

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
April 4, 2023

Chairman Pratt opened the meeting. There were 15 members of the public in attendance.

Roll Call: Chairman Pratt, Councilors Shepard, Wilder Cross, Phillips, Lavoie, Gagnon and Siegel. Also in attendance were Town Manager Ephrem Paraschak and Town Clerk Laurie Nordfors.

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to accept the Minutes of the March 7, 2023 Regular Town Council Meeting and the March 21, 2023 Special Town Council Meeting. **7 yeas**

School Committee Report

School Committee Vice Chairman Sara Perkins reported the following:

The School Committee will be having its fourth budget workshop meeting later this evening in conference room A at 7:00 p.m. The meeting will be recorded and posted on our website. We have one more budget workshop meeting planned for next Tuesday the 11th. We will then vote on the budget at our regular meeting on April 12th. We will then get the budget book together and to the Town Council by April 19. We will hold our planned joint budget workshop meeting April 25th at 6:30 p.m.

Last week the School Committee got just a little bit of "good news" in what is shaping up to be a very challenging budget development process for FY 24. On Tuesday we were notified that the max health insurance premium increase for the State will be 6%. We had budgeted 10% to start with so we were able to reduce our budget request by \$240,000.00 without any corresponding negative impacts to staff or students. Additionally on Tuesday evening, we were notified that the Maine Department of Education had made a mistake in the distribution calculations for State subsidy. The correction that was made added \$40 million into the distribution of funds to schools across the State and allowed the State to reduce the min. required mil from 7.29 to 6.97. The result for Gorham was an increase of just under \$700,000.00 in State subsidy for FY 24. We have already factored these changes into our calculations and will be sharing them with the School Committee as a whole and the public at tonight's budget workshop meeting.

The Gorham Schools joins others from across the country in celebrating the Week of the Young Child this week! Each night of the week, we've shared a focus for what families can do together to celebrate Pre-K through grade 3 children. Last night was Music Monday, Tonight is Tasty Tuesday with a focus on cooking with children, Wednesday is Work Together Wednesday with a focus on problem solving and learning together, Thursday will be Artsy Thursday and Friday will be Family Friday where families can just take time to celebrate themselves as family is the bedrock of our community!

Tomorrow will be 6th grade "Try It" Day at Gorham Middle School. We have over 11 local businesses coming to GMS tomorrow to provide hands on learning fun to our 6th graders who are encouraged to explore potential careers by "trying it" with our incredible business partners! This is an event Students look forward to!

Aspire Gorham will be sponsoring its "English X" event at GHS on April 13 and 14. We've already hosted a Math X and a Science X event and there is a Social Studies X event planned for later in May. Aspire Gorham's Career X events are designed to expose students to people who use the skills and knowledge gained in a particular content area in their career and community life. For this event we have over 15 volunteers from local businesses sharing their careers with our students across all our English classes, working with over 800 students across the HS! Thank you to our volunteers.

Spring athletics have started up with practices starting last week. Games will be starting before we know it! Check out schedules and game times on our website!

Our multi-lingual (ML) populations are increasing in the Gorham Schools. Our total population of students who require ML services has increased 26% from 72 last year to 91 students this year across grades K-12. What is even more important to know however is that the overall population of ML learners at levels 1-3, with the highest support needs, has increased 45.6% from 46 students to 67 students across K-12 with the two schools seeing the largest increases at Narragansett and GMS.

The next School Committee regular meeting will be held Wednesday, April 12th, 2023, in the Burleigh Loveitt Council Chambers at 7pm.

Councilor Communications

Councilor Siegel wished everyone who celebrates a Happy Passover holiday.

Councilor Wilder Cross reported that the Ordinance Committee met on March 20th and continued discussions regarding long-term plan for pedestrian improvements as well as standards for curb cuts on

designated roads so that they both line up with the Town's Comprehensive Plan. The Committee will bring their recommendations to the Council as soon as decisions are finalized. They also discussed the revision of parking ordinances to better support business growth. The next Ordinance Committee meeting will be on April 18th. Councilor Wilder Cross attended the MMEA District 1 6th Grade North Honors Festival Concert where GMS was well represented with more than a dozen students in chorus and band. She thanked the chorus and band teachers who inspire all of the students to achieve this honor. She also congratulated the Robotics Team 172 The Northern Force for qualifying for the New England District Championship event this coming week. They competed at the North Shore and UNH District events, were selected to play in the Double Elimination tournament, and won the Excellence in Engineering and Industrial Design awards. Also, team member Ezekiel Lockman was the one student from Maine selected as a District Championship Dean's List Semi-Finalist. Councilor Wilder Cross visited the Gorham Middle School and Great Falls Elementary School where she sat in on a few classes and had a chance to talk with teachers, principals, guidance counselors and she reported that it was a wonderful experience to see firsthand the incredible challenges that educators face every day. She also reminded residents that Metro fares are half price through the end of September and on Earth Day, the Breeze rides, which can take you to Freeport from Portland, will be free.

