

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING VIA ZOOM
February 2, 2021

Chairman Pratt opened the meeting with the Pledge of Allegiance to the Flag. There were 12 members of the public in attendance via zoom.

Roll Call: Chairman Pratt, Councilors Shepard, Hartwell, Hager, Phillips, Wilder Cross and Kuech. Also in attendance were Town Manager Ephrem Paraschak, Director of Community Development Tom Poirier, and Town Clerk Laurie Nordfors.

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and VOTED to accept the minutes of The January 5, 2021 Regular Town Council Meeting. **7 yeas**

Councilor Communications

Councilor Hartwell brought up the issue of clearing snow from sidewalks in Town and would like to bring it to the Council for discussion in the future. He reported the the Comprehensive Plan Amendment Committee met and voted to send that plan to the Council.

Councilor Phillips reported that the Capital Improvements and Economic Development Committee met and reviewed the capital projects that have been finished and ones that are on-track to finish up soon.

Councilor Wilder Cross sat in on the Gorham Village Alliance monthly meeting and reported that there will be an Art exhibit and Sales fundraiser planned for this summer with more information to come. She also attended a GPCOG webinar on imagining Transit for Tomorrow. The webinar discussed ways for not judging ridership as a gage to measure whether or not transit is successful. She also noted that the Appointments Committee is beginning to work on filing vacancies on Town Boards and Committees and will have a full slate of nominees to present at the next Council meeting. Councilor Wilder Cross also attended the GPCOG monthly meeting and reported that they discussed land use regulations that pertain to multi-unit housing and how hard it is to build or site multi-unit housing in a lot of area in Gorham.

Councilor Shepard announced that the Ordinance Committee met on January 19th and discussed three Items which will be on the Agenda tonight. The next Ordinance Committee meeting will be on February 16th.

Councilor Kuech revealed that she attended the MMA presentation on ways to control air quality in your home and found it very interesting.

Councilor Hager reported that the Finance Committee met on January 25th and discussed the six month report of the fiscal year. He mentioned that the Town is in good shape with expenditures and on target with revenue. He also reported the Town has received most of the expected funds from the CARES Act and expects to receive the rest in the near future. He did note that the CARES Act funds that we have received was for Public Safety, including Fire, Rescue and Police only.

Chairman Pratt thanked Public Works for their clean- up efforts during the recent storm. He also reported that he attended a virtual meeting on MS4 Storm Water Permit Training that was very interesting and gave him a little more background on what needs to be done in Gorham. He also attended the January GEDC meeting where they discussed EV Charging Stations and locations within Town and the Mask-Up video, which will be featured on GoCam and Facebook, reminding people of how businesses in Town are helping to keep us safe from Covid. He also pointed out that the Gorham Business Campus was featured in the latest issue of The Maine Biz and urged people to check it out.

Town Managers Report

Town Manager Paraschak also thanked Public Works for their hard work during the recent storm and reminded people of the overnight parking ban on Town roads. He reported that Department Heads have begun to work on their FY22 budgets and will present them to him in March. He also thanked the Gorham Fire Department for their continuous effort in vaccinating public safety members from Southern Maine and congratulated Ken Fickett on his recent promotion to Gorham Fire Chief.

School Committee Report

Chairman Darryl Wright reported the following:

1. Schools across the state received their DRAFT 279 subsidy reports. At this point, State Subsidy for Gorham went up by approximately \$450k from last year's subsidy amount. This is due mostly to the proposed lower minimum mil expectation. Allocation is down \$450k due to decreased student enrollment, down \$100k due to loss in Free and Reduced lunch percentages, increased by \$550k due to Special Ed Cost allocations, State Property values are up 7.7% from last year and the State Min. Mil Expectation is projected to be down to 7.9 mils from 8.18 mils last year. These are PRELIMINARY numbers and may change Significantly based up what the legislature does with the budget.

2. The following information was sent to the town's finance committee per their request, but I wanted to make sure you all saw it and had an opportunity to ask questions. Below is a summary of all federal funds received by the School Department to address COVID related issues:

Name of Fund	General Description of Use	Total Allocation
CRF Day Program	Used to support contracted service with Gorham Recreation to provide child care for families in Gorham for remote learning days.	\$ 124,843.00
CRF Adult Education Program	Funds to support addressing needs of adult education programs attempting to continue their programming within safe environments. Supports purchase of PPE, Technology, and other items directly related identified COVID 19 needs.	\$ 5,556.37
CRF #1	Used to support unbudgeted needs related to COVID 19 for public schools as they work to re-open and operate public schools within a pandemic.	\$ 2,011,878.00
CRF #2	Used for similar needs as CRF #1 funds - to support the operations of schools within a pandemic. Can only be used for unbudgeted needs directly related to COVID 19.	\$ 2,103,760.00
ESSER I Funds		\$ 187,000.00
New ANTICIPATED ESSER II Funds		\$ 800,000.00
Anticipated Total Federal COVID Funds		\$ 5,233,037.37

We did just get confirmation on the anticipated ESSER II funds, and Gorham's actual allocation will be \$777,000.00 slightly under what is listed above.

