing single-family homes are located on Shiers Meadows Drive with an additional six single-family dwelling units proposed to be constructed.

Finding: Grassland Drive will serve a maximum of 3 lots and/or 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 combined total lot area of all the lots is 17.5 acres in size. The applicant has completed the required net residential density calculation which identifies the number of lots allowed to be constructed on the parcel as 6 lots/dwelling units.

The ownership of the rights-of-way for Shiers Meadows Drive and Grassland Drive will remain with the subdivision homeowners' association.

Finding: The land area of Shiers Meadows Drive and Grassland Drive private way rights-of-way are 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.

Shiers Meadows Drive is proposed to be upgraded from the existing 2-6 lot gravel private way to the Town's 7-10 lot paved private way standard to handle the additional traffic from Grassland private way and new lots along the extension of Shiers Meadows Drive.

Both private ways are served by County Road, State Route 22, which is classified as an arterial road by the Town of Gorham. The condition of County Road can handle the additional traffic from six new single-family dwelling units.

Finding: Shiers Meadows Drive and Grassland Drive private ways are served by County Road which is suitable to serve the proposed private ways.

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 the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the roads shall be properly named and signed with a Town approved street signs with the road signs being installed as soon as the roads are completed;
4. That the road names shall be approved by the Police and Fire Chiefs;
5. That the private ways shall be maintained year around to allow access to emergency vehicles;

6. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
7. That the subsurface wastewater disposal systems for the lots will be located as shown on the Final Subdivision Plan for Shiers Meadows, Sheet 1 of 7, unless the applicant can provide the Code Enforcement Officer with a report from a certified hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots' ability to locate drinking supply well in the approved acceptable well zone;
8. That the individual wells for the lots will be located in the acceptable well zone as shown on Final Subdivision Plan for Shiers Meadows, Sheet 1 of 7, and the wells shall meet the requirements of Sevee and Maher Engineers' Inc. Groundwater Nitrate Evaluation, dated September 1, 2016, but the well zone may be altered if the applicant can provide the Code Enforcement Officer with a report from a certified hydro-geologist stating that the new location and well installation is suitable and safe for drinking water supply;
9. That all houses shall be sprinkled meeting all applicable sections of the Town's Sprinkler Ordinance with the sprinkler plans being submitted at least two weeks prior to the start of installation of the system to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting;
10. All houses shall be properly numbered with the numbers being visible from the private ways year around;
11. That all underground power must be inspected by the Code Enforcement Office before backfilled;
12. That each building within the subdivision must have its lowest floor, including basement, a minimum of one foot above the 100 year flood elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
14. That the private ways plans shall be recorded in the Cumberland County Registry of Deeds within 30 days of the establishment of the performance guarantee; if the plan is not recorded within this period, the approval of the Planning Board shall be void;
15. That the subdivision and private ways plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
16. That once the subdivision and private ways plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision and private ways plans shall be returned to the Town Planner prior to a pre-construction meeting being held.

ITEM 3 STJ, INC. – JANE'S WOODS SUBDIVISION

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

The single-family lots range in size from 60,000 square feet to 86,906 square feet with street frontage for the lots ranging in size from 200 ft. to 526 ft.

The Comprehensive Plan identifies the future land use designation of this lot as in the Suburban Residential district.

Finding: Jane's Woods Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Eight of the subdivision lots will have legal road frontage on Burton Drive which is proposed to be constructed to the Town's Rural Access road standard. One lot will have legal road frontage from Files Road.

The applicant shall complete the improvements to Files Road identified in the Public Works Director's memo dated January 9, 2017 and emailed to the Town Planner.

Finding: Jane's Woods Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The single-family homes will be served by underground power, cable, and telephone lines. The Town's contracted waste disposal contractor will pick up trash and recyclables. The homes are required to have residential home sprinkler systems.

A clustered mailbox will be located on the south side of Burton Drive at approximate station number 1+25.

Finding: Jane's Woods Subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The subdivision lots will be served by individual water supply wells located up-gradient of the wastewater disposal systems.

The applicant has provided a Groundwater Impact Assessment for the subdivision. The subdivision plan also identifies a well exclusion zone.

Finding: Jane's Woods Subdivision provides for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems must meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

The subdivision plan identifies the locations for septic systems with passing soil tests. The plan also shows the locations of nitrate plume analysis as well as the well exclusion zones around septic systems.

Finding: Jane's Woods Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Storm water from the house lots will be allowed to sheet flow into nearby wooded areas. The applicant is also proposing to direct road stormwater into 2 forested buffers via ditches and level lip spreaders. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Jane's Woods Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The lot area disturbed as part of construction activity will be loamed and seeded to prevent soil erosion. Storm water from the subdivision will be treated in 2 forested buffers. One of the forested buffers is located on the northeastern corner of the lot and the other is located on the southeastern corner of the lot. The forested buffers will be protected by deed restrictions as required by the Maine Department of Environmental Protection.

Stormwater drainage facilities maintenance shall be the responsibility of the homeowners' association.

Finding: Jane's Woods Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

No wetlands or streams are located on the site.

Sheet 6, Erosion Control Details, and Sheet 7, Standard Details, identify how erosion control measures will be implemented on the site.

Finding: Jane's Woods Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

No scenic vistas, historic sites or manmade assets have been identified on the site.

Finding: Jane's Woods Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- l) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has submitted a letter, dated December 5, 2016 from Gorham Savings Bank regarding the applicant's financial capacity.

The applicant submitted a letter of intent to fund dated, dated January 9, 2017, from Gorham Savings Bank.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the nine (9) lots within the subdivision that will have new single-family homes constructed on them.

Finding: Jane's Woods Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
- a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
 - b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is required to form a homeowners' association to maintain the stormwater infrastructure for the project.

Finding: Jane's Woods Subdivision will have common elements, such as the forested buffer area easements, within the subdivision in accordance with the Planning Board requirements and the homeowners' association shall be required to provide for the perpetual care of commonly owned elements.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The applicant is requesting a waiver from the requirement from the Planning Board's policy to grant preliminary and final approvals at separate meetings.

Finding: Not applicable.

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The applicant is requesting preliminary and final approvals at the same meeting.

Finding: The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.

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 the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
 3. That the houses shall be properly numbered with the numbers being visible from the street year around;
 4. That all the buildings shall be sprinkled meeting all applicable sections of the Town's sprinkler ordinance;
 5. That the building sprinkler plans shall be submitted to the Gorham Fire Dept. and the State Fire Marshal's Office for review and permitting with the plans being submitted to the Fire Dept. at least two weeks prior to the start of installation of the system;
 6. That Sprinkler test papers must be submitted to the Gorham Fire Dept. prior to the Certificate of Occupancy being issued;
 7. The street name shall be approved by the Police and Fire Chiefs;
 8. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
 9. The streets shall be properly named and signed with Town approved Street Signs and street signs shall be in place as soon as the roads are constructed;
 10. That the subsurface wastewater disposal systems for the lots will be located as shown on the approved plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots ability to locate drinking supply wells;
 11. That the individual wells for the lots will be located in the acceptable well zone as shown on Final Subdivision Plan for Jane's Woods Subdivision, Sheet 1 of 7, and the wells shall meet the requirements of Marc Cenci Geologic, Inc., dated November 17, 2016, but the well zone may be altered if the applicant can provide the Code Enforcement Officer with a report from a certified hydro-geologist stating that the new location and well installation is suitable and safe for drinking water supply;
 12. That the applicant is responsible for recording the approved Jane's Woods 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 prior to a preconstruction meeting being held;
 13. That the Maine DEP required stormwater buffers shall be permanently marked on the ground prior to the start of construction;

14. That the applicant shall complete improvements to Files Road meeting the approval of the Gorham Public Works Director;
15. That the applicant shall replace the 12 inch culvert under Files Road meeting the approval of the Public Works Director, should increased stormwater warrant the proposed replacement, based on the recommendation of Woodard & Curran;
16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
17. That the subdivision plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
18. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.

