

TOWN OF GRAY
PLANNING BOARD
AGENDA • MARCH 7, 2024

**Planning Board
Regular Meeting**

Henry Pennell Municipal Complex
24 Main St., Gray, Maine
And via Microsoft Teams videoconferencing:
<https://graymaine.link/PB-Meeting>

7:00 PM

I. MEETING COMMENCES

Roll Call

II. MINUTES APPROVAL

- a. Planning Board Regular Meeting Minutes February 8, 2024

III. INFORMATION EXCHANGE

IV. NEW BUSINESS

- a. **Mayall Road Gervais Subdivision – Sketch Plan Review**

A request by Andrew Gervais of Gervais Homes LLC, represented by Austin Fagan of BH2M Engineering, for Planning Board sketch plan review of a proposal to create a 12-lot subdivision on his 60 +/- acre property near 279 Mayall Road, at Tax Map 21, Lot 26-20 in the Rural Residential and Agricultural and Business Development-1 zoning districts. This proposal is subject to major subdivision review.

- b.

Lewiston Road Liberty Subdivision – Subdivision and Site Plan Amendments

A request by Scott Liberty, dba Grayland Holdings, LLC, represented by JP Connolly of DM ROMA Consulting Engineers, for amendments to the Lewiston Road Subdivision plan (Plan Book 222/ Page 249) and site plan, regarding the access easement for Lots 2 and 3, Map 28, Lots 26-02-01 and 26-02-00, at 1 Storage Way and 2 Storage Way, respectively; and the abutter easement and impervious calculation on Lot 3. This property is located in a Commercial Zoning District and the application is subject to site plan and subdivision amendment review.

V. 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.

Planning Board meeting February 8, 2024

7 pm

Present: Dan Cobb, Zhenya Shevchenko, Tamara Lee Pinard, council liaison Marty Meaney, staff liaison Kristen Muszynski

Absent: Melinda Sheehee—excused; and council liaison Dan Maguire

Called to order 7:09 PM

Minutes approval: moved Pinard, second Zhenya 3-0 passed.

1. Information update: Kristen asked for input regarding rescheduling of Planning Board and Open Space Committee joint workshop. She also noted that the Planning Board will need to sign the Cambell Acres subdivision amendment, as the final plan is now complete for signing. She advised the PB that the Town of Windham has notified Gray of a subdivision application on property that abuts the Town of Gray, off Alpine Drive.

Continued Business

Aerie Estates Amendment to Eagles Ridge Subdivision – Preliminary and Final Plan Review

A request by Sebago Realty, LLC, represented by D.H. Roma Consulting Engineers, for preliminary review and final plan review of a proposal to create a 14-lot residential open space subdivision on the 41+/- acre parcel off Eagles Nest Road, at Tax Map 63, Lot 35-24, on the remaining land in the Eagles Ridge Subdivision, in a Rural Residential and Agricultural zoning district. The proposal is subject to major subdivision plan review.

Engineer JP Connolly and applicant Dustin Roma were present and addressed the board with updates. They noted that the engineering comments were addressed, confirmed by Will Haskell, and the staff comments had been addressed.

Regarding staff comments- JP said he will update the plans to delineate the common park area more clearly and call it common park area, adding call-outs with dimensions of each area.

He asked for clarification from the board regarding the perimeter boundary at rear of lot 1. Dan advised that board supported partial buffer waiver for the lot, not full waiver. Tamara agreed, would rather have it odd-shaped lot with the perimeter buffer in full. JP and Dustin agreed to update the plan.

JP noted the Site Location of Development Act applicability question raised by staff. He said they do not believe that the project meets the requirements for site law. If it were considered part

of Eagles Ridge, could potentially trigger SLODA but based on definition of common scheme of development, project does not meet the definition.

Tamara noted that the proposed condition from staff would be sufficient to address this issue should the DEP feel it does apply. No other comments from the board.

Zhenya asked about the town engineer's comment to provide spillway calculation for 100-year storm. JP noted that neither spillway overtops in 100 year event, engineer reviewed and was satisfied with the applicant's response.

Dan offered the opportunity to speak to the two members of the public in attendance. Neither expressed interest.

MOTIONS

Motion: To Find subdivision amendment application materials complete

Moved Zhenya, second Tamara. Passed 3-0

Move to find the application by Sebago Realty, LLC, represented by D.H. Roma Consulting Engineers, complete, per 401.7.1 E. This proposal is to create a 14-lot residential open space subdivision on the 41+/- acre parcel off Eagles Nest Road, at Tax Map 63, Lot 35-24, on the remaining land in the Eagles Ridge Subdivision, in a Rural Residential and Agricultural zoning district. The proposal is subject to major subdivision plan review.

Motion: Waivers for Planning Board consideration

Moved Tamara, second Zhenya. Passed 3-0

Move to approve the following waiver for the request by Sebago Realty, LLC, represented by D.H. Roma Consulting Engineers, for a proposal to create a 14-lot residential open space subdivision on the 41+/- acre parcel off Eagles Nest Road, at Tax Map 63, Lot 35-24, on the remaining land in the Eagles Ridge Subdivision, in a Rural Residential and Agricultural zoning district. The proposal is subject to major subdivision plan review. The waiver is:

A partial waiver of the 401.13.13. B.1 requirement for a 30' perimeter buffer to the side property line in the Rural Residential Agricultural zoning district, allowing an exception for a portion of the rear property line of Lot #1 where it abuts Open Space B.

Motion: To grant preliminary and final plan approval

Moved Tamara, second Zhenya. Passed 3-0

Move to approve the preliminary plan and final plan applications by Sebago Realty, LLC, represented by D.H. Roma Consulting Engineers, to create a 14-lot residential open space subdivision on the 41+/- acre parcel off Eagles Nest Road, at Tax Map 63, Lot 35-24, on the remaining land in the Eagles Ridge Subdivision, in a Rural Residential and Agricultural zoning district. The proposal is subject to major subdivision plan review and the approvals are 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. The applicant shall add/amend the plan set and associated notes as per the engineering, staff review and Planning Board comments, as provided during the review process and outlined in the Planning Board meeting memos for the Dec. 14, 2023, January 11, 2024 and February 8, 2024 meetings. Proposed draft language shall be submitted to the Town Planner for review prior to submittal of the final plan to be signed by the PB. If the Planner and applicant cannot agree upon the final language, the PB shall be the final authority for the language on the face of the final plan.
4. The Planning Board approved the following waivers at the December 14, 2023 meeting:
 - o Dead-end Streetlight, 401.13.15 C. 4
 - o Stone/concrete monuments at all corners 401.13.1 D (partial);and approved the following waiver at the February 8, 2024 meeting:
 - o 30' perimeter buffer to the side property line, 401.13.13. B.1 allowing a portion of the rear property line of Lot #1 to be exempt from the 30' perimeter buffer requirement where it abuts Open Space B.
5. The applicant shall update the plans to show monumentation of no fewer than four granite/stone property markers on each side of roadway; and all parent parcel corners that are not marked by stone wall that will be retained should be marked with rebar, iron or stone; with the requirement that the updated plan must show the existing (noted as "to be retained") stone walls on site. Metal pins will be installed at the other points of curvature/property lines, per the ordinance, 401.13.1.D.
6. The applicant shall update the plans to reflect a 30' perimeter buffer along the property line in addition to the 75' buffer to Eagles Nest Road, with the exception of part of the rear of Lot #1 where it abuts the Open Space B.
7. The developer shall ensure that any party purchasing lots 4 through 12 is advised of the town recommendation for the subsurface wastewater disposal fields for lots 4 through 12 be located as close as practicable to the roadway for the purposes of maximizing the separation distance between the disposal field and the well for each lot.
8. Upon installation of road entrance, the developer will contact the Town Planner and the abutter at 8 Eagles Nest Road, directly across from the new road entrance, to set up an onsite meeting to confirm whether the property owner wants to have buffer trees planted on his property to block headlights from Aerie Drive. The Town Planner will make a determination regarding the buffer plantings, based on input from the abutter and the Planning Board discussions during review of the project. If the determination is to require

buffer plantings, the developer shall plant three to five evergreen trees of a minimum 4' height on the abutter's property at an agreed upon location to block said headlights from impacting his property at 8 Eagles Nest Road. The Town Planner shall make this determination within three months of the on-site meeting with the abutter, and confirm this decision in writing to the Code Enforcement Officer in writing. The plantings shall be installed prior to issuance of building permits for lots within the subdivision.

9. The applicant shall demolish and remove the derelict building in Open Space B, including stabilization of the site as herein: Any underground tank areas will be pumped out and filled in as part of the demolition of the building. If a dug well is present, it will be filled. If a drilled well is present, it shall be sealed according to State guidelines and the developer will notify the Town of Gray CEO one week in advance of when the well is to be sealed, to coordinate on-site inspection. The area will be blocked with boulders until such time as it is no longer a clearing, to discourage use as a parking area. The developer shall encourage buffer growth on the site with native plants/trees and a note to the plan regarding replanting and soil preparation to encourage regrowth of native vegetation.
10. The trail in Open Space A shall be cut to the specifications of the foot path detail in the plan set, as shown.
11. The applicant is responsible for obtaining approval for all required state and federal permits, including but not limited to Site Location of Development Act permitting, if deemed necessary by the Maine Department of Environmental Protection. If DEP determines that a SLODA permit is necessary, the applicant shall submit copies of the permitting and return for Planning Board review/amendment if any changes to the plan are necessitated by this permitting process. This shall be noted on the face of the plan.
12. The following conditions of approval must be completed prior to issuance of any building permits for any lots in the subdivision:
 - A. The applicant shall submit copies of any necessary outside permitting, including but not limited to the Maine Department of Environmental Protection Permit by Rule for stormwater impacts and NRPA permit for vernal pool/wetland impacts. The MDEP approval number shall be shown on the face of the subdivision plan for memorialization purposes.
 - B. The applicant shall provide draft deed language for Lot #8, for review by the town planner, to include language granting a permanent stormwater easement for the FB 1 inlet riprap section that is located within the limits of Lot 8.
 - C. The applicant shall provide a calculation showing that the development of the property is less than 60% of the contiguous land area owned by the applicant not including land with greater than 25% slopes and protected natural resources. This would meet the general standards of the Maine DEP's Chapter 500 for developments that treat 90% of impervious area 75% of total developed area.
 - D. The Planning Board delegates authority to town staff to determine appropriate amounts for the inspection escrow account, erosion and sedimentation cash bond and performance guarantee that the developer is required to establish in accordance with Article 10 and 11 of the subdivision ordinance. A cost estimate is to be included in the final submittal for total cost of the subdivision improvements and the E&S measures, as presented in the plan to be reviewed and endorsed by the town's

- consulting engineering firm. Escrows must be in place prior to issuance of building permits.
- E. The applicant shall submit the signed Homeowner's Association/Road Association covenant documents, as reviewed by the town attorney at the applicant's expense, and shall provide to the Town Planner proof of filing the covenant documents with the Cumberland County Registry of Deeds.

Motion to adjourn

7:39 PM moved by Zhenya, second Tamara. 3-0



Civil Engineering | Surveying

February 1, 2024

Kristen Muszynski
Community Planner – Town of Gray
Henry Pennell Municipal Complex
24 Main Street
Gray, Maine 04039

Re: Sketch Plan Application
Proposed 12-Lot Subdivision
Mayall Road

Dear Kristen;

BH2M has been retained by Andrew Gervais or Gervais Homes, LLC to provide surveying, engineering, and permitting services for a proposed 12-lot single family residential subdivision located off Mayall Road in Gray. Enclosed please find 8 copies of the following materials:

- Attachment 1 – Pre-App/Sketch Plan Application & Agent Authorization
- Attachment 2 – Parcel Deed (Book 40268, Page 31)
- Attachment 3 – Maps (Tax, USGS, FEMA)
- Attachment 4 – Wetland Delineation Letter – Mark Hampton Associates
- Attachment 5 – Class B Soil Survey – Mark Hampton Associates
- Attachment 6 – Sketch Plan Set – BH2M

This project was previously seen by the board at the December 14th meeting for a residential open space development. Since that time, we have determined that due to site requirements for an open space development and onsite conditions (slopes, wetlands, etc.) this property is better suited for a conventional subdivision layout.

Existing Conditions

The proposed project is located off Mayall Road and lies within the Rural Residential and Agricultural, and Business Development 1 Districts. The existing parcel is undeveloped woodlands that are bounded by commercial and residential properties to the north, east, and west, and by woodlands to the south. Onsite wetlands and soils have been delineated by Mark Hampton Associates.

Proposed Project

Attached are two plans for the board to review showing two possible phases of this project. Phase I of the project proposes to split off an Outsale Lot that will not be subject to subdivision review standards and can be developed at any time. This split will not require subdivision review since no lots have been split from the overall parcel in the past 5 years, and the property has never been part of a subdivision in the past. Along with this split, 12 additional lots will be created, 6 with frontage on Mayall Road, and 6 with frontage on a proposed roadway that will be approximately 1,000 linear feet. All lots will utilize conventional dimensional requirements.

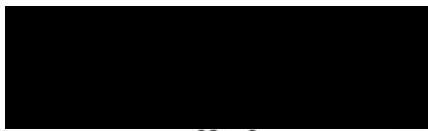
Phase II of the project could consist of 8 additional lots. This phase may not take place for some time, but this plan is being provided to show the board the full development potential of the property.

We anticipate that the project will require the following permits:

- Subdivision Permit (Town of Gray)

We look forward to discussing this project with Staff and the Board. We would like to request being placed on the next available Planning Board Agenda.

Sincerely,



Austin G. Fagan, PE
Project Engineer

Encl.
Cc A. Gervais

Attachment 1
Sketch Plan Application & Agent Authorization Form



**PLANNING BOARD/STAFF REVIEW COMMITTEE APPLICATION
TOWN OF GRAY MAINE**

PROPERTY TO BE DEVELOPED			
Property Location/Address	Mayall Road	Property Map/Lot	21 . 26 . 20 .
Zoning District	RRA & BD-1	Lot Acreage	60 Acres
Owner Name	Gervais Homes LLC (Andrew Gervais)	Tax Sheet	21
Owner Address	52 Whites Bridge Road, Standish, ME 08084	Owner Phone	207-756-5520

APPLICANT			
Name (IF different than owner)		Contact Phone Number	
Mailing Address		Alternate Phone Number	
Mailing City/State/Zip		Fax Number	
Email Address			

AGENT/CONSULTANT			
Name	Austin Fagan, PE	Contact Phone Number	207-839-2771
Mailing Address	380B Main Street	Alternate Phone Number	
Mailing City/State/Zip	Gorham, Maine 04038	Fax Number	
Email Address	afagan@bh2m.com		

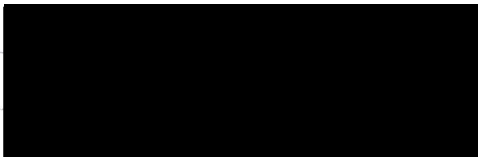
PROJECT

The undersigned requests that the Town of Gray Planning Board consider the following application for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Subdivision
<input checked="" type="checkbox"/> Sketch Plan Review
Preliminary Plan Review (Major)
Final Plan Review (Major)
Minor
<input type="checkbox"/> Site Plan Review
Pre-Application Conference
Minor
Major
<input type="checkbox"/> Shoreland Zoning Permit | <input type="checkbox"/> Other (specify)
Conditional Use
Amendment
Extension
Workshop
Contract Zone Request |
|--|---|

Project Description / Comments:

The applicant is proposing to split off an outsale lot per State Subdivision Law, and then subdivide the remaining property into 12 single family lots with remaining land and open space. A plan showing a potential second phase with full buildout is also attached for the boards review.

Applicant Signature	 <i>-Agent</i>	Date	11-10-2023
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Agent Authorization

Property Description	Physical Address/ Location	Mayall Road Gray, ME	Map 21	
			Lot 26-20	
Applicant Information	Name	Andrew Gervais	Mailing Address	52 Whites Bridge Road Standish, Maine 04084
	Phone	(207) 756-5520		
	Email	ajgervais1@gmail.com		
Owner Information	Name	Gervais Homes LLC	Mailing Address	52 Whites Bridge Road Standish, Maine 04084
	Phone	(207) 756-5520		
	Email	ajgervais1@gmail.com		
Applicant's Agent Information	Name	Austin Fagan	Business Name	BH2M
	Phone	(207) 839-2771	Mailing Address	380B Main Street Gorham, Maine 04038
	Email	afagan@bh2m.com		

The above-listed company/agents may represent me to expedite and complete the approval of the permits/applications required for development for this parcel.

DocuSigned by:



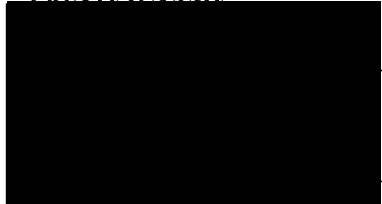
APPLICANT SIGNATURE

Andrew Gervais

PRINTED NAME

CO-APPLICANT SIGNATURE (if applicable)

PRINTED NAME



PRINTED NAME

November 10, 2023 | 1:16 PM EST

DATE

DATE

11-10-2023

DATE

Attachment 2
Parcel Deed

MAINE REAL ESTATE TAX-Paid

QUITCLAIM DEED

DLN: 1002340243237

KNOW ALL PERSONS BY THESE PRESENTS that **OCTOBER CORPORATION**, a Maine nonprofit corporation, for consideration paid, **RELEASES** to **GERVAIS HOMES, LLC**, a Maine limited liability company with a mailing address of 52 Whites Bridge Road, Standish, Maine 04084, certain real estate located in the Town of Gray, County of Cumberland, and State of Maine and being more particularly described in Exhibit A, attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said **OCTOBER CORPORATION** has caused this instrument to be executed by its undersigned representative on this 26th day of JULY, 2023, and delivered to the grantee on this 27th day of JULY, 2023.

OCTOBER CORPORATION

[Redacted Signature]

By: [Redacted]
Name: CRAIG N. DENEKAS
Its: PRESIDENT

STATE OF MAINE
County of Cumberland, SS.

JULY 26, 2023

Then personally appeared the above-named CRAIG N. DENEKAS in his capacity as PRESIDENT of **OCTOBER CORPORATION** and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said **OCTOBER CORPORATION**.

