

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
January 3, 2023

Chairman Pratt opened the meeting. There were 14 members of the public in attendance.

Roll Call: Chairman Pratt, Councilors Shepard, Wilder Cross, Phillips, Lavoie, Gagnon, Siegel. Also in attendance were Community Development Director Tom Poirier and Town Clerk Laurie Nordfors.

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to accept the Minutes of the December 6, 2022 Regular Town Council Meeting. 7 yeas

Open Public Communications

Emily Kimball would like to see a YMCA built in Gorham. She suggested that it would bring many programs to the area and would be a great addition to the Town.

Councilor Communications

Councilor Shepard reported that the Appointments Committee met on 12/12 to conduct interviews for the Planning Board.

Councilor Wilder Cross attended the GMS winter concert and was amazed at the wonderful talented kids and all the support from family and friends attending. She also attended the GPCOG Regional meeting on 12/13 where they discussed many legislative priorities including the first look at the regional housing strategy. Councilor Wilder Cross attended the December Ordinance Committee meeting and pointed out that two items from that meeting are on the agenda tonight. She thanked all of the volunteers and staff for a successful New Year's Gorham celebration.

Councilor Lavoie also thanked the staff and volunteers of the New Year's Gorham celebration and noted that he and his family attended many events.

Councilor Gagnon wished everyone a Happy New Year and thanked the many volunteers and staff members for their excellent job with the many festivities and fabulous fireworks display.

Chairman Pratt attended the Jetport Noise Committee meeting on December 12th where they discussed the current flight path and created a flight path working group to help ease congestion over the cities and towns. He also attended the 12/21 GEDC meeting, where they discussed the recent business survey they sent out and planned goals and objectives for the upcoming year. As always, Chairman Pratt suggested donating blood if possible. He also wished his son Colby a very happy 14th birthday.

Town Manager Report

Community Development Director Tom Poirier reminded citizens that winter sand is available at 2 buckets per storm at Public Works on Huston Road. He also noted that the new Town Engineer, Chuck Norton started employment with the Town of Gorham last week and is eager to see the many projects that he will start working on. He revealed that the Town received information from Senator King's office about the \$250,000 awarded to conduct a study of feasibility of South Gorham.

School Committee Report

School Committee Chairman Darryl Wright reported the following:

As a follow up to my report last month, in collaboration with MSAD 6, the Scarborough School Department and the Falmouth School Department, we will be starting a second round of Education Apprentices beginning Jan. 9. It is a great opportunity for anyone looking to get into education. If you know of anyone interested or would like to learn more, please have them reach out. We do plan to offer a third cohort to begin the 2023-24 school year as well!

Since 2018-2019, we have seen an increase in our Special Ed student population of 22% (373 in 18-19 to 456 in 22-23). We have also seen an increase in the percentage of our overall student population that are in Special Education, increasing 3% since 2018-2019. In 18-19, 13.7% of our overall student population were in Special Ed and that number has increased to 16.7% of our overall student population in 22-23.

Our specialized programs also continue to grow, with our K-5 Autism Program Enrollment increasing 44%, with 18 students in 2018-19 and 26 students in 2022-23. Our K-5 Functional Life Skills Program Enrollment has increased 23% from 18-19 to 22-23, going from 26 to 32 students. Providing these required services for our high needs Special Ed students require much greater levels of human and capital resources.

As an update to our ongoing Bus Driver shortages issue, I wanted to share that we currently have 6 open CDL positions, 4 regular route drivers and 2 FT spares. The good news is that through our recent recruitment efforts, we are currently training 8 drivers, 5 want FT and 3 PT. We also recently licensed 2 PT CDL drivers and hired 1 PT CDL driver. We are still actively recruiting additional bus drivers as we will likely lose additional drivers this year due to retirements. If you know of anyone that is interested in becoming a bus driver, please have them reach out. We will continue to utilize our contracted services partners to fill in gaps in routes as we continue to recruit and bring on new drivers.

The Gorham School Department is partnering with the American General Contractors of Maine (AGC Maine) and Westbrook Regional Vocational Center to offer up a six-week Immersion program for graduating GHS seniors. GHS will have ten slots and Westbrook HS will have ten student slots to fill for this program. The program is free to participants. Participants will be paid a one time "stipend" of \$1,200 to participate. Students will learn to use hand and power tools, earn their OSHA 10 certificate, complete first aid and CPR certifications and complete NCCER Core Certifications (National Center for Construction Education and Research). Students will also be guaranteed a job interview from a local employer and be introduced to several trades including carpentry, electrical, equipment operation, crane operation, and more! We are excited by another new partnership for

our students here in Gorham...if students are interested or if you know a Senior who might be - please reach out to Eliza Kenigsberg at GHS for more information.

The Budget development process continues, and all building and program level initial budgets have been submitted to the Superintendent. Individual meetings with Principals and Program Directors will be meeting individually with the Supt, Asst Supt and Business Manager to go through their requests. The School Committee will receive the Supt's proposed budget on February 8th and will work on the budget from there and present to the Town Council in April.

We are happy to have the students back in school for the New Year! There is a lot going on in our District, so please check out our District, School and Athletic websites online to stay up to date on activities and events.

The next School Committee meeting will be held on January 18, 2023, in the Burleigh Loveitt Council Chambers at 7pm.

Public hearing #1

On Item #2023-1-1

Public hearing to hear comment on a proposal to issue a renewal Medical Marijuana License to Michael Barris, B's Trees, LLC, 7 County Road. Property owned by 7 County Road LLC. (Admin. Spon.)

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

Proposed

Order #23-01

Moved by Councilor Phillips, seconded by Councilor Lavoie and Ordered, that the Town Council issue a renewal Medical Marijuana License to Michael Barris, B's Trees, LLC, 7 County Road. Property owned by 7 County Road LLC.

Order #23-01 was VOTED 7 yeas

Public hearing #2

On Item #2020-11-09

Public hearing to hear comment on a proposal to amend the Urban Residential Expansion District zoning map. (Admin. Spon.)

Chairman Pratt opened public hearing #2.

John Deans, Gray Road addressed the many discrepancies that he sees in the change of the map. He asked the Council to sponsor an item to go over the changes and add agricultural uses.

Public hearing was closed.

**Proposed
Order #23-02**

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council amend the Urban Residential Expansion District zoning map as follows:

Councilor Gagnon made a motion to table the item. There was no second and the motion failed.

Order #23-02 was VOTED 6 yeas, 1 nay (Gagnon)

ZONING MAP (PROPOSED)

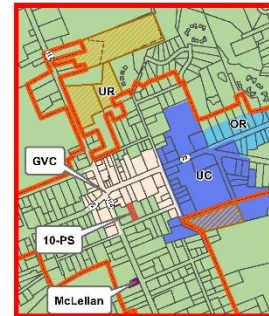
OF THE TOWN OF
GORHAM
CUMBERLAND COUNTY, MAINE
Month Year



Black Brook and Brackett Road
Special Protection District



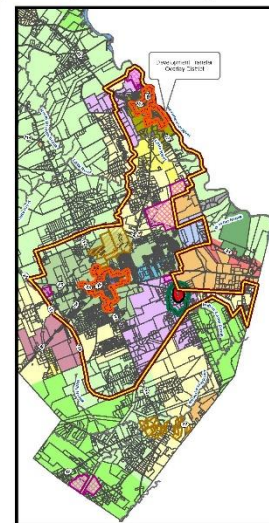
Gorham Village Center



Little Falls Village Center



Development Transfer Overlay District



LEGEND

- Mountain Division Trail
- State Road
- Stream
- Water
- Black Brook and Brackett Road Special Protection District
- Historical Adirondack Area
- Water Resource Management
- Limited Water Resource Management
- Outlook Zones
- Manufactured Housing Park Overlay District
- Carriageway Overlay District
- Small Dwelling Overlay District
- Parcel Boundary
- Conditional Zoning**
- PS-10: 10 Thistle Street
- McLellan, McLellan/Seaport House
- Zoning**
- MC: Modern Corner Mixed Use
- GVC: Gorham Village Center
- I: Industrial
- OIC: Old Cape Industrial
- AI: Agricultural Industrial
- LFVC: Little Falls Village Center
- ND: Neighborhood Mixed-Use Development
- GR: Office-Residential
- R: Rural
- HM: Home-Minor Manufactured Housing
- HC: Roadside Commercial
- HC: Residential
- SRMH: Suburban Residential Manufactured Housing
- UC: Urban Commercial
- UR: Urban Residential
- UR-MH: Urban Residential Manufactured Housing
- UR-EXT: Urban Residential Expansion

I hereby certify that this is the Zoning Map of the Town of Gorham referred to in the Gorham Land Use and Development Code Zoning Ordinance and is the Official Zoning Map for the Town of Gorham, Maine. It includes all prior versions and is correct as of the date and is so voted on by the Town Council.