**TOWN OF GORHAM PLANNING BOARD
FINDINGS OF FACT**

For

JOHN PETERS LLC WEBB FARM SUBDIVISION AND BENJAMIN WAY

Whereas, John Peters LLC, applicant, seeks approval of a 7-lot cluster subdivision and Benjamin Way off Clay Road.

Pursuant to the Application:

A Pre-application Discussion was held on July 11, 2016.

A Preliminary Subdivision Review was held on January 9, 2017, with Preliminary Approval granted.

A Final Subdivision Review was held on March 6, 2017, with Final Approval granted.

Project Description: The applicant is proposing to construct a 7-lot clustered subdivision served by a 614’ Rural Access road. The lots will be served by underground utilities, private individual wells, and individual on-site subsurface disposal systems. The lot is identified as Tax Map 54, Lot 19.101 in the Rural zoning district. The parcel is 12.136 acres in size and fronts on Clay Road. The parcel is currently undeveloped. Vegetation on the lot is fields and woodlands with the topography slightly sloping from north to south. No wetlands or other water bodies are located on the site. A system of trails is proposed to be located around the edge of the lot.

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:

Subdivision Plans

Cover Sheet – 01/13/17

Sheet 2 – Standard Boundary Survey & Existing Conditions – 01/13/17

Sheet 3 – Plan and Profile – Benjamin Way – 01/13/17

Sheet 4 – Details A – 01/13/17

Sheet 5 – Details B – 01/13/17

Sheet A – Predevelopment – 12/05/16

Sheet B – Post Development – 12/05/16

Other documents submitted consist of the following:

Sketch Plan Application – 06/28/16

Plans – 06/28/16; 12/05/16

Preliminary Plan Application – 12/05/16


Final Plan Application – 01/13/17

Soil Narrative Report – Mark Hampton Associates, Inc. – 12/05/16

Wetlands Delineation – Mark Hampton Associates, Inc. – 12/05/16

Preliminary Soil Investigation Report – Mark Hampton Associates, Inc. – 12/05/16

Groundwater Nitrate Evaluation – Sevee & Maher Engineers, Inc. – 12/05/16

 ELZ

TOWN OF GORHAM PLANNING BOARD FINDINGS OF FACT

For

JOHN PETERS LLC WEBB FARM SUBDIVISION AND BENJAMIN WAY

Whereas, **John Peters LLC, applicant**, seeks approval of a 7-lot cluster subdivision and an approximate 610 foot private way Benjamin Way off Clay Road.

Pursuant to the Application:

A Pre-application Discussion was held on July 11, 2016.

A Preliminary Subdivision Review was held on January 9, 2017, with Preliminary Approval granted.

A Final Subdivision Review was held on March 6, 2017, with Final Approval granted.

Project Description: The applicant is proposing to construct a 7-lot clustered subdivision served by a 614' Rural Access road. The lots will be served by underground utilities, private individual wells, and individual on-site subsurface disposal systems. The lot is identified as Tax Map 54, Lot 19.101 in the Rural zoning district. The parcel is 12.136 acres in size and fronts on Clay Road. The parcel is currently undeveloped. Vegetation on the lot is fields and woodlands with the topography slightly sloping from north to south. No wetlands or other water bodies are located on the site. A system of trails is proposed to be located around the edge of the lot.

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Sheet A – Predevelopment – 12/05/16

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Other documents submitted consist of the following:

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Final Plan Application – 01/13/17

Soil Narrative Report – Mark Hampton Associates, Inc. – 12/05/16

Wetlands Delineation – Mark Hampton Associates, Inc. – 12/05/16

Preliminary Soil Investigation Report – Mark Hampton Associates, Inc. – 12/05/16

Groundwater Nitrate Evaluation – Sevee & Maher Engineers, Inc. – 12/05/16

Proposed Homeowners Documents – 12/05/16; revised 01/13/17
 Norway Savings Bank Letter of Financial Capacity – 01/13/17
 Proposed Construction Schedule – 01/13/17
 Cost Estimates – 01/13/17
 Stormwater Management Report – 12/05/16
 Gorham Town Planner Comments – 01/03/17; 02/27/17
 Gorham Assessor Comments – 12/08/16
 Gorham Fire Chief Comments – 12/07/16
 Gorham Code Enforcement Officer Comments – No comments
 Gorham Public Works Director Comments – 03/02/17
 Gorham Police Chief Comments – No comments
 Woodard & Curran – 12/21/16
 Town Attorney Comments – 03/02/17
 Gorham Conservation Commission Letter – 02/28/17

NOW THEREFORE, based on the entire record before the Board and pursuant to the applicable standards set out in the Land Use and Development Code of the Town of Gorham, the Board makes the following factual findings:

FINDINGS OF FACT

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review.

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
 - a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2

The single-family lots range in size from 30,000 square feet to 35,560 square feet with street frontage for the lots ranging in size from 120 ft. to 378.21 ft.

The Comprehensive Plan identifies the future land use designation of this lot as Rural.

The applicant has provided a Net Residential Density Plan, which shows that the lot can support 7 single-family house lots.

Finding: Webb Farm Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

The subdivision lots will have legal road frontage on Benjamin Way, which has been designed to the Town's Rural Access Road standards.

Finding: Webb Farm Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The single-family homes located in the subdivision will be served by underground power, electric and telephone lines, the Town's contracted waste disposal contractor, and residential home sprinkler systems.

Finding: Webb Farm Subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The subdivision lots will be served by individual drilled bedrock wells with well steel casings being installed at a minimum of 15 feet into competent bedrock and the annular space between bedrock boreholes and steel casings being sealed with grout. Sevee & Maher Engineers, Inc.'s Figure 2 Groundwater Nitrate Plumes identifies areas acceptable for placement of residential water supply wells. Lots will have wells located in the areas identified in the plan as being acceptable for placement of wells unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will comply with safe drinking water standards.

Finding: Webb Farm Subdivision provides for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Sevee & Maher Engineers, Inc.'s Figure 2 Groundwater Nitrate Plumes: identifies the locations for septic systems as well as the nitrate plume flows. Each lot will have its septic system located as shown on the plan, unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will not impact any drinking supply

wells or negatively impact the abutting lots' ability to locate drinking supply wells as shown on Sheet 4.

Finding: Webb Farm Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Storm water from a portion of the road will be served by road ditches which will direct storm water into the subdivision's open space. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Webb Farm Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

All the residential house lots and the open space will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the forested area in the subdivision's open space.

Finding: Webb Farm Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

A storm water management plan, dated December 2016, has been submitted which identifies that storm water will be managed by routing the flows into the forested area in the open space.

The applicant has also submitted Sheet 4, Details A, which identifies how erosion control measures will be implemented on the site.

Finding: Webb Farm Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The residential subdivision is proposing to protect 4.54 acres of open space which will remain in its natural state. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Webb Farm Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has provided a statement from Norway Savings Bank, identifying that it has sufficient funds to complete the project.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the seven (7) lots within the subdivision.

Finding: Webb Farm Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
 a) Land Improvements: The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
 b) Owners Association: A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is proposing to create 4.54 acres of open space with a walking trail. The remaining open space will be utilized as a buffer both visually and for storm water purposes. The Webb Farm Subdivision homeowners' association shall be required to take care of the common open space, hiking trails, and the storm water drainage infrastructure.

Finding: Webb Farm Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Webb Farm Subdivision homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The proposal was given preliminary subdivision approval on January 9, 2017. The applicant has provided a final subdivision review packet.

Finding: *The applicant has submitted the required subdivision plan and accessory documentation showing that the required changes requested by the Planning Board at Preliminary Subdivision approval have been completed.*

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The proposal was given preliminary subdivision approval on January 9, 2017.

Finding: *The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.*

NOW THEREFORE, on the 6th day of March, 2017, the Gorham Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines that the proposed Web Farm Subdivision and Benjamin Way will have no significant detrimental impact, and the Gorham Planning Board hereby votes to grant **FINAL SUBDIVISION APPROVAL** to John Peters LLC's Webb Farm Subdivision with the Conditions of Approval listed below.

Vote of 5 in favor; 0 against; 0 abstain; 1 absent



EDWARD L. ZELMANOW, PLANNING BOARD CHAIRMAN

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 the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year around;
4. That all the buildings shall be sprinkled meeting all applicable sections of the Town's sprinkler ordinance;
5. That the building sprinkler plans shall be submitted to the Gorham Fire Dept. and the State Fire Marshal's Office for review and permitting with the plans being submitted to the Fire Dept. at least two weeks prior to the start of installation of the system;
6. That Sprinkler test papers must be submitted to the Gorham Fire Dept. prior to the Certificate of Occupancy being issued;

7. The street name shall be approved by the Police and Fire Chiefs;
8. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
9. The streets shall be properly named and signed with Town approved Street Signs and street signs shall be in place as soon as the roads are constructed;
10. That 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 earthwork contractor prior to the start of construction for the development;
11. That the subsurface wastewater disposal systems for the lots will be located as shown on the approved subdivision plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots ability to locate drinking supply wells;
12. That the individual wells for the lots will be located in the acceptable well zone as shown on Final Subdivision Plan for Webb Farm Clustered Subdivision, Sheet 1 of 5, and the wells shall meet the requirements of Sevee & Maher Engineers, Inc., dated November 8, 2016, but the well zone may be altered if the applicant can provide the Code Enforcement Officer with a report from a certified hydro-geologist stating that the new location and well installation is suitable and safe for drinking water supply;
13. That the applicant is responsible for recording the approved Webb Farm 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 prior to a preconstruction meeting being held;
14. That the applicant shall complete off-site improvements outlined in Bob Burns' comments dated March 2, 2017 meeting the approval of the Gorham Public Works Director;
15. That the applicant will address all outstanding staff comments and will receive the Maine DEP Stormwater Protection by Rule permit prior to the Planning Board's endorsement of the final plan;
16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
17. That the subdivision plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
18. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.

SO APPROVED

Vote of 5 in favor; 0 against; 0 abstain; 1 absent



EDWARD L. ZELMANOW, PLANNING BOARD CHAIRMAN

Street Acceptance Report

Benjamin Way
Webb Farm Subdivision
John Peters, LLC.

December 30, 2019

Request: The applicant, John Peters, LLC, is requesting street acceptance of Benjamin Way and acceptance of trail easements located in the open space of the Webb Farm Subdivision located off Clay Road.

Street Classification: Rural Access Road **Length:** 614 feet

Description: The Webb Farm Subdivision was approved by the Gorham Planning Board on March 6, 2017. The subdivision was approved as a clustered residential subdivision with 7 single-family house lots and 6.25 acres of open space.

All the lots within the subdivision have been built with occupancy permits being granted.

Utilities/ Mailbox Locations: The subdivision is served by private wells, 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 is located on the north side of the road roughly at Station Number 0+50.

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.

The applicant and paving contractor did not notify the Town or the Town's Inspecting Engineer that they were going to be surface paving the road. So no Town Inspector was onsite for placement of the surface pavement. See Robert Burns, Public Works Director, memo regarding surface paving.

Legal Documents: The offer of cession for the roadway, the proposed roadway deed, appropriate drainage easements, trail easement, 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 includes a 50' right-of-way for a future extension off the end of Benjamin Way. The ROW extension heads north to parcel 55-20-1 which is 7.22 acres in size. The property does have some residential development to the rear of the property and further development may be limited.

Trail Easements: The request is also to accept a trail easement around the open space for the Webb Farm Subdivision which would give anyone the ability to use the trails. The easement language is written so it gives the Town the ability but not the requirement to maintain the trails.

PLANNING DEPARTMENT STREET ACCEPTANCE CHECKLIST

(To be completed by the Director of Community Development)

Street Name: Benjamin Way

Subdivision/Project Name Webb Farm Subdivision

OWNER/Developer John Peters, LLC

Street Classification Rural Access Street Length 614

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 7

Number of occupancy permits issued 7, 100%

Number of lots in phase N/A

Number of occupancy permits issued _____, _____%.

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

- 1. Y Letter of Cession.
- 2. Y Road Deed (N/A 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. Y Other documents Snow Storage and Trail Easements
- 6. Y Reviewed by Town Attorney and approved on December 19, 2019
- 7. N/A Fire pond/dry hydrant installations reviewed & approved by Fire Chief.
- 8. N/A PWD: Water/Final Inspection Report received.
- 9. N/A PWD: Sewer/Final Inspection Report received.
- 10. Y Color As-Built drawings delivered to: Engineer Public Works Dir. Community Development
- 11. Y Maintenance Guarantee Acct.: Amount \$5,000 Type Cash Date 12/19/2019
- 12. N/A Road Improvement Acct.: Amount _____ Date Established _____
- 13. Y Legal Documents & Plan ROW provided to Community Development. Date 12/19/2019
- 14. Y Public Works Director's Final Report.

Note any incomplete items or compliance issues: Final Pavement was not inspected during placement by the Town's Inspecting Engineer or Public Works Department because they were not notified surface pavement was going to be placed. See Street Acceptance Report and Public Works Director's memo regarding surface pavement.



Tom Poirier <tpoirier@gorham.me.us>

Webb Farm - Benjamin Drive

1 message

Robert Burns <rburns@gorham.me.us>
To: Tom Poirier <tpoirier@gorham.me.us>

Thu, Jan 2, 2020 at 1:55 PM

Tom,

Please see my attached final checklist for Benjamin Drive. Note that the only outstanding item is that the surface pavement was not inspected during placement. There is photo documentation of the paving operation and delivery tickets that suggest a proper tonnage of asphalt was placed, however this cannot be proved without complete thickness cores taken, which is something that has not been done in my memory. Also, no roadway accepted by the Town in my memory has not been inspected during paving operations by a Town inspector.

If this concerns the Town Council I would suggest two things occur:


- 1) Conduct four corings of the total asphalt mat in the spring to prove proper thickness.
- 2) Amending the Land Use Code to make Town inspection of the pavement mandatory in order to avoid this from happening in the future.

Thanks,

Bob Burns, PE
Public Works Director
Town of Gorham
Phone: 892-9062
Fax: 893-2092



NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

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935K

PUBLIC WORKS DEPARTMENT STREET ACCEPTANCE CHECKLIST

(To be completed by Director of Public Works)

Street Name: BENJAMIN DRIVE
Subdivision/Project Name WEBB FARM
OWNER/Developer JOHN PETERS, LLC
Final Inspection by ROBERT BURNS Date DEC. 11, 2019

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

1. N/A Road Deed and Easement Deeds reviewed by the ~~Public Works Director~~. PLANNING
2. N/A Easement Deeds reviewed by the ~~Public Works Director~~. PLANNING
3. Roadway and shoulders constructed per plans.
4. Drainage installed per plans. CORRECTIONS MADE
5. N/A Curbing installed per plans.
6. N/A Sidewalks installed per plans.
7. Roadway monumentation installed per plans. MONUMENTS FOUND
8. N/A Catch basins cleaned.
9. N/A Detention ponds constructed per plans.
10. N/A Fire ponds constructed per plans.
11. N/A Fire ponds inspected, tested and approved by the Gorham Fire Department.
12. N/A Hydrants inspected, tested and approved by the Gorham Fire Department.
13. N/A No. of new hydrants _____.
15. Paved driveway aprons. APRONS PAVED
16. Mailbox locations per plans.
17. Street trees and landscaping completed per plans.
18. Street signs and traffic control signs installed per plans. INSTALLED
19. Loaming and seeding completed per plans.
20. Permanent erosion control installed per plans.
21. N/A Water mains inspected and approved by Portland Water District.
Final inspection report received.
22. N/A 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 meet the Town's minimum standards.

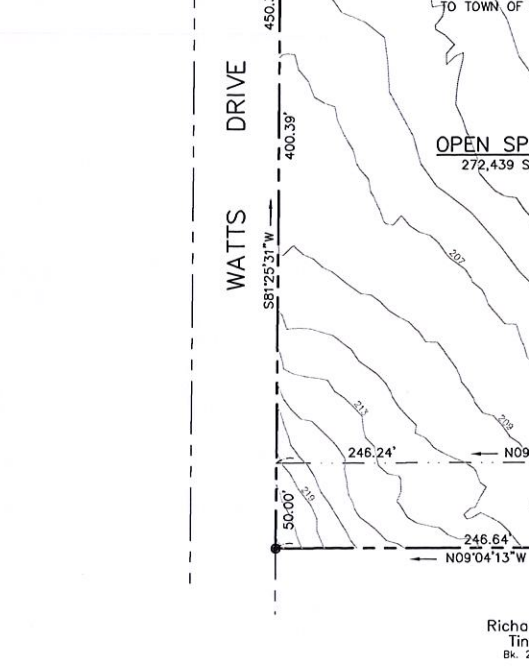
Note any incomplete items or compliance issues: ROADWAY SURFACE PAVEMENT WAS PLACED WITHOUT TOWN'S INSPECTOR BEING PRESENT. AFTER THE FACT OBSERVATION AND PAVEMENT DELIVERY, TICKETS APPEAR TO SHOW ADEQUATE PAVEMENT PLACED. COMPLETE ASPHALT CORES WOULD BE NEEDED TO PROVE THIS BEYOND DOUBT. NO ACCEPTED TOWN ROAD HAS NOT BEEN INSPECTED DURING FINAL PAVING IN MY MEMORY.

LINE/CURVE DATA	SUB LOT #	MAP BLOCK	LOT	STREET NUMBER	STREET NAME
L1 - S09°16'34"E 30.00'	1	54	19	101-1	BENJAMIN WAY
L2 - N08°43'26"E 50.00'	2	54	19	101-2	BENJAMIN WAY
L3 - N09°16'34"W 30.00'	3	54	19	101-3	BENJAMIN WAY
L4 - N08°43'26"E 17.17'	4	54	19	101-4	BENJAMIN WAY
L5 - N08°43'26"E 50.00'	5	54	19	101-5	BENJAMIN WAY
L6 - N08°43'26"E 15.00'	6	54	19	101-6	BENJAMIN WAY
L7 - S09°16'34"E 69.36'	7	54	19	101-7	BENJAMIN WAY
L8 - N09°16'34"W 40.00'					
L9 - N08°43'26"E 20.00'					
L10 - N09°16'34"E 177.00'					
L11 - N08°43'26"E 20.00'					
L12 - S08°43'26"E 30.00'					
L13 - N09°16'34"W 40.00'					
L14 - N08°43'26"E 30.00'					
L15 - S09°16'34"E 40.00'					
C1 - R=20.00', L=31.42'					
C2 - R=20.00', L=31.42'					
C3 - R=20.00', L=31.42'					
C4 - R=20.00', L=31.42'					
C5 - R=40.00', L=42.62'					

CLUSTERED RESIDENTIAL DEVELOPMENT	
PARCEL AREA	528,664 S.F. (12.136)
1 15% TOTAL ACREAGE	79,297 S.F.
2 ISOLATED LAND	0 S.F.
3 100 YEAR FLOOD ZONE	0 S.F.
4 WETLANDS	0 S.F.
5 EXISTING ROWS & EASEMENTS	0 S.F.
6 STREAM CHANNEL	0 S.F.
7 SLOPES GREATER THAN 33%	0 S.F.
8 BORROW PIT	0 S.F.
9 VERY POORLY DRAINED SOILS	0 S.F.
10 POORLY DRAINED SOILS	0 S.F.
11 OTHER AREAS	0 S.F.
TOTAL	449,347 S.F.

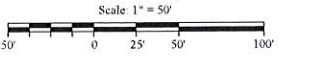
SPACE STANDARD FOR RURAL ZONE
 MINIMUM DENSITY - 60,000 S.F./LOT
 NET RESIDENTIAL DENSITY: 449,347 S.F. / 7.49 LOTS = 60,000 S.F.

Parcel Owners:
 N/F Megan S. & Michael J. Dougherty Bk. 29561, Pg. 326
 N/F Kirk & Betsy Nygren Bk. 25173, Pg. 90
 N/F Kirk & Betsy Nygren Bk. 25173, Pg. 234
 N/F Brandon W. Govett Bk. 4658, Pg. 49
 N/F Richard McCoy & Tina Connor Bk. 23115, Pg. 342
 N/F Sheena L. & Joshua Curtis Bk. 29902, Pg. 288
 N/F Susie Lang & Bruce Thibault Bk. 27646, Pg. 158
 N/F Stephanie A. Robinson & Daniel N. Willett Bk. 29690, Pg. 260



SYMBOL	DESCRIPTION
○	IRON PIPE/IRON ROD FOUND
●	5/8" IRON ROD W/ CAP TO BE SET
⊙	GRANITE MONUMENT TO BE SET
⊕	UTILITY POLE
⊗	WELL LOCATION
---	PROPERTY LINE
---	EDGE OF PAVEMENT
---	BELOW GROUND
---	ABOVE GROUND
---	NOW OR FORMERLY
---	EDGE OF WETLANDS
---	TREE LINE
⊙	SEPTIC TEST PIT
○	PROPOSED STREET TREE 2 1/2" CALIPER
---	EXISTING CONTOUR
---	NITRATE PLUME
---	WELL ZONE