Before me,

[Redacted Signature]

Notary Public/Maine Attorney-at-Law
Printed Name: PAUL D. PIETROPAOLI
Commission Expires: _____

EXHIBIT A

A certain lot or parcel of land located on the westerly side of Mayall Road in the Town of Gray, County of Cumberland, and State of Maine, more particularly described as follows:

Beginning at a 5/8" rebar with cap #1057 set on the northwesterly sideline of the discontinued portion of the Colley Hill Road in a stone wall on the assumed right of way line at a corner of land now or formerly of Gene Humphrey, all as shown on the Standard Boundary Survey of "Ralph S. Sawyer Land" dated December 4, 1990 as recorded at the Cumberland County Registry of Deeds in Plan Book 191, Page 55;

Thence N 51° 01' 08" W 285.99' to a 5/8" rebar with cap #1057;

Thence N 48° 38' 23" E 508.04' to a 5/8" rebar with cap #1057;

Thence N 59° 46' 15" W 584.12' to an angle point in the stone wall;

Thence N 57° 37' 00" W 380.06' to an angle point in the stone wall;

Thence N 59° 34' 10" W 456.47' to an angle point in the stone wall;

Thence N 58° 35' 50" W 598.58' to an angle point in the stone wall;

Thence N 60° 10' 36" W 264.09' to a 5/8" rebar with cap #1057 set at the intersection of two stone walls;

Thence N 53° 12' 30" E 235.46' to a drill hole found in rock in the stone wall;

Thence N 52° 27' 08" E 300.00' to a drill hole found in rock in the stone wall;

Thence N 53° 24' 32" E 303.23' to an angle point in the stone wall;

Thence N 53° 59' 34" E 208.79' to a drill hole found in rock in the stone wall;

Thence N 52° 27' 20" E 268.89' to a 1" x 36" hollow iron;

Thence N 54° 46' 42" E 210.76' to an angle point in the stone wall;

Thence N 52° 42' 59" E 202.50' to an angle point in the stone wall;

Thence N 53° 26' 35" E 188.57' to an angle point in the stone wall;

Thence N 55° 43' 52" E 274.23' to a 5/8" rebar with cap #1057 set on the assumed westerly sideline of Mayall Road;

Thence S 01° 34' 26" W 146.47' to an angle point in the stone wall;

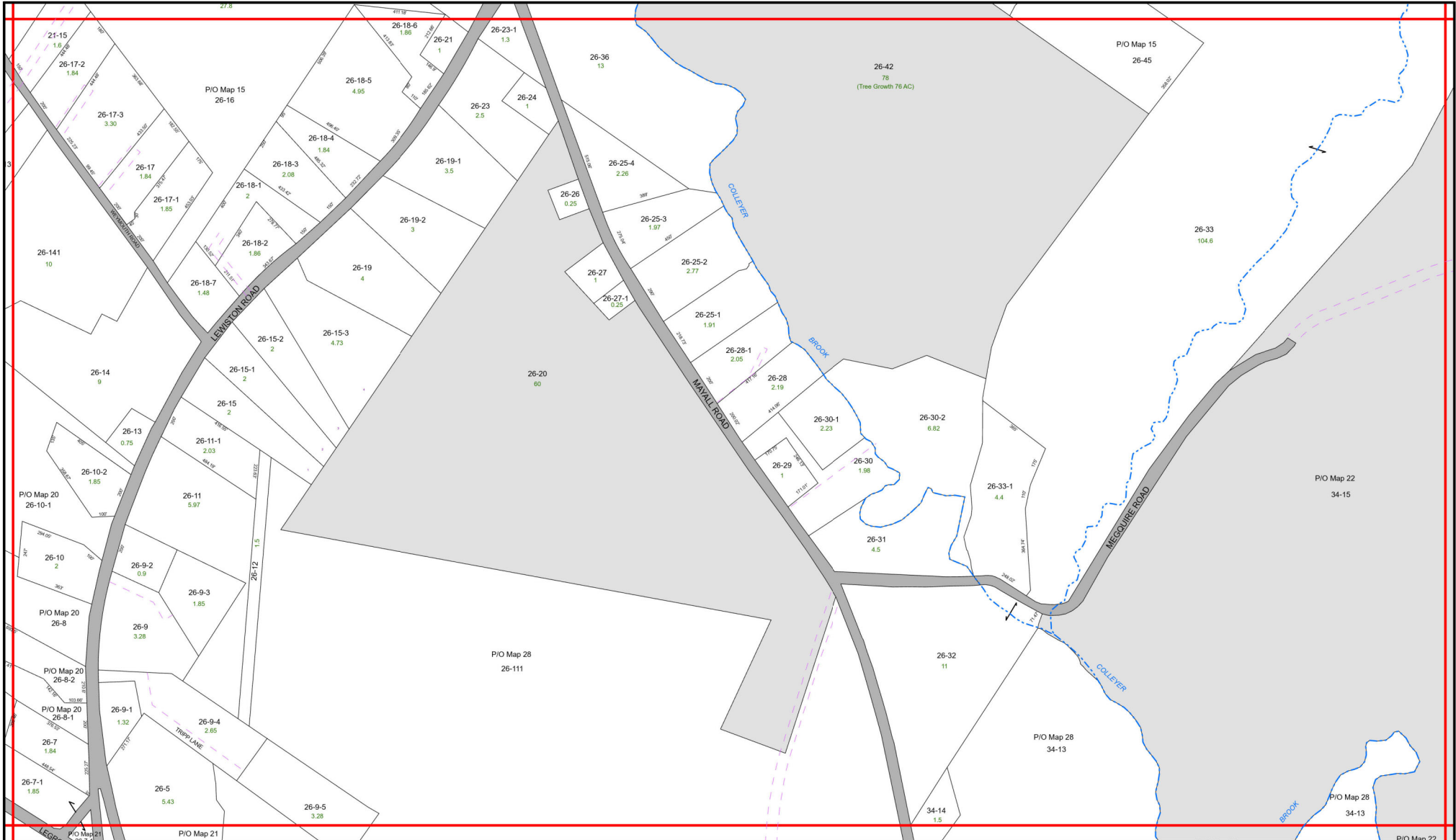
Thence S 05° 28' 01" W 148.10' to a 5/8" rebar with cap #1057;

Thence S 88° 29' 43" W 150.00' to a 5/8" rebar with cap #1057;
Thence S 03° 21' 20" E 141.88' to a 5/8" rebar with cap #1057;
Thence N 84° 43' 19" E 150.00' to a 5/8" rebar with cap #1057;
Thence S 03° 21' 10" E 140.03' to a 5/8" rebar with cap #1057;
Thence S 70° 33' 07" W 165.00' to a 5/8" rebar with cap #1057;
Thence S 11° 19' 27" E 132.00' to a 5/8" rebar with cap #1057;
Thence N 70° 33' 07" E 33.00' to a 5/8" with cap #1057;
Thence S 11° 08' 46" E 64.76' to a 5/8" rebar iron with cap #1183;
Thence S 11° 26' 19" E 98.82' to a 5/8" rebar iron;
Thence N 70° 25' 54" E 131.98' to a 5/8" rebar iron;
Thence S 10° 56' 41" E 149.16' to an angle point in the stone wall;
Thence S 14° 50' 46" E 458.92' to an angle point in the stone wall;
Thence S 16° 00' 52" E 568.94' to an angle point in the stone wall;
Thence S 17° 01' 35" E 486.94' to a 5/8" rebar with cap #1057;
Thence S 35° 10' 59" W 129.65' to an angle point in the stone wall;
Thence S 44°-08'-18" W 131.11' to an angle point in the stone wall;
Thence S 45° 41' 36" W 254.02' to an angle point in the stone wall;
Thence S 39° 16' 13" W 105.66' to angle point in the stone wall;
Thence S 34° 06' 45" W 87.64' to the point of beginning.

Meaning and intending to describe the 59.74 acre parcel shown on the above-referenced plan, being a portion of the property described in a deed from R & T Enterprise, LLC to October Corporation, which deed is dated April 15, 2005, and recorded in the Cumberland County Registry of Deeds in Book 22535, Page 91, which portion is referred to in Exhibit A to said deed as "Parcel Two" (also referred to in said Exhibit A to said deed as "Land off Mayall Road").

Together with any interest of the Grantor in the land extending from the southeasterly boundary of the above-described property to the centerline of the discontinued portion of Colley Hill Road as shown on said plan.

Attachment 3
Maps



Maps Prepared by:
VIEWSHED
 Yarmouth, ME
 207.846.2355
 www.viewshed.net

Tax Sheets are intended for assessing purposes only.
 Boundary locations are approximate and
 should not be used for conveyance of property.

Misc Lines	Tax Parcels	Subdivision Open Space	Railroad
— Leaders	□ Parcel	▨ Subdivision Open Space	▨ Railroad
- - - ROW	▨ Tree Growth	▨ Roads	▨ Water
— Streams	▨ Open Space Classified	▨ Condo/Mobile Home	
		▨ ROW	

Town of Gray, Maine

Index Map

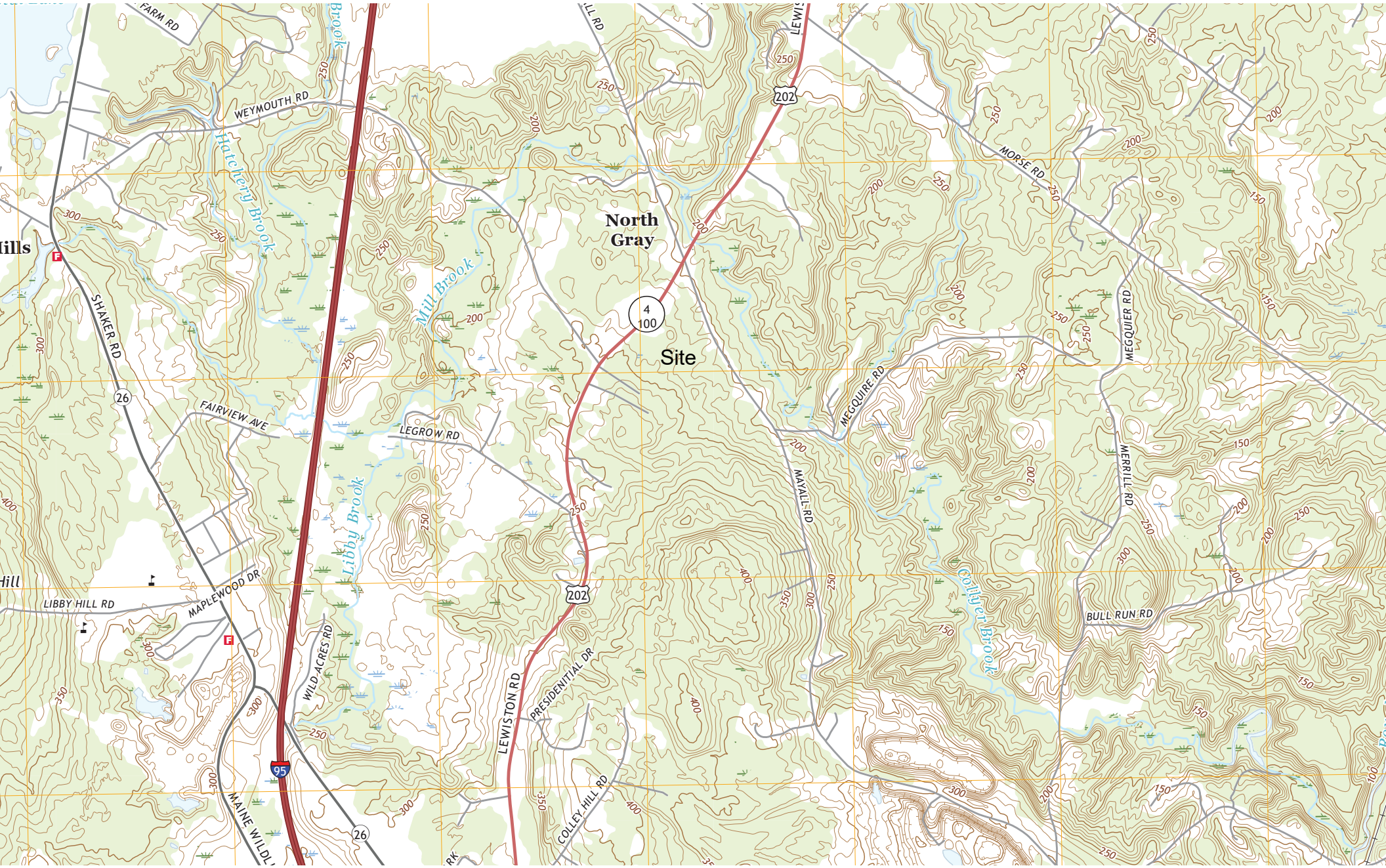
Index Map

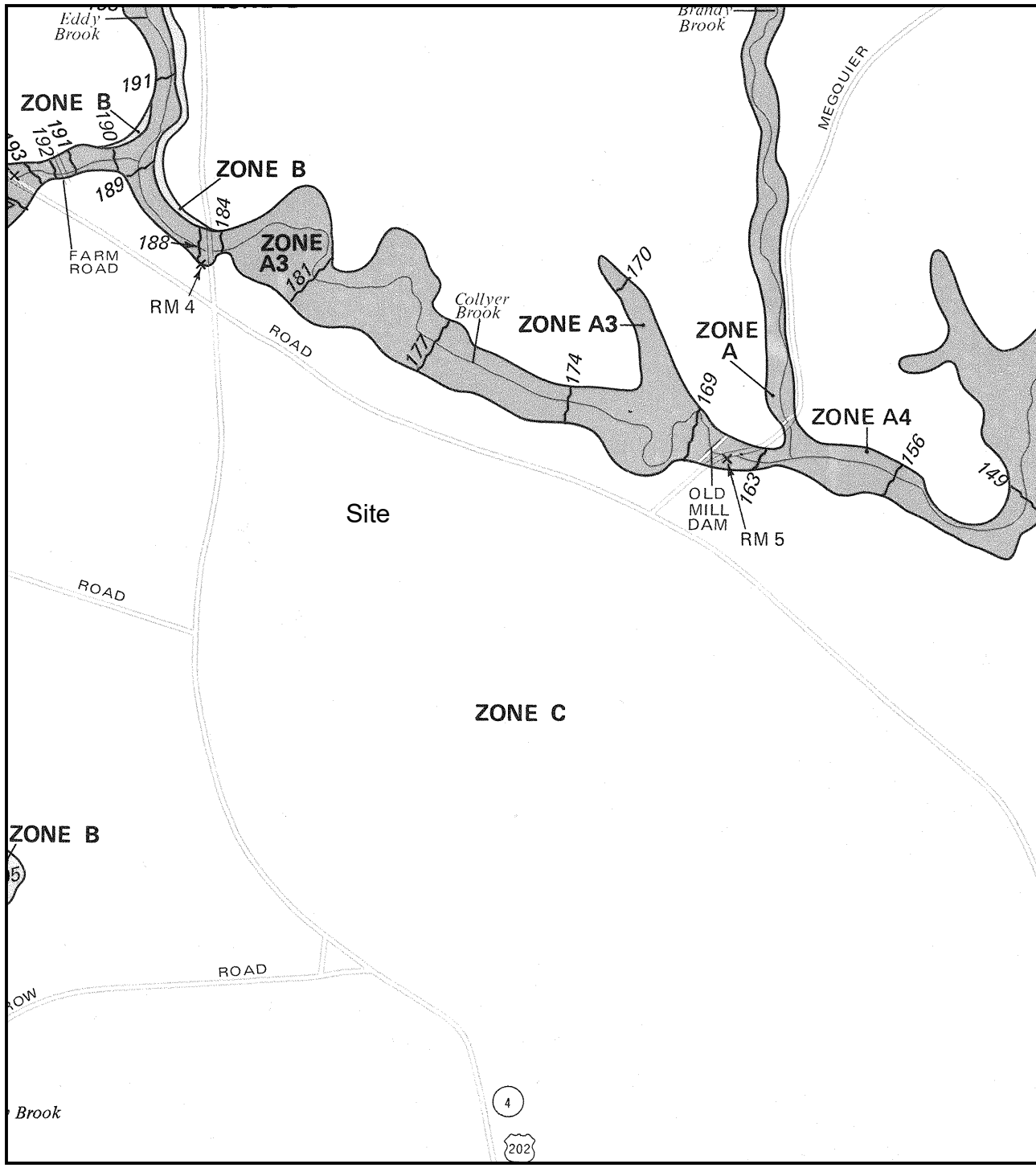
14	15	16
19	20	21
26	27	28

N

Gray Tax Sheet 21

Map updated to: April 1, 2023





...program at (800) 638-6620.



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
GRAY, MAINE
CUMBERLAND COUNTY

PANEL 5 OF 15
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
230048 0005 A

EFFECTIVE DATE:
JANUARY 6, 1982



federal emergency management agency

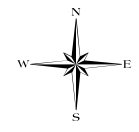
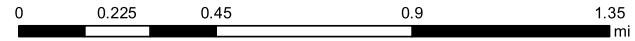
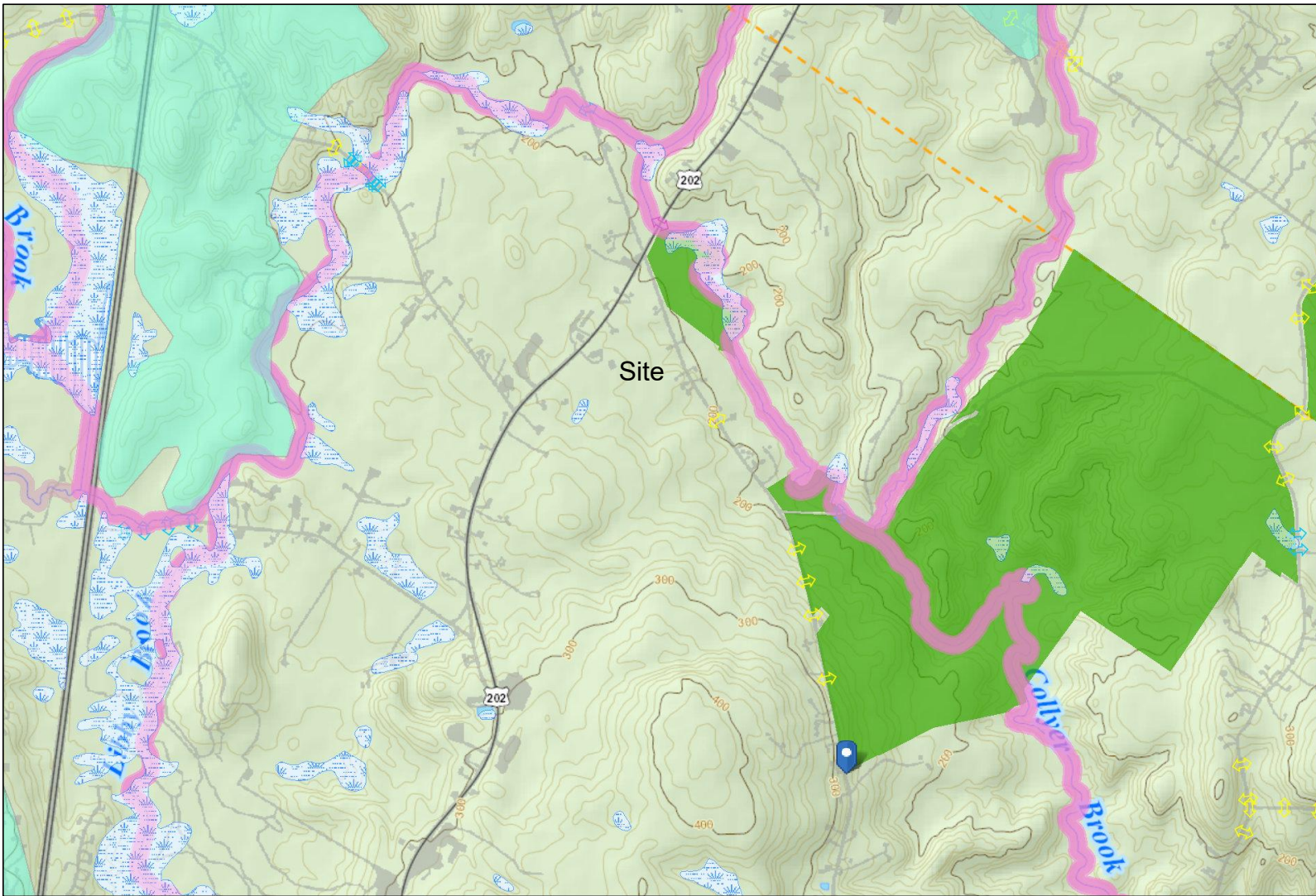
This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



BEGINNING WITH HABITAT

Legend

	1		
	2		
	3		
	4		
	5		



Supported in part by Maine Outdoor Heritage Fund lottery ticket sales

Map Prepared by Maine Department of Inland Fisheries & Wildlife June 2023

Supported in part by Leon Conservation Plate funds

Attachment 4
Wetland Delineation Letter



MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

7639

September 18, 2023

Mr. Andy Gervais
Gervais Homes LLC
52 Whites Bridge Road
Windham, ME 04062

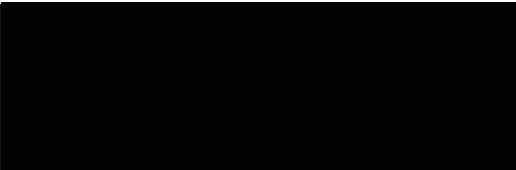
Re: Wetland Delineation, 60 acre parcel on Mayall Road Gray, ME

Dear Andy,

We have completed a delineation of wetlands on a 60 acre parcel located on Mayall Road Gray, Maine. The wetland delineation was completed in accordance with the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual for the Northcentral and Northeast Regions dated January 2012. These manuals require the presence of three parameters for a wetland to be present, wetland hydrology, hydrophytic vegetation, and hydric soils.

The wetlands we found on the parcel were flagged with yellow flagging. The flagging was labeled in an alphanumeric sequence. The wetland flags were located by GPS equipment capable of locating a point to within three feet. This data has been forwarded to BH2M to incorporate into the boundary survey. The wetlands on the parcel are forested wetlands. These wetlands do not meet the definition of wetland of special significance as defined by the Maine Department of Environmental Protection.

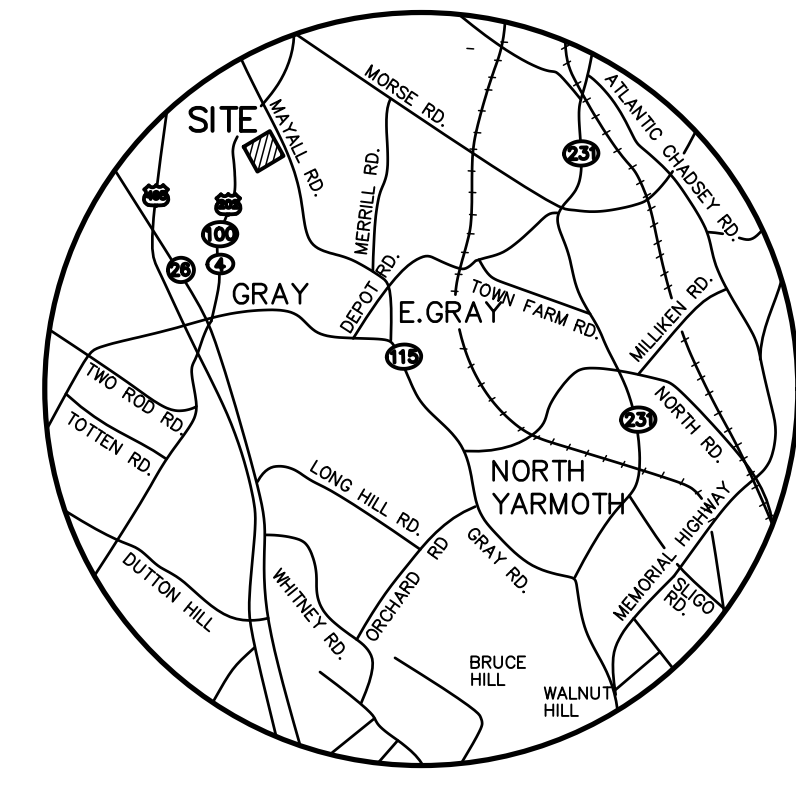
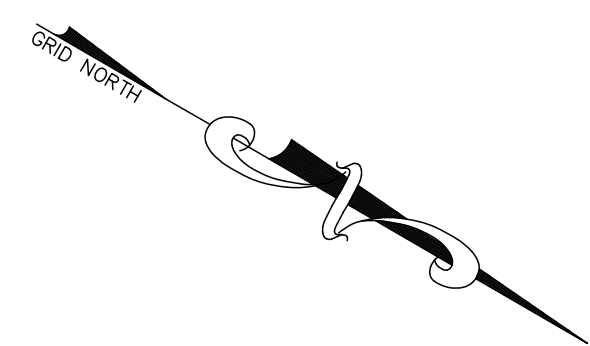
If you have any questions or require additional information, please contact me.



Certified Soil Scientist #216
Licensed Site Evaluator #263

Attachment 5
Class B Soil Survey

Attachment 6
Sketch Plans



LOCATION MAP
N.T.S.



NOTES:

- OWNER/APPLICANT: ANDREW GERVAIS
52 WHITES BRIDGE ROAD
STANDISH, MAINE 04084
- ENGINEER: AUSTIN G. FAGAN, PE #16523
380B MAIN STREET
GORHAM, MAINE 04038
- SURVEYOR: ROBERT C. LIBBY, JR., PLS #2190
BH2M
- DEED REFERENCE: BOOK 40268, PAGE 31
- TAX MAP REFERENCE: MAP 21, LOT 26-20
- TOTAL PARCEL AREA: 2,602,195 S.F. (59.74 ACRES)
- ZONING: RURAL RES. AND AGRICULTURAL (RRA)
BUSINESS DEVELOPMENT-1 (BD-1)
- PROPOSED USE: SINGLE FAMILY LOTS
- MIN. STANDARDS:

RRA DISTRICT	
MIN. LOT SIZE:	80,000 S.F.
MIN. LOT AREA PER DWELLING UNIT:	40,000 S.F.
MIN. STREET FRONTAGE:	200 FT
MIN. FRONT YARD:	50 FT
MIN. SIDE YARD:	25 FT
MIN. REAR YARD:	50 FT
MAX. BUILDING HEIGHT:	35'
MAX. BUILDING COVERAGE:	10%
BD-1 DISTRICT	
MIN. LOT SIZE:	80,000 S.F.
MIN. LOT AREA PER DWELLING UNIT:	40,000 S.F.
MIN. STREET FRONTAGE:	200 FT
MIN. FRONT YARD:	50 FT
MIN. SIDE YARD:	25 FT
MIN. REAR YARD:	50 FT
MAX. BUILDING HEIGHT:	35'
MAX. BUILDING COVERAGE:	50%
- SEWER SERVICE: INDIVIDUAL SUBSURFACE DISPOSAL SYSTEM
- WATER: INDIVIDUAL DOMESTIC WELL

NO.	DATE	REVISION DESCRIPTION

BH2M
Berry, Huff, McDonald, Milfigan Inc.
Engineers, Surveyors
380B Main Street
Gorham, Maine 04038
Tel: (207) 839-2771
www.bh2m.com

FOR
Andy Gervais
52 Whites Bridge Road
Standish, Maine

PHASE I SKETCH PLAN
MAYALL ROAD
MAYALL ROAD
GRAY, MAINE

DESIGNED A. Fagan	DATE Sept. 2023
DRAWN A. Fagan	SCALE 1"=150'
CHECKED W. Pelkey	JOB. NO. 23155

SHEET
1

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NET RESIDENTIAL DENSITY CALCULATION

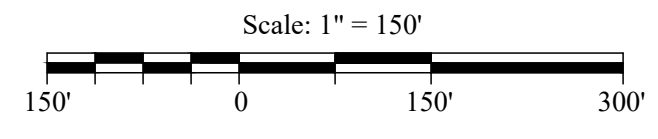
TOTAL AREA.....	2,601,457 S.F.
1 25% OR GREATER SLOPE	21,607 S.F.
2 ISOLATED LAND	0 S.F.
3 100 YEAR FLOOD ZONE	0 S.F.
4 WATERBODIES	0 S.F.
5 WETLANDS IN 100YR FLOODPLAIN	0 S.F.
6 LIQUIDATION HARVESTING AREA	0 S.F.
7 ROCK OUTCROP > 1,500 SF	0 S.F.
8 BORROW PIT	0 S.F.
9 POORLY DRAINED SOILS	394,646 S.F.
10 VERY POORLY DRAINED SOILS	0 S.F.
50% DEDUCTION	
11 S.P.D. SOILS	311,967/2 = 156,121 S.F.
12 LAND IN RESOURCE PROTECTION	0 S.F.
13 UNDEVEL. FORESTED WETLANDS	0 S.F.
14 SIG. PLANT & ANIMAL HABITAT	0 S.F.
15 OTHER AREAS	0 S.F.
NET AREA	2,029,083 S.F.
MINIMUM DENSITY URE ZONE - 80,000 S.F./LOT	
2,029,083 S.F. / 80,000 S.F.	= 25.36 LOTS

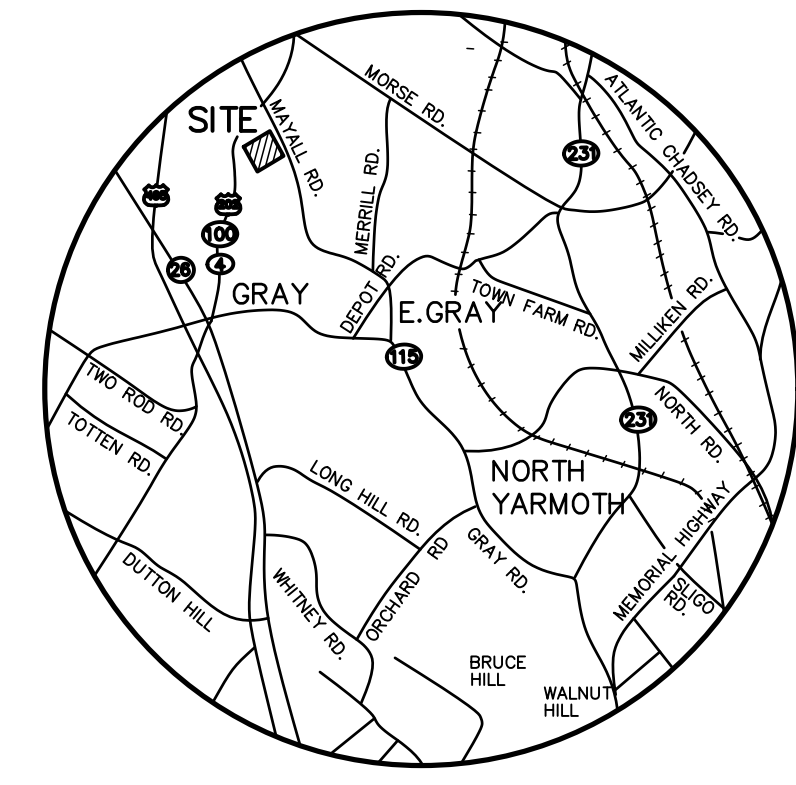
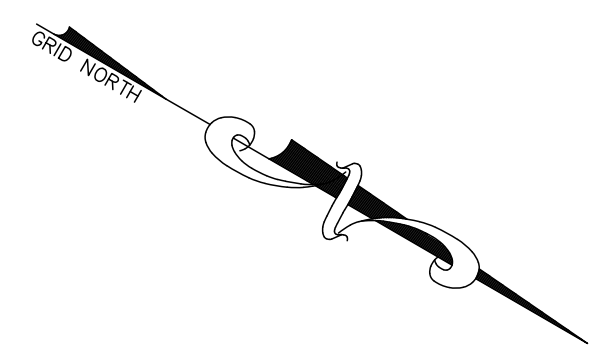
NET RESIDENTIAL DENSITY CALCULATION (SUBTRACT OUTSALE)

TOTAL AREA.....	2,170,498 S.F.
1 25% OR GREATER SLOPE	13,126 S.F.
2 ISOLATED LAND	0 S.F.
3 100 YEAR FLOOD ZONE	0 S.F.
4 WATERBODIES	0 S.F.
5 WETLANDS IN 100YR FLOODPLAIN	0 S.F.
6 LIQUIDATION HARVESTING AREA	0 S.F.
7 ROCK OUTCROP > 1,500 SF	0 S.F.
8 BORROW PIT	0 S.F.
9 POORLY DRAINED SOILS	298,647 S.F.
10 VERY POORLY DRAINED SOILS	0 S.F.
50% DEDUCTION	
11 S.P.D. SOILS	200,653/2 = 100,327 S.F.
12 LAND IN RESOURCE PROTECTION	0 S.F.
13 UNDEVEL. FORESTED WETLANDS	0 S.F.
14 SIG. PLANT & ANIMAL HABITAT	0 S.F.
15 OTHER AREAS	0 S.F.
NET AREA	1,758,398 S.F.
MINIMUM DENSITY URE ZONE - 80,000 S.F./LOT	
1,758,398 S.F. / 80,000 S.F.	= 21.98 LOTS

LEGEND

SYMBOL	DESCRIPTION
●	5/8" IRON ROD W/ CAP TO BE SET
■	GRANITE MONUMENT TO BE SET
○ (RF/RR)	IRON PIPE/IRON ROD FOUND
○ (CRF)	CAPPED IRON ROD FOUND
○ (U)	UTILITY POLE
—	SIGN
⊙	TEST PIT
---	PROPERTY LINE
---	ABUTTER'S PROPERTY LINE
---	EASEMENT LINE
---	WETLANDS
---	VERNAL POOL
---	EDGE OF GRAVEL
---	TREE LINE
A.G./B.G.	ABOVE GROUND/BELOW GROUND
N/F	NOW OR FORMERLY





LOCATION MAP
N.T.S.



- NOTES:**
- OWNER/APPLICANT: ANDREW GERVAIS
52 WHITES BRIDGE ROAD
STANDISH, MAINE 04084
 - ENGINEER: AUSTIN G. FAGAN, PE #16523
380B MAIN STREET
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BUSINESS DEVELOPMENT-1 (BD-1)
 - PROPOSED USE: SINGLE FAMILY LOTS
 - MIN. STANDARDS:

RRA DISTRICT	
MIN. LOT SIZE:	80,000 S.F.
MIN. LOT AREA PER DWELLING UNIT:	40,000 S.F.
MIN. STREET FRONTAGE:	200 FT
MIN. FRONT YARD:	50 FT
MIN. SIDE YARD:	25 FT
MIN. REAR YARD:	50 FT
MAX. BUILDING HEIGHT:	35'
MAX. BUILDING COVERAGE:	10%
BD-1 DISTRICT	
MIN. LOT SIZE:	80,000 S.F.
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MIN. SIDE YARD:	25 FT
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MAX. BUILDING HEIGHT:	35'
MAX. BUILDING COVERAGE:	50%
 - SEWER SERVICE: INDIVIDUAL SUBSURFACE DISPOSAL SYSTEM
 - WATER: INDIVIDUAL DOMESTIC WELL

NET RESIDENTIAL DENSITY CALCULATION

TOTAL AREA.....	2,602,195 S.F.
1 25% OR GREATER SLOPE.....	21,065 S.F.
2 ISOLATED LAND.....	0 S.F.
3 100 YEAR FLOOD ZONE.....	0 S.F.
4 WATERBODIES.....	0 S.F.
5 WETLANDS IN 100YR FLOODPLAIN.....	0 S.F.
6 LIQUIDATION HARVESTING AREA.....	0 S.F.
7 ROCK OUTCROP > 1,500 SF.....	0 S.F.
8 BORROW PIT.....	0 S.F.
9 POORLY DRAINED SOILS.....	394,158 S.F.
10 VERY POORLY DRAINED SOILS.....	0 S.F.
50% DEDUCTION.....	
11 S.P.D. SOILS.....	311,967/2 = 155,984 S.F.
12 LAND IN RESOURCE PROTECTION.....	0 S.F.
13 UNDEVEL. FORESTED WETLANDS.....	0 S.F.
14 SIG. PLANT & ANIMAL HABITAT.....	0 S.F.
15 OTHER AREAS.....	0 S.F.
NET AREA	2,030,988 S.F.
MINIMUM DENSITY URE ZONE - 80,000 S.F./LOT	
2,387,806 S.F. / 80,000 S.F. = 25.38 LOTS	

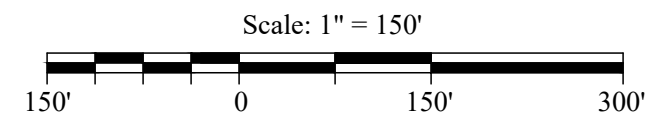
NET RESIDENTIAL DENSITY CALCULATION (SUBTRACT OUTSALE)

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5 WETLANDS IN 100YR FLOODPLAIN.....	0 S.F.
6 LIQUIDATION HARVESTING AREA.....	0 S.F.
7 ROCK OUTCROP > 1,500 SF.....	0 S.F.
8 BORROW PIT.....	0 S.F.
9 POORLY DRAINED SOILS.....	298,647 S.F.
10 VERY POORLY DRAINED SOILS.....	0 S.F.
50% DEDUCTION.....	
11 S.P.D. SOILS.....	200,653/2 = 100,327 S.F.
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13 UNDEVEL. FORESTED WETLANDS.....	0 S.F.
14 SIG. PLANT & ANIMAL HABITAT.....	0 S.F.
15 OTHER AREAS.....	0 S.F.
NET AREA	1,758,398 S.F.
MINIMUM DENSITY URE ZONE - 80,000 S.F./LOT	
1,758,398 S.F. / 80,000 S.F. = 21.98 LOTS	

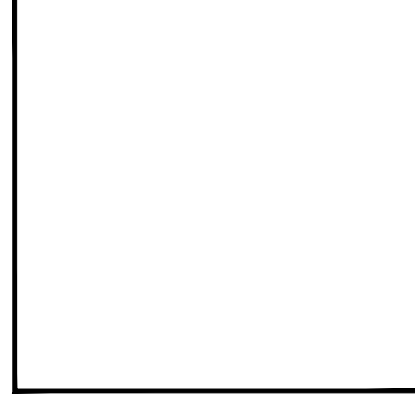
LEGEND

SYMBOL	DESCRIPTION
●	5/8" IRON ROD W/ CAP TO BE SET
■	GRANITE MONUMENT TO BE SET
○ (BF/RF)	IRON PIPE/IRON ROD FOUND
○ (CRF)	CAPPED IRON ROD FOUND
—	UTILITY POLE
—	SIGN
—	TEST PIT
—	PROPERTY LINE
—	ABUTTER'S PROPERTY LINE
—	EASEMENT LINE
—	WETLANDS
—	VERNAL POOL
—	EDGE OF GRAVEL
—	TREE LINE
—	ABOVE GROUND/BELOW GROUND
—	NOW OR FORMERLY

A.G./B.G.
N/F



NO.	DATE	REVISION DESCRIPTION



FOR
Andy Gervais
52 Whites Bridge Road
Standish, Maine

PHASE II SKETCH PLAN
MAYALL ROAD
MAYALL ROAD
GRAY, MAINE

DESIGNED A. Fagan	DATE Sept. 2023
DRAWN A. Fagan	SCALE 1"=150'
CHECKED W. Pelkey	JOB. NO. 23155

SHEET
1

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TOWN APPLICATION SUBMISSION
OF
AMENDED SUBDIVISION APPLICATION

TO
TOWN OF GRAY
24 MAIN STREET
GRAY, MAINE 04039

FOR
LEWISTON ROAD SUBDIVISION
100 & 104 LEWISTON ROAD
GRAY, MAINE

PREPARED FOR
GRAYLAND HOLDINGS, LLC
PO BOX 963
GRAY, MAINE 04039

PREPARED BY
DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, MAINE 04062

FEBRUARY 8, 2024

DM ROMA

CONSULTING ENGINEERS

February 8, 2024

Town of Gray Planning Board
c/o Kristen Muszynski Town Planner
Henry Pennell Municipal Complex
24 Main St, Gray, ME 04039

**Re: Town of Gray Amended Subdivision Plan
Lewiston Road Amended Subdivision, Gray, Maine
Grayland Holdings, LLC – Applicant**

Dear Ms. Muszynski:

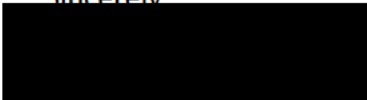
On behalf of the applicant Grayland Holdings, LLC., DM Roma Consulting Engineers has prepared the enclosed Amended Subdivision submission for the previously approved subdivision off Lewiston Road in Gray. The 4.34-acre parcel consist of Lots 26-2-0 owned by Grayland Holdings, LLC., and Lots 26-2-1 and 26-2-2 (which since original subdivision approval have been sold to new owners as illustrated on the Amended Subdivision Plan). These lots are shown on the Town of Gray Assessor's Map 28, and are located in the Commercial Zoning District and the Light Manufacturing Overlay District.

The applicant, Grayland Holdings, LLC, is submitting an Amended Subdivision plan to address a recent ZBA Variance approval, update the impervious surface on lot 3 (Map 28 Lot 026-002-000) to reflect the constructed condition, and to include an existing easement that was not shown on the approved subdivision plan.

The improvements associated with the previous subdivision approval have been constructed. There are no proposed improvements or buildings that require additional construction to occur in association with this plan.