In general, these funds were expended to address COVID related costs and the costs to get our schools prepared and operating under our Hybrid model of learning. The new ESSER II funds will be focused on addressing potential issues of learning regression of our students due to COVID 19. The money above was spent on programs to assist with child care, paying for storage and movement of classroom equipment, additional instructional supplies, transportation needs, additional staffing and supporting our School Nutrition Program as well as the purchase of PPE, cleaning supplies and additional technology needs.

As we move forward in our budget process, the needs will not go away but a lot of the federal dollars will. As we look to return to 5 day a week instruction, which will include the required safety protocols remaining in place, we will continue to work to maximize any of the federal dollars we receive to minimize the impacts on our taxpayers while providing a high quality education for our students.

3. Athletic programs are back up and operational with new local agreements (regardless of color coding) that will allow our student athletes to safely participate in programming. Practices have already begun with a focus on conditioning and training on safety protocols. Games will commence on Feb. 8 and run through March 13 with a possible extension if needed.

4. The School System has gone through its first ½ of the school year. We are looking to answer the question as to how effective our Hybrid model has been and what student learning regression may have occurred and where? We are currently working to collect data to help answer that questions including: Attendance data, NWEA data, Jump rope data, failure rate comparisons, % proficiency comparisons and much more. This will help us to adjust programming this spring, and look to build programming necessary to support our students in the coming school year as well. Information will be presented to the School Committee at their Feb. 24 workshop meeting.

5. The District continues its work on Diversity, Equity and Inclusion. Recently, the School Department worked with a local contractor to conduct a diversity hiring practices audit. The results of this process will be reported to the School Committee on Feb. 10 at their regular meeting. In addition to this important work, the schools are actively working on several other fronts. The School Committee passed its anti-racism policy in December, which outlines the overall work to be completed. We created an curriculum audit tool which we are utilizing to audit our K-12 curriculum through the lens of anti-racism. We are also collecting data in the areas of attendance, discipline, and achievement using the same lens.

We continue to work on training all staff in the areas of Diversity, Equity and Inclusion through our partnership with Maine Intercultural Communications Consultants who are also assisting in facilitating our new Anti-Racism Advisory Committee created by the School Committee. This committee's major role will be to oversee the work of the approved policy. The Superintendent continues to meet with students, staff and parents to collect their stories in the form of a "listening tour". Once this tour is completed, summary data and themes will be shared with the community via public forums held on this topic.

6. The next School Committee meeting will be held via Zoom on February 10th at 7 pm.

Public hearing #1

On Item #2021-2-01

Public hearing to hear comment on a proposal to issue a renewal liquor license to Azul Tequila. (Admin. Spon)

Chairman Pratt opened public hearing #1. There were no comments from the public and the hearing was closed.

Proposed

Order #21-012

Moved by Councilor Shepard, seconded by Councilor Hager and Ordered, that the Town Council approve a renewal liquor license for Azul Tequila, 29 School Street.

Order #21-012 was VOTED. 7 yeas

Public hearing #2

On Item #2021-2-02

Public hearing to hear comment on a proposal to issue a renewal liquor license to Grand Central Wine Bar. (Admin. Spon.)

Chairman Pratt opened public hearing #2. There were no comments from the public and the hearing was closed.

Proposed

Order #21-013

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and Ordered, that the Town Council approve a renewal liquor license for Grand Central Wine Bar, 7 Railroad Avenue.

Order #21-013 was VOTED 7 yeas

Public hearing #3

On Item #2021-2-03

Public hearing to hear comment on a proposal to issue a renewal liquor license to Lucky Thai. (Admin. Spon.)

Chairman Pratt opened public hearing #3. There were no comments from the public and the hearing was closed.

Proposed

Order #21-014

Moved by Councilor Kuech, seconded by Councilor Shepard and Ordered, that the Town Council approve a renewal liquor license for Lucky Thai, 593 Main Street.

