

**AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
February 2, 2021  
6:30pm  
On-line Zoom Meeting**

The Town of Gorham invites you to view our upcoming Regular Town Council Meeting on February 2, 2021, starting at 6:30PM. This meeting will be held remotely, hosted as a Zoom Webinar and streamed over GoCAM and Facebook Live for anyone who wishes to view. Staff strongly recommends those who would like to make public comment regarding agenda items to email written comments by 4pm on Tuesday, February 2, 2021 to the following email address: [TC\\_Mtg\\_Public\\_Comment@gorham.me.us](mailto:TC_Mtg_Public_Comment@gorham.me.us).

To join the meeting, follow this link on your computer or mobile device:

<https://us02web.zoom.us/j/89476198041>

or join by phone by calling 1-929-205-6099 and entering Webinar ID: **894 7619 8041**

To make a public comment during the meeting, we ask that you raise your hand using the button in Zoom, or for those joining by phone, you may type \*9.

Please be advised that any comments made during the meeting on Facebook Live or GoCAT will not be reviewed and are not considered public comment for purposes of the public record.

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the January 5, 2021 Regular Town Council Meeting and the January 5, 2021 Special Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

**Public hearing #1**  
**On Item #2021-2-01**

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

**Proposed**  
**Order #21-012**

Ordered, that the Town Council approve a renewal liquor license for Azul Tequila, 29 School Street.

**Public hearing #2**  
**On Item #2021-2-02**

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

**Proposed**  
**Order #21-013**

Ordered, that the Town Council approve a renewal liquor license for Grand Central Wine Bar, 7 Railroad Avenue.

**Public hearing #3**  
**On Item #2021-2-03**

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

**Proposed**  
**Order #21-014**

Ordered, that the Town Council approve a renewal liquor license for Lucky Thai, 593 Main Street.

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

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

**Proposed**  
**Order #21-015**

Ordered, that the Town Council approve a renewal liquor license for Blue Pig, LLC, 19 State Street.

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

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

**Proposed**  
**Order #21-016**

Ordered, that the Town Council approve a renewal liquor license for Sebago Brewing Company, 616 Main Street.

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

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

**Proposed**  
**Order #21-017**

Ordered, that the Town Council approve a renewal Special Amusement License for Sebago Brewing Company, 616 Main Street.

**Public hearing #7**  
**On Item #2021-07**

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

**Proposed**  
**Order #21-018**

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

**Public hearing #8**  
**On Item #9363**

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

**Proposed**  
**Order #21-019**

Ordered, that the Town Council approves amendments to the Land Use & Development Code to Street Classification & Design Standards tables.

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

**Item #2021-08**

Action to consider appointing a second board member to ECOMAINE. (Councilor Hager Spon.)

**Proposed**  
**Order #21-020**

Ordered, that the Town Council appoint Robert Burns, Public Works Director, to the ECOMAINE Board.

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

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

### Old Business

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

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

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

### J. Invasive Terrestrial Plants

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

- 4) That the disposal any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 shall be such as to not promote the dispersal of the invasive species to other lots, properties, and areas within the Town or outside of Town boundaries.

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

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

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

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

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

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

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

\*Additions: Underlined

\*\*Deletions: ~~Struck Through~~

**Item #2020-10-06**

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

**Proposed**

**Order #21-023**

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

**CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE**

**SECTION 2-1 - ENVIRONMENTAL**

**H. NOISE ABATEMENT**

- 3) The following activities are excluded from the sound level limits.
  - a) Construction and demolition work 7 am to 7 pm. With prior approval from the Town of Gorham Code Enforcement Officer, this exemption can be extended beyond daytime hours to accommodate certain activities such as major concrete pours.
  - b) Agricultural activity and daytime timber harvesting.
  - c) Landscaping, lawn mowing and related grounds keeping.
  - d) Snow removal and related winter maintenance such as sanding.
  - e) Operation and daytime (7 a.m. to 7 p.m.) testing of emergency equipment such as fire alarms, backup generators, and pressure relief valves.
  - f) Registered and inspected motorized vehicles traveling on public roads and when entering and departing from a parking or loading area and which are moving, starting or stopping. This excludes operation of vehicles and on-board equipment during loading, unloading, processing, mixing or related operations. Examples of non-exempt vehicle operations include refrigeration units on parked vehicles, cement mixers, and on-board loading pumps.
  - g) Safety and warning signals required by law, rule or regulation.
  - h) Cultural and sporting events with proper approval from the Town of Gorham.
  - i) At lot lines where the abutting property owner has granted a noise easement to the applicant, such an easement shall state the abutting property owner agrees that the sound level limits at the shared property line can be exceeded a specified amount but not by more than 10 dBA above the applicable sound level limits. Any agreement or easement concerning noise levels shall be included in the reciprocal deeds, and shall be only for the specific noise, land use and term covered by the noise easement and shall have no effect on the sound level limits applicable to other properties.
  - j) Maintenance, startups, shutdowns and other routine activities are not exempt from these sound level limits. Exceptions to this restriction can be granted by prior approval of the Code Enforcement Officer according to the following criteria:
    - 1) Frequency, no more than once every three months

