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

The Town of Gorham invites you to view our upcoming Regular Town Council Meeting on March 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.

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 February 2, 2021 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public hearing #1 **On Item #2021-3-01**	Public hearing to hear comment on a proposal to issue a renewal liquor license to Angelo's Pizzeria and Restaurant. (Admin. Spon)
Proposed **Order #21-033**	Ordered, that the Town Council approve a renewal liquor license for Angelo's Pizzeria and Restaurant, 474 Main Street.

Public hearing #2
On item #2021-3-02

Public hearing to hear comment on a proposal to issue an Adult Use & Medical Marijuana License to Skyfall Cannapy, LLC, 17 Little Wing Lane, property owned by 422 Ocean, LLC. (Admin. Spon.)

Proposed
Order #21-034

Ordered, that the Town Council approve an Adult Use & Medical Marijuana License for Skyfall Cannapy, LLC, 17 Little Wing Lane , property owned by 422 Ocean, LLC, with the conditions that they pass all inspections and receive a Certificate of Occupancy prior to beginning operations.

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

Public hearing to hear comment on the proposed amendments to the Land Use and Development Code, Chapter 2, Section 2-4, Clustered Residential Development Standards.(Ordinance Com. Spon.)

Proposed
Order #21-035

Ordered, that the Town Council approve the following amendments to the Land Use and Development Code as follows:

Chapter 2: General Standards of Performance
Section 2-4 Residential,

A. CLUSTERED RESIDENTIAL DEVELOPMENT

A Cluster Residential Development is a form of development which allows a developer to create smaller lots than required by the applicable zoning district regulations in the Rural and Suburban Residential District in return for setting aside a portion of the tract as permanent open space owned and maintained ~~jointly~~ by ~~the~~ ~~individual lot owners~~ a land trust or other conservation organization. The net residential density of the site shall remain the same as if the site were developed as a conventional subdivision. Each dwelling unit in a cluster residential development shall be placed on a separate lot whether the dwelling unit is a single-family dwelling or part of a two-family or multi-family dwelling. The Planning Board ~~may~~ shall approve requests for cluster residential developments if it finds that the proposal conforms to the criteria listed below and is the best development form for the site.

Notwithstanding other provisions of this Code relating to space and bulk, the Planning Board in reviewing and approving proposed residential developments located in Gorham, may modify said provisions related to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

1. Lot Size shall not be reduced to less then:
    a. 20,000 square feet in the Suburban Residential District
    b. 30,000 square feet in the Rural District

2. Frontage – Each lot shall have frontage on a public street or a private way proposed by the applicant, as follows:
    a. 75’ in the Suburban Residential District
    b. 100’ in the Rural District
    c. Up to 10% of the lots in a clustered subdivision may have frontages reduced

below the frontage requirements stated in this subsection but not below 25'. Lots with frontage reduced under this provision shall not be adjacent to more than one other lot with such a reduced frontage, as determined at the front lot line.

3. Lot setbacks:
    a. Front on private way or public street not identified as a collector, arterial, or State DOT designated route: 25'
    b. Front on a collector, arterial road, or State DOT designated route: 50'
    c. Rear: 10'
    d. Side: 10'

Innovative approaches to residential layout and environmental design shall be subject to the following ~~criteria~~ performance standards:

1. The ~~purpose and intent of this Land Use and Development Code shall be upheld~~ minimum common open space requirement shall be:
    a. At least 40% of the total area of the tract or parcel of land being developed must be maintained as common open space and not be included in the individual building lots.
    b. The following "high-value conservation areas" shall be considered when determining the area(s) within the subdivision to be allocated to the 40% required common open space.
    c. Land deemed to be in excess of the 40% requirement up to 50% of the total land area may be required by the Planning Board as additional open space if the area contains land that meets the requirements of the "high-value conservation areas." The Planning Board must review the overall intent of the chapter as well as the impact on the design of the buildable lots and infrastructure of the subdivision in determining if the additional land should be included in the common open space.
    d. Active Open Space shall be required for subdivisions with more than 25 lots and/ or dwelling units. Active Open space is for active recreation and shall include activities which require substantial construction and maintenance for recreation use, including playgrounds, tennis courts, ball fields, basketball courts, and similar facilities. A part or all the active open space may, at the option of the Town, be dedicated for acceptance by the Town for operation as a municipal recreation facility. The following table provides the minimum active open space reservations required in cluster subdivisions:

Average Density per Dwelling Unit	*Active Open Space Required, % of Subdivision Open Space*
80,000 s.f. or more	*1.5*
40,000 s.f. to 79,999 s.f.	*2.5*
20,000 s.f. to 39,999 s.f.	*4*
10,000 s.f. to 19,999 s.f.	*5*

2. High-value Conservation areas:
    a. Existing trails (bike, hiking, cross-country skiing, snow shoeing, horseback riding, or snowmobiling) that connect with existing trails on Town-owned land or with existing trails on abutting land protected by a conservation easement or other written agreement.
    b. Existing healthy, native forests of at least 5 contiguous acres,
    c. Habitats of endangered or threatened species;
    d. Significant wildlife habitats as defined by the Maine Department of Inland Fisheries and Wildlife, or the municipality;
    e. Significant natural features and scenic views such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads,
    f. Archaeological Sites, historic structures, cemeteries and burial grounds,

g. Prime farm lands, farm land of state wide, and/or local importance of at least 1 contiguous acre; and
h. Land being actively farmed and which will remain active farm land of at least 1 contiguous acre.

3. The~~re~~ subdivision shall be in compliance with all State and local codes and ordinances. ~~Each building shall be an element of an overall plan for site development.~~

4. There shall be no approval of any proposed development which exceeds the allowable net residential densities permitted without appeal in the district in which it is located.

5. ~~Residual~~ Common open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. Such dedications may include private covenants or arrangements to preserve the integrity of open spaces and their use for agricultural or conservation purposes.

The uses of common open space may include: ~~common open space shall be accessible to the residents of the project. At a minimum, this use may include such activities as walking, picnicking, fishing, swimming, cross country skiing, and other low intensity recreational uses unless otherwise provided for in the Planning Board approval.~~

a) Passive recreation, such as hiking, walking, running, biking, snowshoeing, cross-country skiing, picnicking, bird-watching, hunting, fishing, and other low-impact recreational activities that do not significantly alter the natural common open space;
b) Operation of snowmobiles or ATVs on existing snowmobile or ATV trails;
c) Agriculture, horticulture, silviculture or pasture uses, provided that all best management practices are utilized to minimize environmental impacts;
d) Nonstructural stormwater management, such as rain gardens and forested buffers;
e) Easements for drainage, access, and underground utility lines; and
f) Other conservation-oriented uses such as community garden, compatible with the purposes of this Chapter.
g) Parking lots for trail head use with no more than 10 parking spaces and associated drive aisles.

The following uses are prohibited uses of common open space:

a) Roads, parking lots and impervious surfaces, except as specifically authorized in this chapter;
b) Subsurface wastewater disposal systems and wells;
c) Built stormwater management systems such but not limited to, ponds, underdrain ponds, catch basins, and pipes;
d) Dumping or disposal of any type of yard waste, household waste, hazardous waste or other debris, organic or inorganic;
e) Cutting vegetation, except for annual mowing related to agricultural uses or to prevent shrub growth from over taking protected fields, forest management of trees with an approved forest management plan written by a Maine licensed forester or dead, diseased, or dying tree as identified by a Maine licensed arborists. Removal of invasive species as identified by the

Maine Department of Agriculture, Conservation, and Forestry is exempt from this section.

f) Altering approved common open space.
g) Additional structures being placed on the common open space without prior Planning Board approval; and
h) Other activities as determined by the applicant and recorded on an instrument providing permanent protection such as deed restrictions.

Common Open Space Ownership may include any of the following (with a preference to the order below):

a) Ownership by a conservation organization approved by the Planning Board with permanent restrictions on is future use; or
b) Ownership by the Town with or without a conservation easement to a conservation organization approved by the Town Council and Planning Board;
c) Ownership by a homeowners' association conditioned on forever being maintained as common open space and there shall be no further subdivision of this land, nor buildings constructed upon it without further Planning Board review. The land may also have ~~with~~ a conservation easement **on it** to the Town or a conservation organization approved by the Planning Board.

6. The first meeting with the Planning Board shall be Conceptual Design Review, and shall precede submission of a Preliminary Subdivision Review Application. The Conceptual Design Review shall include the submission of an Existing Site Resource Map, identifying both significant natural and cultural resources. It is not required that this be an engineered plan but a surveyed plan that shows wetland, shoreland areas, significant habitat corridors, rare or endangered habitat, roads and buildings within 100 feet of the property, indication of overall stormwater flow direction, species and size of existing trees, historic and cultural resources such as existing barns, trails, cellar holes, stonewalls, and other noteworthy features unique to the property. The Existing Site Resource Map shall not include proposed roads or subdivision lots. The intent of this phase of review is for there to be an opportunity to build greater Planning Board, applicant, and open space holder consensus on critical resources and over-all design early in the review process, before the applicant proceeds into formal design of the project. The developer shall include in the over-all design team either a licensed landscape architect or a natural resource planner. The landscape architect or natural resource planner shall provide a written narrative of the existing site resource maps detailing critical areas with a recommendation about the features which should be preserved in the open space.

It is intended that the open space shall be designed first, and the built environment shall be constructed in the remaining areas. During the Conceptual Design Review process, the Board shall determine whether or not the open space layout, design and configuration is appropriate based on the size of the parcel to be developed and consistent with the goals outlined under this section and those outlined in the Town's Comprehensive Plan

The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal:

a) Orientation: buildings and other improvements shall respect scenic vistas and natural features.

b) Streets: access from public street, internal circulation and parking shall be designed to provide for vehicular and pedestrian safety and convenience,

emergency and fire equipment, snow clearance, street maintenance, delivery and collection services. Streets shall be laid out and constructed consistent with local requirements.

Driveways shall be located onto interior road networks to the greatest extent practical. No more than one driveway per 500' of road frontage shall be allowed on any collector roads, arterial roads, or Maine DOT State number routes.

c) Drainage: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means.

d) Sewage Disposal: adequate provision shall be made for sewage disposal, and shall take into consideration soil conditions and potential pollution of surface or ground waters. The plans shall show the location of 2 passing soils areas on each lot proposed. One of the test pits should be labeled as primary which will be utilized for the initial construction with the 2nd test pit being identified as reserve and utilized when the first septic system declines.

e) Water Supply: adequate provision shall be made for both ordinary use as well as special fire needs.

f) Utilities: all utilities shall be installed underground wherever possible. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.

g) Recreation: facilities shall be provided consistent with the development proposal.

h) Buffering: planting, landscaping, disposition and form of buildings and other improvements, or fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development. Buffers of at least ~~75~~ **50** feet in width shall be created around the entire perimeter of the subdivision unless the subdivision abuts another clustered residential development or the Planning Board finds the design of the subdivision matches the existing development pattern of the area. Where possible, existing trees and vegetation shall be preserved in the buffers, except that invasive vegetation may be removed. The Planning Board may require landscaping or other features as necessary to break up the proposed development from abutting properties should the ~~75~~ **50** foot buffer not provide adequate buffering.

i) Disposition of Buildings: shall recognize the need for natural light and ventilation.

7. For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property included.

~~8.~~ ~~Before the recording of final subdivision plans, or as a condition of final subdivision approval, the Planning Board shall require and accept in accordance with the standards adopted by ordinance, an improvement guarantee in accordance with Chapter 3, Subdivision, Section 3-4., Final Plan, Subsection C., Improvement~~

~~Guarantee.~~

~~9~~ 8. Common open space shall be dedicated after approval of the project. There shall be no further subdivision of this land, nor buildings constructed upon it without further planning review and which would cause the net residential density to exceed the density permitted in that district.

~~10~~ 9. The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that it:

a) shall not be used for future building lots.

b) a part or all of the common open space may, at the option of the Town, be dedicated for acceptance by the Town for operation as a municipal recreational facility.

10~~1~~. ~~If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.~~

11~~2~~. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.

12~~3~~. This neighborhood association shall have the responsibility of maintaining the common open space(s) and operation and maintenance of local neighborhood recreational facilities within such open space(s).

13~~4~~. ~~The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces and neighborhood recreational facilities.~~

14~~5~~. The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternatively, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or subdivider.

*Note – Additions: Underlined
Deletions: Struck Through

Public hearing #4
On Item #2021-3-04 Public hearing to hear comment on the proposed amendments to the Town's Comprehensive Plan, South Gorham Crossroads Area and South Gorham Commercial Area sections and the future Land use map of the 2016 Comprehensive Plan. (Ordinance Com. Spon.)

Proposed
Order #21-036 Ordered, that the Town Council approve the proposed amendments to the Town's Comprehensive Plan in regards to the South Gorham Crossroads Area for allowed uses, development standards and future land use maps.

