

TOWN OF GRAY
PLANNING BOARD
AGENDA • FEBRUARY 9, 2023

**Planning Board
Regular Meeting**

**Henry Pennell Municipal Complex
24 Main St., Gray, Maine**

7:00 PM

**And via Zoom videoconferencing:
<https://us06web.zoom.us/j/89774714970>**

Or by phone: +1 301 715 8592

I. MEETING COMMENCES

Roll Call

II. MINUTES APPROVAL

- a. Regular Planning Board Meeting November 10th, 2022
- b. Regular Planning Board Meeting November 21st, 2022

III. INFORMATION EXCHANGE

- Village Area Loop Trail update
- Avesta Housing: Meadowview II update
- Blackthorne Lane settlement agreement update
- MMA Planning Board webinar training February 16

IV. NEW BUSINESS

- a. Elect vice chairperson

V. PUBLIC HEARINGS

- a. Public Hearing: Planning Board fees

The Town of Gray, Maine is proposing amendments to the town fee schedule, the Subdivision Ordinance, Chapter 401, and the Zoning Ordinance, Chapter 402, all in relation to Planning Board fees. The proposed changes would: Update the town's fee schedule to raise the Planning Board engineering/legal escrow review amounts by \$1,000; Amend the Subdivision Ordinance, 401.10.1 A. 2, to increase the inspection fees from two to three percent of the cost of construction; and 401.10.1 B to clarify the appropriate parties to follow up on required improvements to a project; Amend the Zoning Ordinance, 402.10.7 E, to require \$700 for major site plan review and \$450 for minor site plan review and to require \$850 for conditional use plus major site plan review; and 402.10.9 B to add a reference to the fee schedule for technical

review fees. The Gray Town Council will hold a public hearing/first reading on all of the above proposed changes on February 7, 2023 and a public hearing/second reading on February 21, 2023. The Planning Board will also hold a public hearing at its February 9, 2023 meeting.

b.

Public Hearing: Storage Shed setbacks

The Town of Gray, Maine is proposing amendments to the Zoning Ordinance, Table 402.5.4 B Building Construction Spatial Standards, that would reduce setback requirements for storage sheds of 160 sf or less, as well as adding the associated definition in 402.2.2 and performance standards to 402.7.22. The Gray Town Council will hold a public hearing/first reading on all of the above proposed changes on February 7, 2023 and a public hearing/second reading on February 21, 2023. The Planning Board will also hold a public hearing at its February 9, 2023 meeting.

VI. CONTINUED BUSINESS

a.

Earle and Nancy Wilson Subdivision Amendment

A request by Thomas and Beth Fox for review of an amendment to an approved subdivision, to divide one existing 4.38-acre lot into two lots at 158 Shaker Road, in the Earle and Nancy Wilson subdivision, Map 20, Lot 45-15, in the Rural Residential Agricultural zoning district.

VII. ADJOURNMENT

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

TOWN of GRAY
PLANNING BOARD
MINUTES • NOVEMBER 10, 2022

Henry Pennell Municipal Complex
24 Main Street Gray, ME, 04039

7:00 PM

I) MEETING COMMENCES

ROLL CALL

Attendee Name	Status
Dan Cobb	Present
Tamara Lee Pinard	Present
Kristen Muszynski	Present
David Phelps	Present
Melinda Sheehee	Present
Dan Maguire	Present

II) MINUTES APPROVAL

Ia) October 13, 2022 Meeting

Motion to approve Ia) October 13, 2022 Meeting

RESULT	PASSED [UNANIMOUS]
MOVER	Melinda Sheehee
SECONDER	David Phelps
AYES	Dan Cobb, Tamara Lee Pinard, David Phelps, Melinda Sheehee

III) INFORMATION EXCHANGE

Nothing from staff or planning board members. Council liaison Dan Maguire noted that there was good discussion on self-storage ordinance changes during the public hearing at the council and there may be some rewrites.

IV) CONTINUED BUSINESS

IV a.) Gracewoods Subdivision Amendment

A request by Robert Thayer Jr., represented by Wayne Wood, for review of an amendment to a minor subdivision. This proposal is to create two additional lots on Mr. Thayer's property in the Gracewoods subdivision, on Gracewoods Lane, Map 62, Lots 027-112 and 027-113, in the Rural Residential and Agricultural zoning district and partly in the Limited Residential Shoreland Zoning District. This proposal is subject to minor subdivision amendment review.

Wayne Wood, representing the applicant, said the plan reflects discussions with abutters and updates from engineering comments, and they supplied the board with information regarding groundwater. Chairman Dan Cobb opened up public comment at 7:10 pm. Abutter Theresa Grover spoke, to say she is pleased with the accommodations Mr. Thayer was willing to make and thanked the board for their help. Public comment closed 7:11 pm.

Motion to approve

Move to find the application by Robert Thayer Jr., represented by Wayne Wood, for an amendment to a minor subdivision, complete, per 401.7.1 E. This proposal is to create two additional lots on Mr. Thayer's property in the Gracewoods subdivision, on Gracewoods Lane, Map 62, Lots 027-112 and 027-113, in the Rural Residential and Agricultural zoning district and partly in the Limited Residential Shoreland Zoning District. This proposal is subject to minor subdivision amendment review.

RESULT	PASSED [UNANIMOUS]
MOVER	Melinda Sheehee
SECONDER	Tamara Lee Pinard
AYES	Dan Cobb, Tamara Lee Pinard, David Phelps, Melinda Sheehee

Motion to approve

Move to approve the following waivers (Soils survey, per 401.13.18 C) for the request by Robert Thayer Jr., represented by Wayne Wood, to amend a minor subdivision. This proposal is to create two additional lots on Mr. Thayer's property in the Gracewoods subdivision, on Gracewoods Lane, Map 62, Lots 027-112 and 027-113, in the Rural Residential and Agricultural zoning district and partly in the Limited Residential Shoreland Zoning District. This proposal is subject to minor subdivision amendment review.

