

AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
April 4, 2023  
6:30pm  
Burleigh Loveitt Council Chambers

**Pledge of Allegiance to the Flag**

**Roll Call**

**Acceptance of the minutes of the March 7, 2023 Regular Town Council Meeting and the March 21, 2023 Special Town Council Meeting.**

**Open Public Communications**

**Councilor Communications**

**Gorham Economic Development Report**

**Department Manager Report (Community Development)**

**Town Manager's Report**

**School Committee Report**

**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.)

**Proposed  
Order #23-53**

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.

**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.)

**Proposed**  
**Order #23-54**

Ordered, that the Town Council issue a renewal Liquor License to Angelo's Pizzeria and Restaurant, 474 Main Street.

**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.)

**Proposed**  
**Order #23-55**

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:



**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.)

**Proposed  
Order #23-56**

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.

**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.)

**Proposed  
Order #23-57**

Ordered, that the Town Council amend the Land Use and Development Code, regarding Recreation Impact Fees and the expansion of eligible projects as follows:

**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) Design and complete recreational facilities development at the Gorham Middle School .
- 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) 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 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, 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.

The Town has 0.01069 acres of park and recreation land per capita as of 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 911 acres of community open space or a ratio of 0.0497 acres of community open space per capita as of 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
- c. three or more bedrooms      3.0 people/unit

Dwelling unit in elderly or congregate      1.2 people/unit housing

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 \$801 (see Impact Fee Methodology dated July 13, 2022). The adjusted per capita open space facilities fee is \$179. Combining the two portions of the fee results in an impact fee of \$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 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	\$3,136
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A dwelling unit in a two-family or multi-family dwelling including attached condominium units with:

a. one bedroom	\$1,176
b. two bedrooms	\$1,960
c. three or more bedrooms	\$2,940

A dwelling unit in elderly or congregate 1,176 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 \$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 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.

**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.)

**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:

**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**

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.).



- Item #2023-4-5** Action to consider writing off uncollectible personal property debt. (Finance Committee Spon.)
- Proposed Order #23-60** 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.
- 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** 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, than 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.
  
  - 3) 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.

**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**

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.

**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**

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.

**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**

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.

**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.

**Item #2023-4-10**

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

**Proposed  
Order #23-66**

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.

**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**

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.