Order #21-014 was VOTED 7 yeas

Public hearing #4
On Item #2021-2-04

Public hearing to hear comment on a proposal to issue a renewal liquor license to Blue Pig, LLC. (Admin. Spon.)

Chairman Pratt opened public hearing #4. There were no comments from the public and the hearing was closed.

Proposed
Order #21-015

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council approve a renewal liquor license for Blue Pig, LLC, 19 State Street.

Order #21-015 was VOTED 7 yeas

Public hearing #5
On Item #2021-2-05

Public hearing to hear comment on a proposal to issue a renewal liquor license to Sebago Brewing Company. (Admin. Spon.)

Chairman Pratt opened public hearing #5. There were no comments from the public and the hearing was closed.

Proposed
Order #21-016

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and Ordered, that the Town Council approve a renewal liquor license for Sebago Brewing Company, 616 Main Street.

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to let Councilor Hartwell recuse himself from the vote on Order #21-016 and #21-017 because of a conflict of interest. **6 yeas**

Order #21-016 was VOTED 6 yeas, 1 recuse (Hartwell)

Public hearing #6
On Item #2021-2-06

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

Chairman Pratt opened public hearing #6. There were no comments from the public and the hearing was closed.

Proposed

Order #21-017

Moved by Councilor Shepard, seconded by Councilor Hager and Ordered, that the Town Council approve a renewal Special Amusement License for Sebago Brewing Company, 616 Main Street.

Order #21-017 was VOTED 6 yeas, 1 recuse (Hartwell)

Public hearing #7

On Item #2021-07

Public hearing to hear comment on a proposal to issue an Adult Use & Medical Marijuana License to Green Trap LLC, 84 Olde Canal Way, property owned by Hani LLC. (Admin. Spon.)

Chairman Pratt opened public hearing #7. There were no comments from the public and the hearing was closed.

Proposed

Order #21-018

Moved by Councilor Phillips, seconded by Councilor Hager and Ordered, that the Town Council approve an Adult Use & Medical Marijuana License for Green Trap LLC, 84 Olde Canal Way, property owned by Hani LLC. with the conditions that they pass all inspections and receive a Certificate of Occupancy prior to beginning operations.

Order #21-018 was VOTED 7 yeas

Public hearing #8

On Item #9363

Public hearing to hear comment on the proposed schematic drawings of private ways and roads, and amendments to Street Classification & Design Standards tables. (Admin. Spon.)

Chairman Pratt opened public hearing #8. There were no comments from the public and the hearing was closed.

Proposed

Order #21-019

Moved by Councilor Phillips, seconded by Councilor Hager and Ordered, that the Town Council approves amendments to the Land Use & Development Code to Street Classification & Design Standards tables.

***Note – Design tables and drawings are attached as separate documents and are not included in the order.**

Order #21-019 was VOTED 7 yeas

Item #2021-08 Action to consider appointing a second board member to ECOMAINE.
(Councilor Hager Spon.)

Proposed
Order #21-020 Moved by Councilor Hager, seconded by Councilor Kuech and Ordered,
that the Town Council appoint Robert Burns, Public Works Director, to
the ECOMAINE Board.

Order #21-020 was VOTED 7 yeas

Item #2021-09 Action to consider providing specific guidance to the Gorham School
Committee on acceptable mil rate increases as a result of the FY2022
budget. (Councilor Phillips Spon.)

Proposed
Order #21-021 Moved by Councilor Phillips, seconded by Councilor Wilder Cross and
Ordered, that the Council Chair and Vice Chair meet with
representatives of the Gorham School Committee to provide mil rate
expectations for the FY2022 budget as discussed by the Town Council.

Moved by Councilor Phillips, seconded by Councilor Hartwell and VOTED to table **Order #21-021** until
next year. **7 yeas**

Old Business

Item # 9366 Action to considering amending the Land Use & Development Code with
regards to Invasive Terrestrial Plants. (Ordinance Committee Spon.)

Proposed
Order #21-022 Moved by Councilor Hartwell, seconded by Councilor Phillips and
Ordered, that the Town Council forward to the Planning Board, for
public hearing and recommendation, amendments to the Land Use &
Development Code as follows:

Moved by Councilor Hartwell, seconded by Councilor Phillips and VOTED to waive the reading of **Order**
#21-022 due to length. **7 yeas**

Chapter 2: General Standards of Performance, Section 2-1 Environmental,

J. Invasive Terrestrial Plants

- 1) No person shall import, export, buy, sell, or intentionally propagate for sale or distribution any living and viable portion of any plant species, which includes all of their cultivars, varieties and hybrids, listed under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273.
- 2) That the use of any of any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 shall be restricted from landscaping or buffering purposes for any property located within the Town.
- 3) That the transplanting of any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 within the Town or across Town boundaries is not permitted.
- 4) That the disposal any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 shall be such as to not promote the dispersal of the invasive species to other lots, properties, and areas within the Town or outside of Town boundaries.