- 2) Permitted sound level, no more than 85 dBA for brief limited, intermittent time periods totaling no more than one hour for the duration of maintenance,
  - 3) Maintenance exceeding normal sound limits, as described in item 2 to occur only between the hours of 7AM and 5PM
- k) Well drilling work 7 am to 7 pm. With prior approval from the Town of Gorham Police Department, this exemption can be extended beyond daytime hours to accommodate welling drilling activities during times of severe drought.

\*Additions: Underlined

\*\*Deletions: ~~Struck Through~~

**Item #2020-10-08**

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

**Proposed**

**Order #21-024**

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

CHAPTER 1: ZONING REGULATIONS

SECTION 1-3 - ADMINISTRATION

**E. APPLICATION**

- 1) Unless excused by the Code Enforcement Officer, all applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, the location and dimensions of the proposed building or alteration and the proposed sewage disposal system as required by the Maine State Plumbing Code certified by a registered land surveyor or registered civil engineer or a plumbing inspector appointed by the Town. The Code Enforcement Officer may require at his discretion additional tests to be performed under his observation and at the expense of the applicant. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Code.

- a. All newly created lots less than 60,000 sq.ft. of lot area shall be surveyed by a State of Maine Registered Surveyor and all property corners shall be marked with permanent markers. For the purpose of this section a permanent marker shall be one of the following: a granite monument; a concrete monument; an iron pin; or a drill hole in ledge. A stamped copy of the official boundary survey shall be given to the Code Enforcement Officer for the record and part of the building permit review.
  
- b. Newly created lots greater than 60,000 sq.ft. may require a survey by a State of Maine Registered Surveyor if the Code Enforcement Officer determines that the proposed structure proximate to a front, side, rear, or shoreland setback warrants concerns about a given setback not meeting the minimum allowed. Should a boundary survey be warranted, all property corners shall be marked with permanent markers. For the purpose of this section a permanent marker shall be one of the following: a granite monument; a concrete monument; an iron pin; or a drill hole in ledge. A stamped copy of the official boundary survey shall be given to the Code Enforcement Officer for the record and part of the building permit review.
  
- c. If any part of the structure is proposed to be located closer than 5 feet to the minimum front, side, rear or shoreland setback required by the applicable zoning district regulations; or if the Codes Enforcement Officer determines that special conditions such as complex curves in the property lines, or other unusual features of lot shape or topography, the Codes Enforcement Officer may require that the foundation be set and pinned by a professional land surveyor.

\*Additions: Underlined

\*\*Deletions: ~~Struck Through~~

**Item #2020-11-08**

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

**Proposed  
Order #21-025**

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



## **CHAPTER 1: ZONING REGULATIONS**

### **SECTION 1-13 - COMMERCIAL/OFFICE DISTRICT**

#### **A. PURPOSE**

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

#### **B. PERMITTED USES**

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

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

**C. SPECIAL EXCEPTIONS**

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

**D. SPACE STANDARDS**

- 1) Residential Uses

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

- 2) Non-Residential Uses

Standards for non-residential uses shall be as follows:

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

local street

25 feet

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

**E. PERFORMANCE STANDARDS**

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

2) The following additional performance standards shall also apply.

a) Lot Layout

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

b) Utilities

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

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

1. The required setback between any public road and/or any residential zoning district or property shall be designated as a buffer area unless it's part of a mixed-use project and the residential/ commercial uses are developed as part of an integrated development plan and provides an aesthetically pleasing environment.
2. A landscaped buffer area shall be designed and maintained to minimize the adverse impact on abutting properties and the public and to soften the appearance of the structure(s) and in particular, to minimize the adverse

impact on any structures which exist on abutting lots located outside this district, which structures exist as of the date of enactment of this zoning ordinance amendment on September 17, 1996. No building, parking or service areas shall be located in the buffer area. Access roads may cross the buffer area to provide access to and from a street, but shall be designed to minimize the disruption of the buffer area. No direct access to parking stalls shall be provided from an access road located in a buffer area.