I, Justin Matthews, Town Clerk

When necessary, unless with respect to the district boundaries as shown upon this Zoning Map of the Town of Gorham, or an otherwise stated, the following shall apply:

1) Unless otherwise indicated, district boundary lines are the center lines, shifted at the time of adoption of the Code, of streets, alleys, parkways, easements, or rights-of-way of public utilities and roads or such lines extended.

2) Other district boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at a distance from the center line of such street as indicated by the official Zoning Map on file in the Gorham Municipal Office, in the absence of a written description. No graphic scale on the official Zoning Map shall be used.

Approved by the Gorham Town Council on DATE and effective on DATE.

1 inch = 6,000 feet
0 1,500 3,000 6,000 9,000 12,000 Feet



Public hearing #3

On Item #2021-9-10

Public hearing to hear comment on a proposal to amend the zoning map and Land Use and Development Code to adopt the South Gorham Crossroads District. (Admin. Spon.)

Chairman Pratt opened public hearing #3.

Tom Dunham, Cape Elizabeth voiced his views on marketing the Gorham Country Club land and encouraged building a continuing care facility there. He would also like to see the preservation of many of the 200 acres of land on the property.

Harold Hawkes, Brackett Road, Jared Holmes, Washburn Drive, Kathleen West, Washburn Drive and Peter Mills of the MTA all voiced their opinions on the map change and encouraged the Town Council to look into putting water and sewer in that area to promote better development.

Public hearing was closed

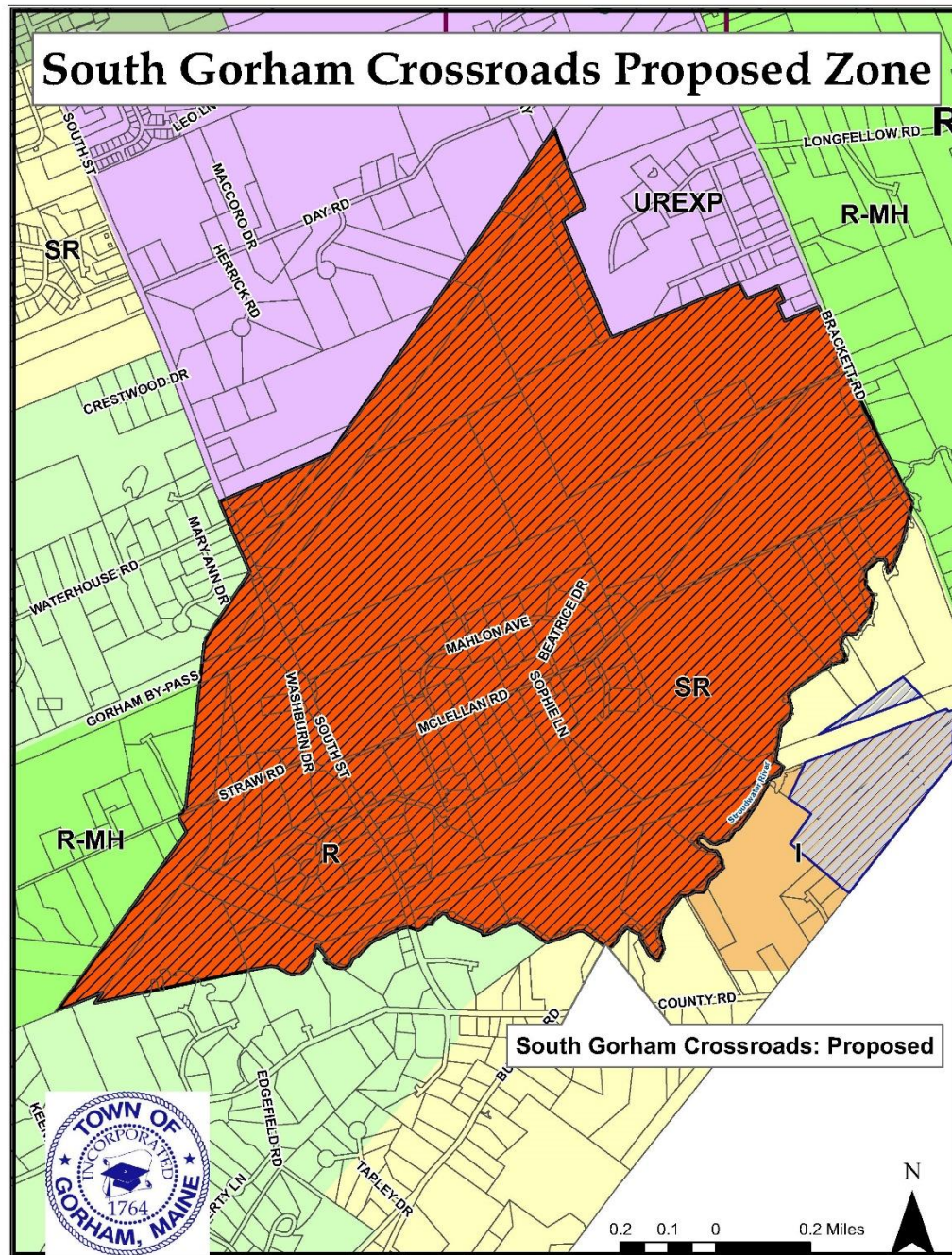
Proposed

Order #23-03

Moved by Councilor Shepard, seconded by Councilor Lavoie and Ordered, that the Town Council amend the zoning map and Land Use and Development Code to adopt the South Gorham Crossroads Districts as follows:

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to waive the reading of Order #22-03 due to length. 7 yeas

Moved by Councilor Phillips seconded by Council Shepard and VOTED to table Order #23-03 until a Later date. 7 yeas



SECTION 1-5 DEFINITIONS

Mixed-use Building

A building or structure which accommodates, allows or includes a variety of complementary and integrated uses each of which is permitted in the underlying zoning district, such as, but not limited to, residential, office, services, manufacturing, retail, public, and recreation.

Mixed-use Development

The development or proposed development of a neighborhood or tract of land with a variety of complementary and integrated uses each of which is permitted in the underlying zoning district, such as, but not limited to, residential, office, services, manufacturing, retail, public, and recreation.

Indoor Recreation Facility

A permanent structure containing facilities for recreational activities such as tennis, platform games, swimming, exercise rooms, handball and similar activities.

SECTION 1-25 SOUTH GORHAM CROSSROADS DISTRICT

A. PURPOSE

To provide a mixed-use area of higher density residential development and a range of non-residential uses, including small locally focused retail and services, as well as compatible regionally focused business and services, including hotels, indoor recreation facilities, and light industrial uses.

B. PERMITTED USES

1) Residential Uses

Accessory Apartment

Apartment Building

Multi-family Housing

2) Non-Residential Uses

Golf Course

Country Club

3) Non-Residential Uses each of which is permitted in the district as part of a Mixed-Use Building or Mixed-Use Development

Accessory Building

Auxiliary Public Utility Structure

Business and Professional Offices

Business Services

Commercial School

Conference Center or Banquet Hall

Day Care Center

Essential Services

Funeral Home

Gasoline Station

Hotel

Home Occupation

Indoor Recreation Facility

Light Industrial Use

Municipal building or use.

Office of a Contractor or Tradesman

Personal Services

Place of public assembly, including indoor theater.

Public Utility Facilities, including electrical substations and pumping stations

Repair Services

Retail Store

School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential occupancy

C. DIMENSIONAL STANDARDS

- 1) Minimum lot size

Public Water & Sewer – 15,000 sq. ft.

Unsewered – 20,000 sq. ft.
- 2) Minimum area per dwelling unit:

None
- 3) Minimum street frontage:

80 ft.
- 4) Front yard:

Principal Building – 25 feet maximum

Accessory Building – 25 feet minimum
- 5) Minimum side and rear yards:

10 feet, except buildings higher than 30 feet shall have side and rear yards not less than 50% of the building height.
- 6) Maximum building height:

50 feet or four stories, whichever is greater
- 7) Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.
- 8) Residential gross floor area shall be at least 50% of the total gross floor area of a mixed-use structure or at least 60% of the gross floor area as part of a Mixed-use Development.

D. SITE PERFORMANCE STANDARDS

1) Master Site Development Plan for phased projects.

Master Site Development Plan is intended to show an overall development scheme for a large property so that the Planning Board can ensure that development of large sites, with potential town-wide or regional impacts, proceeds in an orderly sequence with coordinated phasing. Master Site Development Plans are to assure adequate provisions are made to protect public health and safety, taking into account such factors as traffic safety and access; water supply and sewage disposal; management of stormwater, erosion, and sedimentation; protection of the environment; and other criteria as noted below.

- a) A Master Site Development Plan is required when the subject property has a cumulative lot area of more than five (5) acres, and the site is designed as a cohesive development program consisting of multiple buildings and associated site improvements proposed to be built in phases.
- b) A Master Site Development Plan must show:
 - i) Public and private rights-of-way which should be consistent with Gorham's road standards ordinance. Any deviation from these standards must be noted on the plan. If extensions of roads are proposed in later phases, the Master Site Development Plan must also show the location of turnarounds where the right-of-way ends at the phase line delineations shown as per (ii) below.
 - ii) Phase delineations showing the extent of site work and development proposed for each phase.
 - iii) Areas designated for stormwater control, management or retention. All stormwater management site improvements must be made as part of the first phase of the Master Site Development Plan.
 - iv) Areas designated for open space and green space, as well as for sidewalks, paths and greenways as required by section D(7) below.
 - v) Parking sufficient to meet the requirements of Chapter 2, Section 2-2. However, the use of on-street parking is encouraged. Mixed-use Development proposals may include parallel or angled on-street parking. If such new on-street parking proposed as part of a phase of the

Master Site Development Plan receives Final Approval from the Planning Board, it can be used to satisfy the requirements of Chapter 2, Section 2-2.

- c) A Master Site Development Plan approval shall not be construed as final authorization for development. Approval shall be a preliminary approval for the overall project site, and confer pending proceeding status upon the development with the effect of maintaining the applicability of regulations in effect at the time of approval, as long as the Master Site Development Plan remains valid, including permissible extensions, if granted.
 - i) Each phase of the approved Master Site Plan must receive Final Approval from the Planning Board.
 - ii) The approved plan shall not be released for recording until the required performance guarantee has been posted for the first phase. If an approved plan has not been recorded within one (1) year of the original approval, it shall become null and void. All subsequent phases must receive final approval and be recorded within five (5) years of the Master Site Plan approval, or those phases will become null and void.
- 2) All buildings, structures, and uses shall conform to the following additional performance standards:
 - a) The general performance standards of Chapter 2.
 - b) The Site Plan approval criteria and standards of Chapter 4, Section 4-9 where applicable, and
 - c) The following additional performance standards
 - d) If there is conflict between the various standards of performance, the more restrictive provision shall apply.
- 3) Vehicular Access and Circulation

In addition to being safe and convenient, vehicular access into the site shall be designed to minimize traffic delays on the streets providing access to the site and shall meet the following requirements:

Entrances to uses in this district shall be combined to the maximum extent possible.

- a) Each parcel shall be limited to a maximum of one entrance. Lots with Frontage on two streets must locate the entrance on

the street of lower volume or classification. The Planning Board may approve an additional entrance on a second street as part of Site Plan Review.

- b) A parcel that does not have frontage on a street shall not be granted vehicular access from that street except in cases where access will be provided through a combined entrance with another parcel.
- c) Provisions shall be made for the interconnection of parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a “short cut” by traffic.

4) Off-street Parking

- a) Location. No off-street parking shall be located within any required front, side, or rear yard or setback. No portion of the lot in front of the front building line shall be used for off-street parking. Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking and/or cross access with adjacent properties.
- b) The amount of off-street parking required by Chapter 2, Section 2-2 may be reduced for uses in this district in accordance with the provisions of that section.

5) Relationship of the Building to the Street

- a) At least one building entrance shall be located on the side of the building that fronts the street.
- b) The area between the building and street shall be used for pedestrian amenities, walkways, and landscaping.
- c) For new buildings on corner lots, the setback relationship of both streets shall be maintained where possible to avoid the creation of “empty corners.”

6) Onsite Pedestrian Relationships, ~~and~~ Facilities and Bike Paths

- a) Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives.

- b) The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood.
- c) If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.
- d) Provisions shall be made for pedestrian circulation between buildings and uses within a site or on adjacent parcels if the buildings do not have a direct relationship to the sidewalk or if the front wall of the building is located more than one hundred (100) feet from the property line.

7) ~~Bike paths/greenway systems~~ Off-site Pedestrian Connections

The applicant shall provide for convenient and safe pedestrian and bicycle access to and within the development. The requirement for off-site sidewalk extension, if necessary, shall be modified by the Planning Board or Site Plan Review Committee provided the following conditions are met:

- a) For projects under site plan review, the costs for off-site sidewalks exceeds a cost of \$1,000 per 2,000 sq.ft. of gross commercial floor area or for projects proceeding under subdivision review the costs for off-site sidewalks exceeds a cost of \$10,000 per lot. Subdivision lots that have been reviewed under this provision are not required to be reviewed again under site plan review.
- b) In place of a full sidewalk extension, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development:
 - i) For roads with existing closed drainage systems and curbing the applicant shall extend the sidewalk 200' for each 5,000 sq.ft. of gross floor area under site plan review or 400' for each lot;
 - ii) For roads without existing closed drainage systems and curbing the applicant shall extend the sidewalk 100' and close in the drainage system for each 5,000 sq.ft. of gross floor area under site plan review or 250' for each lot;

- iii) For existing public roads with sidewalks in poor condition as determined by the Public Works Director or his designee, an applicant can request that half of the required extension be utilized to repair the existing sidewalk network on a foot by foot exchange.

8) Street Facades

All buildings shall be designed so that the front wall of the building and any wall facing any public street that is not a front wall have the visual appearance of a front facade. Windows or architectural treatments designed to simulate windows shall comprise no less than twenty (20) percent of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.

9) Signs

~~a. In addition to the requirements of Chapter 2, Section 2-3, all signs shall be of a pedestrian scale, and shall be located to be visually compatible with the site and the building. All signs shall comply with the following standards:~~

~~b. Freestanding signs shall be limited to a maximum height of eight (8) feet.~~

~~c. Signs shall not be located on roofs.~~

~~d. Attached or projecting signs shall not extend above the roofline for flat roofs or the ridge line of pitched roofs.~~

~~e.a. Internally illuminated signs shall be prohibited.~~

All signs must conform with the standards of Chapter 2, Section 2-3.G., standards for signs in a Village Environment.

10) Block Standards.

- a) Land must be divided with Streets to create Blocks conforming with Block perimeter, below.
- b) Blocks shall be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding street network.
- c) Blocks shall be a minimum width so as to provide two rows of developable lots.
- d) Block perimeter. No block shall have a perimeter of more than 1,600 feet. The Planning Board may grant a waiver to reduce block perimeter length in accordance with the provisions of

Chapter 3 if part of a subdivision plan or Chapter 4 if part of a site plan.

- e) Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or pre-existing incomplete blocks may be granted a waiver from the block size requirements in accordance with the provisions of Chapter 3 if part of a subdivision plan or Chapter 4 if part of a site plan.

11) Public Utilities

- a) All projects requiring site plan review and subdivisions shall connect to public sewer and water meeting the requirements of the Portland Water District and the Town of Gorham.
 - i) The Planning Board may grant a waiver for the requirements of the extension of public sewer if the lot is located more than 1,000 feet from the nearest connection to a public sanitary sewer and the connection to the public sanitary sewer would cause an undue hardship to the developer, as determined by the Planning Board.
 - ii) The Planning Board may grant a waiver for the requirements of the extension of public water if the lot is located more than 1,000 feet and the proposal meets the Determination of Unreasonable Costs under Chapter 2, Section 2 – Provision of Public Water Supply, D., Exemption from Public Water Supply Requirements.
- b) All developments are required to have underground utilities.

12) Building and Other Structure Materials

- a) The predominant exterior building materials shall be of high-quality materials, including, but not limited to, wood or vinyl clapboard 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.
- b) At least three different building materials shall be used for the primary façade of a building facing the primary street the building accesses. The Planning Board may waive the building material to two different materials if it finds the building design has enough architectural detail 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 façades that have frontage on a street shall be considered a primary façade.

- c) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T-111. Prefabricated steel panels are excluded unless they contain architectural details with intricate designs. Metal roofs may be allowed if compatible with the overall architectural design of the building.

13) Building Entrances

- a) Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development.
- b) Building entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projection, and raised corniced parapets over the door, arcades, arches, wing walls. Integral planters are highly encouraged.

14) Roof Design

Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. The following design elements are highly encouraged: variations within one architectural style; visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground; and overhanging eaves, sloped roofs and multiple roof elements. Architectural methods shall be used to conceal flat roof tops. All roof-top mechanical equipment shall be screened so that it is not visible from grade at the closest public street.

15) Building and Other Structure Colors

Exterior colors shall be of low reflectance, subtle, neutral or muted earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent colors for the facade and/or roof of the building are prohibited except as approved for building trim.

16) Mechanical Equipment and Service Areas

The location of loading docks and service areas shall be to the sides and/or rear of a building.

17) Screening

- a) The architectural design of the buildings shall incorporate features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards. Landscaping, fencing, berms and similar features may be used to accomplish this goal.
- b) Fencing, screening, landscaped berms, natural features or combination thereof, shall be utilized to shield from the view of abutting residential properties and the closest public way all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas. Screens at least as high as the equipment they hide shall be of a color and material matching or compatible with the dominant colors and materials found on the facades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.

18) Lighting

Exterior lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking areas and to not cause glare beyond the limits of the property boundaries. Lighting shall also conform to the following standards:

- a) At a minimum, light fixtures shall have a total cutoff of light at no more than ninety (90) degrees and a beam cutoff of no more than seventy-five (75) degrees.
- b) ~~The illumination of parking lots shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance) to provide for an even distribution of light. The illumination of parking lots shall provide a relatively even distribution of light over the entire parking lot area. The illumination of parking lots shall provide a relatively even distribution of light over the entire parking lot area.~~
- c) The maximum illumination level within parking lots shall be not more than 6.0 footcandles measured at the ground surface.
- d) The maximum light fixture height shall be twenty (20) feet for parking lots with less than twenty thousand (20,000) square feet of area, twenty-five (25) feet for parking lots with twenty thousand (20,000) to eighty thousand (80,000) square feet of area and thirty (30) feet for lots larger than eighty thousand (80,000) square feet.
- e) The maximum illumination level at the property line with abutting properties in a residential district shall be not more than 0.2 foot candles.

- f) The lighting of canopies shall not be used to attract attention to the business. Areas under canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 3:1 with an average illumination level of not more than 30 foot candles.
- g) Light fixtures located on canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.
- h) The illumination of other areas and facilities may be greater than the level established for parking lots provided that the lighting level and design are consistent with the guidelines of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- i) Building mounted or wall pack lighting fixtures that have lamps or reflectors that are exposed to angles greater than forty-five (45) degrees above nadir are prohibited.
- j) Awnings shall not be illuminated in a manner that results in light being emitted through the awning material or that results in the awning appearing to be illuminated.
- k) Period or historical fixtures that do not meet these requirements may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors and the mounting height shall not exceed fifteen (15) feet above the adjacent ground.
- l) A photometric point by point analysis, on a grid no larger than 20 feet, shall be submitted to the Planning Board for review for all major developments requiring site plan review, applications involving increased security risks such as banks and ATM's, and applications for uses regularly open after 9:00 PM. The grid shall extend to all project property boundaries.

Public hearing #4
On Item #2021-9-10

Public hearing to hear comment on a proposal to amend the zoning map and Land Use and Development Code to adopt South Gorham Commercial Corridor. (Admin. Spon.)

Chairman Pratt opened public hearing #4.

Hans Hanson expressed his concern with the speed limit in the area. He would like to see the speed limit lowered because of the many accidents in the area. He would also like to see sewer and water brought into the zone.

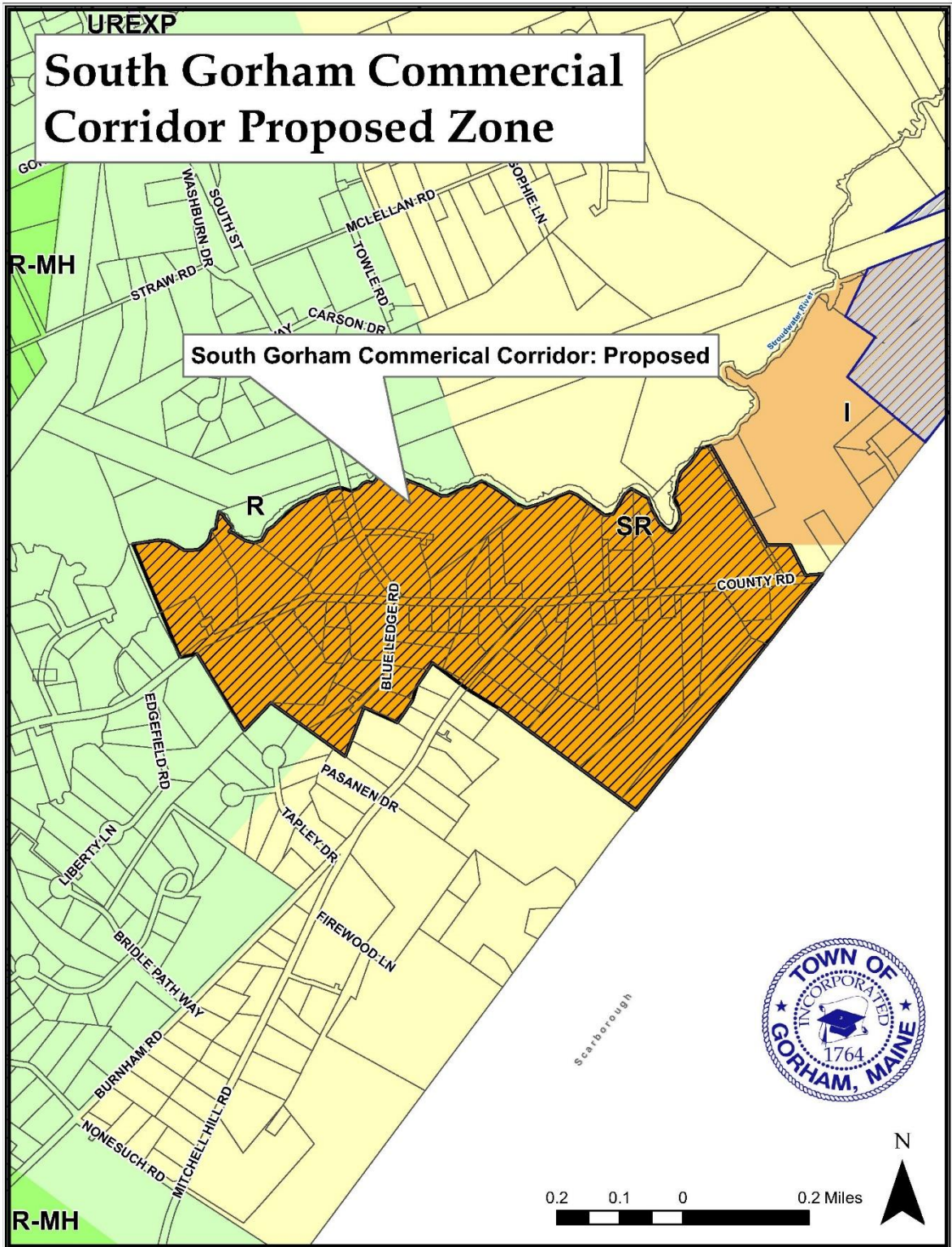
Public hearing was closed

Proposed
Order #23-04

Moved by Councilor Shepard, seconded by Councilor Phillips and Ordered, that the Town Council amend the zoning map and Land Use and Development Code to adopt South Gorham Commercial Corridor as follows:

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and VOTED to waive the reading of Order #23-04 due to length. 7 yeas

Order #23-04 was VOTED 7 yeas



SECTION 1-26 SOUTH GORHAM COMMERCIAL DISTRICT

A. PURPOSE

To provide opportunity for a mixed-use growth area centered on a mix of small-scale non-residential uses, a wide range of residential uses, and mixed-use projects. Large non-residential buildings should not front directly on the district's main ~~roads~~streets.

B. PERMITTED USES

1) Residential Uses

One and two-family dwellings as part of a Mixed-use Development only

Nursing homes or homes for the aged

Manufactured housing units on single-family residential lots in designated manufactured housing sub-districts

Apartment buildings or multifamily housing/Apartment buildings or multifamily housing, except fraternity housing

Accessory Apartments

~~Reuse of an existing agricultural building for non-residential use that meets the Performance Standards of Subsection E.~~

Residential dwelling units above the first floor as part of a Mixed-Use Building

2) Non-Residential Uses

Accessory uses and buildings including home occupations

Banks

Bed and Breakfast Establishment

Business Personal and Repair Service Establishments as defined in Chapter I, Section V of the Land Use and Development Code

Business and Professional Services

Convenience Stores, either with or without associated gasoline sales

Day Care Centers

Distilling and brewing

Funeral Home

Municipal buildings or uses

Municipally owned parks and playgrounds

Public and private utility facilities, including substations, pumping stations and treatment facilities, but excluding business offices

Retail stores

Roadside stands

School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential occupancy

Sit-down restaurants

Conference Center or Banquet Hall

Hotel

Inn

Motel

Light Industrial Use, only on lots not fronting on County Road

Home Occupations

Camper and Trailer Sales

~~Retail stores that are more than 10,000 square feet less in total footprint~~

C. **DIMENSIONAL STANDARDS**

1) Minimum Lot Size

Public Water & Sewer - 10,000 sq ft

Unsewered - 20,000 sq ft

2) Minimum area per dwelling unit

Public Water & Sewer - 10,000 sq ft

Unsewered - 20,000 sq ft

3) Minimum street frontage

80 feet

0 feet if two lots share one curb-cut from County Road

4) Front yard setback

County Road and South Street – Minimum 30 feet, maximum 50 feet

All other internal ~~roads~~ streets and access drives – Maximum 20 feet

5) Minimum side and rear yard setbacks

10 feet, except buildings higher than 30 feet shall ~~not~~ have side and rear yard setbacks not less than at least 50% of the building height.

6) Maximum building height

50 feet or four stories, whichever is greater

D. SITE PERFORMANCE STANDARDS

1) Light Industrial Use buffer.

Any Light Industrial Use that is not incorporated into a Mixed-Use Building must be setback 50 feet from any property lines abutting a residential use.

2) Master Site Development Plan for phased projects.

Master Site Development Plan is intended to show an overall development scheme for a large property so that the Planning Board can ensure that development of large sites, with potential town-wide or regional impacts, proceeds in an orderly sequence with coordinated phasing. Master Site Development Plans are to assure adequate provisions are made to protect public health and safety, taking into account such factors as traffic safety and access; water supply and sewage disposal; management of stormwater, erosion, and sedimentation; protection of the environment; and other criteria as noted below.

a) A Master Site Development Plan is required when

- i) the subject property has a cumulative lot area of more than five (5) acres, or
- ii) where the use is expected to generate more than 50 peak hour vehicle trips, or
- iii) the site is designed as a cohesive development program consisting of multiple buildings and associated site improvements proposed to be built in phases.

b) A Master Site Development Plan must show:

- i) Public and private rights-of-way which should be consistent with Gorham's ~~road~~-street standards ordinance. Any deviation from these standards must be noted on the plan. If extensions of ~~roads~~-streets are proposed in later phases, the Master Site Development Plan must also show the location of turnarounds where the right-of-way ends at the phase line delineations shown as per (ii) below
- ii) Phase delineations showing the extent of site work and development proposed for each phase

- iii) Areas designated for stormwater control, management or retention. All stormwater management site improvements must be made as part of the first phase of the Master Site Development Plan
 - iv) Areas designated for open space and green space, as well as for sidewalks, paths and greenways as required by section D(7) below.
 - v) Parking sufficient to meet the requirements of Chapter 2, Section 2-2. However, the use of on-street parking is encouraged on internal drives and new streets. Mixed-use Development proposals may include parallel or angled on-street parking. If such new on-street parking proposed as part of a phase of the Master Site Development Plan receives Final Approval from the Planning Board, it can be used to satisfy the requirements of Chapter 2, Section 2-2.
- c) A Master Site Development Plan approval shall not be construed as final authorization for development. Approval shall be a preliminary approval for the overall project site, and confer pending proceeding status upon the development with the effect of maintaining the applicability of regulations in effect at the time of approval, as long as the Master Site Development Plan remains valid, including permissible extensions, if granted.
- i) Each phase of the approved Master Site Plan must receive Final Approval from the Planning Board.
 - ii) The approved plan shall not be released for recording until the required performance guarantee has been posted for the first phase. If an approved plan has not been recorded within one (1) year of the original approval, it shall become null and void. All subsequent phases must receive final approval and be recorded within five (5) years of the Master Site Plan approval, or those phases will become null and void.
- 3) All buildings, structures, and uses shall conform to the following additional performance standards:
- a) The general performance standards of Chapter 2.
 - b) The Site Plan approval criteria and standards of Chapter 4, Section 4-9 where applicable, and

~~c) The following additional performance standards~~

c) If there is conflict between the various standards of performance, the more restrictive provision shall apply.

4) Vehicular Access and Circulation

a) Access. In addition to being safe and convenient, vehicular access into the site shall be designed to minimize traffic delays on the streets providing access to the site and shall meet the following requirements:

i) Entrances to uses in this district shall be combined to the maximum extent possible.

ii) Each parcel shall be limited to a maximum of one entrance. Lots with Frontage on two streets must locate the entrance on the street of lower volume or classification. The Planning Board may approve an additional entrance on a second street as part of Site Plan Review.

iii) A parcel that does not have frontage on a street shall not be granted vehicular access from that street except in cases where access will be provided through a combined entrance with another parcel.

iv) Provisions shall be made for the interconnection of parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a "short cut" by traffic.

b) Circulation

i) Internal drives are encouraged to develop street frontage for existing buildings and provide more opportunity for infill development

ii) Internal drives shall be designed to provide maximum mobility for pedestrians and cyclists as well as motorists

iii) Internal drives may be used for loading zones provided the volume and frequency of deliveries can be accommodated

- iv) Internal drives are subject to ~~road~~street construction standards in Section 2-5 of the Gorham Land Use and Development Code. The Gorham Planning Board may waive standards to promote traffic calming and pedestrian safety, mobility, and comfort.

5) Parking

- a) On street parking is encouraged on internal drives
- b) Off-street parking shall be located to the rear of buildings, or as far from Route 22/114 to the maximum extent practicable
- c) No off-street parking shall be located within any required front, side, or rear yard or setback. No portion of the lot in front of the front building line shall be used for off-street parking. Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking and or/cross access with adjacent properties.
- d) The amount of off-street parking required by Chapter 2, Section 2-2 may be reduced for uses in this district in accordance with the provisions of that section

6) Relationship of the Building to the street

- a) At least one building entrance shall be located on the side of the building that fronts the street.
- b) The area between the building and street shall be used for pedestrian amenities, walkways, and landscaping
- c) For new buildings on corner lots, the setback relationship of both streets shall be maintained where possible to avoid the creation of “empty corners”

7) Pedestrian Relationships and Facilities

- a) Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian

access to the front entrance of the building without the need to cross parking areas or access drives.

- b) The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood.
- c) If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.
- d) Provisions shall be made for pedestrian circulation between buildings and uses within a site or on adjacent parcels if the buildings do not have a direct relationship to the sidewalk or if the front wall of the building is located more than one hundred (100) feet from the property line.

8) Bike paths/greenway systems

The applicant shall provide for convenient and safe pedestrian and bicycle access to and within the development. The requirement for off-site sidewalk extension, if necessary, shall be modified by the Planning Board or Site Plan Review Committee provided the following conditions are met:

- a) For projects under site plan review, the costs for off-site sidewalks exceeds a cost of \$1,000 per 2,000 sq.ft. of gross commercial floor area or for projects proceeding under subdivision review the costs for off-site sidewalks exceeds a cost of \$10,000 per lot. Subdivision lots that have been reviewed under this provision are not required to be reviewed again under site plan review.
- b) In place of a full sidewalk extension, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development:
 - i) For ~~roads-streets~~ with existing closed drainage systems and curbing the applicant shall extend the sidewalk 200' for each 5,000 sq.ft. of gross floor area under site plan review or 400' for each lot;

- ii) For ~~roads~~ streets without existing closed drainage systems and curbing the applicant shall extend the sidewalk 100' and close in the drainage system for each 5,000 sq.ft. of gross floor area under site plan review or 250' for each lot;
- iii) For existing public ~~roads~~ streets with sidewalks in poor condition as determined by the Public Works Director or his designee, an applicant can request that half of the required extension be utilized to repair the existing sidewalk network on a foot by foot exchange.