RESULT	PASSED [UNANIMOUS]
MOVER	Tamara Lee Pinard
SECONDER	David Phelps
AYES	Dan Cobb, Tamara Lee Pinard, David Phelps, Melinda Sheehee

Motion to approve Move to approve the application by Robert Thayer Jr., represented by Wayne Wood, for an amendment to a minor subdivision. This proposal is to create two additional lots on Mr. Thayer's property in the Gracewoods subdivision, on Gracewoods Lane, Map 62, Lots 027-112 and 027-113, in the Rural Residential and Agricultural zoning district and partly in the Limited Residential Shoreland Zoning District. This proposal is subject to minor subdivision amendment review and is subject to the following conditions:

1. The project shall be constructed, operated, and maintained in accordance with the plans, submissions and testimony presented to the Planning Board by the

- applicant and its representatives.
2. All prior applicable standards and conditions of approval remain in effect.
 3. Gracewoods Lane shall remain a minor rural street, to be maintained by the developer, and will be noted as such on the face of the plan.
 4. Any further subdivision amendments, specifically including additional proposed lots and/or dwelling units, will necessitate submittal of soils documentation sufficient to determine NRA/NRD.
 5. Driveway entrances are to conform to the approved plan and are subject to the standards of the Street Ordinance, Chapter 400.
 6. Maine Department of Environmental Protection best management practices are applicable per the zoning ordinance.
 7. The plan notes will reflect that the wrap-around vegetated berm along the slope of the northeasterly edge of Lot 027-112-001, is permanent stormwater infrastructure and is not to be disturbed.
 8. The plan notes will reflect that the fencing and vegetated berms as shown on the approved plan, which provide buffering to the abutting properties, are an integral part of the subdivision approval and must be maintained in accordance with a submitted maintenance plan by the property owner. This provision will be reflected in the deed if the property on which these elements are sited is transferred to a new owner or road association.
 9. The final plan shall be amended as necessary, including notations for any waivers a appropriate, and submitted to the Town Planner for final review before planning board members sign the final plan.
 10. The following conditions of approval must be completed prior to issuance of any building permits for the project:
 11. Final inspection(s) by town engineer and code enforcement officer to confirm stormwater and grading site work align with approved plans.
 12. Installation of buffering elements, to include berm and fencing, as shown on the final approved plan.
 13. Submittal of a maintenance plan for the fencing and vegetated berms.

RESULT	PASSED [UNANIMOUS]
MOVER	David Phelps
SECONDER	Tamara Lee Pinard
AYES	Dan Cobb, Tamara Lee Pinard, David Phelps, Melinda Sheehee

V) PUBLIC HEARINGS

V a) Self-storage zoning ordinance change

The Planning Board will conduct a public hearing on the proposed amendments to the Zoning Ordinance, Chapter 402, to add a new section, 402.8.11: Self-storage facility standards.

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Councilor Dan Maguire provided context of council's review of the ordinance changes.

Dan Cobb acknowledged email comment from Scott Liberty and two phone calls – Loni Humphrey and Tim Wilkinson expressing concerns over setbacks and buffering, and impact on business development.

Public hearing opened.

Scott Liberty spoke. Noted the proposed setbacks do not allow any building on a 3-acre lot and limits larger plots as well. Concern for safety for users to be visible to road and that no expansion of existing facilities allowed.

Scott Young spoke. He and his wife Kelly are former owners/operators of Halls self storage. Need definition between climate controlled and non. Setbacks would make unbuildable, prefer design standards alone. Do like in New Gloucester, different use in the front. Need 40K sf to be profitable and that size will not allow it. Office too small—need space for dollies and boxes. Roof pitch too dangerous for snow and ice falling on people and cars.

Kelly Young spoke. Stated that village restrictions should not apply near area of Liberty storage facility. Storage is low impact use. Seconded comment about safety if the area is hidden from the road; also invites vandalism.

Board comment:

Dan Cobb: Acknowledged that moratorium was put in place to address the definition of self-storage to allow multiple buildings. New set of changes is beyond what should be used as having continuation of moratorium; should be for an emergency fix. 300' setback is too much. Would prefer a facility that is well lit, right on road. Idea of multi-use is great. Feels wrong to me, extinguishing people's ability to build a low impact, tax paying development. Design standards with landscaping would be better than trying to hide these.

Melinda Sheehee: Issue seems to be about where these belong in town. Solution could be permitting them only in certain areas rather than restrictions. Would not be worried about safety with buffering; preference would be that it is not very visible.

Tamara Lee Pinard: Agree that location should be restricted and aesthetics a priority. Complimentary buffering is key.

David Phelps: Preference for design standards, buffering more than restrictions.

Councilor Dan Maguire: The comp plan requires creation of mixed use and opportunity for different kinds of commercial and residential use in same area. Trying to prevent consolidation of services in one area. Ordinance silent on climate control – doesn't mean you can't do it. Definitely opportunity to make some changes.

Public hearing closed, 8:02 pm.

V b) Preliminary Plan Review: Wilson Subdivision Amendment

A request by Thomas and Beth Fox for preliminary plan review of an amendment to an approved subdivision, to divide an existing 4.38-acre lot at 158 Shaker Road, in the Earle and Nancy Wilson subdivision, Map 20, Lot 45-15, in the Rural Residential Agricultural zoning district, into two lots.

Mr. Fox explained the proposal and reviewed input from the PB site walk on November 7, 2022.

Public hearing opened at 8:05- none. Closed.

Kristen reviewed site walk discussions and abutter concerns.

Melinda mentioned possibly salvaging some of the older trees along Shaker. Regarding road, said she feels a 16' road with 2' shoulder for two houses seemed like overkill. Straight flat area, easy to plow. Narrower road would be less impact on neighbors.

Regarding fire protection, Mr. Fox suggested he could bring the second property line down to allow second house to be reachable by the hydrant.

The board reviewed the waiver requests. Support waivers for high intensity soil survey and street lighting. Do not support waivers for erosion/sedimentation, stormwater, phosphorous, financial/technical capacity. May require hydrogeological assessment depending on applicant's decision to use well or public water. Awaiting fire department input regarding fire protection and street construction standards. Suggested on site visit with fire chief.

Suggested increased buffering, preferably evergreen, along Adler Drive backyards.

V c) Caswell Farm

A request by Catherine Caswell for Planning Board conditional use and site plan review of a proposal to construct a 24x40' building for use as a commercial kitchen and to expand the existing 60 square foot farmstand to 200 square feet, on her property at 120 Whitney Road, Map 69, Lot 41-33, in the Rural Residential Agricultural zoning district. This proposal is subject to conditional use, similar use, and site plan review. Similar use was approved at the September 2022 PB meeting.

Motion to table Motion to table the request by Catherine Caswell for Planning Board conditional use and site plan review of a proposal to construct a 24x40' building for use as a commercial kitchen and to expand the existing 60 square foot farmstand to 200 square feet, on her property at 120 Whitney Road, Map 69, Lot 41-33, in the Rural Residential Agricultural zoning district. This proposal is subject to conditional use, similar use, and site plan review. Similar use was approved at the September 2022 PB meeting.

RESULT	PASSED [UNANIMOUS]
MOVER	David Phelps
SECONDER	Tamara Lee Pinard
AYES	Dan Cobb, Tamara Lee Pinard, David Phelps, Melinda Sheehee

Public hearing opened at 9:06 p.m. No participants.
 Applicant present at the meeting experienced a medical emergency and was not able to remain for the full review.

VI) NEW BUSINESS

VI a.) Sketch Plan Review: Lawrence Road subdivision proposal
A request by Mark Johnston and Elizabeth Corkum for a proposed subdivision of the 45-acre lot at 118 Lawrence Road, Map 57, Lot 22-1, in the Rural Residential Agricultural zoning district, creating two new lots.

This sketch plan application was withdrawn prior to the planning board meeting.

VII) ADJOURNMENT

Motion to adjourn VII) ADJOURNMENT

RESULT	PASSED [UNANIMOUS]
MOVER	Melinda Sheehee
SECONDER	Tamara Lee Pinard
AYES	Dan Cobb, Tamara Lee Pinard, David Phelps, Melinda Sheehee

TOWN of GRAY
PLANNING BOARD
MINUTES • NOVEMBER 21, 2022

Henry Pennell Municipal Complex
24 Main Street Gray, ME, 04039

5:30 PM

CALL TO ORDER

5:30 p.m.

ROLL CALL

Attendee Name	Status
Dan Cobb	Present
Tamara Lee Pinard	Present
Kristen Muszynski	Present
David Phelps	Present
Melinda Sheehee	Present
Martin Meaney	Present

CONTINUED BUSINESS

Similar Use/Site Plan Review: Caswell Farm

A request by Catherine Caswell, seeking Planning Board similar use review of a proposal to construct a 24x40' building for use as a commercial kitchen and expand the existing 60-square-foot farmstand to 200 square feet, on her property at 120 Whitney Road, Map 69, Lot 41-33, in the Rural Residential Agricultural zoning district. This proposal is subject to conditional use, similar use and minor site plan review.

Motion to approve

Move to find the conditional use application complete and approve the conditional use for a request by Catherine Caswell, seeking Planning Board similar use review of a proposal to construct a 24x40' building for use as a commercial kitchen and expand the existing 60 square foot farmstand to 200 square feet, on her property at 120 Whitney Road, Map 69, Lot 41-33, in the Rural Residential Agricultural zoning district.

Condition: Workshops of up to 3-6 monthly, still consisting of 2-4 hours each, and to accommodate up to 12-20 participants

RESULT	PASSED [UNANIMOUS]
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**MOVER
SECONDER
AYES**

Melinda Sheehee
Tamara Lee Pinard
Dan Cobb, Tamara Lee Pinard, David
Phelps, Melinda Sheehee

Kristen reviewed the proposed addition of condition #10 regarding the well usage. Applicant asked for clarification on the COA regarding the parking area; board clarified that it is to remain impervious.

Motion to approve

Move to approve a request by Catherine Caswell, seeking Planning Board **site plan review** of a proposal to construct a 24x40' building for use as a commercial kitchen and expand the existing 60-square-foot farmstand to 200 square feet, on her property at 120 Whitney Road, Map 69, Lot 41-33, in the Rural Residential Agricultural zoning district. This proposal is subject to conditional use, similar use and minor site plan review and is approved subject to the following conditions:

1. The project shall be constructed, operated, and maintained in accordance with the plans, submissions and testimony presented to the Planning Board by the applicant and its representatives.
2. All prior applicable standards and conditions of approval affecting the parcel that were part of prior Planning Board approved subdivisions remain in effect.
3. The farmstand use is limited to the provisions outlined in the ordinance, of a 200-sf. maximum size, selling only products grown or derived from the existing on-site agricultural use.
4. The applicant is responsible for obtaining all necessary permits/licensure regarding food safety and the sale of finished products on site, including but not limited to those from the Department of Agriculture and Department of Health and Human Services.
5. Public use of the commercial kitchen is limited to workshops 3 to 6 times per month, of 2-4 hours each, with up to 20 participants.
6. Temporary signs will be posted for events, directing participants to parking and buildings.
7. All engineering comments as noted in the memo for the November 10, 2022 Planning Board meeting will be addressed and reflected on the final plan as applicable.
8. The guest parking area will be maintained as non-impervious area, with appropriate measures to mitigate compaction over time.
9. The operator/host of any event held on the property is responsible for ensuring that there is a sufficiently sized area suitable to allow public safety vehicles access to the site and turn-around areas, year-round, for the entire duration of the event.
10. The well serving the commercial kitchen must meet state standards.