Enclosed with this submission is the required application and checklists, supporting documentation and the Amended Subdivision plan for your review. Upon your review of the submission, please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely,


DM ROMA CONSULTING ENGINEERS
J.P. Connolly
Project Manager

Cc: Scott Liberty, Applicant



**PLANNING BOARD/STAFF REVIEW COMMITTEE APPLICATION
TOWN OF GRAY MAINE**

PROPERTY TO BE DEVELOPED

Property Location/Address	100 & 104 LEWISTON ROAD	Property Map/Lot	28 _26-2-0 _26-2-1 & _26-2-2
Zoning District	COMMERCIAL & LMOD	Lot Acreage	4.34 AC,
Owner Name	GRAYLAND HOLDINGS, LLC	Tax Sheet	
Owner Address	& ODESSA PROPERTIES, LLC	Owner Phone	

APPLICANT

Name (IF different than owner)	GRAYLAND HOLDINGS, LLC	Contact Phone Number	
Mailing Address	P.O. BOX 963	Alternate Phone Number	
Mailing City/State/Zip	GRAY, MAINE	Fax Number	
Email Address	SCOTT@SCOTTLIBERTY.COM		

AGENT/CONSULTANT

Name	DM ROMA ENGINEERS	Contact Phone Number	207-591-5055
Mailing Address	PO BOX 1116	Alternate Phone Number	760-840-0997
Mailing City/State/Zip	WINDHAM, MAINE 04062	Fax Number	
Email Address	JP@DMROMA.COM		

PROJECT

The undersigned requests that the Town of Gray Planning Board consider the following application for:

<input type="checkbox"/> Subdivision Sketch Plan Review Preliminary Plan Review (Major) Final Plan Review (Major) Minor <input type="checkbox"/> Site Plan Review Pre-Application Conference Minor Major <input type="checkbox"/> Shoreland Zoning Permit	<input checked="" type="checkbox"/> Other (specify) Conditional Use <input checked="" type="checkbox"/> Amendment Extension Workshop Contract Zone Request Amended Subdivision Plan application for previously approved Lewiston Road Subdivision
---	--

Project Description / Comments:
SEE ATTACHED COVER LETTER

Applicant Signature		Date	2-8-2024
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MINOR SUBDIVISION PLAN APPLICATION SUBMISSION CHECKLIST F-1A TOWN OF GRAY MAINE

For Office Use Only
Date Received: _____
Received by: _____

SUBDIVISION

Name	LEWISTON ROAD AMENDED SUBDIVISION	Date	2-8-2024
------	-----------------------------------	------	----------

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. The checklist, however, does not substitute for the requirements of Article 6 of the Subdivision Ordinance. The Planning Board will also use the checklist to ensure your application is complete. Indicate if the information has been submitted or if a waiver is requested. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. Detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans, however, may best be presented on a separate sheet or sheets.

This checklist does not address the standards that the subdivision plan must meet.

For review standards refer to Article 13 & checklist F-1D.

MINOR SUBDIVISION PLAN SUBMISSION REQUIREMENTS

	Submitted by Applicant	Not Applicable	Applicant Request to be Waived	Reviewed by Planner/Engineer	Waived by Planning Board
401.6.2. A Fourteen (14) copies of application plus accompanying information	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
401.6.2.B APPLICATION REQUIREMENTS					
B.1 Name of subdivision name of town and assessor's map and lot number(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.2 Verification of right, title or interest in property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.3 Standard boundary survey with bearings and distances certified by PLS; all corners located and marked.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.3 Standard boundary survey shows entire parcel or tract and all contiguous land in common ownership within the last five years per MRSA Title 30A section 4401	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.4 Copy of most recently recorded deed; all restrictions, easements, rights-of-way and other encumbrances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.5 Deed restrictions on proposed new lots or dwellings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.6 Map of test pits & test pit analyses by Site Evaluator or Certified Soil Scientist	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.7 Type of water supply system(s) & letter from Gray Water District if public water	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.8 Date plan prepared, north point and graphic map scale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Submitted by Applicant	Not Applicable	Applicant Request to be Waived	Reviewed by Planner/Engineer	Waived by Planning Board
B.9 Names and addresses of record owner, applicant, plan preparer(s) and adjoining property owners	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.10 All wetlands delineated regardless of size	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.11 All rivers, streams and brooks within and adjacent to subdivision; designation of great pond watershed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.12 Zoning district of proposed subdivision and any zoning boundary lines affecting the subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.13 Location and size of existing and proposed sewers, water mains, culverts and drainage ways on and adjacent to subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.14 Location, name and widths of existing streets and highways easements, building lines, parks and open spaces on or adjacent to subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.15 Width & location of any streets, public improvements or open space shown in Comprehensive Plan within the property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.16 Proposed lot lines, approximate dimensions and lot areas sealed by professional surveyor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.17 100-year flood elevations in flood prone areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.18 Areas within or adjacent to the subdivision identified by the Comprehensive Plan, MDIFW, MNAP, or BWH as areas to be preserved and appropriate preservation measures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.19 Areas within or adjacent to subdivision listed in the Comprehensive Plan or listed/eligible to be listed on National Register of Historic Places	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PRELIMINARY SUBDIVISION PLAN APPLICATION SUBMISSION CHECKLIST F-1B TOWN OF GRAY MAINE

For Office Use Only
Date Received: _____
Received by: _____

SUBDIVISION

Subdivision Name	Lewiston Road Amended Subdivision	Date	2-8-2024
------------------	-----------------------------------	------	----------

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. The checklist, however, does not substitute for the requirements of **Article 7** of the Subdivision Ordinance. The Planning Board will also use the checklist to ensure your application is complete. Indicate if the information has been submitted or if a waiver is requested. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. Detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans, however, may best be presented on a separate sheet or sheets. Note that this checklist only covers the submission requirements for a *preliminary plan*.

There is an additional checklist for *final plan* submission. Neither checklist addresses the standards that the subdivision plan must meet. For review standards refer to Article 13 & checklist F-1D.

PRELIMINARY SUBDIVISION PLAN SUBMISSION REQUIREMENTS

	Submitted by Applicant	Not Applicable	Applicant Request to be Waived	Reviewed by Planner/Engineer	Waived by Planning Board
401.7.2.A Fourteen (14) copies of application plus accompanying information	X				
401.7.2.B LOCATION MAP					
B.1 Existing subdivisions in the proximity of proposed subdivision	X				
B.2 Locations and names of existing and proposed streets	X				
B.3 Zoning boundaries and designations	X				
B.4 Outline of proposed subdivision and owner's remaining contiguous land	X				
401.7.2.C PRELIMINARY PLAN					
C. Fourteen (14) copies of all maps and/or drawings printed or reproduced on paper	X				
C. Scale not smaller than 1"= 100'; for subdivision more than 100 acres, not smaller than 1"= 200'	X				
401.7.2.C APPLICATION REQUIREMENTS					
C.1 Name of subdivision name of town and assessor's map and lot number(s)	X				
C.2 Verification of right, title or interest in property	X				
C.3 Standard boundary survey with bearings and distances, certified by PLS, all corners located and marked.	X				
C.3 Standard boundary survey shows entire parcel or tract and all contiguous land in common ownership within the last five years per MRSA Title 30-A section 4401	X				
C.4 Copy of most recently recorded deed; all restrictions, easements, rights-of-way and other encumbrances	X				
C.5 Deed restrictions on proposed new lots or dwellings	X				

401.7.2.C APPLICATION REQUIREMENTS (CONT'D)

C.6 Map of test pits & test pit analyses by Site Evaluator or Certified Soil Scientist	X				
C.7 Type of water supply system(s)	X				
C.7 Gray Water District letter of capacity		X			
C.8 Date plan prepared, north point and graphic map scale	X				
C.9 Names and addresses of record owner, applicant, plan preparer(s) and adjoining property owners	X				
C.10 All wetlands delineated regardless of size	X				
C.11 Total acres in subdivision; location of property lines, existing building(s), unusually large specimen trees, vegetative cover type and other essential physical features	X				
C.12 All rivers, streams and brooks within and adjacent to subdivision; designation of great pond watershed	X				
C.13 Zoning district of proposed subdivision and any zoning boundary lines affecting the subdivision	X				
C.14 Location and size of existing and proposed sewers, water mains, culverts and drainage ways on and adjacent to subdivision	X				
C.15 Location, name and widths of existing and proposed streets and highways easements, building lines, parks and open spaces on or adjacent to subdivision	X				
C.16 Width & location of any streets, public improvements or open space shown in Comprehensive Plan within the property	X				
C.17 Proposed lot lines, approximate dimensions and lot areas	X				
C.18 Parcels of land proposed to be dedicated to public use; condition of such dedication	X				
C.19 Open space to be preserved; proposed ownership, improvements, management	X				
C.20 Area of each lot permitting forest clearing and/or lawn	X				
C.21 Anticipated driveway locations & constraints	X				
C.22 100-year flood elevations in flood prone areas		X			
C.22 Areas within or adjacent to the subdivision identified by the Comprehensive Plan, MDIFW, MNAP, or BWH as areas to be preserved and appropriate preservation measures.	X				
C.23 Areas within or adjacent to subdivision listed in the Comprehensive Plan or listed/eligible to be listed on National Register of Historic Places		X			

401.7.3 ADDITIONAL REQUIRED PLANS & STUDIES

A. Contour lines at interval set by Planning Board showing all areas at greater than 25% slopes	X				
B. Erosion & sedimentation control plan (can be waived if not in great pond watershed and < 5% impervious)		X			
C. Stormwater management plan (can be waived if not in great pond watershed and < 5% impervious)		X			
D. Phosphorus management plan if in pond watershed & > 4 lots or 800 ft. of road or drives		X			

401.7.4 REQUIRED SUBMISSIONS FOR WHICH A WAIVER MAY BE GRANTED

A. High Intensity Soil Survey by a Registered Soil Scientist		X			
B.1 Hydrogeologic assessment for subdivision if any part of subdivision is over a sand and gravel aquifer, or		X			
B.2 Hydrogeologic assessment if average density is more than one dwelling unit per 100,000 sq. ft.		X			
B.3 Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality (e.g., shallow bedrock soils, cluster subdivisions)		X			
C. Vehicular trip generation rates & entrance sight distances		X			
D. Traffic impact analysis by a registered traffic P.E. for 28 or more parking spaces or projected to generate more than 140 vehicle trips per day to include expected ADT, peak-hour volumes, access conditions, distribution of traffic, types of vehicles expected, effect on LOS, recommended improvements		X			



TOWN OF GRAY MAINE

FINAL SUBDIVISION PLAN APPLICATION SUBMISSION CHECKLIST

LEWISTON ROAD AMENDED

Subdivision Name SUBDIVISION Date 2-8-2024

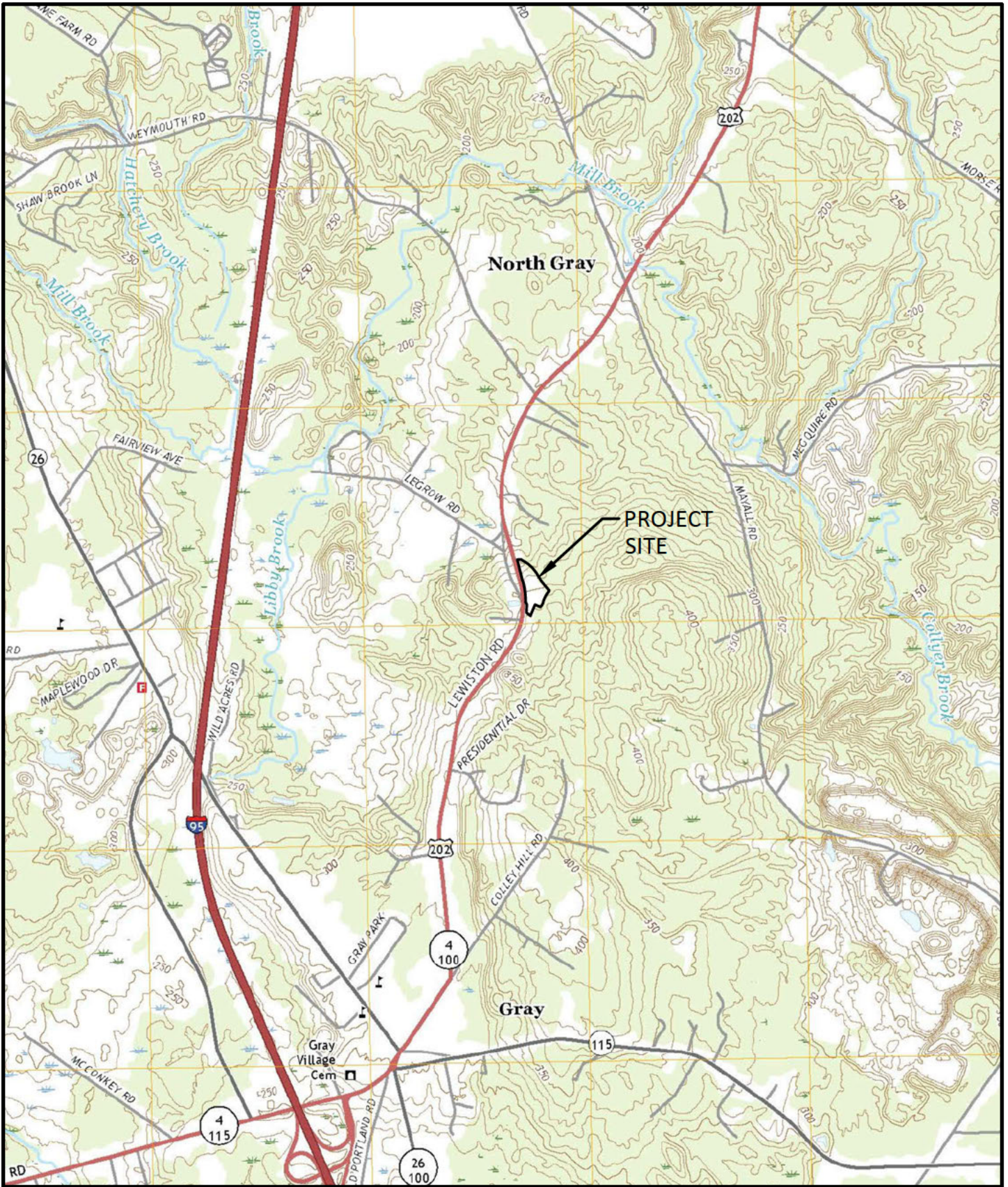
This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. The checklist, however, does not substitute for the requirements of **Article 8** of the Subdivision Ordinance. The Planning Board will also use the checklist to ensure your application is complete. Indicate if the information has been submitted or if a waiver is requested. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. Detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans, however, may best be presented on a separate sheet or sheets.

Note that this checklist only covers the submission requirements for a *final* plan. There is an additional checklist for *preliminary* plan submission, which should have been completed previously. Neither checklist addresses the standards that the subdivision plan must meet. For review standards refer to **Article 13**. You should have completed Checklist F-1D at preliminary plan.

FINAL SUBDIVISION PLAN SUBMISSION REQUIREMENTS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Review by Planner/ Engineer	Waived by Planning Board
401.8.1 PROCEDURE					
A. Submittal of draft Final Plan within 6 months of approval of the Preliminary Plan OR submittal of request for an extension to the filing deadline			✓		
B. Filing of appropriate Final Plan application fee & peer review escrows			✓		
C. Prior to submittal of Final Plan application, the following approvals shall be obtained where applicable: 1. Maine DEP permit(s) 2. Maine DHS permit(s) if public water system 3. Maine DHS permit(s) if engineered subsurface wastewater disposal system 4. Army Corps of Engineers if Section 404 permit required 5. Maine DOT Traffic Movement Permit and/or Highway Entrance/Driveway Access Permit (The Board may require a letter from the various agencies verifying if their regulations do or do not apply)		✓			
D. If applicable per Section 401.7.2.C.23, confirmation that Maine Historic Preservation Office received a copy of the proposed plan and mitigation measures		✓			
E. Written Approval of Town E911 Officer		✓			
K. Performance Guarantee requirements specified in Article 11		✓			

FINAL SUBDIVISION PLAN SUBMISSION REQUIREMENTS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Review by Planner/ Engineer	Waived by Planning Board
401.8.2.A SUBMISSIONS					
One or more maps or drawings at scale of not more than 1"=100'; subdivision more than 100 acres, not larger than 1"=200'	✓				
Plans not larger than 24" x 36" with 2" border on binding side; 1" for borders elsewhere	✓				
Block for Planning Board signatures	✓				
One reproducible, stable based transparency of the recording plan to be recorded at the Registry of Deeds, and 14 full sized paper copies of all the final plan sheets and any supporting documents	✓				
401.8.2.B FINAL PLAN INFORMATION					
B.1 Final Plan Application and Submission Checklist	✓				
B.2 Name of Subdivision, Name of Town and Assessor's Map and Lot Number(s)	✓				
B.3 Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features	✓				
B.4 Type of sewage disposal proposed	✓				
B.5 Type of Water Supply	✓				
B.5.a Gray Water District approval of water system design	✓				
B.5.b Fire Chief letter on hydrants or other fire protection measures		✓			
B.5.c Well driller or hydrologist letter on ground water supply and quality		✓			
B.6 Date plan prepared, north point, graphic map scale	✓				
B.7 Names and addresses of record owner, applicant, plan preparer(s) and adjoining property owners	✓				
B.8 Location of any zoning boundaries affecting the property		✓			
B.9 If different than Preliminary Plan submittal, any deed restrictions on proposed new lots or dwellings		✓			

FINAL SUBDIVISION PLAN SUBMISSION REQUIREMENTS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Review by Planner/ Engineer	Waived by Planning Board
B.10 Location and size of existing and proposed sewers, water mains, culverts and drainage ways on and adjacent to proposed subdivision	✓				
B.11 Location, name and widths of existing and proposed streets, easements, building lines, parks and open spaces on or adjacent to subdivision tied to survey points and certified by a registered land surveyor	✓				
B.12 Street design plans		✓			
B.13 Location and dimensions of streets, public improvements and open space in subdivision from Official Map, Comprehensive Plan or Capital Improvements Program	✓				
B.14 Parcels proposed for dedication to public use; condition(s) of dedication; written documentation of management of subdivider-retained parcels; legal sufficiency to convey title(s) to Town		✓			
B.15 100-year flood elevations		✓			
B.16 Location and method of construction debris disposal		✓			
B.17 Copies of all plans & studies contained in preliminary plan approval		✓			
B.18 Copies of all outside agency reviews & permits		✓			
PRELIMINARY SUBDIVISION PLAN CONDITIONS OF APPROVAL MET	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
Date of Preliminary Approval _____			✓		



SITE LOCATION MAP

LEWISTON ROAD SUBDIVISION
GRAY, MAINE

FOR:
ODESSA PROPERTIES, LLC
P.O. BOX 963
GRAY, MAINE 04039

USGS QUADRANGLE
GRAY

SCALE: 1"=2,000'
DATE: 3-22-2022
JOB NUMBER: 21062

DM ROMA

CONSULTING ENGINEERS

P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

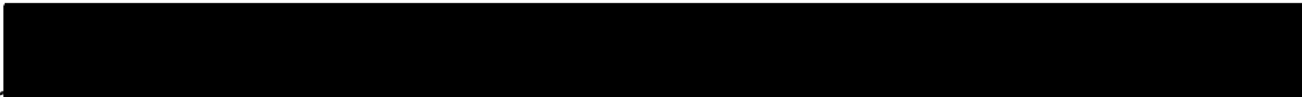
WARRANTY DEED
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That **100 Lewiston Road, LLC** of Jackman in the County of Somerset and State of Maine, for consideration paid, grants to **Grayland Holdings LLC**, a Maine limited liability company with a mailing address of PO Box 963, Gray, ME 04039, with **WARRANTY COVENANTS**, the real property situated in **Gray, County of Cumberland and State of Maine** more particularly described in Schedule A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, this instrument has been executed by **Rodney Boyington, Managing Member of 100 Lewiston Road, LLC**, this 22nd day of July, 2020.

100 Lewiston Road, LLC

MAINE REAL ESTATE TAX PAID



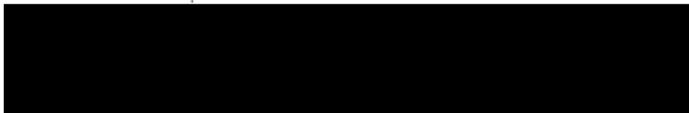
Witness to all
John H. Branson

Rodney Boyington, Managing Member

State of Maine
County of Cumberland, ss.

July 22, 2020

Personally appeared before me the above named **Rodney Boyington, Managing Member of 100 Lewiston Road, LLC** and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said **100 Lewiston Road, LLC**.



Notary Public/Attorney at Law

SUSAN CAKE KNEDLER
Notary Public, Maine
My Commission Expires November 22, 2025

SCHEDULE A

A certain lot or parcel of land, with the buildings and other improvements thereon, located in the Town of Gray, County of Cumberland, and State of Maine, and bounded and described as follows:

BEGINNING at a stonewall corner on the assumed east sideline of Route 100 (Lewiston Road) as shown on a plan entitled "Maine State Highway Commission Plan of Proposed Relocation State Highway "E" Gray - Cumberland County" F.A. Proj #11 - sheet 1 of 3 dated November 1936 per S.H.C. File 3-34 - CCRD plan book 31 page 22, said point shown on said map as the corner between Martha C. Bishop Estate and Margie E. Fogg and said point being now the southwest corner of the grantor (100 Lewiston Road, LLC 28024-258) and being the north corner of land formerly of Burchard A. Dunn, et al (Book 4964, Page 215);

Thence N18°-44'-55"E, 119.08' along the old 1936 Route 100 right of way ("R/W") and following along or near a stonewall to a 5/8" rebar with #1278 cap;

Thence N10°-19'-35"W, 46.55' along the old 1936 Route 100 R/W to a 5/8" rebar with #1278 cap;

Thence northerly 130' by a 1306.58' radius non-tangential curve left along the new 1936 Route 100 R/W to a point;

Thence S79°-17'-26"E, 250' thru grantors (100 Lewiston Road, LLC 28024-258) to a point;

Thence S33°-06'-09"E, 90' thru grantors (100 Lewiston Road, LLC 28024-258) to a point in a stonewall on the northwest line of William Chapman, et al (35232-279);

Thence S42°-01'-35"W, 87.58' along the northwest line of Chapman, et al (35232-279) and following along or near a stonewall to a point;

Thence S27°-58'-49"W, 34.26' along the northwest line of Chapman, et al (35232-279) and following along or near a stonewall to a point;

Thence S43°-57'-25"W, 40.03' along the northwest line of Chapman, et al (35232-279) and following along or near a stonewall to a point;

Thence S55°-12'-36"W, 33.19' along the northwest line of Chapman, et al (35232-279) and following along or near a stonewall to a stonewall corner and a 5/8" rebar with #1278 cap;

Thence N49°-05'-16"W, 90' along Chapman, et al (35232-279) and following along or near a stonewall the first 74± to a 5/8" rebar to a 5/8" rebar with #1278 cap;

Thence S38°-28'-47"W, 179.77' along Chapman, et al (35232-279) to a 5/8" rebar with #1278 cap at the west corner thereof and being on the northeast line of land formerly of Burchard Dunn, et al 4964-215;

Thence N35°-52'-56"W, 76' along Dunn and following along or near a stonewall the last 65'± to POINT OF BEGINNING, containing 67,340 SF or 1.55 acres and is a portion of land conveyed by Key Bank National Association to 100 Lewiston Road, LLC by deed dated 8-25-2010 CCRD book 28024 page 258.

All bearings refer to the magnetic meridian as observed in 1990.

SUBJECT TO easement rights in a 50' wide R/W for ingress, egress, utilities and all purposes for which a public way may be used, the north line of which is bounded and described as follows:

BEGINNING at the northwest corner of lot herein described and conveyed; thence S79°-17'-26"E, 50' along said north line to terminus of herein described 50' wide R/W; the south line contracted or projected to intersect the east R/W line of Route 100 (Lewiston Road).

BEING the same premises described and depicted as "Lot A" on a certain "Sketch Plan for Lot Division" Prepared by John D. Palmiter for Scott Liberty, to be recorded in the Cumberland County Registry of Deeds.

ALSO BEING a portion of the same premises described in a Quitclaim Deed from KeyBank National Association to 100 Lewiston Road, LLC dated August 25, 2010 and recorded in Book 28024, Page 258 in the Cumberland County Registry of Deeds.

Received
Recorded Register of Deeds
Jul 28, 2020 11:17:15A
Cumberland County
Nancy A. Lane

DLN: 1002340256230

DEED WITH QUITCLAIM COVENANT
(Boundary Confirmation)

Know all Persons by these Present,

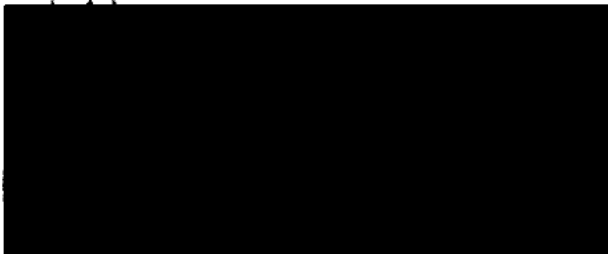
That **ODESSA PROPERTIES LLC**, a Maine limited liability company ("Grantor") with a principal place of business in Gray, Maine, grants to

GRAYLAND HOLDINGS LLC

a Maine limited liability company ("Grantee") with a mailing address of P.O. Box 963, Gray, ME 04039, with QUITCLAIM COVENANTS, a certain lot or parcel of land, together with any improvements thereon, situated in the Town of Gray, County of Cumberland and State of Maine, more particularly described in the Exhibit A attached hereto and made a part hereof.

In Witness hereof Odessa Properties LLC has caused this instrument to be signed in its corporate name by Scott Liberty, its Manager, thereunto duly authorized on this 13th day of November, 2023.

Signed, Sealed and Delivered
in the presence of



ODESSA PROPERTIES LLC



By:
Scott Liberty
Its: Manager

STATE OF MAINE
Cumberland, ss.

November 13, 2023

Then personally appeared before me the above named Scott Liberty, Manager, of Odessa Properties LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and to be the free act and deed of Odessa Properties LLC.

When Recorded Return To
First American Title Insurance Company
National Commercial Services
121 South Main Street, Suite 1250
Minneapolis, MN 55402
File No. NCS 190729



Notary Public/Attorney-At-Law
Printed Name:.....

Jonathan M. Davis, Esq.
Maine Bar No. 7983
Authorized to take Acknowledgements
Title 4, M.R.S.A. Sect. 1056

EXHIBIT A

Any interest Grantor may have in that certain lot or parcel of land situated in the Town of Gray, County of Cumberland and State of Maine, more particularly described as follows:

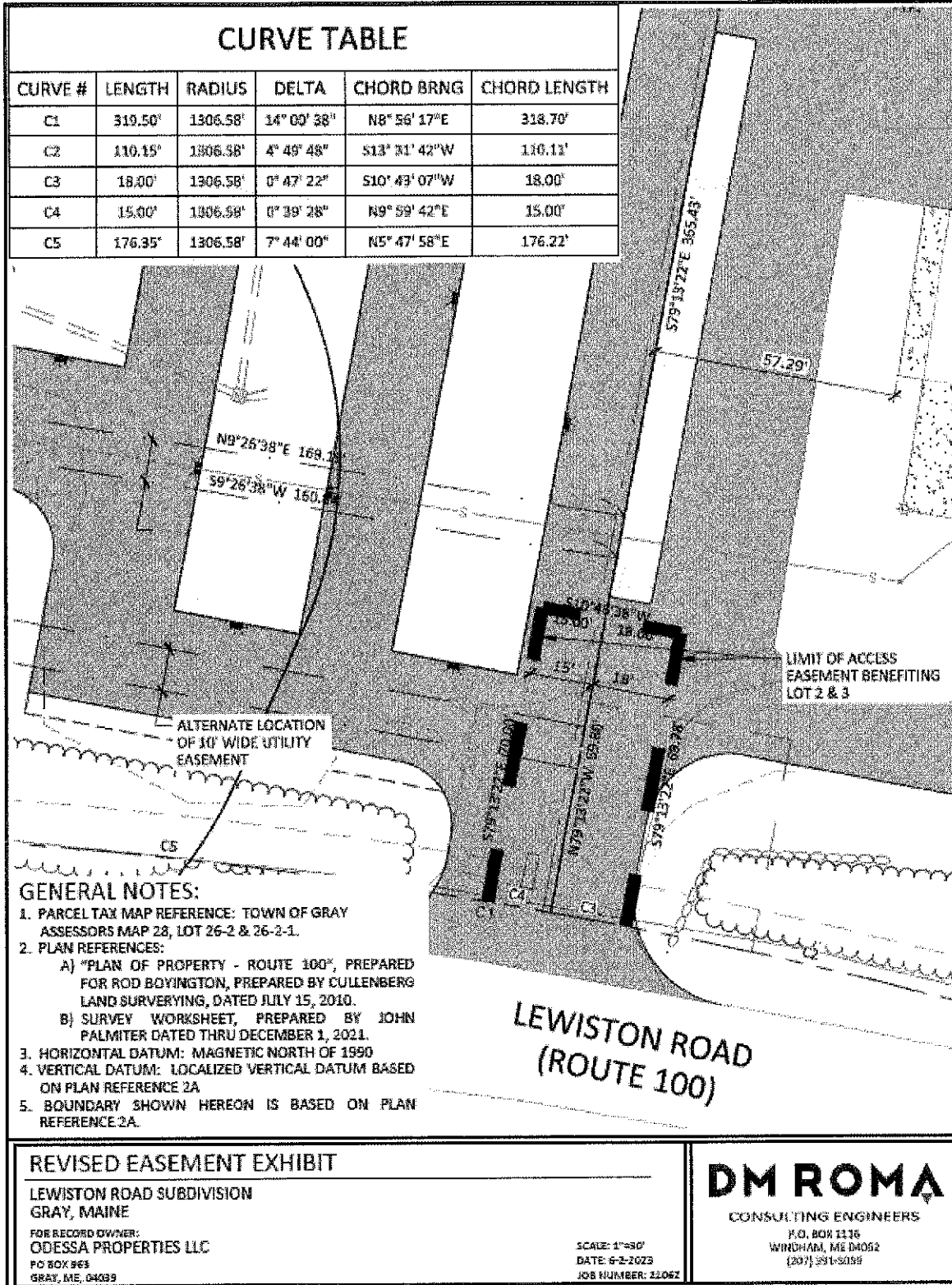
Being Lot 3 on a plan entitled "Subdivision Plan Lewiston Road Subdivision 100 and 104 Lewiston Road Gray, Maine for Odessa Properties LLC" by DM Roma Consulting Engineers, dated June 1, 2022 and recorded in the Cumberland County Registry of Deeds in Plan Book 222, Page 249 (the "Plan").

AND

Also hereby conveying an access easement to Grantee for ingress and egress over, under, and across that portion of Lot 2, as shown on the Plan, said access easement being depicted and shown by the bolded dotted lines on the attached Exhibit B.

Grantor and Grantee acknowledge and confirm that the access easement described on the Plan as the "33' Wide Access Easement Benefitting Lots 2 & 3" is hereinafter terminated and of no further force and effect, the same being replaced by the access easement described above and shown on Exhibit B.

EXHIBIT B



REVISED EASEMENT EXHIBIT

LEWISTON ROAD SUBDIVISION
GRAY, MAINE

FOR RECORD OWNER:
ODESSA PROPERTIES LLC
PO BOX 969
GRAY, ME, 04039

SCALE: 1"=50'
DATE: 6-2-2023
JOB NUMBER: E206Z

DM ROMA

CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04092
(207) 891-5059

Certificate of Zoning Variance Approval

I, Brad Fogg, the duly appointed and qualified Chair of the Zoning Board of Appeals for the Town of Gray, Cumberland County, State of Maine, hereby certify that on the 29th day of November, 2023, the variance described below was granted by the Zoning Board of Appeals pursuant to the provisions of 30-A M.R.S.A. § 4353 and the Town of Gray, Maine Zoning Ordinance:

1. Property Owner: Grayland Holdings, LLC
2. Property Location: 2 Storage Way, Gray, Maine; Town of Gray Tax Map/Lot 028-26-002-000
3. Property Description: Cumberland County Registry of Deeds, Book 36981, Page 120.
4. Variance and Conditions: The Zoning Board of Appeals approved the Practical Difficulty Variance Application of William Chapman and Gregory Rand for up to 6.2% of additional impervious surface/cover on Grayland Holdings, LLC's Property at 2 Storage Way, with Applicants' proposed twenty-foot-wide Driveway to be constructed in the center of the 60-foot-wide Access Easement as shown on the Driveway Plan, and with conditions of approval that the Applicants: 1) maintain a wooded buffer of existing trees at least fifteen feet in width along the northern bound of the Access Easement; 2) construct the northern edge of the twenty-foot wide driveway twenty feet from the northern bound of the Access Easement; and 3) clearly mark the entrance to the driveway with a sign reading "Private Driveway."

TOWN OF GRAY
By: [Redacted]
Brad Fogg, Chair, Zoning Board of Appeals

State of Maine
County of Cumberland

Date: December 11, 2023

Then personally appeared before me the above-subscribed Brad Fogg, duly appointed and authorized Chair of the Town of Gray Zoning Board of Appeals and acknowledged the above certificate to be his free act and deed in his/her official capacity as Chair of the said Board.

[Redacted Signature]

12/11/2023

(Notary Public) Signature

CLAIRE A. L. ZIMMERMAN
NOTARY PUBLIC
State of Maine
My Commission Expires
September 6, 2030

(Printed or Typed Name)

My commission expires: _____

This certificate must be recorded in the Registry of Deeds within 90 days of the date of final written approval of the variance or the variance is invalid (30-A M.R.S.A. § 4353).

**RELEASE ~
EASEMENT DEED**

KNOW ALL MEN BY THESE PRESENTS, That **GRAYLAND HOLDINGS LLC**, a Maine limited liability company with a place of business in Gray in the County of Cumberland and State of Maine, for consideration paid, releases and grants to **WILLIAM P. CHAPMAN and GREGORY S. RAND**, both of said Gray, their heirs and assigns, the perpetual right and easement for passage of pedestrian and vehicular traffic and for the installation and transmission of all forms and kinds of utility services, over a strip of land sixty (60) feet in width, extending from Lewiston Road in said Gray, over and across Lot A as shown on Standard Boundary Survey entitled "Property Plan of Lot Division" made for record owner Odessa Properties, LLC by John D. Palmiter dated August 24, 2020 to be recorded herewith, said easement area being more particularly described on Exhibit A attached hereto and incorporated herein by reference.

This easement is intended to benefit property owned by the Grantees herein as described in a Warranty Deed from John J. Oteri and Stephen C. Oteri dated July 14, 2017 recorded in Cumberland Count Registry of Deeds in Book 34180, Page 12.

IN WITNESS WHEREOF, **Scott A. Liberty**, duly authorized Manager of **Grayland Holdings LLC**, has executed this instrument this _____ day of September, 2020.

[Redacted Signature]

Witness

Grayland Holdings LLC

[Redacted Signature]

Scott A. Liberty, Manager

**State of Maine
Cumberland, ss.**

September 18, 2020

Personally appeared before me the above named **Scott A. Liberty, Manager of Grayland Holdings LLC** and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Grayland Holdings LLC.

[Redacted Signature]

Notary Public



EXHIBIT A

A certain sixty (60) foot wide right of way located on the east side of Lewiston Road (Route 100), in the Town of Gray, County of Cumberland & State of Maine, bounded & described as follows:

BEGINNING at a 5/8" rebar with #1278 cap approximately 4 feet North of the north end of a stonewall on the assumed easterly sideline of Lewiston Road (Route 100) as shown on a plan entitled "Maine State Highway Commission Plan of Proposed Relocation State Highway "E" Gray – Cumberland County" F.A. Project #11 - Sheet 1 of 3 dated November 1936 per S.H.C. File 3-34 recorded in Cumberland County Registry of Deeds in Plan Book 31, Page 22, said point shown on said map as 33' Rt. of Sta. 684+92± & said rebar being N 18° 44' 55" E, 119.08 feet from the southwest corner of land of the Grantor herein as described in a deed recorded in said Registry of Deeds in Book 36981, Page 120 and the northwest corner of land formerly of Burchard Dunn, et al, as described in Book 4964, Page 215 of said Registry of Deeds;

Thence S 71°15' 05" E 45 feet through land of the Grantor to a point;

Thence S 32° 47' 49" E 75 feet through land of the Grantor to a point on the northwest line of the Grantees herein (Book 34180, Page 12);

Thence S 38° 28' 47" W 63.35 feet along the Grantees herein to a point;

Thence N 32° 47' 49" W 74.41 feet through land of the Grantor to a point;

Thence N 71°15' 05" W 24.07 feet through land of the Grantor to a point in or near a stonewall on the east sideline of Lewiston Road (Route 100);

Thence N 18° 44' 55" E 60 feet along the east sideline of Lewiston Road (Route 100) & following along or near a stonewall the first 56 feet, more or less, to the POINT OF BEGINNING; containing 6,555 square feet or 0.15 acres, more or less.

Meaning and intending to convey and hereby conveying an easement over a portion of the premises described in a deed from 100 Lewiston Road, LLC to Grayland Holdings, LLC by deed dated July 22, 2020 and recorded in said Registry of Deeds in Book 36981, Page 120.

2

The Grantees herein, **WILLIAM P. CHAPMAN and GREGORY S. RAND**, by their acceptance hereof, acknowledge they have been informed by Grayland Holdings LLC that the improvements situated on Lot A will be used by the Grantor for medicinal cannabis cultivation and distribution. Grantees further acknowledge and agree that their use of this 60' easement will never interfere with the Grantor's use of Lot A.

Dated: September 18, 2020

[Redacted Signature]

Witness

[Redacted Signature]

William P. Chapman

[Redacted Signature]

Witness

[Redacted Signature]

Gregory S. Rand

STATE OF MAINE
Cumberland, ss.

September 18, 2020

Personally appeared before me the above named **William P. Chapman and Gregory S. Rand** and acknowledged the foregoing instrument to be their free act and deed.

[Redacted Signature]

Notary Public



Received
Recorded Register of Deeds
Sep 21, 2020 10:49:50A
Cumberland County
Nancy A. Lane

DLN: 1002340256233

DEED WITH QUITCLAIM COVENANT
(Boundary Confirmation)

Know all Persons by these Present,

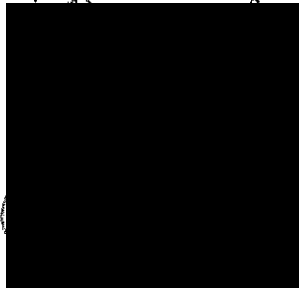
That **GRAYLAND HOLDINGS LLC**, a Maine limited liability company (“Grantor”) with a principal place of business in Gray, Maine, grants to

ODESSA PROPERTIES LLC

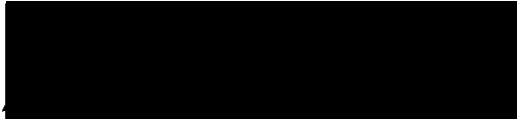
a Maine limited liability company (“Grantee”) with a mailing address of P.O. Box 963, Gray, ME 04039, with QUITCLAIM COVENANTS, a certain lot or parcel of land, together with any improvements thereon, situated in the Town of Gray, County of Cumberland and State of Maine, more particularly described in the Exhibit A attached hereto and made a part hereof.

In Witness hereof GRAYLAND HOLDINGS LLC has caused this instrument to be signed in its corporate name by Scott Liberty, its Manager, thereunto duly authorized on this 13th day of November, 2023.

Signed, Sealed and Delivered



GRAYLAND HOLDINGS LLC



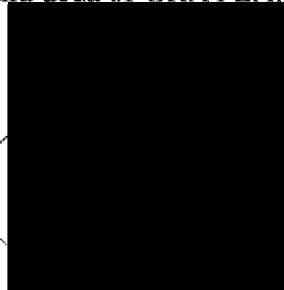
By: Scott Liberty
Its: Manager

STATE OF MAINE
Cumberland, ss.

November 13, 2023

Then personally appeared before me the above named Scott Liberty, Manager, of GRAYLAND HOLDINGS LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and to be the free act and deed of GRAYLAND HOLDINGS LLC.

When Recorded Return to: CF/IL
First American Title Insurance Company
National Commercial Services
121 South 8th Street, Suite 1250
Minneapolis, MN 55402
File No: NCS 140-129



.....
y-At-Law
Jonathan M. Davis, Esq.
..... Maine Bar No. 7983
Authorized to take Acknowledgements
Title 4, M.R.S.A. Sect. 1056

EXHIBIT A

Any interest Grantor may have in that certain lot or parcel of land situated in the Town of Gray, County of Cumberland and State of Maine, more particularly described as follows:

Being Lot 2 on a plan entitled "Subdivision Plan Lewiston Road Subdivision 100 and 104 Lewiston Road Gray, Maine for Odessa Properties LLC" by DM Roma Consulting Engineers, dated June 1, 2022 and recorded in the Cumberland County Registry of Deeds in Plan Book 222, Page 249 (the "Plan").

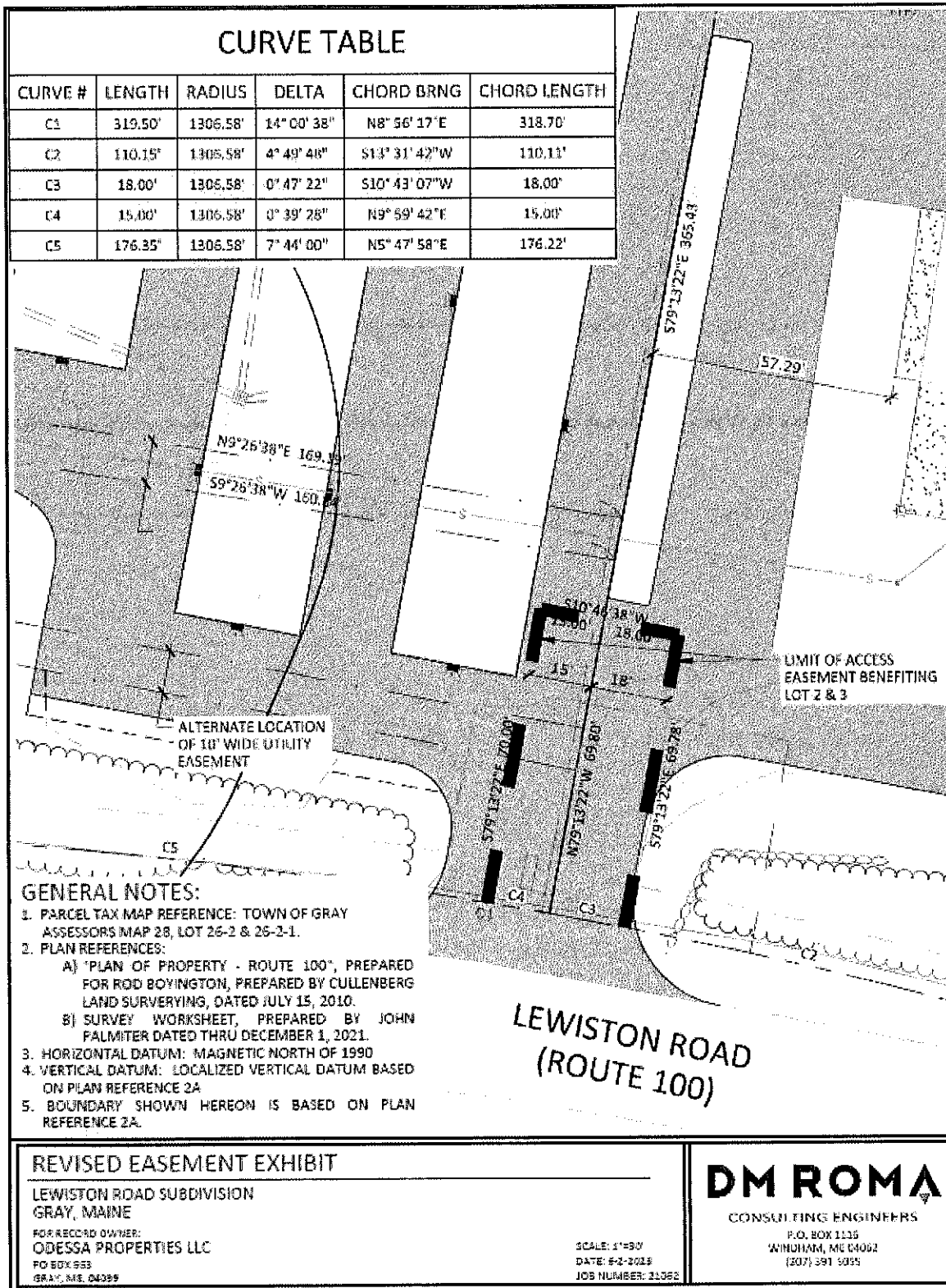
AND

Also hereby conveying an access easement to Grantee for ingress and egress over, under, and across that portion of Lot 3, as shown on the Plan, said access easement being depicted and shown by the bolded dotted lines on the attached Exhibit B.

Grantor and Grantee acknowledge and confirm that the access easement described on the Plan as the "33' Wide Access Easement Benefitting Lots 2 & 3" is hereinafter terminated and of no further force and effect, the same being replaced by the access easement shown on Exhibit B.

Excepting and reserving the utility easements labeled "10' Wide Utility Easement, Centered Over Pipe", "Utility Easement Around Existing Septic Field Benefitting Lot 3", and "Alternate Location of 10' Wide Utility Easement" as shown on the aforesaid plan for maintenance of and access to the septic system located in the northwest corner of Lot 2 for the benefit of Lot 3.

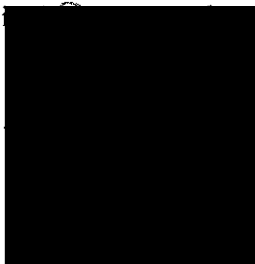
EXHIBIT B



CONSENT TO TERMINATION OF PRIOR ACCESS EASEMENT

ODESSA PROPERTIES LLC, a Maine limited liability company, hereby consents and affirms the termination of the access easement described on the Plan, all as more thoroughly described in the Deed with Quitclaim Covenant to which this Consent is attached.

Signed, Sealed and Delivered



ODESSA PROPERTIES LLC



By
Scott Liberty
Its: Manager

STATE OF MAINE
Cumberland, ss.

November 13, 2023

Then personally appeared before me the above named Scott Liberty, Manager, of Odessa Properties LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and to be the free act and deed of Odessa Properties LLC.



At-Law

Jonathan M. Davis, Esq.
Maine Bar No. 7983
Authorized to take Acknowledgements
Title 4, M.R.S.A. Sect. 1056

DLN: 1002340256230

DEED WITH QUITCLAIM COVENANT
(Boundary Confirmation)

Know all Persons by these Present,

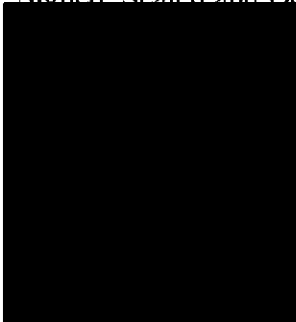
That **ODESSA PROPERTIES LLC**, a Maine limited liability company ("Grantor") with a principal place of business in Gray, Maine, grants to

GRAYLAND HOLDINGS LLC

a Maine limited liability company ("Grantee") with a mailing address of P.O. Box 963, Gray, ME 04039, with QUITCLAIM COVENANTS, a certain lot or parcel of land, together with any improvements thereon, situated in the Town of Gray, County of Cumberland and State of Maine, more particularly described in the Exhibit A attached hereto and made a part hereof.

In Witness hereof Odessa Properties LLC has caused this instrument to be signed in its corporate name by Scott Liberty, its Manager, thereunto duly authorized on this 13th day of November, 2023.

Signed, Sealed and Delivered



ODESSA PROPERTIES LLC



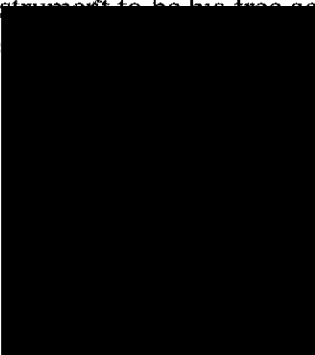
Scott Liberty
Its: Manager

STATE OF MAINE
Cumberland, ss.

November 13, 2023

Then personally appeared before me the above named Scott Liberty, Manager, of Odessa Properties LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and to be the free act and deed of Odessa Properties LLC.

When Recorded Return To *(CF/JL)*
First American Title Insurance Company
National Commercial Services
121 South 8th Street, Suite 1250
Minneapolis, MN 55402
File No. NCS 1190729



.....
-At-Law

.....
Jonathan M. Davis, Esq.
Maine Bar No. 7983
Authorized to take Acknowledgements
Title 4, M.R.S.A. Sect. 1056

EXHIBIT A

Any interest Grantor may have in that certain lot or parcel of land situated in the Town of Gray, County of Cumberland and State of Maine, more particularly described as follows:

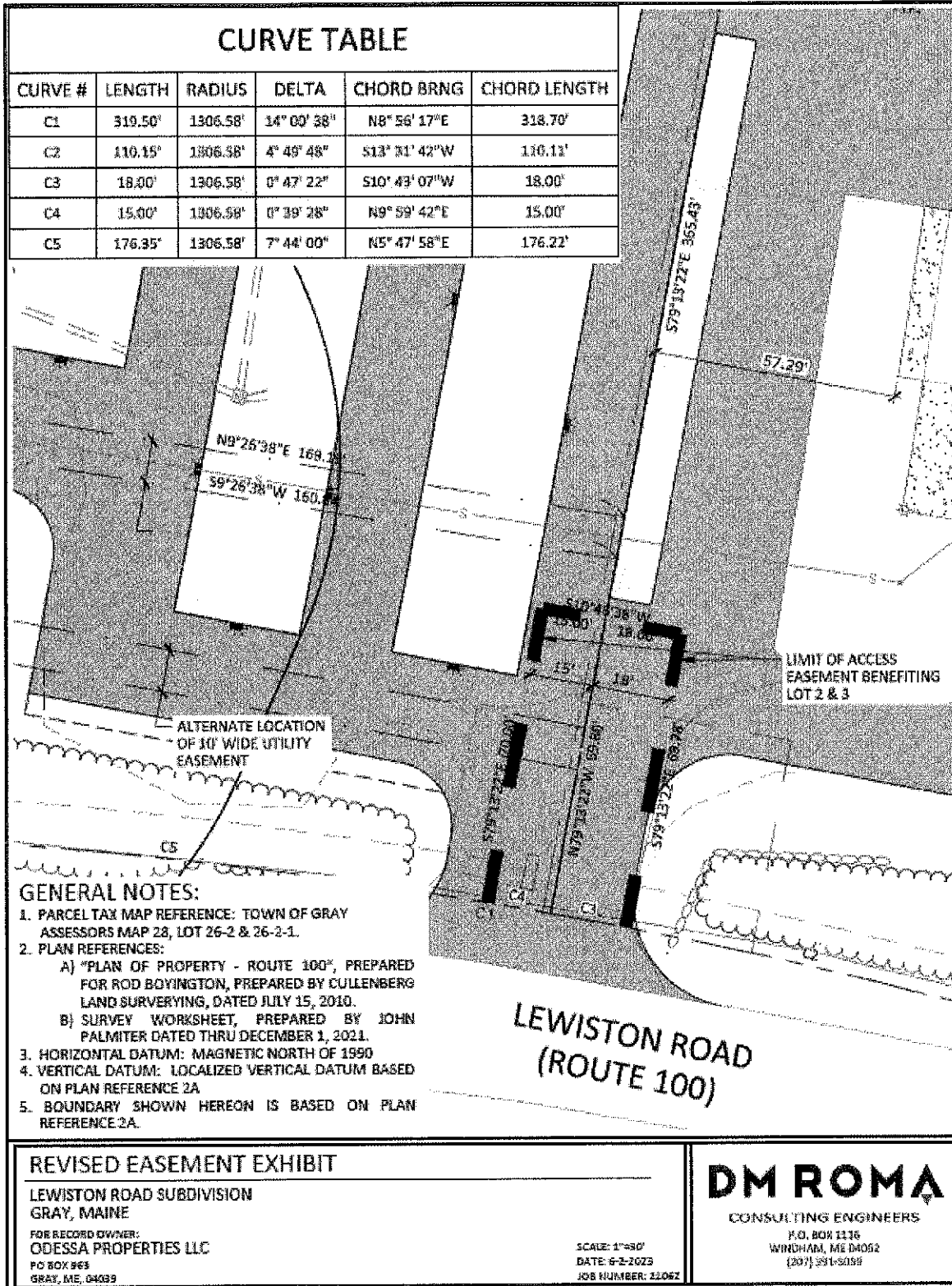
Being Lot 3 on a plan entitled "Subdivision Plan Lewiston Road Subdivision 100 and 104 Lewiston Road Gray, Maine for Odessa Properties LLC" by DM Roma Consulting Engineers, dated June 1, 2022 and recorded in the Cumberland County Registry of Deeds in Plan Book 222, Page 249 (the "Plan").

AND

Also hereby conveying an access easement to Grantee for ingress and egress over, under, and across that portion of Lot 2, as shown on the Plan, said access easement being depicted and shown by the bolded dotted lines on the attached Exhibit B.

Grantor and Grantee acknowledge and confirm that the access easement described on the Plan as the "33' Wide Access Easement Benefitting Lots 2 & 3" is hereinafter terminated and of no further force and effect, the same being replaced by the access easement described above and shown on Exhibit B.

EXHIBIT B

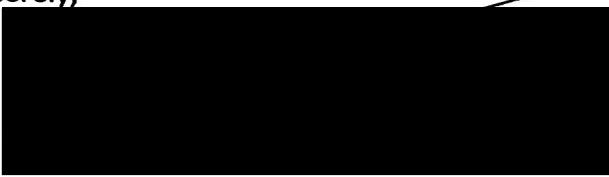


February 9, 2024

Re: Agent Authorization

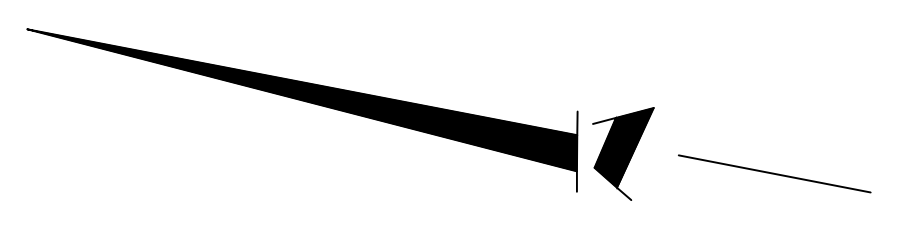
I, Scott Liberty, am a duly authorized executive member of Grayland Holdings, LLC., which owns the property on Lewiston Road, in Gray identified as Lot 26-2-0 on the Town of Gray Assessor's map 28. I have retained the services of DM Roma Consulting Engineers to act as an agent for Grayland Holdings, LLC. in the application of Amended Subdivision Plan to the Town of Gray.

Sincerely,

A large black rectangular redaction box covers the signature area. A thin, curved line is visible above the right side of the box, likely representing the end of the signature stroke.

Scott Liberty

For Grayland Holdings LLC




NEAGLE LAW LLC

76 Orchard Road, Cumberland, ME 04021 · (207) 805-4211

Chris Neagle, attorney
chris@neaglelaw.com

Amy Iris, paralegal
amy@neaglelaw.com

TO: Town of Gray Planning Board

FROM: Chris Neagle, Esq., attorney for Gregory S. Rand and William P. Chapman 

DATE: February 27, 2024

RE: Grayland Holdings, LLC Amended Subdivision Application

On behalf of Greg Rand and Bill Chapman, please make the following changes to the proposed Amended Subdivision Plan:

1. Add the following language to the end of the “ZBA Variance Granted” text: “... for the benefit of the adjacent land shown as “N/F William Chapman - Gregory Rand” southeast of the 60’ access and utility easement.
2. Remove the image of the 75 foot setback from the stream at the southeast corner of Lot 3 because it is not a protected stream. Only designated streams on the Town of Gray Zoning Map are protected by Gray Shoreland Zoning, and there are none in the Commercial District. See attached.

Please send me a copy of any amended plan filed by the applicant.

Contact me with any questions.

Town of Gray, Maine Zoning Map

Legend

- Scoble Irons Park Overlay
- Wetland Protection & Standards
- Applicable Wetland Edge
- Tax Parole (P&T)
- Shoreland Zoning Districts
- Resource Protection
- Unincorporated
- Urban Residential
- Special Provision

Zoning Districts

- Business Development 1
- Business Development 2
- Business Professional 1
- Business Professional 2
- Community
- Connecticut Zone "X"
- Connecticut Zone "T"
- Village Center
- Village Center Project
- Wetland Protection 1
- Wetland Protection 2
- Medium Density
- Rural Residential and Agricultural
- Water
- Lake

NOT TO SCALE

SEBAGO RIVER
LITTLE SEBAGO LAKE
CRYSTAL LAKE
FOREST LAKE

Scale: 1" = 100'

North Arrow

Map Prepared by: Scribble
2018-08-15

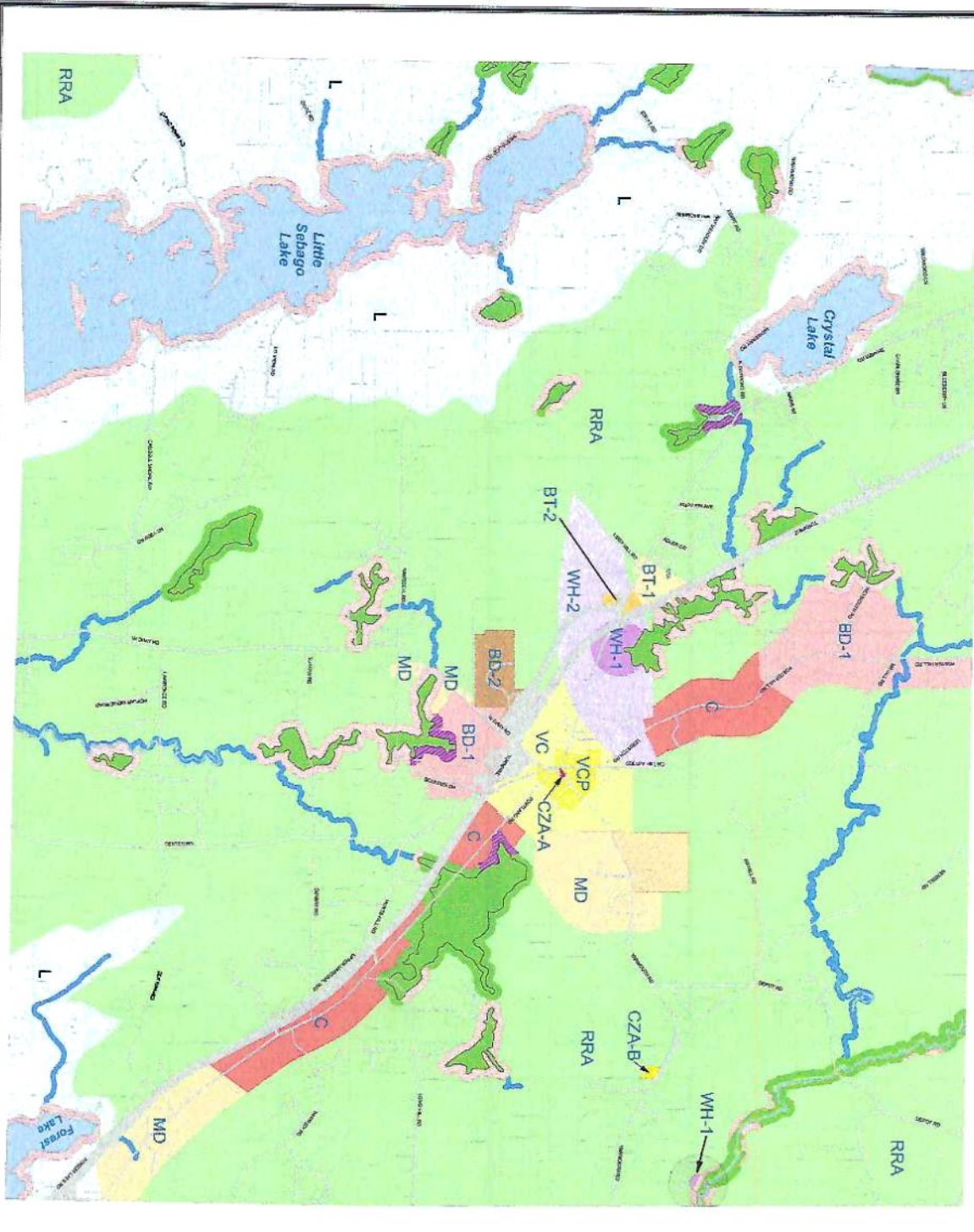
Checked & Cleared: Scribble
Town Clerk

Map No. 2018-08-15

This is the official Zoning Map referred to in Section 402.22 of the Zoning Ordinance of the Town of Gray. This map is the authoritative record of the location of the ZONING DISTRICTS ON THE U.N.M.