- 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 APPROVED BY THE APPLICANT AND THAT ANY VARIATION FROM THE PLANS, PROPOSALS AND SUPPORTING DOCUMENTS IS SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD, EXCEPT WHERE CHANGES WHICH THE TOWN PLANNER MAY APPROVE.
 2. THAT THE APPLICANT SHALL PROVIDE PROPERTY LINE INFORMATION AND SITE INFORMATION IN AUTO-CAD FORMAT TO THE TOWN PLANNER.
 3. THAT THE HOUSES SHALL BE PROPERLY NUMBERED WITH THE NUMBERS BEING VISIBLE FROM THE STREET YEAR AROUND.
 4. THAT ALL THE BUILDINGS SHALL BE SPRINKLED MEETING ALL APPLICABLE SECTIONS OF THE TOWN'S SPRINKLER ORDINANCE.
 5. THAT THE BUILDING SPRINKLER PLANS SHALL BE SUBMITTED TO THE GORHAM FIRE DEPT. AND THE STATE FIRE MARSHAL'S OFFICE FOR REVIEW AND PERMITTING WITH THE PLANS BEING SUBMITTED TO THE FIRE DEPT. AT LEAST TWO WEEKS PRIOR TO THE START OF INSTALLATION OF THE SYSTEM.
 6. THAT SPRINKLER TEST PAPERS MUST BE SUBMITTED TO THE GORHAM FIRE DEPT. PRIOR TO THE CERTIFICATE OF OCCUPANCY BEING ISSUED.
 7. THAT THE STREET NAME SHALL BE APPROVED BY THE POLICE AND FIRE CHIEFS.
 8. THAT THE UNDERGROUND ELECTRIC LINES SHALL BE INSPECTED BY THE CODE ENFORCEMENT OFFICE PRIOR TO BACKFILL.
 9. THAT THE STREETS SHALL BE PROPERLY MARKED AND SIGNED WITH TOWN APPROVED STREET SIGNS AND STREET SIGNS SHALL BE IN PLACE AS SOON AS THE ROADS ARE CONSTRUCTED.
 10. THAT 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 ENGINEER, DESIGN ENGINEER, AND EARTHWORK CONTRACTOR PRIOR TO THE START OF CONSTRUCTION FOR THE DEVELOPMENT.
 11. THAT THE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS FOR THE LOTS WILL BE LOCATED AS SHOWN ON THE APPROVED SUBDIVISION PLAN UNLESS THE APPLICANT CAN PROVIDE THE CODE ENFORCEMENT OFFICER WITH A REPORT FROM A CERTIFIED HYDRO-GEOLIST STATING THAT THE NEW LOCATION WILL NOT IMPACT ANY DRINKING SUPPLY WELLS OR NEGATIVELY IMPACT ANY EXISTING LOTS ABILITY TO LOCATE DRINKING SUPPLY WELLS.
 12. THAT THE INDIVIDUAL WELLS FOR THE LOTS WILL BE LOCATED IN THE ACCEPTABLE WELL ZONE AS SHOWN ON FINAL SUBDIVISION PLAN FOR WEBB FARM CLUSTERED SUBDIVISION SHEET 1 OF 3, AND THE WELLS SHALL MEET THE REQUIREMENTS OF SEVEE & MAHER ENGINEERS, INC. DATED NOVEMBER 8, 2018 BUT THE WELL ZONE MAY BE ALTERED IF THE APPLICANT CAN PROVIDE THE CODE ENFORCEMENT OFFICER WITH A REPORT FROM A CERTIFIED HYDRO-GEOLIST STATING THAT THE NEW LOCATION AND WELL LOCATION IS SUITABLE AND SAFE FOR DRINKING WATER SUPPLY.
 13. THAT THE APPLICANT IS RESPONSIBLE FOR RECORDING THE APPROVED WEBB FARM 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 PRIOR TO A PRE-CONSTRUCTION MEETING BEING HELD.
 14. THAT THE APPLICANT SHALL COMPLETE OFF-SITE IMPROVEMENTS OUTLINED IN BOB BURNS' COMMENTS DATED MARCH 2, 2017 MEETING APPROVAL OF THE GORHAM PUBLIC WORKS DIRECTOR.
 15. THAT THE APPLICANT WILL ADDRESS ALL OUTSTANDING STAFF COMMENTS AND WILL RECEIVE THE MAIN DEP. STORMWATER PROTECTION BY BLUE PRINT PRIOR TO THE PLANNING BOARD'S ENDORSEMENT OF THE FINAL PLAN.
 16. THAT THE PLANNING BOARD CHAIRMAN IS AUTHORIZED BY THE PLANNING BOARD TO SIGN FININGS OF FACT ON BEHALF OF THE ENTIRE BOARD.
 17. THAT THE SUBDIVISION PLAN SHALL NOT BE RELEASED FOR RECORDING AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS UNTIL THE REQUIRED PERFORMANCE GUARANTEE HAS BEEN POSTED MEETING THE APPROVAL OF TOWN STAFF, AND THE SUBDIVISION PLAN IS REQUIRED TO BE RECORDED WITHIN ONE YEAR OF ORIGINAL APPROVAL OR THE APPROVAL BECOMES NULL AND VOID; AND
 18. THAT ONCE THE SUBDIVISION PLAN HAS BEEN RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS, A DATED M/LAR COPY OF THE RECORDED SUBDIVISION PLAN SHALL BE RETURNED TO THE TOWN PLANNER PRIOR TO A PRE-CONSTRUCTION MEETING BEING HELD.



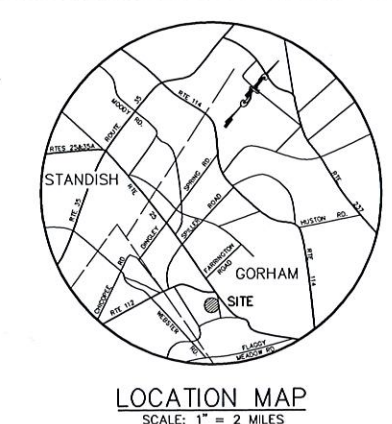
I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

1. NO SURVEYORS REPORT



ROBERT C. LIBBY JR. PLS #2190

ALL MONUMENTATION FOR THE RIGHT OF WAY OF BENJAMIN WAY AND FOR LOTS 1 TO 7 HAVE BEEN SET.



LOCATION MAP
SCALE: 1" = 2 MILES

- NOTES:
1. OWNER/APPLICANT: JOHN PETERS LLC P.O. BOX 285 GORHAM, MAINE
 2. ENGINEER: STEVE BLAKE, PE #11695 BH2M 28 STATE STREET GORHAM, MAINE
 3. SURVEYOR: ROBERT C. LIBBY JR., PLS #2190 BH2M
 4. WETLANDS & SOILS: MARK HAMPTON MARK HAMPTON ASSOCIATES PORTLAND, MAINE
 5. DEED REFERENCE: BK. 33220, PG. 44
 6. TAX MAP REFERENCE: MAP 54, LOT 19-101
 7. ZONING: RURAL
 8. PROJECT AREA: 12.136 ACRES
 9. PROPOSED USE: 7 LOT CLUSTER DEVELOPMENT
 10. MINIMUM STANDARDS: RURAL LOT SIZE - 60,000 S.F. FRONTAGE - 120' SETBACKS - 50' FRONT, 20' SIDE AND REAR CLUSTER LOT SIZE - 30,000 S.F. FRONTAGE - 120' SETBACKS - 40' FRONT, 15' SIDE AND REAR
 11. SEWER SERVICE: INDIVIDUAL ON SITE SYSTEMS
 12. WATER SERVICE: DRILLED WELLS
 13. ELECTRIC/TELEPHONE: UNDERGROUND
 14. PLAN REFERENCES: PLAN TITLED "PLAN DEPICTING THE RESULTS OF A BOUNDARY SURVEY MADE FOR MICHAEL WEBB, CLAY ROAD GORHAM, MAINE" BY NADEAU & LODGE INC, DATED DECEMBER 2004. PLAN TITLED "SKETCH PLAN DEPICTING CONCEPTUAL LAYOUT OF A CLUSTERED RESIDENTIAL DEVELOPMENT SOUTHWESTERLY SLOPE OF CLAY ROAD- ASSESSOR'S MAP 54, LOT 19-101 GORHAM, MAINE FOR LAND & BUILDINGS, LLC BY NADEAU & LODGE INC, DATED JUNE 2014.
 15. BENCHMARK: BENCHMARK A 4" NAIL IN OAK ALONG CLAY ROAD NAVD 88 VERTICAL DATUM PER PLAN REFERENCE 14 A.
 16. PROJECT SHALL HAVE A CLUSTER MAILBOX AT THE ROAD ENTRANCE MEETING POST OFFICE STANDARDS.
 17. THE COMMON OPEN SPACE SHALL BE DEDICATED AFTER APPROVAL OF THE PROJECT. THERE SHALL BE NO FURTHER SUBDIVISION OF THE OPEN SPACE LAND, NOR BUILDINGS CONSTRUCTED UPON IT WITHOUT FURTHER PLANNING REVIEW WHICH WOULD CAUSE THE NET RESIDENTIAL DENSITY TO EXCEED THE DENSITY PERMITTED IN THAT DISTRICT.
 18. TRAIL NETWORK SHOWN ON THIS PROJECT SHALL BE TRIMMED TO DELINEATE ITS LOCATION. NO EARTH MOVING OR IMPACTING OF SOIL MATERIAL SHALL BE NECESSARY. THE ALIGNMENT SHALL CONFORM TO THE NATURAL CONTOUR OF THE LAND. DIRECTIONAL SIGNS SHALL BE INSTALLED FOR THE BENEFIT OF TRAIL USERS.
 19. NITRATE ANALYSIS COMPLETED BY SEVEE AND MAHER ENGINEERS, CUMBERLAND, MAINE.
 20. CLASS A HIGH INTENSITY SOIL SURVEY COMPLETED BY MARK HAMPTON ASSOCIATES, SOIL SCIENTIST #216.
 21. ALL DRIVEWAYS FOR LOTS WITHIN THE SUBDIVISION SHALL HAVE AN APRON WITH 4 INCHES OF BITUMINOUS PAVEMENT MEETING THE REQUIREMENTS OF THE GORHAM LAND USE AND DEVELOPMENT CODE.
 22. BENJAMIN WAY HAS BEEN DESIGNED TO MEET OR EXCEED THE TOWN OF GORHAM'S RURAL ACCESS ROAD DESIGN STANDARDS. BENJAMIN WAY SHALL BE A PRIVATE WAY UNTIL SUCH TIME, IF EVER, THE TOWN ACCEPTS IT. ALL MAINTENANCE, INCLUDING BUT NOT LIMITED TO REPAIR, SNOW REMOVAL, SANDING AND MAINTENANCE OF DRAINAGE FACILITIES AND SIMILAR SERVICES SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR HOMEOWNERS ASSOCIATION UNTIL SUCH TIME THAT THE TOWN DECIDES TO ACCEPT THE ROAD.
 23. ALL MAINTENANCE AND SIMILAR SERVICES OF STORMWATER DRAINAGE FACILITIES NOT LOCATED IN BENJAMIN WAY RIGHT-OF-WAY SHALL REMAIN THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
 24. ALL DRIVEWAYS SHALL BE CONSTRUCTED OFF BENJAMIN WAY. NO DRIVEWAYS SHALL BE ALLOWED OFF CLAY ROAD.
 25. THE COMMON OPEN SPACE(S): A. SHALL NOT BE USED FOR FUTURE BUILDING LOTS. B. A PART OR ALL OF THE COMMON OPEN SPACE MAY, AT THE OPTION OF THE TOWN, BE DEDICATED FOR ACCEPTANCE BY THE TOWN FOR OPERATION AS A MUNICIPAL RECREATIONAL FACILITY.

