

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
June 7, 2022
6:30pm
Burleigh Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the May 3, 2022 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public Hearing #1

On item # 2022-06-01

Public Hearing on the proposed 2022-2023 Fiscal Year Budget for the Gorham School District. (Admin. Spon.)

Proposed

Order #22-59

ORDERED, that the following school budget items be adopted and approved for fiscal year 2022-2023:

NOTE: Pursuant to Section 405 of the Council-Manager Charter of Town of Gorham, “The Town Council, after reviewing the proposed budget, may change the total appropriation prior to approving the final budget.” Pursuant to State law, 20-A M.R.S.A. Section 2307, “In charter municipalities where the municipal charter confers upon a municipal council or other municipal legislative body the authority to determine the total amount of the school budget and confers upon the school committee or school board the authority to direct the expenditure of those funds for school purposes, the municipal council or other municipal legislative body shall determine the total amount of the school budget to be submitted to a budget validation referendum and the school committee or school board shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format.” Pursuant to section 15671-A(5) of Title 20-A of the Maine Revised Statutes, when the Council approves a school budget exceeding the State’s EPS funding model, a separate recorded council vote is required to approve the funds raised. Consequently, a separate Order follows this Order for that purpose.

ORDERED, that the following school budget items be adopted and approved for fiscal year 2022-2023:

That **\$20,442,623** be authorized to be expended for Regular Instruction;

that **\$8,209,233** be authorized to be expended for Special Education;

that **\$0** be authorized to be expended for Career and Technical Education;

that **\$1,008,781** be authorized to be expended for Other Instruction;

that **\$4,036,782** be authorized to be expended for Student and Staff Support;

that **\$1,555,833** be authorized to be expended for System Administration;

that **\$2,458,150** be authorized to be expended for School Administration;

that **\$2,414,612** be authorized to be expended for Transportation and Buses;

that **\$4,439,582** be authorized to be expended for Facilities Maintenance;

that **\$3,091,112** be authorized to be expended for Debt Service and Other Commitments;

and that **\$0** be authorized to be expended for All Other Expenditures.

BE IT FURTHER ORDERED:

1. That **\$47,656,708** appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$14,084,033** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Explanation: The municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

2. That **\$1,251,288** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER ORDERED, that the school committee be authorized to expend **\$47,656,708** for the fiscal year beginning July 1, 2022 and ending June 30, 2023 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act,

non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

BE IT FURTHER ORDERED, that the Town will appropriate **\$358,637** for adult education and raise **\$120,627** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

ORDERED that \$9,431,197 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$9,431,197 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$9,431,197 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$9,431,197. The State's funding model does not support all of the costs of the schools because it includes only those costs considered essential by the new State Essential Programs and Services (EPS) model.

Explanation: - The additional local funds are those locally raised funds over and above the municipality's local Contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the School Department budget for educational programs.

BE IT FURTHER ORDERED, that the Town Council authorizes the Gorham School Department to use all of additional state subsidies received but not already included in the proposed FY23 budget to decrease the local cost share expectation, as defined in Title 20-A, section 15671 A(1)(B), for local property taxpayers for funding public education as approved by the School Board.

Public Hearing #2

On item #2022-06-02

Public Hearing on the proposed 2022-2023 Fiscal Year Budget for the Town of Gorham. (Admin. Spon.)

Proposed

Order #22-60

ORDERED, that the Town Council vote to adopt the 2022-2023 Fiscal Year Budget with the following departmental totals:

General Government	\$	2,210,504
Public Safety	\$	5,143,300
Public Works/Solid Waste/Engineering & Insp Services	\$	3,422,656
Health & Welfare and Social Service Agencies	\$	57,850
Recreation/Community Center/Cable	\$	646,493
Libraries and Museum	\$	541,633
Development	\$	254,515
Debt & Interest	\$	1,981,188
Capital Items	\$	75,000
Insurance and Employee Benefits	\$	3,320,682
Other Town Services and Unclassified	\$	<u>692,353</u>
Subtotal	\$	18,346,174
Cumberland County Property Tax	\$	<u>1,425,690</u>
Total	\$	<u>19,771,864</u>
Non-Property Tax Revenues	\$	8,956,599

BE IT FURTHER ORDERED that the Education budget as finally approved by the Gorham Town Council and subsequently approved by the voters of the Town of Gorham be incorporated into a final Municipal budget; and

BE IT FURTHER ORDERED that the Town Council vote to adopt the Capital Budget Part II in the amount of \$2,241,811 to be funded from the town's undesignated fund balance; and

BE IT FURTHER ORDERED that all taxes on real estate and personal property shall be due and payable upon approval of this Order and that one-half of all real estate and personal property taxes that remain unpaid on November 15, 2022 shall commence bearing interest on November 16, 2022, and that the final half of all real estate and personal property taxes that remain unpaid on May 15, 2023, shall commence bearing interest on May 16, 2023 at the interest rate of 4.0% per annum as authorized by Maine Law until paid and collected and the Tax Collector and Treasurer are authorized to collect and receive thereof; and

BE IT FURTHER ORDERED that the Gorham Town Council authorizes the Finance Director to accept prepayment of real and personal property taxes; and

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 506A, the Gorham Town Council establishes an interest rate of 0.0% per annum to be paid on all real estate and personal property taxes rebated due to overpayment of taxes; and

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 906, the Gorham Town Council hereby require and direct that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment shall be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer. This order shall remain in effect until rescinded by the Municipal Officers.

Public hearing #3

On item #2022-06-03

Public hearing to hear comment on a proposal to issue a Special Amusement License to Kristen Walker, Orchard Ridge Farm. (Admin. Spon.)

Proposed

Order #22-61

Ordered, that the Town Council issue a Special Amusement License to Kristen Walker, Orchard Ridge Farm, 236 Sebago Lake Road.

Public hearing #4

On item #2022-06-04

Public hearing to hear comment on a proposal to issue a Medical Marijuana License to John Larochelle, 36 Bartlett Road, Unit 7B. Property owned by Hinks Realty. (Admin. Spon.)

Proposed

Order #22-62

Ordered, that the Town Council issue a new Medical Marijuana License to John Larochelle, 36 Bartlett Road, Unit 7B. Property owned by Hinks Realty.

Public hearing #5
On item #2022-06-05 Public hearing to hear comment on a proposal to issue a Medical Marijuana License to Carlos Barajas, 36 Bartlett Road, Unit 8A. Property owned by Hinks Realty. (Admin. Spon.)

Proposed
Order #22-63 Ordered, that the Town Council issue a new Medical Marijuana License to Carlos Barajas, 36 Bartlett Road, Unit 8A. Property owned by Hinks Realty.

Public hearing #6
On item #2022-06-06 Public hearing to hear comment on a proposal to issue an Adult Marijuana License to Dylan Turner, Leaf Labs LLC, 37 Bartlett Road. Property owned by Sligo Partners.

Proposed
Order #22-64 Ordered, that the Town Council issue a new Adult Marijuana License to Dylan Turner, Leaf Labs, LLC, 37 Bartlett Road. Property owned by Sligo Partners.

Public hearing #7
On item #2021-07-16 Public hearing to hear comment on a proposal to amend the Land Use & Development Code to streamline the performance guarantee and site plan process.

Proposed
Order #22-65 Ordered, that the Town Council amend the Land Use & Development Code to streamline the performance guarantee and site plan process as follows:

CHAPTER 4: SITE PLAN REVIEW

SECTION 4-3 – CLASSIFICATION OF PROJECTS

- 1) An Administrative Review Minor Development project shall be subject to Administrative staff Review and shall include any project which:
 - a. Involves the construction or addition of fewer than fifteen twenty thousand (15 20,000) square feet of gross floor area in a nonresidential building or structure in an the Industrial, Olde Canal Industrial, Agricultural/ Industrial, and Narragansett Mixed-Use Districts. Lots in Planning Board approved commercial, industrial, or business park subdivisions shall

allow for minor development review equal to the building sizes outlined in the subdivision approval.

- b. Involves the addition of less than twenty percent (20%) of the existing gross floor area but not more than ten thousand (10,000) square feet of floor area in a nonresidential building or structure in any district other than an the Industrial, Olde Canal Industrial, Agricultural/ Industrial, and Narragansett Mixed-Use Districts District within any three-year period. Lots in Planning Board approved commercial, industrial, or business park subdivisions shall allow for minor development review equal to the building sizes outlined in the subdivision approval.
- c. Involves the construction of less than ten thousand (10,000) square feet of floor area in a nonresidential building or structure in a Rural District, Mosher Corner Mixed-Use, or Roadside Commercial Districts within any three-year period. Lots in Planning Board approved commercial, industrial, or business park subdivisions shall allow for minor development review equal to the building sizes outlined in the subdivision approval.
- d. Involves the construction of less than two thousand (2,000) square feet of floor area in a nonresidential building or structure in the Urban Residential, Suburban Residential, Village Center District, Urban Commercial District, Roadside Office District, Office Residential, or Village Expansion Districts, 10 Preble Street Conditional Zone, McLellan -Sampson House Conditional Zone, or Narragansett Development District within any three-year period.
- e. Involves the construction of a residential structure with four (4) or fewer units.
- f. Involves the modification or expansion of an existing residential structure in which the number of dwelling units after construction will be four (4) or less.
- g. Involves the conversion of an existing residential building, in whole or in part, to a nonresidential use with the exception of bed and breakfast establishments with public dining as an accessory use and inns, which shall be reviewed as major developments under this Chapter.
- h. Involves earth moving, removal, grading or filling activities which involves ten thousand (10,000) cubic yards of material or less and which are not subject to the gravel pit provisions of Chapter 2,

Section 2-1(C). **Lots in Planning Board approved commercial, industrial, or business park subdivisions shall allow for minor development review equal to the amount of fill outlined as part of the subdivision approval.**

- i. Involves the construction or expansion of an impervious surfaces **excluding structures** such as, but not limited to: pavement, concrete, brick, stone and gravel with fewer than ten thousand (10,000) square feet of area within any three-year period. **Lots in Planning Board approved commercial, industrial, or business park subdivisions shall allow for minor development review equal to the impervious surfaces outlined in the subdivision approval.**
- 2) Major development - A major development shall be any project requiring site plan review which is not classified as **Administrative Review Minor Development** Project.

SECTION 4-3 - CLASSIFICATION OF PROJECTS

- A. Projects subject to site plan review shall be divided into two (2) classes, **Administrative Review Projects Minor Developments** and **Major Developments**...

SECTION 4-4 - REVIEW AND APPROVAL AUTHORITY

- A. Major Developments - The Planning Board is authorized to review and act on all site plans for major developments. In considering site plans under this section, the Planning Board may act to approve or disapprove or approve the project with such conditions as are authorized by this Chapter.
- B. **Administrative Review Projects Minor Developments** - The Site Plan Review Committee shall consist of the Town Planner, Town Engineer, and Code Enforcement Officer, **Police Chief, and Fire Chief** or their designees. It is authorized to review all site plans for **these minor** developments and may approve or disapprove or approve the project with such conditions as are authorized by this Chapter. Actions of the Site Plan Review Committee to approve an application or approve an application with conditions shall require the affirmative vote of all members of the Committee or their designees. The disapproval of one (1) or more members shall constitute denial of the application.

SECTION 4-5 - OPERATION OF THE SITE PLAN REVIEW COMMITTEE

The **Planning Director Town Planner** shall serve as Chairman of the Site Plan Review Committee and shall be responsible for calling meetings of the Committee, presiding at its meetings, and maintaining the records of the Committee. In the absence of the **Planning Director Town Planner** or his designee, the Town Engineer shall serve as chairman pro tem.

If any members of the Site Plan Review Committee shall be unable to attend any meeting of the Committee, he may designate another member of that department to serve in his their place. