

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
July 11, 2017

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 15 members of the Public in attendance at the start of the meeting.

Roll Call: Chairman Phinney, Councilors Benner, Shepard, Smith, Stelk, Hartwell and Hager. Also present, Town Manager David Cole and Town Clerk Laurie Nordfors.

Moved by Councilor Shepard, seconded by Councilor Benner and VOTED to amend the June 6, 2017 Town Council minutes to include that in Public Hearing #2, Councilor Hager stated that his son works for the School Department and asked Council if it would be a conflict of interest to vote. It was moved by Councilor Benner, Seconded by Councilor Shepard and VOTED to allow Councilor Hager to stay and participate in the vote. 5 yeas, 1 abstention (Hager)

Moved by Councilor Shepard, seconded by Councilor Shepard and VOTED to accept the amended minutes of the June 6, 2017 Regular Town Council Meeting and the minutes of the May 15 and May 16, 2017 Special Town Council Meetings. 7 yeas

#### Councilor Communications

Councilor Hartwell noted that the Ordinance Committee met in late June.

#### Town Manager Report

David Cole reminded citizens that the bridge in Little Falls on Rte. 202 is closed for repairs until October.

#### School Committee Report

Dennis Libby thanked everyone that voted in June in the Budget Referendum. He also thanked all of the teachers, administrators, the Superintendent and the School Committee for all of their hard work in preparing this budget. He reported that since the State Budget passed, the Department of Education is working on getting information out to School Districts about how the new budget will affect their funding. The School Committee will report that information at the Town Council meeting in August. Schools are being cleaned and getting prepared for the students return in August. The next School Committee regular meeting is scheduled for September 13, 2017.

Larissa Crockett, assistant Town Manager of Scarborough, gave a presentation regarding their Town's Property Tax assistance Ordinance.

## Old Business

- Item # 9207      Whereas, the Town of Gorham has an open space impact fee to help preserve open space in the community, and  
Whereas, the Town has a transfer development overlay district intended to encourage growth in the District while reducing development in other areas of the Community, and  
Whereas, the Town has developed a set of criteria that are important attributes to consider for the open space and transfer development properties that would be acquired and develop a scoring mechanism for those criteria to help identify a parcel value to the Community,  
Now Therefore Be It Ordered, that the Town Council adopt the following policy:

### **Policy for the Acquisition of Open Space and Transfer Development Property.**

#### **Section 1: Introduction**

In 2003, the Town passed the Recreational Facilities and Open Space Impact Fee. The in 2006, the Town of Gorham adopted the Development Transfer Overlay District. Both the Development Transfer Overlay District and the Open Space portion of the impact fee identifies the conservation of land by either acquiring the land or conservation easement to protect significant natural resources, conserve scenic values, preserve the community's agricultural heritage, conserve the remaining supply of viable farmland and working forest, provide for low intensity recreational activities such as walking, bird-watching, fishing, biking, cross country skiing, hunting, and similar activities that are consistent with the primary use of the property as open space or farmland.

The overlay district ordinance was set up to promote higher density growth in areas of Town supported with public infrastructure (public water and sewer) and protect developable land currently being used as agricultural land, forest land, and wildlife habitat in the rural areas of Town from ever being developed. Parcels located within the Development Transfer Overlay District are allowed greater density if developments are approved under the overlay district's standards and pay the required Development Transfer Fee. The applicant pays the fee to the Town for each dwelling unit allowed above the number of maximum dwelling units that could be developed on the site based on the underlying zoning. The Development Transfer Fees are required to be used to acquire fee interest in land or conservation easements on potentially developable land in areas where the Town desires to discourage growth.

The open space provisions of the Recreational Facilities and Open Space Impact Fee is designed to allow the Town to maintain a ratio of 0.0438 acres of community open space per capita. Any residential development activity that creates new dwelling units shall pay this impact fee based upon the expected population of the project. The fee applies to the construction of any new dwelling unit whether or not such a unit is part of a subdivision.

#### **Section 2: Purpose**

The purpose of this policy is to rank properties on developable and natural resource attributes to ensure the Town is purchasing the land with the highest preservation value to benefit all citizens of Gorham.

### Section 3: Application Process

Applications for land to be considered for preservation will be accepted on a continuous basis throughout the year. Applications will be reviewed for completeness by Town Staff and when deemed complete will be evaluated, scored and ranked based on the Land Ranking System.

### Section 4: Land Ranking System

The Land Ranking System is an objective, numerically based land use evaluation procedure. Staff will use the land assessment tool to determine relative importance, worthiness, and priority of parcels for preservation and make a recommendation to the Town Council; however, this system shall not guarantee a result of the land proposed for preservation. **The final decision to purchase or not purchase a parcel of land or an easement shall be made by the Town Council.**

There are two parts of the Land Ranking System: (1) the Land Use Category and (2) the Site Assessment Category. The first category, Land Use Category, is used to determine if the parcel is located within the Rural District or in one of the Town's growth districts. The second category, the Site Assessment Category, evaluates the parcel's development potential, natural resources value, farmland value, tree growth value, located in the Town's Shoreland Overlay Districts, and clustering potential.

Each Category is assigned the following scores:

<u>Land Use Category</u>	<u>Total Points</u>
None of parcel located in Rural District	0
Less than quarter of the parcel located in Rural District	4
Less than half of the parcel located in Rural District	8
Less than three quarters of the parcel located in Rural District	12
Less than the entire but more than three quarters is located in Rural District	16
The entire parcel is located in the Rural District	20

#### Site Assessment Categories

- Farmland Value (Parcel is located within Prime Farmland or Farmland of Statewide Importance)

Less than quarter of the parcel	1
Less than half of the parcel	2
Less than three quarters of the parcel	3
Less than the entire parcel but more than three quarters	4
The entire parcel is located in	5
- Tree Growth Value

Parcel has an active forest management plan by licensed forester	2
Liquidation harvesting has not occurred within the past 10 years	2
Any portion of the parcel is located in any Shoreland Overlay District	4
- High Value Wildlife Habitat as determined by the Maine Depart IF&W (for each high value habitat identified.) 2

#### Size of the parcel (acres)

0-10	1
11-25	2
26-50	3
51-100	4
100+	5

- The Development Potential (Number of dwelling units based on Net Residential Density for Rural District)
 

5-10	2
11-25	4
26-50	8
50+	12
- Proximity to Conserved Lands
 

The parcel abuts other preserved land	2
The parcel abuts land that has the potential to be preserved	1
- Type of Preservation
 

Fee Ownership	3
Conservation Easement	1
- Scenic Character (with public access to scenic view)
 

	1
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- Accessibility to the general public
 

	1
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- Town's Post-Construction Stormwater Management
 

Any portion of the parcel is located in the Town's Urbanized Area	1
Any portion of the parcel is located in the highest priority watershed	1

Moved by Councilor Stelk, seconded by Councilor Shepard and VOTED to amend the order to adopt the new changes that were brought by staff. 7 yeas

Moved by Councilor Stelk, seconded by Councilor Shepard and VOTED to amend the order to say important wild life habitat instead of high value wildlife habitat. 7 yeas

Moved by Councilor Stelk, seconded by Councilor Hartwell and VOTED to amend the order to say any portion of parcel is located adjacent to Shoreland Overlay District. 7 yeas

Moved by Councilor Stelk, seconded by Councilor Benner and VOTED to amend the order to say Any portion of parcel is located in the highest priority watershed 4. 7 yeas

Moved by Councilor Hartwell, seconded by Councilor Benner and VOTED to amend the order to Strike Type of Preservation. 7 yeas

Moved by Councilor Hartwell, seconded by Councilor Stelk and VOTED to amend the order to change Farmland Value to Farmland Soils. 7 yeas

Item # 9207 was VOTED as amended. 7 yeas

Chairman Phinney opened Public Hearing # 1.

Norm Justice, Wood Road, thanked Staff for their work on the ordinance amendments. He decided to wait until the ordinance goes to the Ordinance Committee to give his recommendations and comments.

Charlie Pearson, Mighty Street opposed the ordinance amendments and gave a letter to Council with his recommendations to the ordinance. He also stated that he supports the many farms in Gorham.

Linda Pearson also opposes the ordinance amendments and requested that the Town Council vote against them.

The Public hearing was closed.

Item # 9233                      Whereas, the Town of Gorham updated its Comprehensive Plan on September 6, 2016, and  
Whereas, one of the goals identified in the Plan was to amend the Land Use & Development Code to better support and promote farming, and  
Whereas, allowing limited agricultural special events in the rural zone will provide an opportunity for Farms to continue their farming and agricultural operations, and  
Whereas, The Town Council also wants to allow agricultural special events to occur in a manner that is reasonable and fair to the surrounding neighborhood,  
Now Therefore Be It Ordered that the Land Use and Development Code be amended as follows:

## **2. Ordinance Amendments Language**

### Chapter 1, Zoning Regulations

#### Section 1-5 – Definitions

##### Agricultural Special Event Facilities

A facility or land area located on a parcel(s) with an ongoing viable agricultural use, consisting of one or more meeting or multi-purpose rooms, kitchen facilities, outdoor barbecue facilities, or temporary structures such as tents, that are available for use by private or public groups for such social activities as meetings, parties, weddings, receptions, and dances.

#### Section 1-8- Rural District

##### B. Permitted Uses:

23) Agricultural Special Event Facilities, subject to the requirements of Section 2-16.

### Chapter 2, General Standards of Performance

#### Section 2- 2: Parking, Loading, and Traffic

A. 2)

Agricultural Special Event Facilities

1 space per 3 seats or 1 space for every 3 people based upon maximum building occupancy, whichever is greater.

#### Section 2-16 – Agricultural Special Events Facilities

- A. Purpose: The purpose of this section is to provide for the operation of special event facilities in conjunction with an agricultural use. The use may be allowed on a parcel with an ongoing viable agricultural use in the Rural District provided that the following standards under this section and all applicable standards under Chapter 2 Performance Standards are met to reduce the impacts to surrounding properties.
- B. Ordinance Conflicts: If there is a conflict between the provisions of this ordinance and another ordinance or law, the more stringent provisions shall apply.
- C. Permits: Prior to the start of the use on the site the owner of the lot shall follow and receive approval under the requirements of Chapter 4: Site Plan Review.

Prior to each event being held at the facility the owner/operator shall receive an approval of the Event Management Plan by the Site Plan Review Committee. The Site Plan Review Committee shall review the event plan to ensure compliance with Chapter 2: General Standards of Performance, Chapter 4: Site Plan Review, and any Site Plan Review Conditions of Approval placed on the use on the site. The Committee may deny or approve with conditions any Event Management Plan that is not compliant with the relevant Chapters of the Land Use Code or Site Plan Review Approval. The Committee may also deny any event at an Agricultural Special Event Facility should the facility frequently violate its Event Management Plan approvals, the Land Use and Development Code, and/or the Site Plan Review Approval.

A non-refundable application fee for each Event Management Plan review in an amount(s) established by the Town Council and amended from time to time in an amount(s) and for such purposes as the Town Council may from time to time establish by Council Order shall be paid by the applicant to the Town of Gorham at the time of filing the Event Management Plan.

- D. Agricultural Use Requirement: Any proposed Agricultural Special Event Facility shall provide evidence of agricultural production of at least \$10,000.00-per year in one of the 2, or 3 of the 5, calendar years preceding application for site plan review. Prior to the start of each year's event season the operator shall provide written documentation outlining the active agricultural activities occurring on the site, evidence that at least \$10,000.00 was earned in the prior year or in one of the 2, or 3 of the 5, calendar years from agricultural activities, not including the Agricultural Special Event Use, and a statement evidencing the potential to produce at least \$10,000.00 from on-site agricultural production during the next year or in one of the 2, or 3 of the 5, calendar years.
- E. Standards: Special event facilities are subject to the following operation and development standards:

1. Event Management Plan: The owner/operator shall provide to the Planning Office for approval by the Site Plan Review Committee an event management plan for each event held on the site. The plan shall include all applicable conditions of approval and the approved site plan, a traffic management plan for the specific event, the precise location of the event, and all other operational specifications. The Town Planner may request additional information if determined necessary due to the size or nature of a specific event. A copy of the approved event management plan shall be available for on-site inspections at all times.
2. Noise Control: Noise standards shall be regulated in accordance under Chapter 4, Section 4-9 – Approval Criteria and Standards, T. Noise.
3. Lighting: All lighting shall comply with the following requirements:
  - a. All lighting associated with the event shall be turned off by 11:00 pm. Parking lot lighting may remain on for a longer period if specified under the event management plan but only as long as necessary to facilitate safe travel from the parking area.
  - b. Outdoor lighting shall be reduced to limit light trespass and glare onto abutting properties. Outdoor lighting shall have full-cut off shielding and be located and directed such that no direct light falls outside the property line, or into the public right-of-way.
4. Traffic Management Plan: The traffic management plan shall demonstrate compliance with the following requirements:
  - a. Approved access meeting the driveway standards as identified under Chapter 2, Section 2-5 - Minimum Standards for the Design and Construction of Streets and Ways.
  - b. Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Gorham Fire Department and Public Works Director.
  - c. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not backup or block private easements, public roads, intersections, or private driveways.
  - d. Parking attendant(s) shall direct traffic into the facility and towards available parking during arrival of guests. Attendants shall direct traffic leaving the facility at the conclusion of the event.
  - e. Temporary direction signs shall be located on any driveway entrance and within the parking lot to ensure orderly flow of traffic. The temporary signs shall be placed prior to all events and promptly removed at the conclusion of the event.
5. Operation Limitations: The following operation limitations apply to all Special Event

Facilities:

- a. Special Event Facilities shall not be operated unless accessory to an agricultural permitted use on the lot and where residential use exists on the property.
- b. No Special Event Facility shall be allowed to exceed an attendance level of 250 people per event.
- c. The special event duration including set up/take down time shall not exceed 12 hours per day. The event shall be limited to the hours of 7:00 am to 10:00 pm, except on Saturdays and Sundays, which are limited to an 8:00 am start time.
- d. Each event shall have potable domestic water supply and adequate treatment for sewage.
  - 1) For sites with fewer than 6 events per year, temporary use of portable toilet units are allowed for special events. Prior to each event, the location and number of portable toilet units shall be approved by the Code Enforcement Officer.
  - 2) For sites with 6 or more events per year, permanent on-site bathroom facilities to accommodate the maximum number of people to attend special events are required. The bathroom facilities are required to be connected to a private sewage disposal system or a public sewer service connection meeting the requirements of local and state plumbing codes.
- e. The Special Event Facility shall be limited to a maximum number of twenty-five (25) events per calendar year. A single event cannot occur on multiple days without the additional days being counted against the number of events allowed per calendar year.

6. Minimum Lot Size and Setbacks: The following setbacks shall be maintained at all times:

- a. Notwithstanding the minimum lot size requirement of Chapter 1, Section 1-8, Rural District, Subsection D, Space Standards, the Special Event Facility use shall be permitted only on a lot with an area of at least five (5) acres. If the lot contains another principal use(s), the lot must have at least five (5) acres for the Special Event Facility use in addition to the area required for the other principal use(s).
- b. No portion of the event facilities shall be located closer than 100 feet from a property line. A greater distance may be identified as being necessary to ensure compliance with other standards.
- c. All temporary structures such as tents, stages, and dance floors shall abide by all required setbacks, and locations must be identified on the plot plan and event management plan.



7. Signage: Any event signage shall meet the requirements of Chapter 2, Section 2-3 - Signs.
8. Dust Control: Dust impacts to abutting properties shall be minimized by reducing vehicle speeds on driveways and parking areas and during dry conditions with the application of water or other approved methods.
9. Parking: On-site parking shall be provided in accordance with Chapter 2, Section 2-2 - Parking, Loading and Traffic, A. 2).
10. Neighbor Notification: Facilities shall post a schedule of future events on their website. At least 2 weeks prior to the start of every month the operator/owner shall mail a notice to abutting properties and the Town of Gorham's Planning & Code Enforcement Office which lists events to be held that month. The notice shall show days planned for events, hours of operation, and include a phone number and contact person for inquiries. The notice shall also identify the date for each event management plan submission to the Planning Office and shall state that the plans are available for review and comments for 2 weeks after submission to the Planning Office.

Moved the Councilor Shepard, seconded by Councilor Benner and VOTED to table the item and send it back to the Ordinance committee for their review before sending it back to the Council for their vote. 7 yeas

Chairman Phinney opened Public Hearing #2. There were no comments from the Public and the hearing was closed.