Councilor Phillips reported that the Capital Improvements/Economic Development Committee met on March 16th and discussed a few items that were referred to them from the Council. Their next meeting will be April 20th. She announced that Gorham Cleans-up will be held on April 23 at 8am. You can obtain more information from the Gorham Village Alliance or the Gorham Economic Development Commission. She also reminded citizens that the Farmer's Market at Cherry Hill Farm will start on May 3rd. It will be open every Wednesday from 2:00-6:00pm.

Councilor Lavoie reported that the Finance Committee met on March 10th and discussed some items that will be on tonight's agenda. Earlier in the month, Councilor Lavoie toured Gorham High School and reported that it was quite an eye opening experience. He attended a lunch period and interacted with students, teachers, administrators and support staff and pointed out that teachers are definitely the core of our school system they should be supported in every possible way. Councilor Lavoie also toured Narragansett Elementary school where he reported that Principal Eppler runs a tight ship and commends her for doing a wonderful job.

Councilor Gagnon reminded people to pick up their pets waste in open spaces around town. He has had numerous complaints from residents walking on trails and school facilities about pet waste and pet waste bags being left behind.

Chairman Pratt revealed that the Town Council Budget workshop will be Saturday, April 8th from 9:00am-2:00pm and will be televised. He also encouraged all to donate blood if possible.

Chris Kelley gave an update on the Gorham Economic Development Commission

Town Manager Report

Town Manager Paraschak announced that there will be two brush drop offs at Public Works this spring. One on May 6th and one on May 20th. He reminded residents that burning permits are needed for open burning in town and you may obtain one online or at the Fire Department. He also noted that road postings are now lifted throughout town.

Director of Community Development Tom Poirier gave an update on the Community Development Department.

Public hearing #1

On Item #2023-4-1

Public hearing to hear comment on a proposal to issue a renewal Adult Use Marijuana License to Doug Knickrehm, Joint Efforts, 36 Bartlett Road, Unit 2. Property owned by Hincks Realty. (Admin. Spon.)

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

Proposed

Order #23-53

Moved by Councilor Lavoie, seconded by Councilor Phillips and Ordered, that the Town Council issue a renewal Adult Use Marijuana License to Doug Knickrehm, Joint Efforts, 36 Bartlett Road, Unit 2. Property owned by Hinks Realty.

Order #23-53 was VOTED 7 yeas

Public hearing #2

On Item #2023-4-2

Public hearing to hear comment on a proposal to issue a renewal Liquor License to Angelo's Pizzeria and Restaurant, 474 Main Street. (Admin. Spon.)

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

**Proposed
Order #23-54**

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council issue a renewal Liquor License to Angelo's Pizzeria and Restaurant, 474 Main Street.

Order #23-54 was VOTED 7 yeas

**Public hearing #3
On Item #2020-11-09**

Public hearing to hear comment on a proposed amendment to the Zoning Map-Phase 4, Village Expansion, in the area between the Gorham By-Pass and South Street. (Admin. Spon.)

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

**Proposed
Order #23-55**

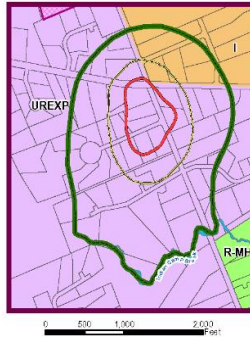
Moved by Councilor Wilder Cross, seconded by Councilor Siegel and Ordered, that the Town Council amend the Zoning Map-Phase 4, Village Expansion, in the area between the Gorham By-Pass and South Street as follows:

ZONING MAP

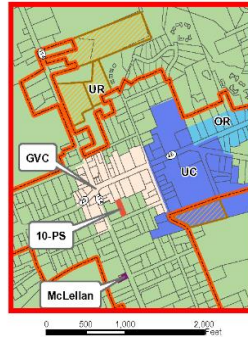
OF THE TOWN OF
GORHAM
CUMBERLAND COUNTY, MAINE
January, 2023



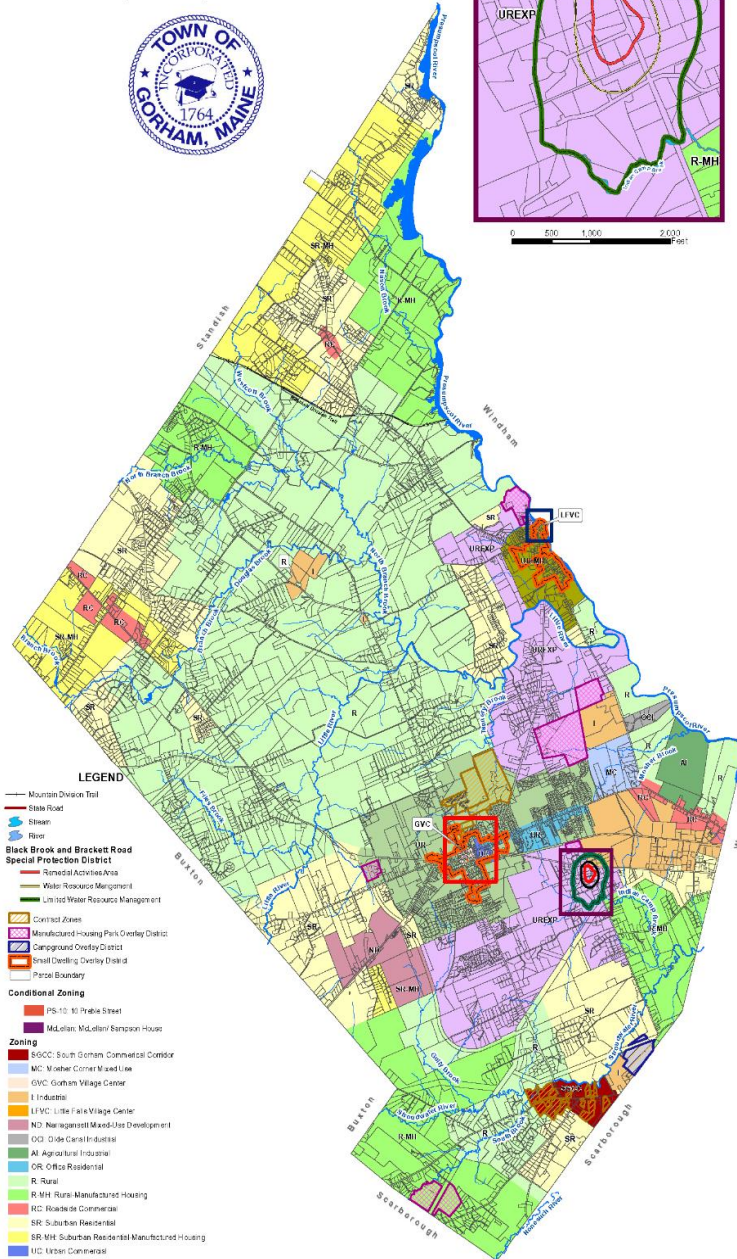
Black Brook and Brackett Road
Special Protection District



Gorham Village Center



Little Falls Village Center



LEGEND

- Mountain Division Trail
- State Road
- Stream
- River
- Black Brook and Brackett Road Special Protection District
 - Remedial Activities Area
 - Water Resource Management
 - Unlimited Water Resource Management
- Contract Zones
- Manufactured-Housing Park Overlay District
- Campground Overlay District
- Small Overlay District
- Parcel Boundary

Conditional Zoning

- PS-10: 10 Private Street
- ML: McLehans McLehans House

Zoning

- SOCC: South Gorham Commercial Corridor
- MC: McLehans Corner Mixed-Use
- GVC: Gorham Village Center
- I: Industrial
- LFVC: Little Falls Village Center
- NCD: Nearest Still Mixed-Use Development
- OC: Office Commercial
- AI: Agricultural Industrial
- OR: Office Residential
- R: Rural
- R-MH: Rural Manufactured Housing
- RC: Roadside Commercial
- SR: Suburban Residential
- SR-MH: Suburban Residential Manufactured Housing
- UC: Urban Commercial
- UR: Urban Residential
- UR-MH: Urban Residential Manufactured Housing
- UREXP: Urban Residential Expansion

I hereby certify that this is the Zoning Map of the Town of Gorham, as amended, and that it is the Official Zoning Map of the Town of Gorham, Maine. It includes all prior revisions and is current as of the date and was voted on by the Town Council.