Public hearing #5
On Item #2021-3-05 Public hearing to hear comment on a proposal to issue renewal Massage Licenses to Natalie Poulin, Walter Selens, Heather Theriault, Elizabeth Berks and Jill Hayden, and a new Massage License to Ian McLure and Mary Weisheit. (Admin. Spon.)

Proposed
Order #21-037 Ordered, that the Town Council approve the renewal Massage Licenses for Natalie Poulin, Walter Selens, Heather Theriault, Elizabeth Berks and Jill Hayden, and a new Massage License to Ian McLure and Mary Weisheit.

Old Business

Item #2020-11-09 Action to consider amending the Land Use & Development Code with regard to expansion of the village expansion districts.
(Ordinance Committee Spon.)

Proposed
Order #21-038 Ordered, that the Town Council forward to the Planning Board, for public hearing and recommendation, amending the Land Use & Development Code to implement changes to the village expansion zone one (1), the Little Falls area as proposed in the Town of Gorham Comprehensive Plan.

Item #2021-01-07 Action to consider amending the Land Use & Development Code with regard to permitting of certain private driveways.
(Ordinance Committee Spon.)

Proposed
Order #21-039 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

H. DRIVEWAY PERMITS

Prior to the construction or alteration of any driveway or access road within the full width of right-of-way of any town road, on a private way or public road, or if within the compact area, of a state or state-aid highway, a written driveway permit shall be obtained from the Code Enforcement Officer. The building permit for any project involving the construction or alteration of a driveway or access road shall be issued only after the appropriate driveway permit has been issued.

1) The Town Engineer or his designee shall inspect each proposed driveway location, determine the suitability of its location and design with particular emphasis on traffic safety, drainage and erosion control, and prepare a report on the need for a culvert or other improvements within the public right-of-way.

2) The owner of the property served by the driveway or access road shall be responsible for the costs involved in installing a culvert and the work shall be performed by a private contractor.

3) The Town Engineer or his designee shall determine that the location and design of any driveway or access road is suitable for the intended use and the Code Enforcement Officer shall collect a sum of money sufficient to cover the installation of a culvert if necessary, prior to the issuance of any driveway permit.

4) The application for a driveway permit shall be accompanied by a fee as set forth in the schedule of driveway permit fees adopted by order

***Note – Additions: <u>Underlined</u>**

Item #2020-12-07 Action to consider accepting the recommendation of the Ordinance Committee to have the Finance Committee review fee structures for commercial and residential solar installations.
(Ordinance Committee Spon.)

Proposed Order #21-040 Ordered, that the Town Council forward to the Finance Committee, for their recommendation, amending fee structures for residential and/or commercial solar installations.

<u>New Business</u>

Item #2021-03-06 Action to consider 2021-2022 Board and Committee appointments. (Appointment Committee Spon.)

Proposed Order #21-041 Ordered, that the Town Council make appointments to various Town Boards and Committees as recommended by the Appointments Committee, as presented.

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Item #2021-03-07 Action to consider evaluating branding logos and designs for the Town of Gorham. (Councilor Hartwell Spon.)

Proposed Order #21-042 Ordered, that the Town Council instruct staff to bring back to the Town Council, for review at either a Regular Council Meeting or Workshop, new branding material / designs for correspondence, vehicles and marketing materials for evaluation and consideration.

Item #2021-03-08 Action to consider amending the requirements of the Development Transfer Overlay District ("DTOD"). (Councilor Hartwell Spon.)

Proposed Order #21-043 Ordered, that the Town Council instructs the Finance Committee to review transfer overlay fee structures to promote use and development in the respective areas while maximizing contributions; and

Be It Further Ordered, that staff are authorized to work to develop or contract additional materials to further explain and promote the district which may include cross table explanations, worksheets, website materials and/or infographics.

Item #2021-03-09 Action to consider scheduling a Town Council Workshop to discuss the road acceptance process. (Councilor Pratt Spon.)

Proposed Order #21-044 Ordered, that the Town Council schedules a workshop for Tuesday, March 16, 2021 for the purpose of discussing the Town's road acceptance process.

Item #2021-03-10 Action to consider going into executive session pursuant to 1M.R.S.A § 405(6)(A).

Proposed Order #21-045 Ordered, that the Town Council enter into executive session 1M.R.S.A § 405(6)(A) to discuss the Town Manager's annual performance evaluation.

*Note – The Town Council will leave this Zoom meeting and reconvene in a separate Zoom meeting for the executive session and meeting adjournment.