NO.	DATE	REVISION DESCRIPTION
1	10/12/18	Revised Drawing
2	9/23/19	Revised Road Grades

BH2M
 Engineers, Surveyors
 Berry, Huff, McDonald, Milligan, Inc.
 28 State Street
 Gorham, Maine 04038
 Tel: (207) 859-2771
 Fax: (207) 859-8250

FORK
 John Peters LLC
 P.O. Box 285
 Gorham Maine

FINAL PLAN
 WEBB FARM
 CLUSTER SUBDIVISION
 CLAY ROAD
 GORHAM, MAINE

DESIGNED	DATE
W. Pelkey	March 2016
DRAWN	SCALE
Dept.	1" = 50'
CHECKED	JOB. NO.
W. Thompson	16032

SHEET
1
 REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE EXPRESSED WRITTEN CONSENT OF BH2M INC. IS PROHIBITED

RECORD DRAWING

Street Acceptance Report

Burton Drive
Jane's Woods Subdivision
STJ, Inc.

December 30, 2019

Request: The applicant, STJ, Inc is requesting street acceptance of Burton Drive in the Jane's Woods Subdivision located off Files Road.

Street Classification: Rural Access Road **Length:** 1,268 feet

Description: The Jane's Woods Subdivision was approved by the Gorham Planning Board on November 1, 2004. The subdivision was approved for 9 single-family house lots but only 8 lots are located on Burton Drive.

All the lots within the subdivision have been built with occupancy permits being granted.

Utilities/ Mailbox Locations: The subdivision is served by private wells, private septic systems, and underground utilities. The subdivision lots are required to be served by a clustered mailbox along the side of the road with the exception of the lot located with street frontage on Files Road. A cluster mailbox is located on the north side of the road roughly at Station Number 0+50.

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, 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.

A single granite monument in front of lot 8 still needs to be set for the road. The applicant has provided an estimate and a cash performance guarantee totaling 150% of the costs to complete the improvements.

Right-of-Way to Abutting Properties: The street acceptance does not include a 50' right-of-way for a future extension off the end of Burton Drive to undeveloped land or Line Road.

PLANNING DEPARTMENT STREET ACCEPTANCE CHECKLIST

(To be completed by the Director of Community Development)

Street Name: Burton Drive

Subdivision/Project Name Jane's Woods Subdivision

OWNER/Developer STJ, Inc

Street Classification Rural Access Street Length 1,268

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 9

Number of occupancy permits issued 9, 100%

Number of lots in phase N/A

Number of occupancy permits issued _____, _____%.

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

- 1. Y Letter of Cession.
- 2. Y Road Deed (N/A 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. N/A Other documents _____.
- 6. X Reviewed by Town Attorney and approved on October 25, 2019.
- 7. N/A Fire pond/dry hydrant installations reviewed & approved by Fire Chief.
- 8. N/A PWD: Water/Final Inspection Report received.
- 9. N/A PWD: Sewer/Final Inspection Report received.
- 10. Y Color As-Built drawings delivered to: Engineer Public Works Dir. Community Development
- 11. Y Maintenance Guarantee Acct.: Amount \$5,000 Type Bond Date 12/11/2019.
- 12. Y Road Improvement Acct.: Amount \$525 Date Established 12/20/2019.
- 13. Y Legal Documents & Plan ROW provided to Community Development. Date 12/10/2019.
- 14. Y Public Works Director's Final Report.

Note any incomplete items or compliance issues: One remaining monument needs to be set on the north side of the road in front of lot 8. The applicant has provided a quote to set the monument and a cash performance guarantee totaling 150% of the costs to complete the improvement.



Tom Poirier <tpoirier@gorham.me.us>

Janes Woods - Burton Drive

1 message

Robert Burns <rburns@gorham.me.us>
To: Tom Poirier <tpoirier@gorham.me.us>

Thu, Jan 2, 2020 at 2:11 PM

Tom,

Attached are two inspection checklists for Burton Drive. The only item outstanding is the one granite monument that will need to be installed in the spring with measured ties taken from nearby monuments and supplied by the surveyor as it will be shifted to accommodate for the existing driveway. I know of no other issues remaining with this road.

Thanks,

Bob Burns, PE
Public Works Director
Town of Gorham
Phone: 892-9062
Fax: 893-2092



NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

 **doc05590520200102140900.pdf**
913K

PUBLIC WORKS DEPARTMENT STREET ACCEPTANCE CHECKLIST

(To be completed by Director of Public Works)

Street Name: BURTON DRIVE
Subdivision/Project Name TANE'S WOODS SUBDIVISION
OWNER/Developer STJ, INC.
Final Inspection by ROBERT BURNS Date DEC. 11, 2019

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

1. N/A Road Deed and Easement Deeds reviewed by the Public Works Director. PLANNING
2. N/A Easement Deeds reviewed by the Public Works Director. PLANNING
3. X Roadway and shoulders constructed per plans.
4. X Drainage installed per plans. CULVERT RESET
5. N/A Curbing installed per plans.
6. N/A Sidewalks installed per plans.
7. 7 Roadway monumentation installed per plans. ONE MONUMENT WILL BE SET W/ OFFSETS IN SPRING - BOND MONEY RETAINED
8. N/A Catch basins cleaned.
9. N/A Detention ponds constructed per plans.
10. N/A Fire ponds constructed per plans.
11. N/A Fire ponds inspected, tested and approved by the Gorham Fire Department.
12. N/A Hydrants inspected, tested and approved by the Gorham Fire Department.
13. N/A No. of new hydrants _____.
14. X Paved driveway aprons.
15. X Mailbox locations per plans.
16. X Street trees and landscaping completed per plans.
17. X Street signs and traffic control signs installed per plans.
18. X Loaming and seeding completed per plans. - COMPLETED
19. X Permanent erosion control installed per plans.
20. N/A Water mains inspected and approved by Portland Water District.
Final inspection report received.
21. N/A Sewer mains and pump stations inspected and approved by Portland Water District.
Final inspection report received.
22. X Final clean up completed.
23. X Core Sample(s) measured and meet the Town's minimum standards.