NOT TO SCALE

SEBAGO RIVER
LITTLE SEBAGO LAKE
CRYSTAL LAKE
FOREST LAKE



NEAGLE LAW LLC

76 Orchard Road, Cumberland, ME 04021 · (207) 805-4211

Chris Neagle, attorney
chris@neaglelaw.com

Amy Iris, paralegal
amy@neaglelaw.com

TO: Town of Gray Planning Board

FROM: Chris Neagle, Esq., attorney for Gregory S. Rand and William P. Chapman

DATE: March 5, 2024

RE: Grayland Holdings, LLC Amended Subdivision Application

This memo restates two earlier requests and adds a third request for changes to the proposed plan. *Scott Liberty, owner of Grayland Holdings, LLC ("Grayland"), is improperly attempting to use the Planning Board's review of his proposed amendments to Grayland's 2022 subdivision plan to modify the terms of a 2023 lot coverage variance and 2023 driveway permit issued to Greg Rand and Bill Chapman related to their 2020 60-foot-wide access easement across Grayland's Lot 3. See the Exhibit 1 Easement Deed.*

Grayland failed to show that access easement on its 2022 subdivision plan signed by the Planning Board on May 10, 2022 and recorded in the Registry of Deeds in Plan Book 222, Page 249. That failure is one of the reasons Grayland has filed this application.

Rand Chapman Parcel

The adjacent Rand-Chapman parcel to the north is a large parcel in the Commercial District. See the Exhibit 2 2018 Planning Board approval of two house-lots at the south end of their parcel on a private driveway built within Trestle Way. It has never been developed to town road standards. Their 60-foot-wide access easement replaces an old easement on the Grayland to the north end of their parcel. How the land will be developed is still undetermined.

Rand Chapman Approvals

Before the Town of Gray would issue a driveway permit to Rand and Chapman for a new access driveway in their 60-foot wide access easement, the Town required Rand and Chapman to get an impervious surface lot coverage variance from the Zoning Board of Appeals. Grayland Holdings, LLC had apparently created the maximum amount of impervious surface on its Lot 3 when it was developed.

2023 ZBA Variance

When they applied to the Zoning Board of Appeals for their variance, Rand-Chapman requested a variance for an additional 6.2% of impervious surface, large enough to create a 30 foot wide roadway with two 5 foot wide sidewalks. See page 8 of their 2023 application memo attached as Exhibit 3. The application included plans for a 20-foot wide driveway. Scott Liberty and Grayland Holdings, LLC and its attorney actively opposed the request.

The Zoning Board of Appeals voted to approve a variance, allowing an additional 6.2% of lot coverage within the 60-foot-wide easement, on November 29, 2023 with a written decision approved on December 6, 2023. See recorded Certificate of Variance attached as Exhibit 4, approving the variance for a 20-foot-wide driveway with conditions. Grayland Holdings, LLC did not appeal that decision.

2023 Driveway Permit

The Gray CEO issued a Driveway Permit to Rand and Chapman by signing the bottom of the June 28, 2023 application on December 14, 2023. See the Exhibit 5 permit. It still shows the 18 foot wide driveway originally applied for that was widened to 20 feet with the attached supplemental plan filed as part of its application as described in the BOA notice of decision. Grayland Holdings, LLC did not appeal that permit.

Rand Chapman Requests

Greg Rand and Bill Chapman request that the following changes be made to the proposed Amended Subdivision Plan dated February 29, 2024:

1. *Improper 75-foot Setback Image*: Remove the image of the 75-foot setback from the stream at the south end of Lot 3 on Lewiston Road in the area of the Chapman-Rand access easement, because it is not a protected stream. Only designated streams on the Town of Gray Zoning Map are protected by Gray Shoreland Zoning, and there are none in the Commercial District. See attached Exhibit 6 Gray Zoning Map and pages 4, 5 and 48 of the Gray Shoreland Zoning Ordinances, including the definition of “stream” showing that not all streams are protected. The image is not accurate and creates unnecessary confusion to possible purchasers of the Chapman-Rand property.

2. *“ZBA Variance Granted” Note*: Change the Exhibit 7 note above the Planning Board signature lines describing the Chapman-Rand Certificate of Variance.

- a. Remove the second sentence, which is a restatement of a Gray Zoning Ordinance section on variances. Those terms are not relevant to the Planning Board review and are no longer relevant as described below.
- b. Add the following replacement second sentence: “This variance is for the benefit of the adjacent land shown as “N/F William Chapman - Gregory Rand” southeast of the 60-foot-wide access and utility easement.” Otherwise, a reader of the plan might think that the variance was for the benefit of the owner of Lot 3.

3. Remove New Note 13: This note is also shown on Exhibit 7 and does not belong on the plan. The first sentence attempts to set a *different impervious surface limit* which is beyond the jurisdiction of the Planning Board. A driveway permit has already been issued. See Exhibit 5. The conditions of the variance are already described in the recorded Exhibit 3 Certificate of Variance. Work on the new driveway does not need to begin until May 29, 2024¹ and the completion date is not until November 29, 2024.

Again, this information about future time deadlines has nothing to do with the need for Grayland to amend its Planning Board approval. If Grayland believes there are issues with the construction of the Rand-Chapman driveway, it can raise those issues if and when they occur.

¹ Assuming the 6 month period in 401.9.2.C.14 begins on the date of the ZBA vote. It may not begin until the date of the ZBA written decision.

1.
2020 Easement Deed

**RELEASE ~
EASEMENT DEED**

KNOW ALL MEN BY THESE PRESENTS, That **GRAYLAND HOLDINGS LLC**, a Maine limited liability company with a place of business in Gray in the County of Cumberland and State of Maine, for consideration paid, releases and grants to **WILLIAM P. CHAPMAN and GREGORY S. RAND**, both of said Gray, their heirs and assigns, the perpetual right and easement for passage of pedestrian and vehicular traffic and for the installation and transmission of all forms and kinds of utility services, over a strip of land sixty (60) feet in width, extending from Lewiston Road in said Gray, over and across Lot A as shown on Standard Boundary Survey entitled "Property Plan of Lot Division" made for record owner Odessa Properties, LLC by John D. Palmiter dated August 24, 2020 to be recorded herewith, said easement area being more particularly described on Exhibit A attached hereto and incorporated herein by reference.

This easement is intended to benefit property owned by the Grantees herein as described in a Warranty Deed from John J. Oteri and Stephen C. Oteri dated July 14, 2017 recorded in Cumberland Count Registry of Deeds in Book 34180, Page 12.

IN WITNESS WHEREOF, **Scott A. Liberty**, duly authorized Manager of **Grayland Holdings LLC**, has executed this instrument this _____ day of September, 2020.

Witness

Grayland Holdings LLC

Scott A. Liberty, Manager

**State of Maine
Cumberland, ss.**

September 18, 2020

Personally appeared before me the above named **Scott A. Liberty, Manager of Grayland Holdings LLC** and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Grayland Holdings LLC.



Notary Public



EXHIBIT A

A certain sixty (60) foot wide right of way located on the east side of Lewiston Road (Route 100), in the Town of Gray, County of Cumberland & State of Maine, bounded & described as follows:

BEGINNING at a 5/8" rebar with #1278 cap approximately 4 feet North of the north end of a stonewall on the assumed easterly sideline of Lewiston Road (Route 100) as shown on a plan entitled "Maine State Highway Commission Plan of Proposed Relocation State Highway "E" Gray – Cumberland County" F.A. Project #11 - Sheet 1 of 3 dated November 1936 per S.H.C. File 3-34 recorded in Cumberland County Registry of Deeds in Plan Book 31, Page 22, said point shown on said map as 33' Rt. of Sta. 684+92± & said rebar being N 18° 44' 55" E, 119.08 feet from the southwest corner of land of the Grantor herein as described in a deed recorded in said Registry of Deeds in Book 36981, Page 120 and the northwest corner of land formerly of Burchard Dunn, et al, as described in Book 4964, Page 215 of said Registry of Deeds;

Thence S 71°15' 05" E 45 feet through land of the Grantor to a point;

Thence S 32° 47' 49" E 75 feet through land of the Grantor to a point on the northwest line of the Grantees herein (Book 34180, Page 12);

Thence S 38° 28' 47" W 63.35 feet along the Grantees herein to a point;

Thence N 32° 47' 49" W 74.41 feet through land of the Grantor to a point;

Thence N 71°15' 05" W 24.07 feet through land of the Grantor to a point in or near a stonewall on the east sideline of Lewiston Road (Route 100);

Thence N 18° 44' 55" E 60 feet along the east sideline of Lewiston Road (Route 100) & following along or near a stonewall the first 56 feet, more or less, to the POINT OF BEGINNING; containing 6,555 square feet or 0.15 acres, more or less.

Meaning and intending to convey and hereby conveying an easement over a portion of the premises described in a deed from 100 Lewiston Road, LLC to Grayland Holdings, LLC by deed dated July 22, 2020 and recorded in said Registry of Deeds in Book 36981, Page 120.

2

The Grantees herein, **WILLIAM P. CHAPMAN** and **GREGORY S. RAND**, by their acceptance hereof, acknowledge they have been informed by Grayland Holdings LLC that the improvements situated on Lot A will be used by the Grantor for medicinal cannabis cultivation and distribution. Grantees further acknowledge and agree that their use of this 60' easement will never interfere with the Grantor's use of Lot A.

Dated: September 18, 2020

[Redacted Signature]

[Redacted Signature]

William P. Chapman

[Redacted Signature]

Witness

[Redacted Signature]

Gregory S. Rand

STATE OF MAINE
Cumberland, ss.

September 18, 2020

Personally appeared before me the above named **William P. Chapman** and **Gregory S. Rand** and acknowledged the foregoing instrument to be their free act and deed.

[Redacted Signature]

Notary Public



Received
Recorded Register of Deeds
Sep 21, 2020 10:49:50A
Cumberland County
Nancy A. Lane

2.

2018 Rand-Chapman Planning Board Approval

3.

2023 Zoning Board of Appeals Memo

NEAGLE LAW LLC

76 Orchard Road, Cumberland, ME 04021 · (207) 805-4211

Chris Neagle, attorney
chris@neaglelaw.com

Amy Iris, paralegal
amy@neaglelaw.com

TO: Town of Gray Zoning Board of Appeals

FROM: Chris Neagle, Esq., attorney for Gregory S. Rand and William P. Chapman



DATE: October 12, 2023

RE: Administrative Appeal of Denial of Driveway/Entrance Permit Application,
Alternative Variance Requests from Impervious Lot Coverage Limit
Lewiston Road (Route 100), Property Map 28, Lot 25-30-3

Summary of Facts

The Gray Code Enforcement Officer (“CEO”) has violated the constitutional rights of Gregory S. Rand and William P. Chapman (“Applicants”). The CEO denied their 2023 driveway/entrance permit application to develop a driveway to a residence in their 60-foot wide access easement across adjacent land owned by Grayland Holdings, LCC (“Grayland”- owned by Scott Liberty). Grayland created the Applicants’ access easement in 2020 in exchange for a release of a different access easement held by the Applicants that would have interfered with a proposed Grayland project.

In 2022, the Planning Board approved a large commercial project for Grayland on Lot 3 of its new subdivision. The Planning Board apparently allowed Grayland to cover the maximum of 65% of its new Lot 3 with impervious surfaces. However, the Grayland application *failed to disclose* the Applicants’ 2020 access easement and *failed to show it* on the proposed subdivision or site plans, as required by two ordinances. When the Gray Community Planner¹ learned of this problem in July of 2023, she told Scott Liberty that he had to return to the Planning Board to correct it. He didn’t.

¹ The Gray CEO was out on an extended leave.



In September of 2023, the CEO determined the Applicants could not build a driveway in their 2020 access easement on Lot 3 because any driveway would add to the impervious surface on Grayland's lot that the CEO believed was already at 65%. That decision is simply unfair.

To make matters worse for the Applicants, the Town is now considering amending the Commercial Zoning District to prevent residential uses. That change means the Applicants may need to be able to develop a driveway or private road to a commercial development someday.

Scott Liberty's error should be Scott's problem, not the Applicants' problem. The Applicants request that the Zoning Board of Appeals uphold the appeal, order the CEO to issue the driveway/entrance permit to the Applicants and recommend that the CEO follow up on the Gray Community Planner's July 2023 email and demand that Liberty return to the Planning Board to provide reliable information on the amount of existing lot coverage, show the 2020 access easement on the subdivision and site plans, allocate impervious surface area for a driveway in the 2020 access easement, and develop new plans showing coverage of only 65% of Lot 3.

Instead of making Scott Liberty correct his error and go back to the Planning Board, the *CEO has requested* that the Applicants seek a variance from the ZBA from the impervious surface lot coverage limit. The primary problem with that approach is that no one knows how much of Lot 3 has impervious surfaces today. *Scott Liberty has written to Bill Chapman that Lot 3 is now more than 70% covered with impervious surfaces.*

In the alternative, the Applicants also seek a variance from the impervious surface lot coverage limits.

The proposed residential driveway is 18 feet wide. See Exhibit 1. However, as described above, the Applicants may be forced to develop their land for commercial purposes only. The minimum width of two-way operation driveways in the Commercial District is 24 feet.⁶ The minimum width of sub-collector streets allowed in subdivisions is 22 feet.⁷

A reasonable driveway that could be used for commercial activities could be as much as 30 feet wide with two 5-foot sidewalks, or 40 square feet of impervious surface per foot of driveway. The 2020 Easement is 109 feet long,⁸ meaning **4,360 square feet** of possible impervious surface. See Exhibit 5, page 17. Lot 3 contains **70,395 square feet**. See Exhibit 11, page 37. $4,360 \text{ divided by } 70,395 = 6.2\% \text{ of additional lot coverage}$.

No matter what the existing lot coverage is, the Applicants request a variance to cover up to another 4,360 square feet of Lot 3 with impervious surfaces within their 60 foot access easement on Grayland's Lot 3.

Variance Arguments

The Gray Zoning Ordinance describes two different kinds of variances and the Applicants meet the standards for both variances. Either variance is acceptable to the Applicants. The applicable review standards are:

Section 402.9.2(B)(2) Standard Variance

The Applicants must show that:

a. *That the land in question cannot yield a reasonable return unless a variance is granted:* The Applicants own a large C-shaped lot. The proposed residence will use the 2020 access easement for access to the Applicants' new residential project at the very north end of Parcel C. Trestle Way has only been developed with a reclaim gravel road and only as far as the two residences at the south end of the lot. See Exhibit 1, page 1. Before it can be extended, it needs to be improved to town standards. See Exhibit 1, Page 2, paragraph 16. Therefore, to use Trestle Way for access, the Applicants would need to build a 1,600 foot driveway from the new residence to Trestle Way, upgrade the first 400 feet of

⁶ Site Plan Review, Article 13, Section 402.10.11(B)(3).

⁷ Subdivision Ordinance, Table 401.13.16.16-2.

⁸ See the Exhibit 2 plan dimensions.

4.

Certificate of Zoning Variance Appeal

Certificate of Zoning Variance Approval

I, Brad Fogg, the duly appointed and qualified Chair of the Zoning Board of Appeals for the Town of Gray, Cumberland County, State of Maine, hereby certify that on the 29th day of November, 2023, the variance described below was granted by the Zoning Board of Appeals pursuant to the provisions of 30-A M.R.S.A. § 4353 and the Town of Gray, Maine Zoning Ordinance:

1. Property Owner: Grayland Holdings, LLC
2. Property Location: 2 Storage Way, Gray, Maine; Town of Gray Tax Map/Lot 028-26-002-000
3. Property Description: Cumberland County Registry of Deeds, Book 36981, Page 120.
4. Variance and Conditions: The Zoning Board of Appeals approved the Practical Difficulty Variance Application of William Chapman and Gregory Rand for up to 6.2% of additional impervious surface/cover on Grayland Holdings, LLC's Property at 2 Storage Way, with Applicants' proposed twenty-foot-wide Driveway to be constructed in the center of the 60-foot-wide Access Easement as shown on the Driveway Plan, and with conditions of approval that the Applicants: 1) maintain a wooded buffer of existing trees at least fifteen feet in width along the northern bound of the Access Easement; 2) construct the northern edge of the twenty-foot wide driveway twenty feet from the northern bound of the Access Easement; and 3) clearly mark the entrance to the driveway with a sign reading "Private Driveway."

By: TOWN OF GRAY
[Redacted Signature]
Brad Fogg, Chair, Zoning Board of Appeals

State of Maine
County of Cumberland

Date: December 14, 2023

Then personally appeared before me the above-subscribed Brad Fogg, duly appointed and authorized Chair of the Town of Gray Zoning Board of Appeals and acknowledged the above certificate to be his free act and deed in his/her official capacity as Chair of the said Board.

[Redacted Notary Signature]

12/11/2023

(Notary Public) Signature

CLAIRE A. L. ZIMMERMAN
NOTARY PUBLIC
State of Maine
My Commission Expires
September 6, 2030

(Printed or Typed Name)

My commission expires: _____

This certificate must be recorded in the Registry of Deeds within 90 days of the date of final written approval of the variance or the variance is invalid (30-A M.R.S.A. § 4353).



5.

2023 Driveway Permit and Plan



**DRIVEWAY/ENTRANCE PERMIT APPLICATION
TOWN OF GRAY MAINE**

For Office Use Only
 Permit No: 23-782
 Date Submitted: 12-14-23
 Date Paid: 12-14-23

APPLICANT

In accordance with the *Town of Gray Entrance and Culvert Policy*, the following person/s make application to construct a driveway/entrance at the location specified below.

Name	<u>Gregory Rane William Chapman</u>	E-Mail Address	<u>greg@grandbuildersme.com</u>
Street Address	<u>5 Braysley Way</u>	City/State/Zip	<u>Gray ME 04039</u>
Phone Number		Work Phone	<u>207-671-7093</u>

LOCATION

Location/Address	<u>Lewisston Rd (Rt 102)</u>	Property Map/Lot	26-25-30 <u>15.43 acres</u>
Owner Name	<u>Gregory Rane William Chapman</u>	Zoning District	<u>COMMERCIAL</u>
Number of entrances requested:	<u>1</u>	Proposed width of entrance(s):	<u>18'</u> <u>28.26-002</u> <u>000</u>
Entrance shall be no less than ten (10) feet from property line.		Minimum length of culvert shall be twenty-four (24) feet.	

SIGNATURES

The applicant hereby agrees:

- To pay for any culverts and/or drainage structure which may be necessary for drainage, the size type and length of culverts and size and type of other incidental structures to be as recommended by the Town Manager or Public Works Director of said Town of Gray.
- To construct said driveway approach and install culvert(s) in accordance with Town of Gray Rules and Regulations.
- To provide, erect and maintain all necessary barricades, lights, warning signs and other devices to safe guard traffic property while the work is in progress.
- That the road or street will at no time be closed to traffic.
- No building construction shall take place until Driveway Entrance has been completed and approved and all specifications met.
- A Certificate of Occupancy shall not be issued until Driveway Entrance has been approved and signed by the Road Commissioner or Public Works Director.
- Once driveway is properly staked, please call Code Officer at 657-3112 to leave message.

Further condition of the permit shall be that the applicant shall well and truly pay all damages, fines and penalties for which he shall become liable and shall indemnify and save harmless aid Town of Gray against all suits, claims, damages and proceedings of every kind arising out of the construction of said entrance.

Applicant Signature:

Date: 6-28-23

CODE ENFORCEMENT OFFICER APPROVAL

Signature/Title:

Date: 12-14-23

PUBLIC WORKS APPROVAL

Signature/Title:

Date:

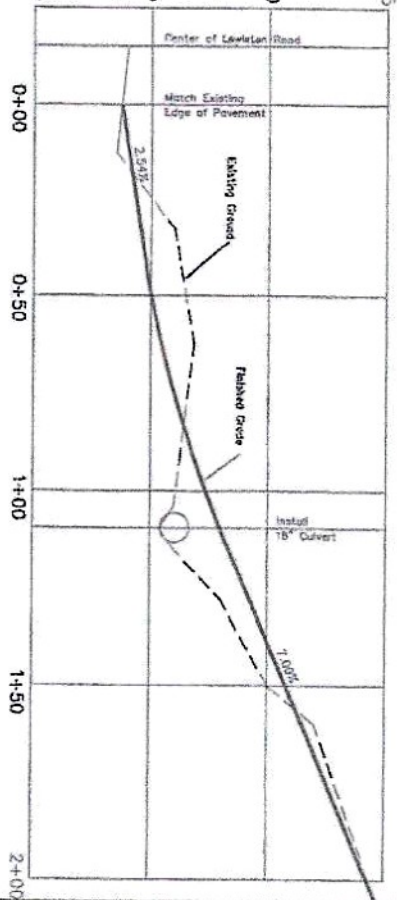
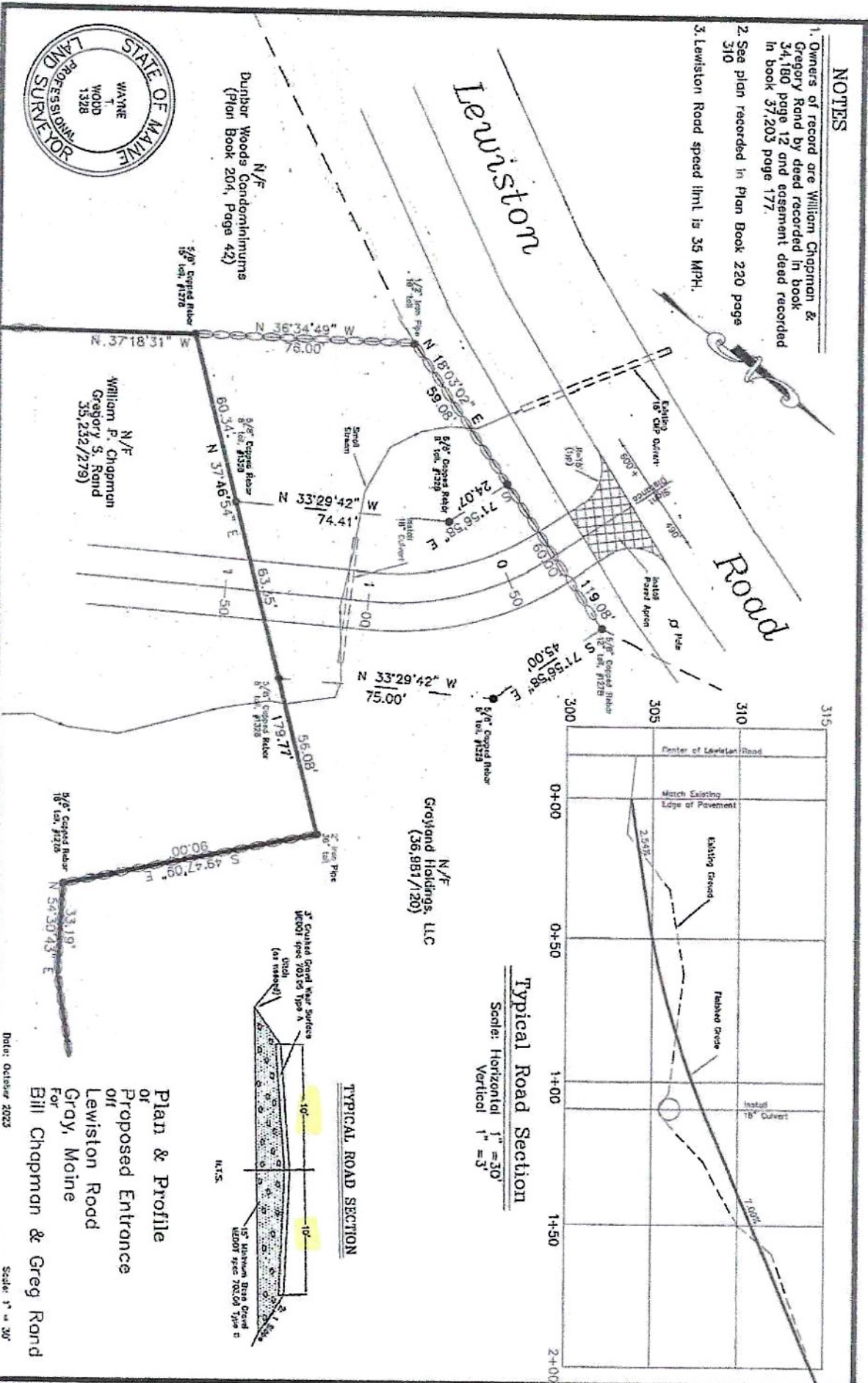
Culvert(s) Needed: _____ (Qty) @ _____ inches X _____ feet

** Must comply w/ B.O.A. decision & Town Ordinances*



NOTES

1. Owners of record are William Chapman & Gregory Rond by deed recorded in book 34,180 page 12 and easement deed recorded in book 37,203 page 177.
2. See plan recorded in Plan Book 220 page 310
3. Lewiston Road speed limit is 35 MPH.



Typical Road Section
 Scale: Horizontal 1" = 30'
 Vertical 1" = 3'

N/F
 Grayland Holdings, LLC
 (36,981/120)

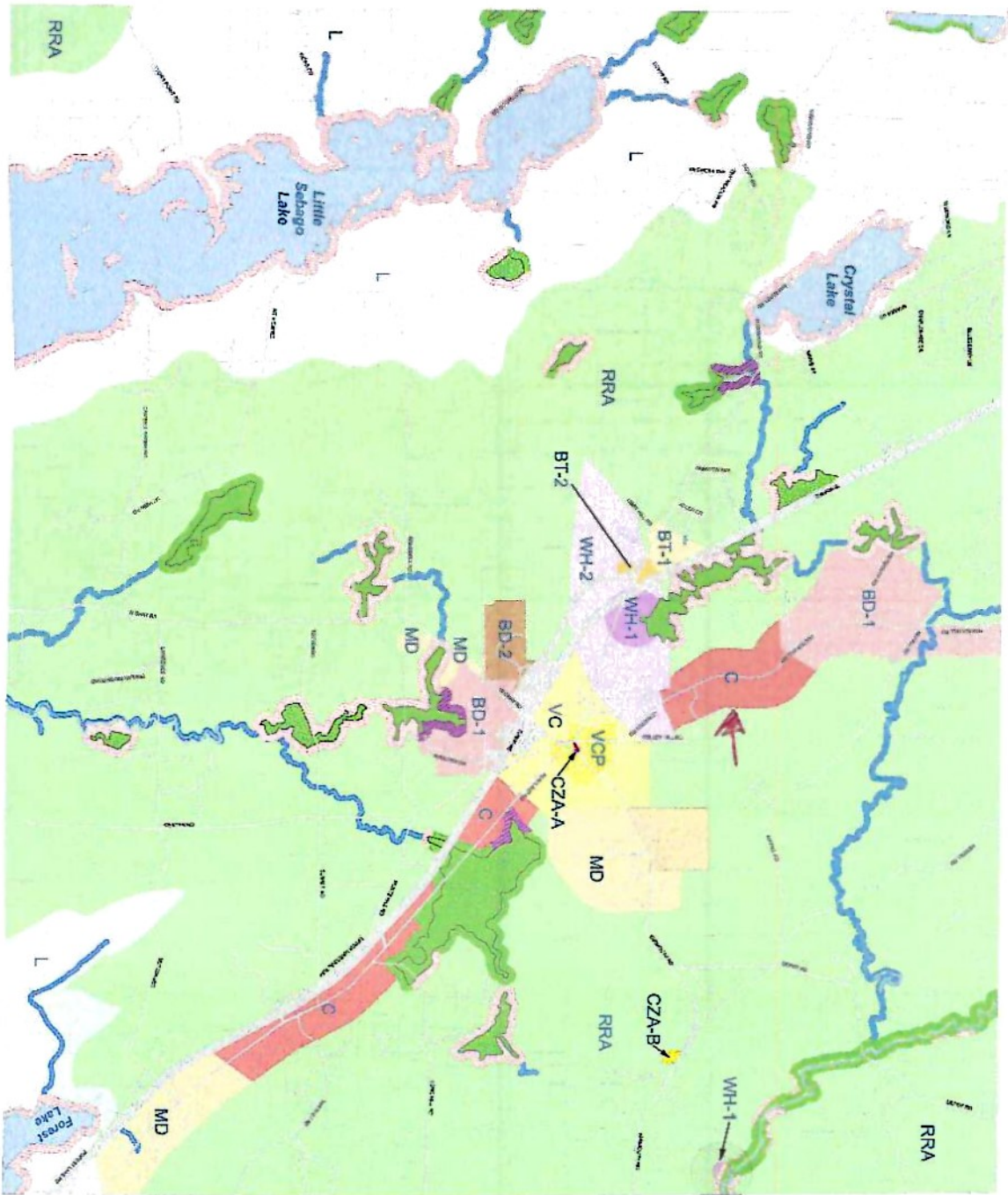
Plan & Profile of Proposed Entrance of Lewisiston Road
 For
 Bill Chapman & Greg Rond

Date: October 2023

Scale: 1" = 30'

6.
Town of Gray Shoreland Zoning

Town of Gray, Maine Zoning Map



Legend

- Maple Lane Park Overlay
- State/CDP Restrictions & Barriers
- Applicable Wetland Edge
- Tax Parcels (0015)
- Boarded Zoning Districts
- Resource Protection
- Linear Corridor
- Linear Wetland
- Stream Protection

Zoning Districts

- Business Development 1
- Business Development 2
- Business Traditional 1
- Business Traditional 2
- Commercial
- Condominium "A"
- Condominium "B"
- Village Center
- Village Center Proper
- Wetland Protection 1
- Wetland Protection 2
- Medium Density
- Rural Residential and Agricultural
- Water

Notes:

THE DISTRICTS OF THE B-COMPLEX ZONING DISTRICTS ON THIS ZONING MAP FOR THE TOWN OF GRAY ARE HEREBY ESTABLISHED BY THE TOWN OF GRAY AND SHALL BE APPLIED TO ALL PARCELS OF LAND IN THE TOWN OF GRAY. THE BOUNDARIES OF THESE DISTRICTS SHALL BE DETERMINED BY THE TOWN ENGINEER AND SHALL BE SHOWN ON THE ZONING MAP. THE TOWN ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE LOCATION OF THE DISTRICT BOUNDARIES ON THE ZONING MAP.

Maple Lane Park Overlay
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Maple Lane Park Overlay
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**CHAPTER 403 SHORELAND ZONING ORDINANCE
TOWN OF GRAY MAINE**

*Adopted Dec. 3, 1991
Effective Jan. 3, 1992
Amended Apr. 17, 1992
Amended Jan. 20, 1994
Amended July 4, 1996
Amended Oct. 31, 1996
Amended August 7, 1998
Amended Sept 17, 1998
Amended Nov 10, 1998
Amended August 31, 2000
Amended September 5, 2000
Amended July 7, 2009
Amended January 19, 2010
Amended February 15, 2016 / Effective April 14, 2016
Amended March 20, 2018 / Effective January 16, 2018
Amended January 22, 2019 / Effective March 1, 2019*

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SECTION 1 – PURPOSES

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

SECTION 2 – AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

SECTION 3 – APPLICABILITY

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream; and to all land areas within non-forested freshwater wetlands, as defined herein.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

SECTION 4 – EFFECTIVE DATE

- A. This Ordinance, which was passed by the Town Council on July 7, 2009 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his receipt of the Ordinance, it shall be deemed approved. Upon approval, the shoreland zoning ordinance previously adopted, and as amended from time to time, is repealed retroactively to the date otherwise applicable under the Town Charter; provided, notwithstanding any provisions of Maine law to the contrary, including but not limited to 1 M.R.S.A. Section 302, any application for a shoreland zoning permit submitted to the Town or any of its officers, boards or employees after August 7, 2009 shall be governed the terms hereof if the ordinance secures such approval by the Commissioner.
- B. Repeal of Timber Harvesting Regulation. The regulation of timber harvesting activities in this ordinance is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-A(5), the following provisions of this Ordinance are repealed:
- C. Section 14 Table of Land Uses, Row 3 (Forest management activities except for timber harvesting) and Row 4 (Timber harvesting);
- D. Section 15 N in its entirety; and
- E. Section 17 Definitions, the definitions of "forest management activities" and "residual basal area".

SECTION 5 – AVAILABILITY

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

SECTION 6 – SEVERABILITY

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

SECTION 7 – CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

SECTION 8 – AMENDMENTS

This Ordinance may be amended by majority vote of the Town Council. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Department of Environmental Protection following adoption by the Town Council and shall not be effective unless approved by the Department of Environmental Protection. If the Department of Environmental Protection fails to act on any amendment within forty-five (45) days of the Department's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the town within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Department of Environmental Protection.

SECTION 9 – DISTRICTS AND ZONING MAP

A. OFFICIAL SHORELAND ZONING MAP

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Stream Protection
4. Limited Commercial

B. SCALE OF MAP

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. CERTIFICATION OF OFFICIAL SHORELAND ZONING MAP

The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the town office.

D. CHANGES TO THE OFFICIAL SHORELAND ZONING MAP

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Department of Environmental Protection.

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right of way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback – the nearest horizontal distance from the normal high-water line of a water body, tributary stream, or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area.

Shoreland zone – the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet , horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater wetland.

Significant River Segments – See Title 38 MRSA Sec. 437.

Skid trail – a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash – the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream – a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area.

Structure – anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Substantial start – completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

7.

Zoning Board of Appeals Variance Note

CONDITIONS OF APPROVAL:

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. THE APPLICANT SHALL PROVIDE DOCUMENTATION/NOTATION FROM A HYDROGEOLOGIC CONSULTANT TO SPECIFY THE LOCATION OF THE WELL AND SEPTIC FIELD FOR LOT 1, PRIOR TO THE TOWN RELEASING THE FINAL NOTICE OF DECISION AND/OR THE SUBDIVISION PLAN FOR RECORDING AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
4. THE APPLICANT SHALL PROVIDE EVIDENCE OF THE NRPA PBR PERMIT AND THE MDEP STORMWATER PBR PERMIT TO THE TOWN, PRIOR TO CODE ENFORCEMENT OFFICER ISSUING BUILDING PERMITS.
5. A HIGH INTENSITY SOIL SURVEY AND HYDROGEOLOGIC ASSESSMENT IS WAIVED FOR THE PROPERTY AS A WHOLE AND REQUIRED ONLY FOR THE STORMWATER INFRASTRUCTURE AREAS AND THE AREA OF THE PROPOSED WELL, RESPECTIVELY.
6. THE APPLICANT SHALL PROVIDE A SIGNED AGREEMENT OUTLINING THE RESPONSIBLE PARTIES, AND THE REQUIRED MAINTENANCE AND INSPECTION OF THE STORMWATER CONTROL FACILITIES.
7. NOTE#21 ON THE LANDSCAPING PLAN HAS BEEN REVISED TO SPECIFY THAT THE PROPERTY OWNER OF LOT 2 IS THE RESPONSIBLE PARTY FOR THE BUFFER MAINTENANCE, WITH THE EXCEPTION OF THE BUFFER STRIP BETWEEN LOTS 2 AND 3, WHICH IS LOCATED ON LOT 3 AND IS TO BE MAINTAINED BY THE OWNER OF LOT 3.
8. PRIOR TO THE LOT DIVISION COMPLETION, ALL EASEMENTS FOR ACCESS, SEPTIC, UTILITY AND STORMWATER DRAINAGE, AS DESCRIBED IN THE SUBDIVISION NARRATIVE SUBMITTED TO THE BOARD, MUST BE INCLUDED AND REFLECTED IN THE DEEDS FOR ALL OF THE AFFECTED LOTS, AS NECESSARY, AND FILE AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
9. A WELL EXCLUSION ZONE HAS BEEN ADDED TO LOT 1 TO ENSURE THE PROPOSED WELL IS LOCATED WITHIN APPROPRIATE SETBACKS AND DISTANCES FROM THE ALL PROPOSED AND EXISTING SEPTIC AND STORMWATER FACILITIES
10. THE STAFF REVIEW COMMITTEE MUST REVIEW THE LOT 1 PLAN DETAILS TO INCLUDE GRADING / WELL SITING / SEPTIC SITING FOR THE RESIDENTIAL USE AS A CONDITION OF THE BUILDING PERMIT ISSUANCE.
11. THE LOCATION AND ALL ASPECTS OF THE SIGN FOR THE SELF-STORAGE FACILITY ON LOT 2 MUST MEET THE PROVISIONS OF THE TOWN OF GRAY SIGN ORDINANCE, CHAPTER 406, AND OBTAIN A SIGN PERMIT FORM THE CODE ENFORCEMENT OFFICER PRIOR TO INSTALLATION.
12. THE 10' BUFFER BENEFITING LOTS 2 AND 3 SHALL BE SUBJECT TO THE INSPECTION, MAINTENANCE AND HOUSEKEEPING PLAN AS SUBMITTED BY THE APPLICANT, IN ACCORDANCE WITH THE SUBMITTED LANDSCAPE PLAN AND SHALL REMAIN IN PLACE UNLESS REMOVAL IS SPECIFICALLY APPROVED BY THE GRAY PLANNING BOARD.
13. ADDITIONAL IMPERVIOUS AREA ON LOT #3 WITHIN THE EASEMENT AREA MUST NOT EXCEED 2,600 SQUARE FEET. A DRIVEWAY ENTRANCE PERMIT, SUBJECT TO SECTION 5.2 OF THE STREET ORDINANCE, MUST BE ISSUED BY THE CODE ENFORCEMENT OFFICER PRIOR TO CONSTRUCTION OF A DRIVEWAY OR A STREET WITHIN THE EASEMENT AREA ON LOT 3 COMMENCING. CONSTRUCTION OF A DRIVEWAY OR STREET ACROSS THE EASEMENT AREA ON LOT 3 WILL BE SUBJECT TO ANY NECESSARY STATE/FEDERAL PERMITS AND TO THE FOLLOWING PROVISIONS:
 - A) MAINTAIN A WOODED BUFFER OF EXISTING TREES AT LEAST FIFTEEN FEET IN WIDTH ALONG THE NORTHERN BOUND OF THE ACCESS EASEMENT.
 - B) CONSTRUCT THE NORTHERN EDGE OF PAVEMENT A MINIMUM OF 20' FROM THE NORTHERN BOUNDARY OF THE ACCESS EASEMENT
 - C) CLEARLY MARK THE ENTRANCE OF THE DRIVEWAY WITH A SIGN READING "PRIVATE DRIVEWAY" (OR ROAD SIGN, AS APPLICABLE).

ZBA VARIANCE GRANTED:

1. ON NOVEMBER 29, 2023 THE TOWN OF GRAY ZONING BOARD OF APPEALS GRANTED APPROVAL OF A VARIANCE TO ALLOW FOR UP TO 6.2% OF ADDITIONAL IMPERVIOUS COVERAGE FOR LOT 3 (TAX MAP 028 LOT 26-002-000) PER THE CERTIFICATE OF ZONING VARIANCE APPROVAL RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 40525, PAGE 43. THIS VARIANCE IS VALID FOR ONE YEAR (WITH CONSTRUCTION COMMENCED WITHIN 6 MONTHS OF ISSUANCE AND WORK SUBSTANTIALLY COMPLETED WITHIN ONE YEAR), PER 402.9.2.C.14.

APPROVED - GRAY PLANNING BOARD:

C-APPERSON

EXHIBIT

7

88

N/F
M CHAPMAN
BORY RAND
B LOT 25-30-2
232/279

- EXISTING STONE
WALL TOP