3. The landscaped buffer area shall require a plan to be prepared by a registered landscape architect or qualified landscaping firm. The plan shall provide all the required submission requirements outlined under Chapter 3: Subdivision and/or Chapter 4: Site Plan Review. The name of the landscape professional and firm preparing the plan along with their credentials shall be provided with the landscape plan.
4. Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.

d) Building Design Standards:

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

e) Access Management

1. Projects involving more than one building and/ or lot shall provide an internal circulation system to minimize entrances to the project.
2. Entrances and uses in this district shall be combined to the maximum extent possible. Developments must allow for pedestrian and vehicular access into the lot's driveways, sidewalks, and/ or parking lots from the abutting properties.
3. For lots with frontage on Main Street, Mosher Road, and another street the access drives shall be located off the street of lower classification unless the Planning Board finds that no safe alternative exists.
4. A parcel that does not have frontage on Main Street or Mosher Road shall not be granted vehicular access from the street except in cases where:
  - a. Access will be provided through a combined entrance with another parcel which has frontage on the street.
5. Lots with access on Main Street or Mosher Road must have driveways located so that they are a minimum 400' from another driveway on the same side of the street unless:

- a. The Planning Board finds that the distance would provide for unsafe circumstances.
- b. The driveway's spacing to abutting properties' driveways cannot be spaced to meet the 400' minimum requirement. The Planning Board shall provide for a driveway spacing to the greatest extent practical.
- 6. Lots with frontage on Mosher Road and/ or Main Street are required to install sidewalks for the lot frontage should sidewalks not be located along Mosher Road and/ or Main Street. The internal pedestrian access shall connect to the sidewalks located on Mosher Road and/ or Main Street. The lot is also subject to the connection of pedestrian improvements located off the lot as required under Chapters 2 and 4 of the Land Use Code.
- ~~6) Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.~~
- ~~6) The location of all entrances to a collector or arterial street shall meet the minimum sight distance requirements of the Maine Department of Transportation for the posted speed limit.~~
- ~~7) All non-residential uses shall be served by underground utilities.~~
- ~~8) All principal buildings and structures for non-residential purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.~~

\*Additions: Underlined

\*\*Deletions: ~~Struck Through~~

**New Business**

**Item #2021-010**

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

**Proposed**

**Order #21-026**

Ordered, that the Town Council instruct the Town Manager to have the Gorham Police Department change the vehicle styling scheme to a more traditional format on some of their vehicles in the future; and

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

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

**Proposed Order #21-027** Ordered, that the Town Council accept the resignation of Brenda Caldwell from the Gorham Economic Development Corporation; and  
  
Be It Further Ordered, that the Council thanks Brenda Caldwell for her years of service on the corporation.

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

**Proposed Order # 21-028** Ordered, that the Town Council instructs the Appointments Committee to fill a vacancy on the GEDC.

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

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

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

**Proposed Order #21-030** Ordered, that the Town Council instructs the Finance Committee to review municipal fees and provide recommendations to the Town Council for adoption as needed.

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

**Proposed**

**Order # 21-031** Ordered, that the Town Council approves a yearly waste water increase over the next three years, effective April 1, 2021, as follows:

Portland Water District  
Rate increase proposal

	Current	Year 1	Year 2	Year 3
Base (1 HCF)	\$ 13.74	\$ 14.39	\$ 15.04	\$ 15.69
Additional HCF	\$ 6.29	\$ 6.64	\$ 6.99	\$ 7.34

**Item #2021-016** Action to consider approving technical revisions to the First Amendment to the Development Programs for the County Road TIF District and the Pettingill TIF District. (Councilor Pratt Spon.)

**Proposed**

**Order # 21-032** Ordered, that the Town Council approve amendments to the Pettingill & County Road Tax Increment Financing Districts as follows:

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

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

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

the County Road District stated that the Town would capture 100% of the Increased Assessed Value in the District beginning April 1, 2021; and

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

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

NOW THEREFORE, the Town Council hereby Orders as follows:

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

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

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

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

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



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Lee Pratt, Chair

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Suzanne Phillips, Vice Chair

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Ronald Shepard

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Benjamin Hartwell

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James Hager, Jr.

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Janet Kuech

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Virginia Wilder Cross

**Adjourn**