**RESULT
MOVER
SECONDER
AYES**

PASSED [UNANIMOUS]
Tamara Lee Pinard
Melinda Sheehee
Dan Cobb, Tamara Lee Pinard, David
Phelps, Melinda Sheehee

ADJOURNMENT

Motion to adjourn Adjournment at 5:50

RESULT	PASSED [UNANIMOUS]
MOVER	Melinda Sheehee
SECONDER	0
AYES	Dan Cobb, Tamara Lee Pinard, David Phelps, Melinda Sheehee

MEMO

Monday, January 30, 2023

TO: Town Council, Planning Board

FROM: Community Development staff

RE: Proposed increase to Planning Board escrows/fees and related ordinance changes

Background

Per the memo and discussion at the January 3, 2023 Town Council workshop, during which the Council expressed support for the proposed changes to the Fee Schedule and related updates to the Subdivision Ordinance and Zoning Ordinance, the following amendments are proposed for the Council's first reading and public hearing at the February 7, 2023 meeting, with a public hearing also scheduled for the February 9, 2023 Planning Board meeting.

The council hereby moves to:

1. Increase the following **engineering/legal review escrow requirements** (at each square footage/dwelling unit increase level as outlined in the Fee Schedule) **by \$1,000**:
 - Site plan review- major and minor
 - Sketch plan review
 - Minor subdivision review
 - Preliminary major subdivision review
 - Final major subdivision review
 - Conditional use plus minor site plan review
 - Conditional use plus major site plan review
2. Approve the following amendments to the subdivision ordinance (Chapter 401):

401. 10.1.A2.

Inspection Fees - Deposit with the Town Manager ~~a check in the amount specified in the Schedule of Fees adopted by the Town Council~~ a fee for the inspection of the project infrastructure construction. The fee shall be based on three (3) percent of the cost of construction of the road, ~~and utilities, or the estimated cost of inspection estimated by the Town Engineer.~~ utilities, stormwater infrastructure, and improvements to complete the project as depicted on the approved final plans. The applicant shall submit construction cost estimates for each component of the project, including details as necessary, to the Town Planner. The final amount of the inspection fees shall be approved by the planner, with input from the town's consulting engineer. The full amount of the planner-approved inspection fee escrow must be duly received by the town prior to commencement of construction.

401.10.1.B.

Notification of Needed Corrections - If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the Town Engineer shall so report in writing to the Town Planner ~~Town Manager, Planning Board~~, the subdivider and the appropriate contractors associated with the project builder. The Code Enforcement Officer, with input from the Town Engineer and Town Planner, shall take any steps necessary to assure compliance with the approved plans, including, if necessary, issuing a stop work order or other notice to the property owner and associated contractors.

3. Increase the planning review fee for a “major site plan” review from \$550 to \$700 in the fee schedule.
4. Increase the planning review fee for a “conditional use plus major site plan” review from \$750 to \$850.
5. Approve the following amendments to the zoning ordinance, Chapter 402:

402.10.7.E

E. Application Fees for Review of Minor Developments

Application fees and technical review fees shall be ~~the same as for major developments and shall be~~ in the amount specified by the Town Council in the most current Fee Schedule.

402.10.9 B

B. Engineering or Legal Review Escrow Fee

In addition to the application fee established in this Section, the applicant for site plan review must also pay an Engineering or Legal Review Escrow Fee to cover the Town’s technical costs of reviewing the application. This fee is specified in the most current Fee Schedule, set annually by the Town Council, and must be paid to the Town. This fee shall be deposited in the Development Review Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until this fee is paid. The Planning Board may reduce the amount of the Engineering or Legal Review Escrow Fee or waive collection of said fee if the Planning Board determines that the scale or nature of the project will require little or no outside technical or expert review. The Engineering or Legal Review Escrow Fee collected shall be used ~~by the Board~~ to pay for reasonable costs incurred by the Planning Board, in its review of the application, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, planning consultant reviews, peer reviews, consulting engineering, legal review, or other professional fees. If the balance of the applicant’s escrow payment is drawn down by more than seventy-five

(75%) percent, the Town Planner shall notify the applicant and require an additional amount to be deposited, equal to no more than 100% of the previous Engineering or Legal Review Escrow fee. The Town shall provide the applicant, upon written request, with an accounting of their account and shall refund all of the remaining monies in the account after the payment by the Town of all costs and services related to its review of the application. Such refund of remaining monies shall be made no later than sixty (60) days after the Planning Board's final decision with regard to the application.

Planning Board/Staff Review Committee Fee Schedule FY 2023

APPLICATION	PLANNING REVIEW (Fee)	ENGINEERING or LEGAL REVIEW (Escrow)
SITE PLAN REVIEW		
Site Plan Review-Minor* Site Plan Review-Major*	\$450 \$550 -\$700	Structures and Associated Site Work 2,000 – 5,000 sf.; \$2,500 -\$3,500 5,001 – 15,000 sf.; \$5,000 -\$6,000 15,001 – 35,000 sf.; \$4,000 -\$5,000 35,000 sf.+; to be determined Multi-Family and Condos Up to 6 units; \$2,000 -\$3,000 7 – 15 units; \$3,000 -\$4,000 16 – 30 units; \$4,000 -\$5,000 30+ units; to be determined
SUBDIVISION		
Sketch Plan	\$250	
Minor Subdivision*	\$200 / Lot	\$500 -\$1,500
Preliminary Major Subdivision*	\$125 / Lot or Dwelling unit	5 – 10 lots / DU; \$2,500 -\$3,500 11 – 15 lots / DU; \$3,000 -\$4,000 16 – 30 lots / DU; \$3,500 -\$4,500 30+ lots; to be determined
Final Major Subdivision*	\$550	
CONDITIONAL USE		
Pre-application Conference	\$250	
Conditional Use Only*	\$350	\$150
MULTIPLE REVIEWS		
Sketch Plan Review for Residential Subdivision and Site Plan Review*	\$450	See above fees for Subdivision
Sketch Plan Review for Commercial Subdivision and Site Plan Review*	\$550	See above fees for Subdivision
Conditional Use plus Minor Site Plan Review*	\$550	\$200 -\$1,200
Conditional Use plus Major Site Plan Review*	\$750 -\$850	\$250 -\$1,250

