

AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
January 4, 2022  
6:30pm  
Burleigh Loveitt Council Chambers

**Pledge of Allegiance to the Flag**

**Roll Call**

**Acceptance of the minutes of the December 7, 2021 Regular Town Council Meeting**

**Open Public Communications**

**Councilor Communications**

**Town Manager Report**

**School Committee Report**

**Department Manager Report: Town Clerk**

**Public hearing #1**

**On item #2022-01-01**

Public hearing to hear comment on a proposal to issue an Adult Use Marijuana License to Corey Harmon, White Pine Farms LLC, 32 Sanford Drive. Property owned by Mike Heath. (Admin. Spon.)

**Proposed**

**Order #21-171**

Ordered, that the Town Council issue and Adult Use Marijuana License to Corey Harmon, White Pine Farms LLC, 32 Sanford Drive. Property owned by Mike Heath.

**Public hearing #2**

**On Item #2022-01-02**

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

**Proposed  
Order #21-172**

Ordered, that the Town Council issue a Medical Marijuana License to Michael Barris, B's Trees LLC, 7 County Road, Building A. Property owned by 7 County Road LLC.

**Public hearing #3  
On order #2022-01-03**

Public hearing to hear comment on proposed amendments to the Gorham Firearms Ordinance Map. (Admin. Spon.)

**Proposed  
Order #21-173**

Ordered, that the Town Council adopts a revised administrative error that reflects the current Gorham Industrial Park as a no discharge zone.

**Old Business**

**Item # 2021-9-11**

Action to consider amending the Land Use & Development Code with regards to multi-family housing. (Ordinance Committee Spon.)

**Proposed  
Order #21-174**

Ordered, that the Town Council forwards to the Planning Board, for public hearing and comment, amendments to the Land Use & Development Code as follows:

## **Multi-Family Housing**

Chapter 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-4 – RESIDENTIAL

B. PERFORMANCE STANDARDS FOR MULTI-FAMILY HOUSING

- 1) Suburban Residential District and Rural District: The construction of any new multi-family dwelling or the conversion of an existing single family or two-family dwelling into a multi-family dwelling in the Suburban Residential District and Rural District shall be done in accordance with the following standards:

- (a)-1. Multi-family dwellings in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of structures, the relationship of buildings to the street and the use and treatment of front yard areas.
- (b)-2. For new construction, utilities shall either be placed underground or, if above the ground, designed so as to be visually compatible with the overall development.
- (c)-3. All required yard area shall be retained as open, landscaped areas which are not occupied by buildings, structures, parking lots, storage or similar uses. Access roads or drives and sidewalks may be located to allow vehicular and pedestrian traffic to cross yard areas.
- (d)-4. A buffer shall be established between the multi-family housing and any abutting single-family or two-family dwellings. The buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas or waste collection and disposal areas. The buffering shall consist of landscaping, fencing, grading or a combination of features.
- (e)-5. All private access roads shall be located within a 50 foot dedicated right-of-way. No off-street parking shall be located within this right-of-way.
- (f)-6. The developer shall provide a minimum of 1,000 cubic feet of private lockable storage for personal property for each dwelling unit. This space may be part of the dwelling unit or at a separate location or building.
- (g)-7. The developer shall provide a minimum of 250 square feet of private, outdoor space for each dwelling unit.
- (h)-8. The developer shall provide a minimum of 250 square feet of common, outdoor space for each dwelling unit which shall be developed with appropriate recreation facilities.
- (i)-9. All roads that will be dedicated to the Town for public use shall meet the standards for public roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways ~~the subdivision regulations~~. All private roads, drives, or access ways shall also meet the standards for private roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways ~~the subdivision regulations~~.
- (j)-10. All off-street parking and lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high.
- (k)-11. The number of dwelling units permitted on the site shall be determined by dividing the net residential acreage by the minimum lot area required per dwelling unit.

2) Urban Residential, Village Center Districts, Urban Commercial, Mosher Corner Mixed-Use District, Office- Residential District, Narragansett Mixed-Use District. Multi-use buildings are exempt from the requirement of this section. The construction of any new multi-family dwelling or the conversion of an existing single family or two-family dwelling into a multi-family dwelling in the following growth districts shall be done in accordance with the following standards:

(a) Multi-family dwellings in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of structures, design and use of exterior building materials, the relationship of buildings to the street and the use and treatment of front yard areas. Multi-family dwellings may request a waiver should the structures be located so they are not visible to the existing neighborhood. The developer shall include a licensed landscape architect in the over-all design team.

(b) The maximum number of dwelling units permitted on the site shall be determined by multiplying the gross acreage of the area proposed to be subdivided by sixty-five percent (65%) to allow for access and unusable land and then dividing the resulting net area by the minimum lot area per dwelling unit.

(c) Developments shall comply with any applicable maximum floor area and/ or maximum impervious coverage ratios identified in the underlying zoning district.

(d) Streetscape along public streets. Development adjacent to public streets shall contain the following:

a. Canopy trees deciduous, shade or evergreen trees planted at 3 to 3-1/2 inches in caliper with a mature height of at least 35 feet. Under story trees shall be deciduous shade, fruit or evergreen trees planted at 2 to 2-1/2 75 inches in caliper with a mature height of at least 12 feet.

b. Street furniture such as benches, trash bins, and bike racks.

c. Pedestrian lighting

(e) All developments are required to have underground utilities, public sewer and water meeting the requirements of the Portland Water District.

a. The Planning Board may grant a waiver for the requirements of the extension of public sewer if the lot is located greater than 200 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.

b. The Planning Board may grant a waiver for the requirements of the extension of public water if the lot is located greater than 200 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.

(f) A buffer shall be established between the multi-family housing and any abutting single-family or two-family dwellings. The buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas. The buffering shall consist of landscaping, fencing, grading or a combination of features.

a. A developer is required to submit a detailed plan and specifications by a professional designer for landscaping and screening which will afford a degree of buffering and screening to meet the standard.

b. Screening of refuse collection facilities: Uses within the development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of the use being served. All refuse storage facilities shall be screened by a solid wall, fence, tight evergreen hedge, or combination of the above. Such screening shall be of sufficient height and design to effectively screen the facility from the view from adjacent residential uses and streets and from adjacent properties.

c. Maintenance of landscaping: All required landscaping and screening shall be maintained or replanted as necessary so as to continue its effectiveness.

(g) Sidewalks within the development are required to allow pedestrian connections to structures, amenities, and/ or prominent natural features within the development and the existing sidewalk network.

a. The applicant may request a waiver from the full off-site sidewalk extension as outlined under Chapter 2, Section 2-5, F., 11) Sidewalks.

(h) Driveways, private ways, and public streets shall be designed to effectively and safely handle the anticipated traffic volumes proposed for the development both on and off the site.

a. Entrances shall be combined to the maximum extent possible.

b. For lots with frontage on both a public street and another street the access drives shall be located off the street of lower classification unless the Planning Board finds that no safe alternative exists.

c. All roads that will be dedicated to the Town for public use shall meet the standards for public roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways the subdivision regulations.

- d. All private roads, drives, or access ways shall also meet the standards for private roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways the subdivision regulations.
- (i) All off-street parking and lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high.
  - a. In districts that allow parking to the front of the building the parking lots between the front wall of any building and the street shall be limited to one row of parking spaces, the access driveway, and walkway into the buildings.
  - b. All other parking shall be located to the side and rear of the building.

**Item #2021-04-10**

Action to consider accepting the recommendation of the Ordinance Committee with regards to an ordinance requiring winter maintenance of sidewalks by property owners. (Ordinance Committee Spon.)

**Proposed  
Order #21-175**

Ordered, that the Town Council accepts the recommendation of the Ordinance Committee that no action be taken at this time with regards to adopting a winter maintenance of sidewalks ordinance.

**Item #2021-9-08**

Action to consider amending the Land Use & Development Code with regard to allowing a refund of Zoning Board of Appeals application fees when a determination of the Code Enforcement Officer is overturned by the Zoning Board of Appeals.

**Proposed  
Order #21-176**

Ordered, that the Town Council forwards to the Planning Board, for public hearing and comment, amendments to The Land Use & Development Code as follows:

## Chapter 1: ZONING REGULATIONS

### SECTION 1-4 – BOARD OF APPEALS

-

#### **D. APPEAL PROCEDURE**

- 1) In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after issuance of a written decision by the Code Enforcement Officer. The appeal shall be filed with the Town Clerk on forms to be approved by the Board of Appeals, and the aggrieved person shall specifically set forth on said form the grounds for said appeal. A fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order shall be paid by the appellant to the Town of Gorham the time of filing his appeal, which shall not be refundable, except as otherwise provided in this subsection. Each appeal shall be filed on a separate form. A separate fee shall be assessed for each appeal except that a single fee shall be assessed for multiple appeals filed by the same appellant, concerning the same property, and scheduled to be heard by the Board of Appeals at the same proceeding.

14) Notwithstanding Section 1-4.D.1 above, in the event that the Board of Appeals reverses any order, requirement, decision, or determination made by the Code Enforcement Officer in conjunction with an administrative appeal filed under Section 1-4.B.1, the applicant shall be entitled to a refund of the application fee paid for that appeal within thirty (30) days of the date that the Board of Appeals' decision becomes final and unappealable

#### **New Business**

##### **Item #2022-01-04**

Action to consider accepting a resignation from the Board of Appeals. (Appointments Com. Spon.)

##### **Proposed Order # 21-177**

Ordered, that the Town Council accepts the resignation of Christine Hume from the Board of Appeals and,

Be It Further Ordered, that the Council thanks Christine Hume for her years of service on the Board.

**Item #2022-01-05**

Action to consider filling a vacancy on the Gorham Board of Appeals. (Appointments Committee Spon.)

**Proposed  
Order #21-178**

ORDERED, that the Town Council appoint Gary Baca to the Gorham Board of Appeals.

**Item #2022-01-06**

Action to consider approving the Cumberland County Hazard Mitigation Plan. (Admin. Spon.)

**Proposed  
Item #21-179**

Ordered, that the Town Council approves the Cumberland County Hazard Mitigation Plan as presented by Cumberland County Emergency Management.

**Item #2022-01-07**

Action to consider authorizing the Public Works Department to provide for winter maintenance of new or existing sidewalks. (Councilor Pratt Spon.)

**Proposed  
Order #21-180**

Ordered, that the Town Council authorizes winter maintenance on sidewalks as follows:

College Avenue: 730 feet  
Chick Drive: 410 feet  
Bouchard Drive: 580 feet  
Acorn Street: 550 feet

**Item #2022-01-08**

Action to consider entering into executive session. (Admin. Spon.)

**Proposed  
Order #21-181**

Ordered, that the Town Council goes into executive session pursuant to 1 M.R.S.A. §405 (6) (C) where 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.