9) Street Facades

All buildings shall be designed so that the front wall of the building and any wall facing any public street that is not a front wall have the visual appearance of a front facade. Windows or architectural treatments designed to simulate windows shall comprise no less than twenty (20) percent of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.

10) Signs

All signs must conform with the standards of Chapter 2, Section 2-3.G., standards for signs in a Village Environment.

~~In addition to the requirements of Chapter 2, Section 2-3, all signs shall be of a pedestrian scale and shall be located to be visually compatible with the site and the building. All signs shall comply with the following standards:~~

- ~~i) Freestanding signs shall be limited to a maximum height of eight (8) feet.~~
- ~~ii) Signs shall not be located on roofs.~~
- ~~iii) Attached or projecting signs shall not extend above the roofline for flat roofs or the ridge line of pitched roofs.~~
- ~~iv) Internally illuminated signs shall be prohibited.~~

11) Block Standards.

- a) Land must be divided with Streets to create Blocks conforming with Block perimeter, below.

- b) Blocks shall be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding street network.
- c) Blocks shall be a minimum width so as to provide two rows of developable lots.
- d) Block perimeter. No block shall have a perimeter of more than 1,600 feet. The Planning Board may grant a waiver to reduce block perimeter length in accordance with the provisions of Chapter 3 if part of a subdivision plan or Chapter 4 if part of a site plan.
- e) Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or pre-existing incomplete blocks may be granted a waiver from the block size requirements in accordance with the provisions of Chapter 3 if part of a subdivision plan or Chapter 4 if part of a site plan.

12) Public Utilities

- a) All projects requiring site plan review and subdivisions shall connect to public sewer and water meeting the requirements of the Portland Water District and the Town of Gorham.
 - i) The Planning Board may grant a waiver for the requirements of the extension of public sewer if the lot is located more than 1,000 feet from the nearest connection to a public sanitary sewer and the connection to the public sanitary sewer would cause an undue hardship to the developer, as determined by the Planning Board.
 - ii) The Planning Board may grant a waiver for the requirements of the extension of public water if the lot is located more than 1,000 feet and the proposal meets the Determination of Unreasonable Costs under Chapter 2, Section 2 – Provision of Public Water Supply, D., Exemption from Public Water Supply Requirements.
- b) All developments are required to have underground utilities.

13) Building and Other Structure Materials

- a) The predominant exterior building materials shall be of high-quality materials, including, but not limited to, wood or vinyl clapboard 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.

- b) At least three different building materials shall be used for the primary façade of a building facing the primary street the building accesses. The Planning Board may waive the building material to two different materials if it finds the building design has enough architectural detail 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 façades that have frontage on a street shall be considered a primary façade.
- c) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T-111. Prefabricated steel panels are excluded unless they contain architectural details with intricate designs. Metal roofs may be allowed if compatible with the overall architectural design of the building.

14) Building Entrances

- a) Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development.
- b) Building entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projection, and raised corniced parapets over the door, arcades, arches, wing walls. Integral planters are highly encouraged.

15) Roof Design

Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. The following design elements are highly encouraged: variations within one architectural style; visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground; and overhanging eaves, sloped roofs and multiple roof elements. Architectural methods shall be used to conceal flat roof tops. All roof-top mechanical equipment shall be screened so that it is not visible from grade at the closest public street.

16) Mechanical Equipment and Service Areas

The location of loading docks and service areas shall be to the sides and/or rear of a building.

~~17) Building and Other Structure Colors~~

~~Exterior colors shall be of low reflectance, subtle, neutral or muted earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent colors for the façade and/or roof of the building are prohibited except as approved for building trim.~~

17) Screening

- a) The architectural design of the buildings shall incorporate features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards. Landscaping, fencing, berms and similar features may be used to accomplish this goal.
- b) Fencing, screening, landscaped berms, natural features or combination thereof, shall be utilized to shield from the view of abutting residential properties and the closest public way all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas. Screens at least as high as the equipment they hide shall be of a color and material matching or compatible with the dominant colors and materials found on the facades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.

18) Lighting

Exterior lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking areas and to not cause glare beyond the limits of the property boundaries. Lighting shall also conform to the following standards:

- a) At a minimum, light fixtures shall have a total cutoff of light at no more than ninety (90) degrees and a beam cutoff of no more than seventy-five (75) degrees.
- b) The illumination of parking lots shall provide a relatively even distribution of light over the entire parking lot area.
- c) The maximum illumination level within parking lots shall be not more than 6.0 footcandles measured at the ground surface.

- d) The maximum light fixture height shall be twenty (20) feet for parking lots with less than twenty thousand (20,000) square feet of area, twenty-five (25) feet for parking lots with twenty thousand (20,000) to eighty thousand (80,000) square feet of area and thirty (30) feet for lots larger than eighty thousand (80,000) square feet.
- e) The maximum illumination level at the property line with abutting properties in a residential district shall be not more than 0.2 foot candles.
- f) The lighting of canopies shall not be used to attract attention to the business. Areas under canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 3:1 with an average illumination level of not more than 30 foot candles.
- g) Light fixtures located on canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.
- h) The illumination of other areas and facilities may be greater than the level established for parking lots provided that the lighting level and design are consistent with the guidelines of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- i) Building mounted or wall pack lighting fixtures that have lamps or reflectors that are exposed to angles greater than forty-five (45) degrees above nadir are prohibited.
- j) Awnings shall not be illuminated in a manner that results in light being emitted through the awning material or that results in the awning appearing to be illuminated.
- k) Period or historical fixtures that do not meet these requirements may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors and the mounting height shall not exceed fifteen (15) feet above the adjacent ground.
- l) A photometric point by point analysis, on a grid no larger than 20 feet, shall be submitted to the Planning Board for review for all major developments requiring site plan review, applications

involving increased security risks such as banks and ATM's, and applications for uses regularly open after 9:00 PM. The grid shall extend to all project property boundaries.

Public hearing #5

On item #2023-1-2

Public hearing to hear comment on a proposal to amend the Land Use and Development Code regarding Accessory Dwelling Units. (Admin. Spon.)

Chairman Pratt opened public hearing #5

Jared Holmes and Kathleen West, Washburn Drive voiced their concerns about the septic system and sprinkler requirements.

Public hearing was closed.

Moved by Councilor Siegel, seconded by Councilor Shepard and VOTED to waive the reading of Order #23-05 due to length. 7 yeas

Proposed

Order #23-05

Moved by Councilor Siegel, seconded by Councilor Shepard and Ordered, that the Town Council amend the Land Use and Development Code regarding Accessory Dwelling Units as follows:

CHAPTER 1: ZONING REGULATIONS

SECTION 1-5 - DEFINITIONS

Accessory Apartment

A separate dwelling unit that has been added on, or created within, a lot with a single family house for the purpose of providing separate living accommodations.

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-2 – PARKING, LOADING, AND TRAFFIC

A. OFF-STREET PARKING STANDARDS

Accessory Apartments 1 parking space per each accessory apartment

SECTION 2-4 - RESIDENTIAL

C. ACCESSORY APARTMENTS

Accessory apartments ~~are~~ is a permitted use in all the UR, SR, R zoning districts which allow single-family dwelling or a lot where a single-family exists, subject to the approval of the Code Enforcement Officer and adherence to the following standards:

1. The owner(s) of the ~~lot principal structure~~ must reside in the principal structure or in the accessory ~~unit~~ apartments.
2. The number of occupants of ~~the any~~ accessory ~~unit~~ apartment is limited to two.
3. ~~The a~~ Accessory ~~unit~~ apartment shall contain up to a maximum of 800 square feet of living space and shall not be less than 190 square feet in area.
4. **a. Accessory ~~dwellings~~ apartment on a lot with the ability to connect to public sewer shall be served by public sewer unless the Portland Water District (PWD) determines that there is not capacity in the sewer main or treatment facility. The PWD sewer connections shall meet the following requirements:**
 - 1) **The proposed accessory apartment is connected to the primary residence. In this scenario, the accessory apartment may be connected to the primary residence internal PWD sewer lateral to the primary residence.**
 - 2) **The proposed accessory apartment is a separate standalone building: In this scenario, a separate and independent PWD sewer lateral will be provided to serve the accessory apartment. The detached accessory apartment and the single-family house shall have independent connections from each structure to the PWD's sewer main. The independent sewer laterals will be provided from both buildings with a connection of the two laterals into a sewer manhole at the property line. The sewer manhole will be a minimum two-foot (2') size providing access to each sewer lateral. The sewer manhole may be placed on the existing sewer lateral from the single-family residence with the accessory apartment sewer lateral being fed into it.**
- b. For a ~~L~~ lots without the ability to connect to public sewer, ~~T~~the septic systems on the ~~property~~ lot in question shall be functioning properly at the time of application and ~~is~~ shall be sufficiently designed to meet the**

new anticipated capacity required under all State and local regulations for septic systems.

- 1) For accessory apartment attached to the existing single-family dwelling, if expansion of the septic system is required to meet the increased flow from the accessory apartment, the applicant shall submit an HHE-220 form to the Code Enforcement Officer for review and approval prior to the installation of the system. Any septic system expansions will need to be completed prior to the certificate of occupancy being issued for the accessory apartment.
 - 2) Accessory apartment detached from the existing single-family dwelling are required to each have a separate and functioning septic system meeting all State and local regulations for septic systems. Clustered systems are prohibited as set forth in the Town of Gorham Waste Water Ordinance, Article IV – Private Wastewater Disposal Systems, Section 7 – Cluster Systems Prohibited.
5. ~~The parking requirements of the Gorham Land use and Development Code shall be adhered to.~~ For a lot served by private wells the owner(s) must show evidence that water is potable and acceptable for domestic use prior to issuance of a certificate of occupancy for the accessory apartment.
 6. Proper ingress and egress shall be provided to the accessory unit apartment.
 7. Should the owner(s) of the ~~principal structure or accessory apartment~~ lot be found in noncompliance of the standards contained in this section, the noncompliance shall be considered a violation of this code and subject to the fines and penalty section, and the accessory unit apartment(s) shall be discontinued, and the structure lot shall revert to single family use.
 8. An accessory apartment which complies with the requirements of this subsection shall not be considered an additional dwelling unit when calculating lot area per family dwelling unit under the space and bulk regulations of the Code. Accessory apartment is required to meet the setbacks in the zoning district they are located in and if applicable Shoreland zoning requirements.
 9. Only one two accessory apartments ~~per principal structure~~ shall be permitted on a lot.

10. Accessory apartments on a lot with the ability to connect to a public water main shall be connected into the public water main unless the Portland Water District determines that there is not capacity in the PWD water main to serve the lot. Accessory apartments being constructed on a lot with public water supply shall provide a PWD ability to serve letter prior to issuance of a building permit for the accessory apartment.

Moved by Councilor Siegel to amend the order to change the occupancy limit from two to three people. There was no second and the amendment failed.

Moved by Councilor Gagnon, seconded by Councilor Siegel and VOTED to amend the order to strike #2 – limit of occupancy from the order. 2 yeas, 5 nays (Shepard, Wilder Cross, Pratt, Phillips, Lavoie)
Amendment fails

Order #23-05 was VOTED 7 yeas

Item #2023-1-3 Action to consider a resignation from the Planning Board. (Admin. Spon)

Proposed
Order #23-06 Moved by Councilor Gagnon, seconded by Councilor Shepard and Ordered, that the Town Council accept the resignation of Seven Siegel from the Planning Board.

Order #23-06 was VOTED 7 yeas

Item #2023-1-4 Action to consider making an appointment to the Planning Board. (Appointments Com. Spon.)

Proposed
Order #23-07 Moved by Councilor Gagnon, seconded by Councilor Wilder Cross and Ordered, that the Town Council appoint David Walsh to the Planning Board with his term to expire April 1, 2025.

Order #23-07 was VOTED 7 yeas

Item #2023-1-5

Action to re-appoint a Registrar of Voters. (Admin. Spon.)

Proposed

Order #23-08

Moved by Councilor Gagnon, seconded by Councilor Phillips and Ordered, that the Town Council, pursuant to Title 21-A MRSA Section 101 (2) re-appoint Laurie Nordfors as the Registrar of Voters.

Order #23-08 was VOTED 7 yeas

Item #2023-1-6

Action to set a workshop for the month of March to review planning services available through GPCOG. (Councilor Wilder Cross Spon.)

Proposed

Order #23-09

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and Ordered, that the Town Council sets a workshop for March 21, 2023 for the purposes of discussing planning and study services available through the Greater Portland Council of Governments.

Moved by Councilor Wilder Cross, seconded by Councilor Siegel and VOTED to amend the order to change the date of the workshop to April 18, 2023. 7 yeas

Order #23-09 was VOTED as amended. 7 yeas

Item #2023-1-7

Action to consider authorizing the issue of a bond that was approved by the voters on November 8, 2022. (Admin. Spon.)

Proposed

Order #23-10

Moved by Councilor Gagnon, seconded by Councilor Siegel and ORDERED, WHEREAS, the Town desires to issue its general obligation bonds in an aggregate principal amount not to exceed \$10,523,215 and to appropriate the proceeds thereof to finance the Project described in this Order;

NOW, THEREFORE, be it voted, resolved, and ordered by the Town Council of the Town of Gorham, Maine,

Moved by Councilor Phillips, seconded by Councilor Lavoie and VOTED to waive the reading of Order #23-10 due to length. 7 yeas

Section 1: Appropriation. The sum of \$10,523,215 is hereby appropriated, from the proceeds of the Bonds and Notes herein authorized, to finance costs of up to: 1.) \$423,215 for LED lighting upgrades

at Gorham High School; 2.) \$4,300,000 for HVAC upgrades at Gorham High School; and 3.) \$5,800,000 for the final phase of the modular expansion at Narragansett Elementary School, and which Bonds and Notes may also finance costs of issuance of the Bonds and Notes and capitalized interest of up to three years on the Bonds and Notes (the "Project").

Section 2: Authorization of Bonds. For the purposes of financing the aforesaid appropriation, pursuant to the Town Charter and all other authority thereto enabling, there is hereby authorized and approved the issuance of the general obligation bonds (the "Bonds") of the Town in an aggregate principal amount not to exceed \$10,523,215. The Bonds shall be designated "Town of Gorham, Maine, 2023 General Obligation Bonds." The proceeds of the Bonds and any Notes in anticipation thereof shall be used to finance the costs of the Project.

Section 3: Authorization of Notes. The Treasurer is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation thereof (the "Notes"). Any notes issued in anticipation of the Bonds shall be designated "Town of Gorham 2023 General Obligation Bond Anticipation Notes."

Section 4: Interest Rates and Details. The Treasurer is authorized to determine the date(s), form(s), interest rate(s) (which interest rate may be a fixed rate or a variable rate or some combination of the two), maturities and all other details of each issue of the Bonds and the Notes, including the form and manner of their sale and award. The Bonds and any Notes shall mature at the times and shall be in the amounts, and be dated as of such date, bear interest at the rate or rates and be in such form and contain such terms and provisions (including but not limited to early redemption provisions, if any) as the Treasurer may hereafter determine or authorize.

Section 5: Redemption; Execution. The Treasurer is authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity, and each Bond or Note issued hereunder shall be signed by the Treasurer, shall be countersigned by the Chair of the Town Council, and shall be sealed with the seal of the Town, attested to by its Clerk.

Section 6: Financial Advisor; Underwriter. The Treasurer is authorized to select a municipal advisor and/or an underwriter for the Bonds and Notes, and the Treasurer of the Town is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 7: Official Statement. The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the bond counsel for the Town, and that the distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the Bonds and/or Notes be and hereby is approved.

Section 8: Transfer Agent. The Treasurer is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds and Notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.

Section 9: Registration. The Bonds and Notes shall be transferable only on registration books of the Town kept by the transfer agent, and said principal amount of the Bonds or Notes of the same maturity (but not of other maturity) in the denomination of \$5,000 or any multiple thereof (or such other minimum denomination as the Treasurer shall establish) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a Bond or Note the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new Bonds or Notes upon exchanges or transfer thereof to be paid by the person requesting the same.

Section 10: Book Entry. The Treasurer is authorized to undertake all acts necessary to provide, if deemed necessary or appropriate by the Treasurer in his discretion, for the issuance and transfer of such Bonds and Notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing Order above regarding physical transfer of Bonds and Notes, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or Notes for and participate in the Depository Trust Company Book-Entry Only System.