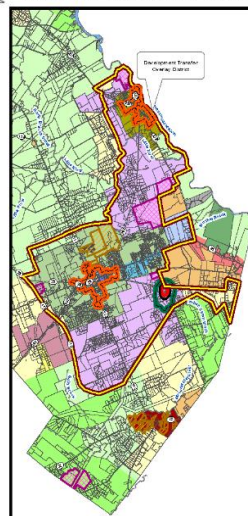
Lauren Northington, Town Clerk
Lauren Northington, Town Clerk

When a boundary exists with respect to the dotted boundaries as shown upon this Zoning Map of the Town of Gorham, or amendments thereto, the following shall apply:

- 1) Unless otherwise indicated, dotted boundary lines are the center lines, plotted at the line of adoption of the Code, of streets, rivers, highways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- 2) Other dotted boundary lines, if any, are not listed in the zoning map and shall be considered as lines separating a street and a distance from the center line of such street as indicated by the official Zoning Maps on file in the Town of Gorham.
- 3) Other dotted boundary lines, if any, are not listed in the zoning map and shall be considered as lines separating a street and a distance from the center line of such street as indicated by the official Zoning Maps on file in the Town of Gorham.

Revised by the Town of Gorham, January 2023 and effective January 1, 2023.

Development Transfer Overlay District



1 inch = 6,000 feet

0 1,500 3,000 6,000 9,000 12,000 Feet

Order #23-55 was VOTED 6 yeas, 1 nay (Gagnon)

**Public hearing #4
On Item #2023-4-3**

Public hearing to hear comment on a proposed amendment to the Land Use and Development Code, Chapter 2, Section 2-14 regarding dog kennel standards setbacks.(Admin. Spon.)

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

**Proposed
Order #23-56**

Moved by Councilor Phillips, seconded by Councilor Siegel and Ordered, that the Town Council amend the Land Use and Development Code, Chapter 2, Section 2-14 regarding dog kennel standards setbacks as follows:

Amendment language is shown in bold and ~~struck through~~.

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.

d. Age-Restricted Development: A development that complies with regulations promulgated by the U.S. Department of Housing and Urban Development, 24 C.F.R. Subpart E (Housing for

Older Persons), containing standards for housing for persons who are 55 years of age or older. In order to be deemed an age-restricted development under this Ordinance, at least eighty percent (80%) of the occupied units in the development must be occupied by at least one person 55 years of age or older, in accordance with the Fair Housing Act, 42 U.S.C. § 3607(b)(2) and related regulations.

Section 6. Exemptions

j. Up to twenty-five (25) dwelling units in a development that meets the definition of an age-restricted development; provided that if any of these 25 exempted units is converted to remove the age restriction, the developer would be required to obtain a growth permit for the converted unit(s).

This Amendment shall be applicable as of January 1, 2023.

Order #23-56 was VOTED 6 yeas, 1 nay (Wilder Cross)

Public hearing #5

On Item #2022-02-07

Public hearing to hear comment on a proposed amendment to the Land Use and Development Code, regarding Recreation Impact Fees and the expansion of eligible projects. (Admin. Spon.)

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

Proposed

Order #23-57

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council amend the Land Use and Development Code, regarding Recreation Impact Fees and the expansion of eligible projects as follows:

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and VOTED to waive the reading of Order #23-57 due to length. 7 yeas

SECTION 7-3 RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE #2

A. DESCRIPTION OF THE IMPROVEMENTS

The Town is planning to expand the recreational facilities in the community to serve the needs of a growing population. The Town will use the revenue generated from the recreational facilities portion of this impact fee to undertake the following improvements to expand the supply of community-wide outdoor recreation facilities:

- 1) Continue to develop the so-called Chick Property as a multi-purpose community recreational complex substantially in accordance with the June 2001 Feasibility Study ~~conducted by DeLuca-Hoffman Associates~~ and the Chick Property Master Plan approved by the Town Council ~~on June 6, 2000~~.
- 2) ~~Undertake Phase 2 of the Design and complete~~ recreational facilities development at the ~~new~~ Gorham Middle School ~~as outlined in the conceptual site plan for that facility~~.
- 3) Prepare a master plan for the reuse and development of the Weeks Road property and a Master Plan for the so-called Gorham Savings Bank property and then begin to develop recreational facilities in accordance with the approved Master Plans.
- 4) ~~Prepare a~~ Continue to plan and design for the Little Falls Recreation area to increase the number of playing fields and other recreational facilities and to begin developing those ~~fields~~ recreation facilities.
- 5) Prepare a plan for a multi-use trail network throughout the Town and begin development of those trails including acquisition of land or easements for trails.
- 7) Undertake a new recreational master plan for the Town of Gorham and to begin developing recreational facilities improvements outlined in the master plan.
- 8) Continue to plan, design, and build recreational facilities at Shaw and Robie Parks.
- 9) The open space portion of the impact fee will be used to acquire land, conservation easements and or/development rights, prepare a master plan which identifies properties for future conservation, and improve conservation land to protect significant natural resources, conserve scenic values, preserve the community's agricultural heritage, conserve the remaining supply of viable farmland, and provide areas for low-intensity recreational activities such as walking, bird-watching, ~~crossecountry~~cross-country skiing, snow shoeing, biking, hunting, trapping, and similar activities that are consistent with the primary use of the property as open space or farmland.

B. NEED FOR THE IMPROVEMENT

The need for community recreation facilities, parks, and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, facilities, playgrounds, natural areas, and open space. The Town's adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population. ~~Similarly, the 1999 Long Range Facility Plan prepared by PDT Architects identifies the need for expanded recreational facilities to serve a growing population (see Impact Fee Methodology dated June 16, 2003).~~

The Town has 0.~~0127~~01069 acres of park and recreation land per capita as of ~~May 2003~~June 2022. The recreational facilities portion of the fee is designed to allow the Town to maintain the current ratio of land and park and recreational facilities as the population grows and creates the need for the expanded facilities.

Gorham has a total of ~~622,911~~ acres of community open space or a ratio of ~~0.0438-0497~~ acres of community open space per capita as of ~~May 2003~~June 2022. The open space portion of the fee is designed to allow the Town to maintain this ratio as the Town's population grows.

C. ACTIVITIES SUBJECT TO THE FEE

Any residential development activity that creates new dwelling units shall pay this impact fee based upon the expected population of the project considering typical occupancy rates. The following occupancy factors shall be used as a base for calculating the fee:

Single family dwellings and mobile homes 3.2 people/unit

Dwelling unit in a two-family or multi-family dwelling with:

a. one bedroom 1.2 people/unit

b. two bedrooms	2.0 people/unit
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c. three or more bedrooms	3.0 people/unit
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Dwelling unit in elderly or congregate	1.2 people/unit housing
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This fee shall apply to the construction of any new dwelling unit whether or not such unit is part of a subdivision. It shall apply to conversion or alteration of an existing building that creates or increases the number of dwelling units in the building. In the case of a development activity that increases the number of dwelling units in a building, the impact fee shall apply only to the new dwelling units.

D. CALCULATION OF THE FEE

The recreational facilities and open space impact fee is the sum of the per capita cost of providing additional recreational facilities and the per capita cost of providing additional open space multiplied by the anticipated number of residents in the dwelling unit. The adjusted per capita recreational facilities fee is \$457-801 (see Impact Fee Methodology dated June 16, 2003 July 13, 2022). The adjusted per capita open space facilities fee is \$79179. Combining the two portions of the fee results in an impact fee of \$536-980 per capita.

1) The impact fee per dwelling unit for the following types of residential units shall be:

A single family dwelling including a manufactured or modular housing unit placed on a single-family lot, a mobile home or manufactured housing unit in a mobile home park, or a detached condominium unit

A dwelling unit in a two-family or multi-family dwelling including attached condominium units with:

a. one bedroom \$ ~~643~~1,176

b. two bedrooms	\$ 1,072 1,960
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c. three or more bedrooms	\$1,6082,940
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A dwelling unit in elderly or congregate ~~\$6431,176~~ housing

- 2) For any other type of residential use or where the application of the fee schedule is unclear, the Planning Board shall determine the applicable fee based upon the number of occupants that would be typically expected to live in the dwelling unit and the impact fee of ~~\$536-980~~ per capita.
- 3) In the situation where the number of dwelling units in an existing building is being increased, the impact fee due shall be the difference between the impact fee that would be due based upon the proposed utilization of the building minus the fee that would have been charged based upon the utilization of the building prior to the change.
- 4) The recreational impact fee is due at the time of payment for the building permit where the dwelling units are located.