Note any incomplete items or compliance issues: ONLY ITEM IS ONE MONUMENT MISSING. MONEY RETAINED TO ACCOMPLISH IN SPRING. AS IT WAS TO BE IN A DRIVEWAY, WILL BE PLACED AT EDGE WITH MEASURED TIES PROVIDED TO TOWN BY SURVEYOR.

LINE/CURVE DATA

- L1 S06°07'28"E, 79.21'
L2 N59°14'29"E, 50.00'
L3 N42°54'20"W, 50.00'
L4 S33°29'20"W, 50.00'
L5 S70°07'00"E, 50.00'
C1 L=45.76 R=29.00'
C2 L=28.98 R=25.00'
C3 L=28.98 R=25.00'

EASEMENT DATA

- E1 N83°27'53"E, 130.00'
E2 N06°07'28"W, 50.00'
E3 N42°54'20"W, 55.96'
E4 S20°38'12"E, 61.27'
E5 S20°38'12"E, 83.40'
E6 N42°54'20"W, 48.06'

SHEET INDEX

- 1. FINAL SUBDIVISION PLAN
2. EXISTING CONDITIONS PLAN
3. GRADING PLAN
4. ROADWAY PROFILE - BURTON DRIVE - STA. 0+00 TO 6+00
5. ROADWAY PROFILE - BURTON DRIVE - STA. 6+00 TO END
6. EROSION CONTROL DETAILS
7. STANDARD DETAILS

LEGEND

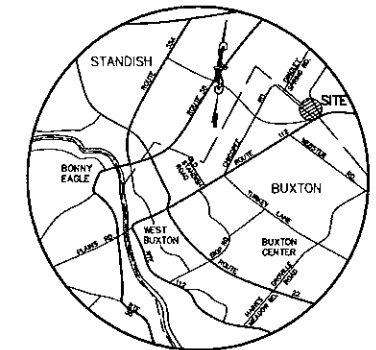
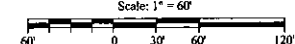
Table with columns SYMBOL and DESCRIPTION. Includes symbols for granite monument, iron pipe/rod found, utility pole, well location, sign, property line, setback line, edge of pavement, existing contour, nitrate plume, etc.

NOTES

- 1. OWNER: JOHN PHINNEY
2. APPLICANT: STJ INC.
3. SURVEYOR: ROBERT C. LIBBY JR., PLS #2190
4. ENGINEER: ANDREW S. MORRELL, PE #13285
5. WETLANDS/TEST PITS/HIGH INTENSITY SOILS: MARK HAMPTON, LCE#263, CSS #216
6. DEED REFERENCE: BOOK 6436 PAGE 150
7. TAX MAP REFERENCE: MAP 74, LOT 4
8. ZONING: SR - SUBURBAN RESIDENTIAL
9. PARCEL AREA: 14.936 ACRES
10. PLAN REFERENCES: A) STANDARD BOUNDARY SURVEY OF THE PLAINS FIELD, FILES ROAD, GORHAM, MAINE FOR JOHN D. PHINNEY... B) FINAL SUBDIVISION PLAN, NELSON A. AND LINDA E. LEAVITT... C) AMENDED SUBDIVISION PLAN, FILES ROAD FOR BRIAN AND STACIE LEAVITT... D) SURVEY PLAN LAND OF ROXANA PRATT...
11. BENCHMARK: PK NAIL SET IN 30' MAPLE EL. 300.83
12. DEDICATION NOTE: THIS PROJECT, JANE'S WOODS SUBDIVISION IS NAMED IN HONOR OF JANE CASWELL CHRISTIANSEN CURTIS...
13. PROPOSED USE: 9 LOT CONVENTIONAL RESIDENTIAL SUBDIVISION
14. MINIMUM STANDARDS: LOT SIZE - 60,000 S.F.
15. SEWER: INDIVIDUAL SUBSURFACE WASTEWATER DISPOSAL SYSTEMS
16. WATER: DRILLED WELLS
17. ELECTRIC/TELEPHONE: UNDERGROUND FROM FILES ROAD EXCEPT LOT #2 WHICH IS SERVICED FROM OVERHEAD UTILITIES FROM UTILITY POLE #42 ON FILES ROAD.
18. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE EROSION PREVENTION PROVISIONS OUTLINED IN THE MAINE EROSION CONTROL AND SEDIMENTATION HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES, LATEST EDITION.

- 19. NO WETLAND ON SITE PER MARK HAMPTON ASSOCIATES, INC. CONDUCTED BY MARK HAMPTON LCE #263, AND CSS #216 ON NOVEMBER 10, 2016.
20. ALL DRIVEWAYS SHALL BE CONSTRUCTED OFF BURTON DRIVE EXCEPT LOT #2 WHICH SHALL HAVE A DRIVEWAY OFF FILES ROAD. NO DRIVEWAYS SHALL BE ALLOWED OFF LINE ROAD AND NO DEVELOPMENT SHALL OCCUR IN THE TOWN OF BUXTON.
21. ALL AREAS DELINEATED AS "FORESTED BUFFERS" SHALL REMAIN UNDISTURBED AND LEFT IN THEIR NATURAL STATE. THE ONLY CUTTING ALLOWED WILL BE DEAD OR DISEASED TREES.
22. NITRATE STUDY: MARK CENCI, CAG #467 MARK CENCI GEOLOGIC, INC. 53 MILL ROAD NORTH YARMOUTH, ME 04097
23. THE ROAD SHALL BE PROPERLY NAMED AND SIGNED WITH A TOWN APPROVED STREET SIGN. THE NAME SHALL BE APPROVED BY THE POLICE AND FIRE CHIEFS. THE ROAD SIGN SHALL BE INSTALLED AS SOON AS THE ROAD IS COMPLETED.
24. ALL HOUSES SHALL BE SPRINKLED MEETING ALL THE APPLICABLE SECTIONS OF THE TOWN'S SPRINKLER ORDINANCE. SPRINKLER PLANS MUST BE SUBMITTED TO THE STATE FIRE MARSHAL'S OFFICE AND THE GORHAM FIRE DEPARTMENT FOR REVIEW AND PERMITTING. THE PLANS SHALL BE SUBMITTED TO THE FIRE DEPARTMENT AT LEAST TWO WEEKS PRIOR TO THE START OF INSTALLATION OF THE SYSTEM.
25. ALL HOUSES SHALL BE PROPERLY NUMBERED WITH THE NUMBERS BEING VISIBLE FROM THE STREET YEAR AROUND.

TAX MAP AND STREET ADDRESS table with columns SUBDIV. LOT #, MAP, BLOCK, LOT, STREET #, STREET NAME. Lists lots 1-9 and their corresponding addresses on Burton Drive and Files Road.