TABLE 402.5.4 B - BUILDING CONSTRUCTION SPATIAL STANDARDS

ZONING DISTRICT	Maximum Lot Coverage	<u>Minimum Lot Line Setback Front</u>	<u>Minimum Lot Line Setback Side</u>	<u>Minimum Lot Line Setback Rear</u>	<u>A, I Maximum Building Height</u>
RRA	F, G, H 10 %	50 ft.	^B 25 (15) ft.	50 ft.	35 ft.
LD	20 %	50 ft.	^B 25 (15) ft.	50 ft.	35 ft.
MD	15 %	50 ft.	^B 20 (15) ft.	20 ft.	35 ft.
BD-1	50 %	50 ft.	^B 25 (15) ft.	50 ft.	^C 35 (53) ft.
BD-2	85 %	^E 25 ft.	^E 0 ft.	^E 15 ft.	^C 35 (53) ft.
C	50 %	10 ft.	15 ft.	20 ft.	^C 35 (53) ft.
VC	75 %	10 ft.	0 ft.	10 ft.	35 ft.
VCP	75 %	0 ft.	0 ft.	0 ft.	35 ft.
BT-1	50 %	25 ft.	^D 15 (10) ft.	20 ft.	35 ft.
BT-2	10 (30) %	25 ft.	^D 15 (10) ft.	20 ft.	35 ft.
WH-1	10 (30) %	50 ft.	^B 25 (15) ft.	50 ft.	35 ft.
WH-2	10 (30) %	50 ft.	^B 25 (15) ft.	50 ft.	35 ft.

^A Height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills or similar structures usually erected at a greater height than the principal building; however such accessory structures or appurtenances require a lot line setback distance of no less than its height.

^B Side setback for non-conforming lots of record in RRA, LD, MD, BD-1, WH-1, & WH-2 Districts is 15 feet.

^C Maximum building height in BD-1, BD-2, and C is 53 feet if public water is available and at least two sides of the building are accessible by fire apparatus.

^D Side setback in BT Districts is 10 feet if not abutting a residential property.

^E For any lot in a BD-2 District, the setback for any property line(s) that abuts another district, including BD-1, shall meet the minimum setback(s) for either the abutting district or BD-1, whichever is less restrictive.

^F For commercial medium and large-scale ground-mounted solar energy system installations, lot coverage shall be measured by the total surface area of the solar panel/array at maximum tilt provided that the maximum size of any individual solar panel is thirty (30) square feet when measured horizontally (see figure 402.8.10.D.1)

^G Lot coverage in RRA can be increased to 30% for any portion of a parcel in the Commercial Solar Energy Overlay District and only for commercial medium and large-scale ground mounted solar energy system installations provided that the maximum size of any individual solar panel is thirty (30) square feet when measured horizontally. Planning Board approval subject to the requirements of Section 402.8.4 L for recharge protection is required.

^H Setbacks for ground-mounted solar panels and arrays less than 15 feet in height on parcels within five-hundred (500) feet of a publicly owned road shall be a minimum of twenty-five (25) feet from any lot line. Setbacks for Commercial Solar Energy Production Sites on parcels at least five-hundred (500) feet from a publicly owned road

shall be a minimum of fifty (50) feet or one-hundred (100) feet from any property line as established in Section 402.8.10 of this Ordinance.

I. Subject to standards in 402.7.22, storage sheds with a footprint of 160 sq. ft. or less are subject to reduced setbacks.

402.2.2 Definitions

Shed: A free-standing accessory structure, principally utilized for storage, which is customarily and in fact both incidental and subordinate to the principal use or structure on the property. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure.

402.7.22 Storage Sheds

A. Sheds with a one hundred and sixty (160) square foot maximum footprint, per 38 M.R.S. Section 436-A, shall be permitted to utilize reduced setbacks provided that all of the following standards are adhered to:

1. Setbacks for property located in the Shoreland Zone District shall be subject to standards established in Chapter 403, Shoreland Zoning Ordinance.
2. Parcels located in a subdivision approved by the Planning Board with reduced setbacks shall be subject to the setbacks approved by the Planning Board on the final plan(s). This specifically includes parcels in subdivisions approved under the (prior) "Section 402.12-Cluster Housing" and (current) "401.13.13 Residential Open Space Subdivision".
3. Minimum lot line setbacks:
 - a. Front setback shall be as established in Table 402.5.4.B. with the additional requirement that within Districts that have a zero (0) front setback, the minimum front setback for a storage shed shall be the prominent front building plane of the existing principle structure.
 - b. Side: Ten (10) feet
 - c. Rear: Ten (10) feet
4. No pressurized water nor any plumbing fixture that generates wastewater shall be permitted in or on the storage shed.
5. Only one (1) storage shed shall be located on any one (1) parcel utilizing the setbacks established herein.
6. The maximum building height for a storage shed utilizing setbacks established herein in fourteen (14) feet.
7. Storage sheds utilizing the setbacks established herein shall not be utilized as a dwelling or habitable space.