E. EFFECTIVE DATES

Notwithstanding the provisions of 1 M.R.S.A. §302 or any other law, this ordinance, when enacted, shall govern any plan or application for approval or permits under the Land Use and Development Code submitted on or after ~~November 11, 2003~~ April 4, 2023, and any such plan or application submitted before that date, but which had not received at least one substantive review, within the meaning of §302, on or before that date, by the Town board or official having authority to grant any such permit or approved.

Order #23-57 was VOTED 7 yeas.

Public hearing #6

On Item #2023-2-14 Public hearing to hear comment on a proposed amendment to the Land Use and Development Code, Chapter 1, Section 1-24, regarding the addition of agricultural uses into the Urban Residential (Village) Expansion Zoning District. (Admin. Spon.)

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

Proposed

Order #23-58 Ordered, that the Town Council amend the Land Use and Development Code, Chapter 1, Section 1-24, regarding the addition of agricultural uses into the Urban Residential (Village) Expansion Zoning District as follows:

PROPOSED AMENDMENT LANGUAGE TO ORDINANCE:

The amendment language is shown in black, underlined, and ~~struck through~~.

Chapter 1: Zoning Regulations

Section 1-24 – Urban Residential Expansion District

B. Permitted Uses

- 12) Any agricultural building or use except sawmill. Keeping of animals other than household pets shall conform to the requirements of Chapter 2, Section 2-12: Keeping of Urban Farm Animals.

Chapter 2: General Standards of Performance

Section 2-12 – Keeping of Urban Farm Animals

The purpose of this section is to provide for the keeping of domestic farm animals and livestock in the Suburban Residential, and Urban Residential, and Urban Residential Expansion Districts. This use may be allowed as a permitted use in the Urban Residential (UR), Urban Residential Expansion (UR EXP), and Suburban Residential (SR Districts, provided that the following standards are met:

Order #23-58 was VOTED 6 yeas, 1 nay (Gagnon)

Item #2023-4-4

Action to reconsider Item # 2023-3-7 from the March 7, 2023 Regular Town Council Meeting. (Councilor Wilder Cross Spon.)

Proposed

Order #23-59

Moved by Councilor Wilder Cross, seconded by Councilor Lavoie and Ordered, that the Town Council votes to reconsider Item # 2023-3-7 from the March 7, 2023 Regular Town Council Meeting:

Action to consider forwarding a potential Contract Zone to the Town Council Ordinance Committee for review. (Councilor Shepard Spon.).

Order #23-59 was VOTED 6 yeas, 1 nay (Phillips)

Item #2023-3-7

Action to consider forwarding a potential Contract Zone to the Town Council Ordinance Committee for review (Councilor Shepard Spon.)

Proposed

Order #23-47

Moved by Councilor Lavoie, seconded by Councilor Shepard and Ordered, that the Town Council forwards to the Town Council Ordinance Committee, for review and recommendation, a proposed Contract Zone for Single and Multi-Family Housing off of Robie Street.

Order #23-47 was VOTED 4 yeas, 3 nays (Phillips, Gagnon, Pratt)

Item #2023-4-5 Action to consider writing off uncollectible personal property debt.
(Finance Committee Spon.)

Proposed

Order #23-60 Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council authorizes staff to clear uncollectible personal property debt from travel campers as per the attachment from staff dated March 30, 2023.

Order #23-60 was VOTED 7 yeas

Item #2023-3-2 Action on a proposed amendment to the Land Use and Development Code to amend standards in the Agricultural Industrial District and Zoning Map from Rural District to Agricultural Industrial District.
(Admin. Spon.)

Proposed

Order #23-61 Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council amend the Land Use and Development Code to amend standards in the Agricultural Industrial District and Zoning Map from Rural District to Agricultural Industrial District as follows:

Proposed Amendment:

SECTION 1-22- AGRICULTURAL/INDUSTRIAL DISTRICT

A. PURPOSE

To provide areas within the Town of Gorham for agricultural uses to occur in close proximity to manufacturing, processing, treatment, research, warehousing and distribution and to which end all the performance standards set forth in this Code shall apply.