Chapter 2: General Standards of Performance, Section 2-5 Minimum Standards for the Design and Construction of Streets and Ways, E. Acceptance of Streets and Ways, 4. Streets Offered for Acceptance,

i) That the applicant must present to the following documentation: Proof of the verification by a qualified professional approved by the public works department and compensated by the applicant that the street rights of way and any other property proposed to be conveyed in any manner to the town, upon visual inspection, has been free of invasive terrestrial plants as defined in Chapter 2, J. Invasive Terrestrial Plants of this Code for a period of two years prior to the application filing. In the event that invasive terrestrial plants are present, the applicant shall provide proof to the public works director that there have been appropriate eradication methods applied for a minimum of two growing seasons in a manner acceptable to the public works director.

Chapter 4: Site Plan Review, Section 4-9 Approval Criteria and Standards

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

- 1) The use of Invasive Terrestrial Plants is not allowed in any landscaping on the site per the standards and requirements identified under Chapter 2, Section 2-1, J. Invasive Terrestrial Plants.

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

- 1) The use of Invasive Terrestrial Plants is not allowed in any buffering on the site per the standards and requirements identified under Chapter 2, Section 2-1, J. Invasive Terrestrial Plants.

*Additions: Underlined

**Deletions: ~~Struck Through~~

Order #21-022 was VOTED 7 yeas

Item #2020-10-06

Action to consider amending the Land Use & Development Code with regards to noise abatement standards for well drilling. (Ordinance Committee Spon.)

Proposed

Order #21-023

Moved by Councilor Hager, seconded by Councilor Wilder Cross and Ordered, that the Town Council forward to the Planning Board, for public hearing and recommendation, amendments to the Land Use & Development Code as follows:

Moved by Councilor Hartwell, seconded by Councilor Wilder Cross and VOTED to waive the reading of **Order #21-023** due to length. **7 yeas**

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-1 - ENVIRONMENTAL

H. NOISE ABATEMENT

- 3) The following activities are excluded from the sound level limits.
 - a) Construction and demolition work 7 am to 7 pm. With prior approval from the Town of Gorham Code Enforcement Officer, this exemption can be extended beyond daytime hours to accommodate certain activities such as major concrete pours.
 - b) Agricultural activity and daytime timber harvesting.
 - c) Landscaping, lawn mowing and related grounds keeping.

- d) Snow removal and related winter maintenance such as sanding.
- e) Operation and daytime (7 a.m. to 7 p.m.) testing of emergency equipment such as fire alarms, backup generators, and pressure relief valves.
- f) Registered and inspected motorized vehicles traveling on public roads and when entering and departing from a parking or loading area and which are moving, starting or stopping. This excludes operation of vehicles and on-board equipment during loading, unloading, processing, mixing or related operations. Examples of non-exempt vehicle operations include refrigeration units on parked vehicles, cement mixers, and on-board loading pumps.
- g) Safety and warning signals required by law, rule or regulation.
- h) Cultural and sporting events with proper approval from the Town of Gorham.
- i) At lot lines where the abutting property owner has granted a noise easement to the applicant, such an easement shall state the abutting property owner agrees that the sound level limits at the shared property line can be exceeded a specified amount but not by more than 10 dBA above the applicable sound level limits. Any agreement or easement concerning noise levels shall be included in the reciprocal deeds, and shall be only for the specific noise, land use and term covered by the noise easement and shall have no effect on the sound level limits applicable to other properties.
- j) Maintenance, startups, shutdowns and other routine activities are not exempt from these sound level limits. Exceptions to this restriction can be granted by prior approval of the Code Enforcement Officer according to the following criteria:
 - 1) Frequency, no more than once every three months
 - 2) Permitted sound level, no more than 85 dBA for brief limited, intermittent time periods totaling no more than one hour for the duration of maintenance,
 - 3) Maintenance exceeding normal sound limits, as described in item 2 to occur only between the hours of 7AM and 5PM
- k) Well drilling work 7 am to 7 pm. With prior approval from the Town of Gorham Police Department, this exemption can be extended beyond daytime hours to accommodate welling drilling activities during times of severe drought.