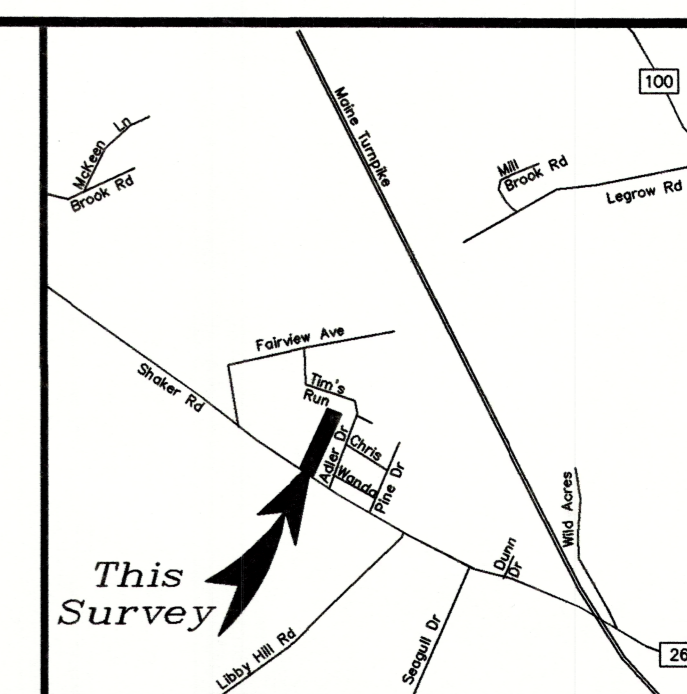
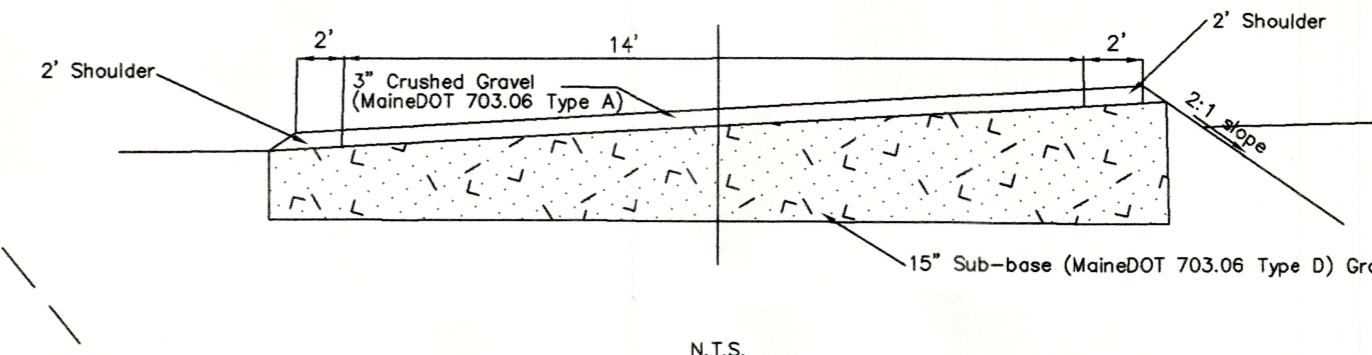
PLAN REFERENCES

- "Amended Subdivision Plan ~ Lot 3 ~ Earle & Nancy Wilson Subdivision on Shaker Road, Gray, Maine for Owner of Record Cynthia A. Fitzpatrick" dated December 2011 by Wayne T. Wood & Co recorded in Plan Book 212 page 40.
- "Standard Boundary Survey and Division of Property for Scott Liberty, Route 26, Gray, Maine" dated April 1987 by John D. Palmiter.
- "Subdivision Plan For Earle F. and Nancy C. Wilson, Route 26, Gray, Maine" dated July 1984 by John D. Palmiter recorded in Plan Book 144 page 15.
- "Frederick W. Adler Evergreen Grove Lots 36- 47" by H.I. & E.C. Jordan dated 6/22/71 recorded in Plan Book 92 page 6.
- "Plan of Property in Gray, Maine made for Frederick W. Adler Evergreen Grove Lots 21- 34" by H.I. & E.C. Jordan dated 9-26-1967 recorded in Plan Book 75 page 34.
- "Gray, Maine ~ Frederick W. Adler Evergreen Grove Lots 13 -26" dated 12=17=1964 recorded in Plan Book 68 page 30.
- "Gray, Maine Evergreen Grove ~ Frederick W. Adler dated 1-20-1964 added Lots 7-13 May 18, 1964 recorded in Plan Book 37 page 34.
- "Amended Lot #1 Earle & Nancy Wilson Subdivision on Shaker Road Gray, Maine for Ralph Vance Development" dated March 2021 by Wayne T. Wood & Co.

NET RESIDENTIAL ACERAGE CALCULATIONS

Original Subdivision Area	566,129 sq.ft.
Wetland Area	0 sq.ft.
Slopes over 25%	63,995 sq.ft.
Poor Soils	0 sq.ft.
Special Flood Hazard Zones	0 sq.ft.
10% For Roads	50,213 sq.ft.
Net Residential Acreage	451,921 sq.ft.
451,921 sq.ft./ 80,000 sq.ft. per lot = 5.65 lots allowed	

Typical Driveway Section



Approved by the Town of Gray Planning Board:

Signed: _____

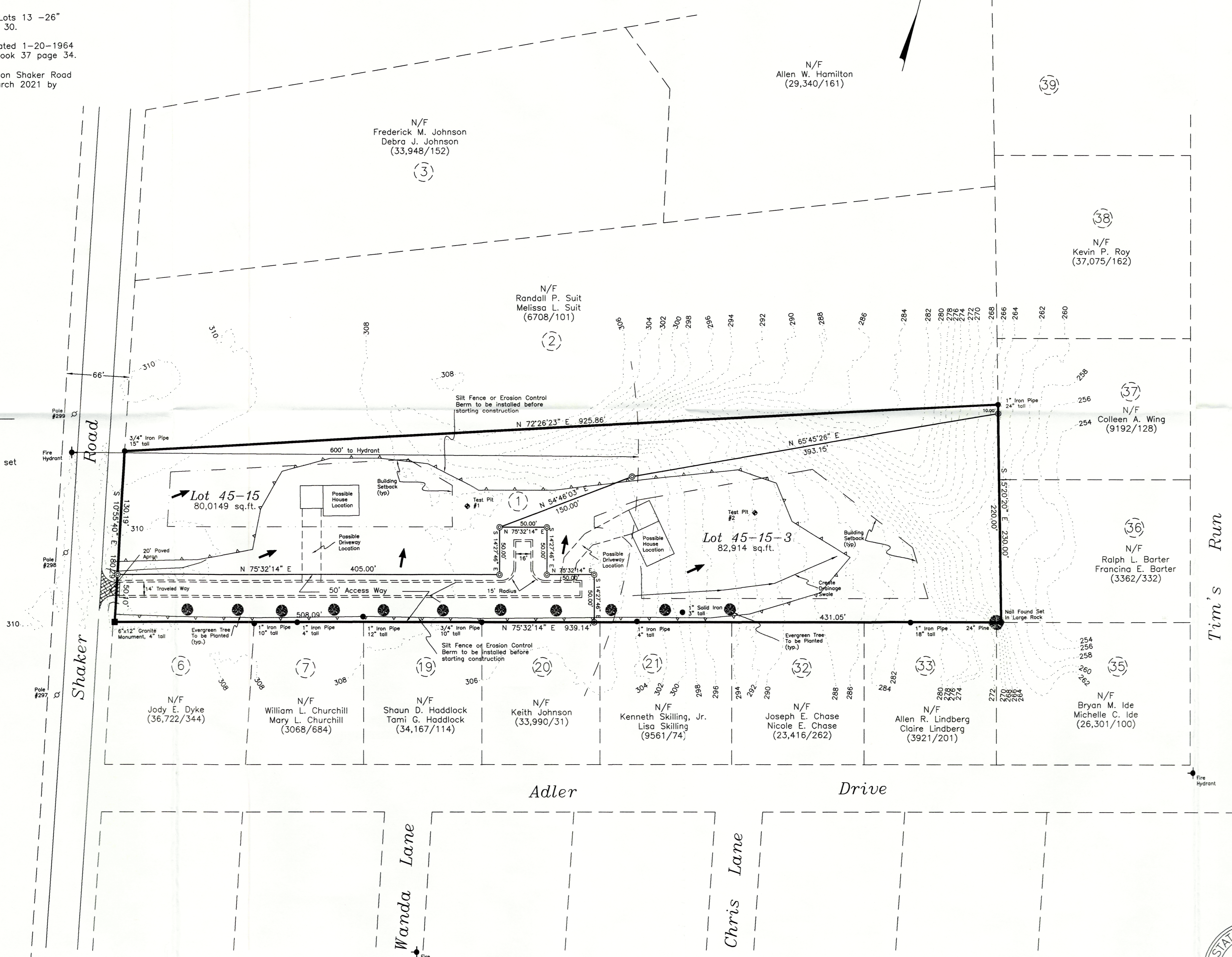
Date: _____

NOTES

- Owner of record is Thomas & Beth Fox Revocable Trust by deed recorded in the Cumberland County Registry of Deeds in book 39204 page 212.
- This parcel is shown on the Town of Gray Tax Map #20 as Lot #45-15.
- All bearings are referenced to Magnetic North of the year 1984 as per the plan in Plan Reference #3 and are calculated from angles of an actual on the ground survey.
- This property is in the (RRA) Rural Residential & Agriculture Zone.
- There is no Special Flooding zone as defined by FEMA on this site.
- This plan amends the plan in reference 3 by dividing Lot 1 into 2 lots.
- The soils and wetlands information on this plan is from Mark Cenci Geologic, Inc. There are no wetlands on this site.
- The Elevation contours shown on this plan are for the MEGIS website for LiDAR contours.
- These lots will be served by public water.
- Vance Drive as shown on this plan shall remain a private road to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town except for roads that meet the requirements for winter maintenance under a public easement.
- The sight distance for Vance Drive exceeds 800 feet in both directions.
- There are no areas in or around this amendment that are listed on the National Register of Historic Places or by the Maine Historic Preservation Commission.
- There are no areas in or around this amendment that are listed by the Maine Department of Inland Fisheries & Wildlife as in there Beginnings with Habitat Project.
- This project is expected to generate an additional 30 traffic trips per day.
- All site alterations and construction shall follow the "Best Management Practices for Soil Erosion and Sedimentation Control" current edition available from the Maine Department of Environmental Protection.

LEGEND

- Iron Pipe or Pin Found
- Granite Monument Found
- ⊙ 5/8" Capped Rebar (#1328) to be set
- ⊘ Utility Pole
- ◆ Soils Test Pit
- N/F Now or Formerly of
- (6708/101) CCRD Deed Reference
- (6) Original Lot Number
- - - Building Setback Line
- - - Elevation Contour Line
- ◆ Fire Hydrant
- Drainage Flow Arrow
- - - Silt Fence



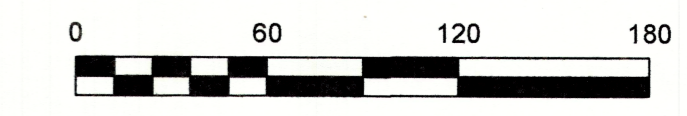
State of Maine, Cumberland ss.
 Registry of Deeds
 Received _____, 20____
 at ____h____m____ and recorded in
 Plan Book _____ Page _____
 Attest: _____ Register

WAIVERS GRANTED

401.13.2.C.3.b: Sufficient Water - To go from 500' from an existing fire hydrant to a structure to 600' in compliance with NFPA standards.

401.13.15.C.4: Traffic Conditions and Streets - To not require street lights.

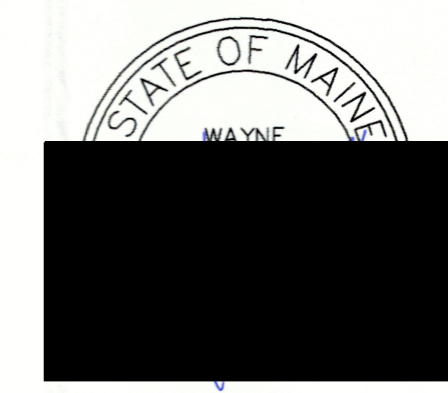
401.13.16.B.2.c: Specific Access and Street Design Standards - To allow for the construction of a 14' wide roadway instead of a 16' wide roadway.