B. PERMITTED USES

- 1) Manufacturing, processing and treatment.
- 2) Warehousing
- 3) Road and rail distribution facilities.
- 4) Research facilities.
- 5) Wholesale businesses and wholesale business establishments, but excluding junk yards.

- 6) Accessory uses and buildings, including retail and service uses accessory to another permitted use and also including a caretaker unit for residential use provided that there shall be no more than one residential unit on a property and such unit shall be resided in by an owner of the property, an employee of the industrial operation, or a person who serves as a security person. Agricultural buildings and uses are allowed to have up to three accessory residential units located on any of the farm parcel(s) in addition to the farmhouse. In the event that the principal industrial or agricultural use or other permitted use terminates, then the accessory use except for a residential use shall also terminate. The three accessory residential units are allowed to remain.
- 7) Municipal and governmental uses.
- 8) Public utility facilities including substations, pumping stations and sewage treatment plants.
- 9) Agricultural buildings and uses.
- 10) Facilities for the processing of agriculture products.
- 11) Agriculturally related business uses, including machinery sales and service, seed and fertilizer sales, and similar uses.
- 12) Food Processing, less than 12,000 sq. feet.
- 13) Retail Stores less than 12,000 sq. feet.
- 14) Park and Playground
- 15) Mobile Vending Units
- 16) Office of Contractor or Tradesman

C. SPECIAL EXCEPTIONS

- 1) (Reserved)

D. SPACE STANDARDS

Minimum area of lot	40,000 sq. ft.
Minimum street frontage	100 <u>feet</u>
Minimum front yards	30 feet except where the front yard abuts a residential use or district, in which case a minimum of 50 feet shall be provided.
Minimum side and rear yards	20 feet* except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential use or district in which case a minimum of 30 feet or 50%

of the building or outdoor stored material height, whichever is greater, shall be required.

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.

E. PERFORMANCE STANDARDS

The general performance standards contained in Chapter 2 of this Code shall be fully observed.

1. All land shall have a “perimeter setback” of one hundred feet (100’) along Main Street and/ or seventy-five feet (75’) along Mosher Road. The Planning Board may reduce the perimeter setback by up to 50% if it finds that doing so would result in a better plan of development for the project site.
 - a. No portion of the “perimeter setback” shall be used for storage of equipment or inventory, service and loading, parking or any buildings or structures. All access roads and utilities may cross the “perimeter setback” to provide access to and from a street but shall be designed to minimize the disruption of the “perimeter setback.” No direct access to parking stalls shall be provided from an access road located within the “perimeter setback.”
 - b. A landscaped buffer area, as provided in Subparagraph 1) c) below, shall be designed and maintained within the “perimeter setback.”
 - c. A detailed landscaping plan, prepared by a landscape architect, shall be prepared for the landscaped buffer area and submitted as part of Site Plan Review for all lots with a perimeter setback." The landscaped buffer area shall be designed to provide effective visual and auditory buffering from abutting residential properties, create an attractive appearance for the proposed new development and maintain

an attractive gateway to Gorham consistent with the goals and objectives of the Town of Gorham Comprehensive Plan. Existing natural features and vegetation may be incorporated into the plan for the buffer area if they are found to create an effective visual and auditory buffer by the Planning Board. All such buffer areas shall be maintained for the life of the project.

2. Fencing, screening, landscaped berms, natural features or combination thereof, shall be utilized to shield from the view of abutting residential properties and public ways all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas.
3. Building and Other Structure Requirements: Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development.
 - a. Customer Entrances: The customer entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projection, raised corniced parapets over the door, arcades, arches, wing walls. Integral planter boxes are highly encouraged.
 - b. 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.
 - c. Building and Other Structure Materials:

- 1) The predominant exterior building materials shall be of high quality materials, including, but not limited to, brick, sandstone, wood, native stone and tinted/textured concrete masonry units and/or glass products. Simulated material may be substituted for any of the aforementioned building materials.
 - 2) At least three different building materials shall be used for the primary façade of a building facing the primary street the building fronts. The Planning Board may waive the building material to 2 different materials if it finds the building design has enough architectural detail to sufficiently break-up the massing of the building. Buildings on corner lots shall be considered to have 2 primary facades. Any side of the building facing Main Street shall also be considered a primary façade. Glass for use in windows and doors shall not be considered one of the required building materials.
 - 3) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T 1-11. Prefabricated steel panels are excluded unless they contain architectural details with intricate designs. Metal roof may be allowed if compatible with the overall architectural design of the building.
- d. 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.
- e. Mechanical Equipment, Outdoor Storage, and Service Areas. The location of loading docks, outdoor storage yards and all other service areas shall be located to the sides or rear of a building, except when a site abuts either Main Street/ State Route 25 or Mosher Road/ State Route 237, in which case the

said areas shall be located to the sides of the building that do not face Main Street/State Route 25 or Mosher Road/ State Route 237.