*Additions: Underlined

**Deletions: ~~Struck Through~~

Order #21-023 was VOTED 7 yeas

Item #2020-10-08

Action to consider amending the Land Use & Development Code with regards to setback requirements during the permit application process. (Ordinance Committee Spon.)

Proposed

Order #21-024

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and Ordered, that the Town Council forward to the Planning Board, for public hearing and recommendation, amendments to the Land Use & Development Code as follows:

Moved by Councilor Hartwell, seconded by Councilor Shepard and VOTED to waive the reading of **Order #21-024** due to length. **7 yeas**

CHAPTER 1: ZONING REGULATIONS

SECTION 1-3 - ADMINISTRATION

E. APPLICATION

- 1) Unless excused by the Code Enforcement Officer, all applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, the location and dimensions of the proposed building or alteration and the proposed sewage disposal system as required by the Maine State Plumbing Code certified by a registered land surveyor or registered civil engineer or a plumbing inspector appointed by the Town. The Code Enforcement Officer may require at his discretion additional tests to be performed under his observation and at the expense of the applicant. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Code.
 - a. All newly created lots less than 60,000 sq.ft. of lot area shall be surveyed by a State of Maine Registered Surveyor and all property corners shall be marked with permanent markers. For the purpose of this section a permanent marker shall be one of the following: a granite monument; a concrete monument; an iron pin; or a drill hole in ledge. A stamped copy of the official boundary survey shall be given to the Code Enforcement Officer for the record and part of the building permit review.

- b. Newly created lots greater than 60,000 sq.ft. may require a survey by a State of Maine Registered Surveyor if the Code Enforcement Officer determines that the proposed structure proximate to a front, side, rear, or shoreland setback warrants concerns about a given setback not meeting the minimum allowed. Should a boundary survey be warranted, all property corners shall be marked with permanent markers. For the purpose of this section a permanent marker shall be one of the following: a granite monument; a concrete monument; an iron pin; or a drill hole in ledge. A stamped copy of the official boundary survey shall be given to the Code Enforcement Officer for the record and part of the building permit review.

- c. If any part of the structure is proposed to be located closer than 5 feet to the minimum front, side, rear or shoreland setback required by the applicable zoning district regulations; or if the Codes Enforcement Officer determines that special conditions such as complex curves in the property lines, or other unusual features of lot shape or topography, the Codes Enforcement Officer may require that the foundation be set and pinned by a professional land surveyor.

*Additions: Underlined

**Deletions: ~~Struck Through~~

Order #21-024 was VOTED 7 yeas

Item #2020-11-08

Action to consider amending the Land Use & Development Code with regards to the Mosher Corner Mixed Use Development Zone.
(Ordinance Committee Spon.)

Proposed

Order #21-025

Moved by Councilor Wilder Cross, seconded by Councilor Hager and Ordered, that the Town Council forward to the Planning Board, for public hearing and recommendation, amendments to the Land Use & Development Code as follows:

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to waive the reading of
Order #21-025 due to length. **7 yeas**

CHAPTER 1: ZONING REGULATIONS

SECTION 1-13 - COMMERCIAL/OFFICE DISTRICT

A. PURPOSE

To provide areas in the Town of Gorham which accommodate a suitable mix of retail commercial businesses and professional offices in a manner which maintains the attractiveness of the major entrances to Gorham, protects the physical environment, maintains the traffic capacity of existing major roads and protects abutting property owners.

B. PERMITTED USES

- 1) Retail Stores
- 2) ~~Business Services establishments~~
- 3) Personal services
- 4) Business and professional offices and professional out-patient clinics
- 5) Shopping centers
- 6) Municipal buildings or uses
- 7) Park or playground
- 8) Rooming house, excluding fraternity housing.
- 9) Funeral home
- 10) Places of public assembly, including indoor theaters
- 11) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization or social nature which is not used for residential purposes, which has less than two thousand (2,000) square feet of floor area and generates less than two hundred (200) vehicles trips during any twenty-four hour period.
- 12) Public and private utility facilities, including substations, pumping station(s) and treatment facilities.
- 13) Drive-through service which is accessory to a permitted use
- 14) Accessory buildings and uses
- 15) Residential uses, including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing
- 16) Day Care Homes as Home Occupations
- 17) Bed and Breakfast Establishment
- 18) Bed and Breakfast Establishment with public dining as an accessory use
- 19) Inn

- 20) Offices for executive, administrative, and data processing activities
- 21) Commercial Schools
- 22) Medical or quick care facilities
- 23) Office of a contractor or tradesman

C. SPECIAL EXCEPTIONS

- 1) Day Care Centers
- 2) School, hospital, church or any other institution of educational, religious, philanthropic, fraternal organization or social nature which is not used for residential occupancy which has two thousand (2,000) or more square feet of floor area or which generates two hundred (200) or more vehicle trips during any twenty-four hour period.