Section 11: Exchanges and Transfers. The Treasurer and Chair of the Town Council from time to time shall execute such Bonds or Notes as may be required to provide for exchanges or transfers of Bonds or Notes as heretofore authorized, all such Bonds or Notes to be executed as above described, and in case any officer of the Town whose signature appears on any Bond or Note shall cease to be such officer before the delivery of said Bond or Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

Section 12: Tax-Exempt Bond Covenants. The Treasurer is authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and that no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code.

To the extent permitted under the Code, the Treasurer is authorized to designate any of the Bonds or Notes authorized to be issued hereunder as qualified obligations for purposes of Section 265(b) of the Code.

The Treasurer is authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of the Bonds and Notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds and Notes will remain exempt from federal income taxation, and that the Town will refrain from any action that would cause interest on the Bonds or Notes to be subject to federal income taxation.

Section 13: Continuing Disclosure. The Treasurer is authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Notes or Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

Section 14: Town Officials. If any of the officers or officials of the Town who have signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the Town, such Bonds or Notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the Town, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

Section 15: Deputy Officials. If the Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the Bonds or Notes or any of the related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

Section 16: Other Actions. The Treasurer, Chair of the Town Council, Clerk and other appropriate officers of the Town are hereby authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the Town, including but not limited to any certificates, bond insurance agreements, notices of sale and other documents as may be necessary or appropriate in connection with the sale of the Bonds and Notes and any letter of credit agreement or liquidity facility agreement necessary to the issuance of any Bonds or Notes, to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the Project, the execution, sale, and delivery by the Town of the Bonds and Notes and the execution and delivery of any related financing documents.

Section 17: Costs; Reallocation. The term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys,

engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three (3) years from the issue date of the Bonds or Notes, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing. In the event that any proceeds of the Bonds or Notes remain unspent upon completion of a Project, or if the Town abandons a Project, the Town reserves the right to reallocate unspent proceeds to the costs of other qualified projects approved, or to be approved, by the Town Council, or to apply unspent proceeds to the payment of debt service on the Bonds or the Notes.

Section 18: Tax Levy. In each of the years during which any of the Bonds or Notes issued hereunder are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said Bonds or Notes, payable in such year, and the principal of such Bonds or Notes maturing in such year (except in the case of Notes to be refunded in that year by the issuance of Bonds).

Section 19: Consolidation. Any or all of the Bonds or Notes issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent Order of the Town Council of the Town of Gorham.

Section 20: Investment Earnings; Premium. The investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds (including any premium on the sale) of the Bonds and Notes, if any, be and hereby are appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any costs of the Project in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

Section 21: Reimbursement. It is the intent of the Town Council that this Bond Order shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Project in an amount up to the total principal amount of the Bonds to be issued, which costs the Town reasonably expects to reimburse with proceeds of the Bonds or Notes.

This Order shall be effective immediately upon adoption. Adopted this 3rd day of January, 2023 by the Town Council of the Town of Gorham.

Order #23-10 was VOTED 7 yeas

Item #2023-1-8 Action to consider authorizing an abatement of taxes for the 2020-21 and 2021-22 tax years. (Admin. Spon.)

**Proposed
Order #23-11** Moved by Councilor Gagnon, seconded by Councilor Phillips and Ordered, that the Town Council issues abatements to Angelo Sotiropoulos in the amount of \$997.50 for the 2021 tax year and \$1,018.50 for the 2022 tax year on property incorrectly assessed.

Order #23-11 was VOTED 7 yeas

Item #2023-1-9 Action to consider amending the LUDC to allow for reduced setbacks in the Gorham Village Districts. (Councilor Siegel Spon.)

**Proposed
Order #23-12** Moved by Councilor Siegel and Ordered, that the Town Council instructs the Ordinance Committee to review reducing setbacks in the Gorham Village zoning districts and to report back to the Town Council with recommendations.

There was no second. Order #23-12 fails.

Item #2023-1-10 Action to consider establishing a housing authority. (Councilor Siegel Spon.)

**Proposed
Order #23-13** Moved by Councilor Siegel, seconded by Councilor Gagnon and Ordered, that the Town Council instructs staff to report back to the Town Council on the feasibility of establishing a housing authority and the procedure for doing so.

Order #23-13 was VOTED 7 yeas

Item #2023-1-11 Action to consider changing the names of the urban residential expansion districts. (Councilor Siegel Spon.)

**Proposed
Order #23-14** Moved by Councilor Siegel and Ordered, that the Town Council forwards to the Ordinance Committee, for review and recommendation, amending the Land Use and Development Code to change the name of the urban residential expansion districts to the urban growth boundary districts.

There was no second. Order #23-14 fails.

Item #2023-1-12 Action to consider accepting a recreation access easement. (Admin. Spon.)

Proposed

Order #23-15 Moved by Councilor Phillips, seconded by Councilor Lavoie and Ordered, that the Town Council accepts an easement from Robie Holdings, LLC off of Natalee Drive for future public trail access.

Order #23-15 was VOTED 7 yeas

Item #2022-12-3 Action to consider accepting the recommendation of the Ordinance Committee to utilize a vendor to adjust ordinance language to be gender neutral. (Ordinance Committee Spon.)

Proposed

Order #23-16 Moved by Councilor Shepard, seconded by Councilor Siegel and Ordered, that the Town Council authorizes staff to utilize General Code for modifications to the ordinances of the Town of Gorham to make them gender neutral.

Order #23-16 was VOTED 7 yeas

Item #2022-10-11 Action to consider amending dog kennel standards in the Land Use & Development Code. (Ordinance Committee Spon.)

Proposed

Order #23-17 Moved by Councilor Wilder Cross, seconded by Councilor Lavoie and Ordered, that the Town Council forwards to the Planning Board, for hearing and recommendation, amendments to the dog kennel standards in the LUDC as follows:

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #23-17 due to length. 7 yeas

SECTION 2-14 – DOG KENNEL STANDARDS

The purpose of this section is to provide standards to ensure that Dog Kennels are safe and maintained in a clean and sanitary manner and do not create a nuisance to surrounding properties. The Dog Kennel owner shall submit a fully dimensioned and detailed plan illustrating all structures and areas that will be used in the operation of the Dog Kennel showing compliance with the Town's Land Use and Development Code. The Code Enforcement Office may conduct an inspection as needed to verify that the Dog Kennel is operating as approved and in conformance with this Land Use and Development Code. A Dog Kennel shall meet the following standards:

1. Shall be located on lots not less than three (3) acres in area.

2. Shall not have more than ten (10) dogs at any given time.
3. Dogs shall be housed within a permanent structure/outbuilding between the hours of 7:00 p.m. and 7:00 a.m.
4. Any structure used for housing the dogs and/or containment area shall be:
 - a. Designed, constructed and located on the lot in a manner that will minimize the negative impact upon abutting properties.
 - ~~b. Set back a minimum of one hundred (100) feet from all property lines. The Town's Planning Board or Administrative Review Committee may grant a waiver from this setback requirement provided the structure or containment area is adjacent to a dedicated open space or conservation area which may be used towards meeting the minimum one hundred (100) foot setback requirement based upon a finding that a negative impact to abutting properties will not be created.~~
 - c. Structurally sound and maintained in good repair at all times.
 - d. Well ventilated so as to provide constant fresh air.
 - e. Maintained at a comfortable temperature.
 - f. Maintained in a clean and sanitary condition at all times. Any animal excrement shall be removed at least twice daily from the dog pens and runs. Each pen shall be washed down with water and disinfectant cleaner as often as necessary to maintain a safe and sanitary condition for the dogs, but in no event less than once each day.
5. Any structure used for housing the dogs shall have its floor constructed of cement, asphalt or a similar material.
6. Outside containment areas shall be enclosed with fencing with a height of no less than eight (8) feet.
7. All dog pens shall provide sufficient room for the dogs housed therein to turn about freely, to stand erect, and to lie down in a natural position.
8. Any storage container used for holding waste that includes animal excrement shall be kept tightly covered at all times and emptied at least once every two (2) days. Such container shall be located in accordance with the setback requirements for structures as stated in this section.
9. All dogs shall have access to shelter to protect them from the weather.
10. The dogs shall be provided with sufficient fresh water and wholesome food so as to maintain their health. Food and water containers shall be kept clean and sanitized.

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

Time of adjournment: 9:12 pm

A True Record of Meeting
1-3-2023


ATTEST

Laurie Nordfors, Town Clerk
1-4-2023