- 1) All outdoor storage yards, loading docks, service areas and mechanical equipment or vents larger than eight inches in diameter shall be concealed by screens at least as high as the equipment they hide, 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.
- 2) Equipment that would remain visible despite the screening, due to differences in topography (i.e., a site that is at a lower grade than surrounding roadways) shall be completely enclosed except for vents needed for air flow, in which event such vents shall occupy no more than 25% of the enclosure façade.

The architectural design of the buildings shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards

Order #23-61 was VOTED 7 yeas

Item #2023-4-6

Action to consider authorizing staff to zero out remaining balances in committed fund balances. (Capital Improvements Committee Spon.)

Proposed

Order #23-62

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council authorizes staff to zero out from various committed capital project fund balances as detailed in the attachment from staff dated March 30, 2023.

Order #23-62 was VOTED 7 yeas

Item #2023-4-7

Action to consider authorizing funds for the purpose of hiring a landscape architect for the Robie Park Master Plan. (Councilor Gagnon Spon.)

Proposed

Order #23-63

Moved by Councilor Gagnon, seconded by Councilor Shepard and Ordered, that the Town Council authorize the Robie Park Committee to spend up to \$28,500 for the selection of a Landscape Architect.

Be it further ordered the funds be used from the unanticipated expense account.

Order #23-63 was VOTED 7 yeas

Item #2023-4-8

Action to consider authorizing the use of Recreation Impact Fee Funds for the construction of a field house and storage facility at the Little Falls Recreation Area. (Councilor Wilder Cross Spon.)

Proposed

Order #23-64

Moved by Councilor Wilder Cross, second by Councilor Gagnon and Ordered, that the Town Council authorizes the release of \$265,000 from the Recreation Impact Fee Account for the purpose of constructing Phase II of the Recreation Field House and Storage Facility at the Little Falls Recreation Area.

**Moved by Councilor Gagnon, seconded by Councilor Pratt and VOTED to amend the Order to add:
Be it further ordered to have Public Works improve the parking area and drainage.**

Amendment VOTED 3 yeas, 4 nays (Lavoie, Shepard, Siegel, Wilder Cross)

Amendment Fails

Order #23-64 was VOTED 6 yeas, 1 nay (Phillips)

Item #2023-4-9

Action to consider instructing the Ordinance Committee to provide recommendations in the Land Use and Development Code to require that new residential development be revenue positive. (Councilor Siegel Spon.)

**Proposed
Order #23-65**

Ordered, that the Town Council instructs the Ordinance Committee to propose recommendations to the Land Use and Development Code that would require all new residential development to be revenue positive for the Town of Gorham.

Proposed Order #23-65 received no Motion and Item fails

Item #2023-4-10

Action to consider approving funding for the Business Facade Grant Program. (Admin. Spon.)

**Proposed
Order #23-66**

Moved by Councilor Shepard, seconded by Councilor Lavoie and Ordered, that the Town Council authorizes the release of \$25,000 from previously designated ARPA funding for business facade grant applications as recommended by the Gorham Economic Development Corporation.

Order #23-66 was VOTED 6 yeas, 1 nay (Gagnon)

Item #2023-4-11

Action to enter into an executive session for personnel matters and to discuss confidential economic development matters.
(Councilor Pratt Spon.)

**Proposed
Order #23-67**

Moved by Councilor Shepard, seconded by Councilor Phillips and Ordered, that the Town Council enters into an executive session pursuant to 1 MRSA § 405(6)(A) Personnel Matter and 1 MRSA § 405(6) (C) for discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.

Order #23-67 was VOTED 7 yeas

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to come out of Executive Session. 7 yeas

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

Time of adjournment: 8:32 pm

A True Record of Meeting
4-4-2023

ATTEST 

Laurie Nordfors, Town Clerk
4-5-2023