D. SPACE STANDARDS

- 1) Residential Uses

	<u>Sewered</u>	<u>Unsewered</u>
Minimum Lot Size	<u>20,000 sq.ft</u>	<u>40,000 sq.ft</u>
Minimum area per dwelling unit	<u>20,000 sq.ft</u>	<u>40,000 sq.ft.</u>
Street frontage	<u>100'</u>	<u>150'</u>
Front setbacks		
MDOT numbered routes	<u>80'</u>	<u>80'</u>
Local Roads	<u>25'</u>	<u>25'</u>
Side/ Rear setbacks	<u>15'</u>	<u>15'</u>

- 2) Non-Residential Uses

Standards for non-residential uses shall be as follows:

Minimum lot size	6 30,000 square feet
Minimum street frontage	2 100 feet
Minimum front yard - local or collector street	50 feet or two (2) times the building height, whichever is greater
Minimum front yard - arterial street	80 feet or three (3) times the building height, whichever is greater
Minimum side and rear yard	50 feet or two (2) times the building height, whichever is greater
Maximum building height	35 feet
Maximum floor area <u>Impervious Coverage</u> ratio	0.35 <u>60</u>
Minimum landscaped buffer on any side abutting an arterial street	50 feet
Minimum landscaped buffer on any side abutting a collector or local street	25 feet

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size, street frontage, and floor area ratio requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

E. PERFORMANCE STANDARDS

1) ~~The following performance standards shall apply in addition to the standards contained in Chapter 2 of this ordinance~~ Code shall be fully observed.

2) The following additional performance standards shall also apply.

a) Lot Layout

1. For lots with frontage on Main Street no parking lots shall be located between any building façade facing Main Street and Mosher Road.
2. All generators, storage areas, and dumpster pads shall be landscaped and located behind the buildings and structures so that they are not visible from any public street or residential properties. The Planning Board may allow may allow generators, storage areas, and dumpster pads to be located so they are not located behind the buildings if the Board finds that the proposed locations are required to provide for a better overall design of the lots/ development and that they are sufficiently buffered from public roads and residential properties.

b) Utilities

1. All non-residential uses and subdivisions shall be supplied with public water service meeting the requirements of the Portland Water District.
2. All non-residential uses and subdivisions shall connect to public sewer meeting the requirements of the Portland Water District and the Town of Gorham. which generate a design sewerage flow in accordance with the Maine State Plumbing Code of more than 3,000 gallons per day shall be serviced with public sewer.
 - a. The Planning Board may grant a waiver for the requirements of the extension of public sewer main extension if the lot is located greater than 200 feet from the nearest connection to a public sanitary sewer and the costs to connect into the system is greater than 3 times the costs for an onsite sewerage disposal system as identified by the Planning Board.
3. All developments are required to have underground utilities.

c) Buffer yards and landscaping buffering shall conform to the following standards:

1. The required setback between any public road and/or any residential zoning district or property shall be designated as a buffer area unless it's part of a mixed-use project and the residential/ commercial uses are developed as part of an integrated development plan and provides an aesthetically pleasing environment.

2. A landscaped buffer area shall be designed and maintained to minimize the adverse impact on abutting properties and the public and to soften the appearance of the structure(s) and in particular, to minimize the adverse impact on any structures which exist on abutting lots located outside this district, which structures exist as of the date of enactment of this zoning ordinance amendment on September 17, 1996. No building, parking or service areas shall be located in the buffer area. Access roads may cross the buffer area to provide access to and from a street, but shall be designed to minimize the disruption of the buffer area. No direct access to parking stalls shall be provided from an access road located in a buffer area.
3. The landscaped buffer area shall require a plan to be prepared by a registered landscape architect or qualified landscaping firm. The plan shall provide all the required submission requirements outlined under Chapter 3: Subdivision and/or Chapter 4: Site Plan Review. The name of the landscape professional and firm preparing the plan along with their credentials shall be provided with the landscape plan.
4. Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.

d) Building Design Standards:

1. All principal buildings and structures for non-residential and mixed-use development purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.
2. The predominate exterior building materials shall be on high quality materials, including but not limited to, wood or vinyl clap board siding, masonry units that replicate shake or clapboard siding, brick, sandstone, wood native stone and tinted/ textured concrete masonry units and/ or glass products or metal or plastic roofing that simulates shake or shingle roofing. Simulated material may be substituted for any of the aforementioned building materials.
3. At least three different materials shall be used for the primary front façade for the building facing the primary street the building access and/ or Main Street/ Mosher Road. The Planning Board may waive the building material to two different materials if it finds the building design has enough architectural details to sufficiently break up the massing of the building. Glass for use in windows and doors shall not be considered one of the required building materials. All facades that have frontage on street or private way shall be considered a primary façade.

e) Access Management

1. Projects involving more than one building and/ or lot shall provide an internal circulation system to minimize entrances to the project.
2. Entrances and uses in this district shall be combined to the maximum extent possible. Developments must allow for pedestrian and vehicular access into the lot's driveways, sidewalks, and/ or parking lots from the abutting properties.

3. For lots with frontage on Main Street, Mosher Road, and another street the access drives shall be located off the street of lower classification unless the Planning Board finds that no safe alternative exists.
 4. A parcel that does not have frontage on Main Street or Mosher Road shall not be granted vehicular access from the street except in cases where:
 - a. Access will be provided through a combined entrance with another parcel which has frontage on the street.
 5. Lots with access on Main Street or Mosher Road must have driveways located so that they are a minimum 400' from another driveway on the same side of the street unless:
 - a. The Planning Board finds that the distance would provide for unsafe circumstances.
 - b. The driveway's spacing to abutting properties' driveways cannot be spaced to meet the 400' minimum requirement. The Planning Board shall provide for a driveway spacing to the greatest extent practical.
 6. Lots with frontage on Mosher Road and/ or Main Street are required to install sidewalks for the lot frontage should sidewalks not be located along Mosher Road and/ or Main Street. The internal pedestrian access shall connect to the sidewalks located on Mosher Road and/ or Main Street. The lot is also subject to the connection of pedestrian improvements located off the lot as required under Chapters 2 and 4 of the Land Use Code.
- 6) ~~Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.~~
 - 6) ~~The location of all entrances to a collector or arterial street shall meet the minimum sight distance requirements of the Maine Department of Transportation for the posted speed limit.~~
 - 7) ~~All non residential uses shall be served by underground utilities.~~
 - 8) ~~All principal buildings and structures for non residential purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.~~

*Additions: Underlined

**Deletions: ~~Struck Through~~

Order #21-025 was VOTED 7 yeas

New Business

Item #2021-010

Action to consider instructing the Gorham Police Department to reexamine the design of their vehicles. (Councilor Hartwell Spon.)

Proposed

Order #21-026

Moved by Councilor Hartwell and Ordered, that the Town Council instruct the Town Manager to have the Gorham Police Department

change the vehicle styling scheme to a more traditional format on some of their vehicles in the future; and

Be It Further Ordered, that the Town Manager is instructed to change the style scheme on existing department vehicles where cost effective.

There was no seconded on Order #21-026 so the Item fails.

Item #2021-011 Action to consider accepting a resignation from the Gorham Economic Development Corporation. (Admin. Spon.)

Proposed
Order #21-027 Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council accept the resignation of Brenda Caldwell from the Gorham Economic Development Corporation; and

Be It Further Ordered, that the Council thanks Brenda Caldwell for her years of service on the corporation.

Order #21-027 was VOTED 7 yeas

Item #2021-012 Action to consider instructing the Appointments Committee to fill a vacancy on the GEDC. (Admin. Spon.)

Proposed
Order # 21-028 Moved by Councilor Wilder Cross, seconded by Councilor Phillips and Ordered, that the Town Council instructs the Appointments Committee to fill a vacancy on the GEDC.

Order #21-028 was VOTED 7 yeas

Item #2021-013 Action to consider instructing the Ordinance Committee to review the Firearms Ordinance with regards to the area of the recreational Pump Track off of Weeks Road. (Councilor Pratt Spon.)

Proposed
Order # 21-029 Moved by Councilor Shepard, seconded by Chairman Pratt and Ordered, that the Town Council instruct the Ordinance Committee to review the Firearms Ordinance and propose any changes needed with regards to the recreational Pump Track area off of Weeks Road.

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to amend the order to add 300 feet from the Pump Track off of Weeks Road and Cherry Hill Farm Area. **5 yeas, 2 nays (Pratt, Phillips)**

Moved by Councilor Pratt, seconded by Councilor Phillips and VOTED to amend the order to send the Firearm Ordinance to the Ordinance Committee to do a full overview of the Ordinance. **7 yeas**

Order #21-029 was VOTED 7 yeas

Item #2021-014 Action to consider instructing the Finance Committee to review municipal fees. (Councilor Philips Spon.)

Proposed Order #21-030 Moved by Councilor Hager, seconded by Councilor Phillips and Ordered, that the Town Council instructs the Finance Committee to review municipal fees and provide recommendations to the Town Council for adoption as needed.

Order #21-030 was VOTED 7 yeas

Item #2021-015 Action to consider an increase in waste water collection fees through the Portland Water District. (Finance Committee Spon.)

Proposed Order # 21-031 Moved by Councilor Hager, seconded by Councilor Shepard and Ordered, that the Town Council approves a yearly waste water increase over the next three years, effective April 1, 2021, as follows:

	Portland Water District Rate increase proposal			
	Current	Year 1	Year 2	Year 3
Base (1 HCF)	\$ 13.74	\$ 14.39	\$ 15.04	\$ 15.69
Additional HCF	\$ 6.29	\$ 6.64	\$ 6.99	\$ 7.34

Order #21-031 was VOTED 7 yeas

Item #2021-016

Action to consider approving technical revisions to the First Amendment to the Development Programs for the County Road TIF District and the Pettingill TIF District. (Councilor Pratt Spon.)

Proposed

Order # 21-032

Moved by Councilor Hartwell, seconded by Councilor Phillips and Ordered, that the Town Council approve amendments to the Pettingill & County Road Tax Increment Financing Districts as follows:

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to waive the reading of **Order #21-032** due to length. **6 yeas, 1 nay (Hartwell) motion fails**

WHEREAS, on June 2, 2020, the Town adopted the First Amendment to its Pettingill Tax Increment Financing District and Development Program (#3, referred to herein as “Pettingill District”) and the First Amendment to its County Road/VIP Tax Increment Financing District and Development Program (#4, referred to herein as “County Road District”); and

WHEREAS, the Commissioner of the Maine Department of Economic and Community Development (“DECD”) approved the First Amendment to the Pettingill and County Road Districts and respective Development Programs by letters dated _____; and

WHEREAS, the Development Program for the County Road District as originally adopted on March 1, 2005 stated that the Town would capture 50% of the Increased Assessed Value in the District through March 31, 2021, and the First Amendment to the Development Program for the County Road District stated that the Town would capture 100% of the Increased Assessed Value in the District beginning April 1, 2021; and

WHEREAS, the Development Program for the Pettingill District as originally adopted on March 2, 2004 stated that the Town would capture 50% of the Increased Assessed Value in the District through June 30, 2020, and the First Amendment to the Development Program for the Pettingill District stated that the Town would capture 100% of the Increased Assessed Value in the District beginning July 1, 2020; and

WHEREAS, the Town wishes to submit to DECD technical revisions to the First Amendment to the Development Programs for the County Road District and the Pettingill District to clarify its intent to capture “up to” 100% of the Increased Assessed Value in each District, subject to the vote of the Town Council each fiscal year or tax year;

NOW THEREFORE, the Town Council hereby Orders as follows:

Section 1. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the County Road District during the April 1, 2020 – March 31, 2021 tax year, will be 50% of the Increased Assessed Value.

Section 2. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the Pettingill District during the April 1, 2020 – March 31, 2021 tax year, will be 50% of the Increased Assessed Value.

Section 3. The Town may change the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in one or both of the Districts during a tax year or fiscal year going forward by vote of its Town Council, provided that notice of the same is submitted to DECD.

Section 4. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Gorham, Maine, to submit to the Commissioner of DECD notice of this Order as evidence of the Town's intent to make technical revisions to the County Road District and the Pettingill District as set forth herein, and to submit such other documentation as may be necessary or appropriate for the final approval of said technical revision.

This Order shall take effect immediately upon adoption. ADOPTED this 2nd day of February, 2021 by the Gorham Town Council:

Lee Pratt, Chair

Suzanne Phillips, Vice Chair

Ronald Shepard

Benjamin Hartwell

James Hager, Jr.

Janet Kuech


Virginia Wilder Cross

Order 21-033 was VOTED 7 yeas

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to adjourn. **7 yeas**

Time of Adjournment: 8:25PM

A True Record of Meeting
02/02/2021

ATTEST  _____ 02/03/2021
Laurie Nordfors, Town Clerk