Lot 1
 2nd Amendment
 Earle & Nancy Wilson Subdivision
 On
 Shaker Road
 Gray, Maine
 For Record Owner
 Thomas and Beth Fox Revocable Trust
 25 Toaste Way Brunswick, ME 04011

WAYNE WOOD & CO.
 Gray, Maine 04039
 Drawn By: WTW/KIW
 Scale: 1"=60'
 Checked By: WTW
 Field Crew: JW/BR

(207)657-3330
 Date
 January 2023
 Job No.
 221035A



Waiver Request: 401.13.16-2 Minor Street Standards

Waiver Request Basis:

Current town minor road width requirements are a 16' road bed with a 2' shoulder on each side. Request is to build a 14' road with 2' gravel shoulders on each side which can support emergency vehicles as discussed with Town of Gray Fire Chief.

B. Hydrogeologic Assessment

A hydrogeologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when:

1. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or
2. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

Waiver Request Basis:

This amendment to the original subdivision will result in a maximum of 3 families residing within the subdivision (2 structures with the possibility of the structure just off Shaker being a duplex. Current plans are for a single family house on the front and back lots, however, this request is for a single family on the back lot and potential duplex on the front lot) which will result in 1 structure/80,000+ square feet. Based on the soil found at this location, the impact of up to 3 families from a waste water management perspective is minimal, as referenced in the Cenci Report. *Additionally, water will be supplied from public water source.*

401.7.4 Required Submissions for which a Waiver may be granted

A. "High-Intensity Soil Survey

Prepared by a registered soil scientist identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock AMENDED MAY 16, 2017 / EFFECTIVE JUNE 15, 2017 X:\ORDINANCE & POLICY\CHAPTER 401 SUBDIVISION\CH 401 SUBDIVISION ORDINANCE.DOCX 23 at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys."

Waiver Request Basis:

The entire property at 158 Shaker Road is comprised of a very thin top soil layer which transitions from sandy loam to loamy gravelly sand with no limiting factors identified (see attached Wetland Investigation and Soil Report, Mark Cenci Geologic). The Cenci Report discusses the general soil characteristics which may or may not be considered a "high intensity soil survey".

Waiver Request: Installation of a sprinkler system for a structure built within 600' of the existing hydrant on the west side of 158 Shaker Road.

Waiver Request Basis:

Back lot house will be constructed to meet NFPA standards of within 600' of the nearest fire hydrant negating the need for additional fire fighting measures per discussion with Town of Gray Fire Chief.

Phosphorus Management Plan

If any portion of the proposed subdivision is in the direct watershed of a great pond, has five (5) or more lots, and/or creates eight hundred (800) or more linear feet of street and/or driveway, the following shall be submitted or indicated on the plan:

Potential phosphorus runoff/drainage will be mitigated by location of the leach fields and through design of the septic systems. The systems will be designed in accordance with Maine State Septic System codes and will be 2 separate systems, each serving one house.

Waiver Request: Street Lighting

Waiver Request Basis:

Street Lighting—waiver requested as the proposed division of this lot will not create a highly traveled “street” but is creating a common driveway for 2 houses. Visibility in both the north and south directions is over 800' as discussed in note 11 of the attached survey performed by Wayne Wood.

401.7.3 B. Erosion and Sedimentation Control Plan

“An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than five (5%) percent of the area of the subdivision.”

The Erosion and Sedimentation Control Plan will consist of silt fencing installed from the start of road construction thru completion of house construction. The front lot house will not reach the swale located to the East. The current location of the back lot house also should not reach the swale—this house could potentially move a small amount based on construction considerations. Additionally the area around the back house will have a sloped “berm” created so as to minimize any redirection or negative effects of run-off water. As the area along the drive/road is quite flat and there will be minimal disturbance of the existing soil, there is no run-off expected to be created and the road surface will be gravel with excellent drainage properties. The “berm” is shown on the revised survey drawing and will encompass the affected area around the structure. Some of the Erosion mitigation measures (e.g. silt fence) are temporary and will be removed following completion of construction.

C. Stormwater Management Plan

“A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than five (5%) percent of the area of the subdivision.

The Stormwater Management Plan is similar in description as the Erosion and Sedimentation Control Plan except that the Stormwater Management Plan will be installed as a permanent part of the site excavation. As the road/driveway is quite flat there will be a very minimal impact with respect to runoff. The area around the structure will have a sloped “berm” which will be pitched to direct storm runoff to the most suitable areas for short term holding to allow precipitation to soak into the soil. The “berm” will be shown on the final survey drawing and will encompass the affected area around the structure.

2nd Amendment of Earle and Nancy Wilson Subdivision, 158 Shaker Road,
Gray, Maine
For Record Owner Thomas and Beth Fox Revocable Trust, 23 Toastie Walk,
Brunswick, ME 04101

Amendment Request is to divide Lot 45-15 into two lots of ~80,000 sq.-ft. each.

1) C14--Water main location parallel to West side of Shaker Road, 158 Shaker Road is located on the East side of Shaker Road

2) C20--areas for clearing:

Lot 1 (located adjacent to Shaker Road) will have an ~50' buffer between Shaker Road as currently exists. This lot was cleared in 2021 with large oak trees remaining at Shaker Road. Those trees will remain as currently stand except for any needing removal for road installation or dead/diseased.

Lot 2 (the back lot) will have an ~20' buffer running along the south line between adjacent properties with frontage on Adler. This area is currently comprised of large trees and natural vegetation. *Additionally, trees will be planted at reasonable intervals within the buffer zone.*

Note: Buffer areas are subject to limited cutting of trees and vegetation. No buildings are to be located within the buffer zones. Forested buffers as shown on said plan shall be kept in a natural vegetative state with only dead/diseased trees or trees that present a safety hazard which may be removed in keeping with the Maine Department of Environmental Protection regulations chapter 500.

Note: Proposed driveways will adhere to the Town of Gray Street Ordinance, Chapter 400. No driveways will be permitted connecting to the end of the road or the hammerhead turnaround (see waiver request for "driveway" vice "street/road").

Note: Sprinkler installation is required for any dwelling located on the back lot (see waiver request).

401.13.8 Financial and technical capacity—Letter of financial capacity included with this submission.

401.13.15 Traffic report developed from the Trip Generation Manual (Institute of Transportation Engineers) estimates an increase of 19 tips per day (potential average of 27 if front lot structure is a duplex)