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...
2. THAT THE APPLICANT SHALL PROVIDE PROPERTY LINE INFORMATION AND SITE INFORMATION IN AUTO-CAD FORMAT TO THE TOWN PLANNER;
3. THAT THE HOUSES SHALL BE PROPERLY NUMBERED WITH THE NUMBERS BEING VISIBLE FROM THE STREET YEAR AROUND;
4. THAT ALL BUILDINGS SHALL BE SPRINKLED MEETING ALL APPLICABLE SECTIONS OF THE TOWN'S SPRINKLER ORDINANCE;
5. THAT THE BUILDING SPRINKLER PLANS SHALL BE SUBMITTED TO THE GORHAM FIRE DEPARTMENT AND THE STATE FIRE MARSHAL'S OFFICE FOR REVIEW AND PERMITTING WITH THE PLANS BEING SUBMITTED TO THE FIRE DEPARTMENT AT LEAST TWO WEEKS PRIOR TO THE START OF INSTALLATION OF THE SYSTEM;
6. THAT SPRINKLER TEST PAPERS MUST BE SUBMITTED TO THE GORHAM FIRE DEPARTMENT PRIOR TO THE CERTIFICATE OF OCCUPANCY BEING ISSUED;
7. THE STREET NAME SHALL BE APPROVED BY THE POLICE AND FIRE CHIEFS;
8. THAT THE UNDERGROUND ELECTRIC LINES SHALL BE INSPECTED BY CODE ENFORCEMENT PRIOR TO BACKFILL;
9. THAT THE STREETS SHALL BE PROPERLY NAMED AND SIGNED WITH TOWN APPROVED STREET SIGNS AND STREET SIGNS SHALL BE IN PLACE AS SOON AS THE ROADS ARE CONSTRUCTED;
10. THAT THE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS FOR THE LOT WILL BE LOCATED AS SHOWN ON THE APPROVED PLAN UNLESS THE APPLICANT CAN PROVIDE THE CODE ENFORCEMENT OFFICER WITH A REPORT FROM A CERTIFIED HYDRO-GEOLOGIST STATING THAT THE NEW LOCATION WILL NOT IMPACT ANY DRINKING SUPPLY WELLS OR NEGATIVELY IMPACT ANY ABUTTING LOTS ABILITY TO LOCATE DRINKING SUPPLY WELLS;
11. THAT THE INDIVIDUAL WELLS FOR THE LOTS WILL BE LOCATED IN THE ACCEPTABLE WELL ZONE AS SHOWN ON FINAL SUBDIVISION PLAN FOR JANE'S WOODS SUBDIVISION, SHEET 1 OF 7, AND THE WELLS SHALL MEET THE REQUIREMENTS OF MARC CENCI GEOLOGIC, INC., DATED NOVEMBER 17, 2016, BUT THE WELL ZONE MAY BE ALTERED IF THE APPLICANT CAN PROVIDE THE CODE ENFORCEMENT OFFICER WITH A REPORT FROM A CERTIFIED HYDRO-GEOLOGIST STATING THAT THE NEW LOCATION AND WELL INSTALLATION IS SUITABLE AND SAFE FOR DRINKING WATER SUPPLY;
12. THAT THE APPLICANT IS RESPONSIBLE FOR RECORDING THE APPROVED JANE'S WOODS 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 PRIOR TO A PRE-CONSTRUCTION MEETING BEING HELD;
13. THAT THE MAINE DEP REQUIRED STORMWATER BUFFERS SHALL BE PERMANENTLY MARKED ON THE GROUND PRIOR TO THE START OF CONSTRUCTION;
14. THAT THE APPLICANT SHALL COMPLETE IMPROVEMENTS TO FILES ROAD MEETING THE APPROVAL OF THE GORHAM PUBLIC WORKS DIRECTOR;
15. THAT THE APPLICANT SHALL REPLACE THE 12 INCH CULVERT UNDER FILES ROAD, MEETING THE APPROVAL OF THE PUBLIC WORKS DIRECTOR, SHOULD INCREASED STORMWATER WARRANT THE PROPOSED REPLACEMENT, BASED ON THE RECOMMENDATION OF WOODARD & CURRAN;
16. THAT THE PLANNING BOARD CHAIRMAN IS AUTHORIZED BY THE PLANNING BOARD TO SIGN THE FINDINGS OF FACT ON BEHALF OF THE ENTIRE BOARD;
17. THAT THE SUBDIVISION PLAN SHALL NOT BE RELEASED FOR RECORDING AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS UNTIL THE REQUIRED PERFORMANCE GUARANTEE HAS BEEN POSTED MEETING THE APPROVAL OF TOWN STAFF; AND THE SUBDIVISION PLAN IS REQUIRED TO BE RECORDED WITHIN ONE YEAR OF ORIGINAL APPROVAL OR THE APPROVAL BECOMES NULL AND VOID; AND
18. THAT ONCE THE SUBDIVISION PLAN HAS BEEN RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS, A DATED MYLAR COPY OF THE RECORDED SUBDIVISION PLAN SHALL BE RETURNED TO THE TOWN PLANNER PRIOR TO A PRE-CONSTRUCTION MEETING BEING HELD.

THIS PLAN REVIEWED AND APPROVED BY THE TOWN OF GORHAM PLANNING BOARD.

February 6, 2017 DATE

Signatures of Planning Board members: Robert C. Libby Jr., Andrew S. Morrell, etc.

THIS PLAN REVIEWED AND APPROVED BY THE TOWN OF BUXTON PLANNING BOARD.

1/28/17 DATE

Signatures of Buxton Planning Board members: Robert C. Libby Jr., etc.

State of Maine, Cumberland SS. Registry of Deeds Received February 10, 2017 at 11:54 AM and recorded in Plan Book 27 Page 43

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: 1. NO SURVEYORS REPORT

ROBERT C. LIBBY JR. PLS #2190

REVISION table with columns NO., DATE, DESCRIPTION. Shows revisions to submitted preliminary subdivision to town, added test pits and minute information, etc.

CONDITIONS OF APPROVAL (partial list)

BH2M logo and contact information for Barry, Huff, MacDonald, Milligan Inc. Engineers, Surveyors.

STJ, Inc. 939 Parker Farm Road Buxton, Maine 04093

FINAL SUBDIVISION PLAN JANE'S WOODS SUBDIVISION FILES ROAD GORHAM, MAINE

DESIGNED, DRAWN, CHECKED table with names and dates.

SHEET 1

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Town of Gorham Community Development

Thomas M. Poirier, *Director of Community Development*

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GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038 Tel: 207-222-1620 / Fax: 207-839-4793

CHAPTER 1: ZONING REGULATIONS

Self-Service Storage Facility – A structure containing separate, individual, and private storage spaces of varying sizes leased or rented to individuals for varying periods of time. Outdoor storage shall not be considered an accessory use to this permitted use.

Warehousing facilities – A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or a group of establishments in a particular industrial or economic field. Warehousing may be for long-term or short term storage.

SECTION 1-5 – DEFINITIONS

SECTION 1-11 - ROADSIDE COMMERCIAL DISTRICT

A. PURPOSE

To provide general sales, services and business space in the Town of Gorham.

B. PERMITTED USES

- 1) Any building or use listed under Section 1-10, Subsection B and C, Urban Commercial District.
- 2) Auto-oriented businesses.
- 3) Accessory uses and buildings including a caretaker unit.
- 4) Used car lot.
- 5) Gasoline station and/or repair garage.
- 6) Public utility facilities including substations, pumping stations, and sewage treatments plants.
- 7) Light Industrial Uses of ten thousand (10,000) square feet or less of gross building floor area.
- 8) Commercial outdoor recreation facilities.

- 9) Bed and Breakfast Establishment
- 10) Bed and Breakfast Establishment with public dining as an accessory use
- 11) Inn
- 12) Mobile Vending Units
- 13) Self-Service Storage Facility