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| Item # 9234 | Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council issue a renewal liquor license to Southern Maine Community Recreation Center, DBA Gorham Sports Center, 215 Narragansett Street. 7 yeas                                                                                  |
| Item # 9235 | Moved by Councilor Shepard, seconded by Councilor Smith and ORDERED, that the Town Council approve an employment contract and appoint Ephrem Paraschak as the Town Manager for the Town of Gorham, effective September 1, 2017. 7 yeas                                                                            |
| Item # 9236 | Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council accept Murray Drive, located in Sanborn Meadows Subdivision, off Mighty Street, as a public road, and<br>Be It Further Ordered, that Murray Drive is locally classified as a Rural Access Road. 6 yeas, 1 nay (Hartwell) |
| Item # 9237 | Moved by Councilor Stelk, seconded by Councilor Shepard and ORDERED, that the Town Council accept an easement for a turn around on Phinney Street.                                                                                                                                                                |

Moved by Councilor Smith, seconded by Councilor Hager and VOTED to allow Councilor Smith to recuse himself from the vote. 6 yeas, 1 abstention (Smith)

Moved by Councilor Shepard, seconded by Councilor Hartwell and VOTED to postpone the item until the August Council Meeting. 6 years

Item # 9238 Moved by Councilor Stelk, seconded by Councilor Hager and ORDERED, that the Town Council appropriate \$42,888.28 from the completed New Portland Road Project to the County Road Project. 7 years.

Item # 9239 Moved by Councilor Shepard, seconded by Councilor Hartwell and ORDERED, that the Town Council appropriate funds to be placed in a reserve account to pay towards the Town's \$500,000 local share of a road project on South Street, as approved by the voters on June 13, 2017 as follows:

1. Appropriate \$230,000 from the Road Project Account.
2. Appropriate \$8,437.39 of unallocated Capital Part 2 Funds from FY 2014, 2015 and 2016.
3. Appropriate \$12,037.65 from Rt. 25/114 Sidewalks.
4. Appropriate \$4,002.65 from New Portland Road Account.
5. Appropriate \$50,000 from Bond Cost in FY 2018.

Item # 9239 was voted. 7 years

Item # 9240 Moved by Councilor Benner, seconded by Councilor Shepard and ORDERED, that the Town Council forward a proposal to amend the Land Use & Development Code definition of Day Care Home and Day Care Centers, to allow adult day care, to the Planning Board for a Public Hearing and their recommendation, as follows:

## Chapter 1: Zoning Regulations,

### Section 1-5 Definitions

Day Care Home A home or other facility used generally to provide day care services or baby-sitting services for twelve (12) or fewer ~~children~~ person(s).

Day Care Center A home or other facility used generally to provide day care services or baby-sitting services for thirteen (13) or more ~~children~~ person(s).

Item # 9240 was voted 7 years

Item # 9241 Moved by Councilor Hager, seconded by Councilor Smith and ORDERED, that the Town Council appoint Councilor Marla Stelk as its Representative to the Gorham Village Alliance, which is a Committee to assist the Gorham Economic Development Corporations efforts to join and implement the Maine Downtown Network Program. 7 years

Item # 9242 Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council partially abate taxes in the amount of \$1,196.86 for property at 14 Woodside Drive and in the amount of \$817.07 for property at 16

Woodside Drive for the 2015-2016 and 2016-2017 fiscal years as detailed by the Assessor in his memo dated June 6, 2017, to correct an error in the assessment.  
7 yeas

- Item # 9243      Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council appoint the following members to a Steering Committee to assist and advise METRO Bus develop their new bus route to Gorham.
1. Councilor Benner
  2. Michelle Belhumeur
  3. David Galbraith
  4. Tom Ellsworth

Item # 9243 was voted. 7 yeas

- Item # 9244      Moved by Councilor Hartwell, seconded by Councilor Stelk and ORDERED, that the Town Council ask the Ordinance Committee to consider developing an amendment to the Land Use & Development Code, to make it easier for Food Trucks and Food Carts to operate in Gorham, and bring the Committees recommendation back to the Town Council, at a later date, for the Town Council to consider. 7 yeas

- Item # 9245      Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council reschedule the August 1, 2017 Council meeting to August 8, 2017.  
7 yeas

Moved by Councilor Hartwell, seconded by Councilor Shepard and VOTED to adjourn. 7 yeas  
Time of Adjournment 8:20pm

A True Record of Meeting

ATTEST \_\_\_\_\_  
Laurie Nordfors, Town Clerk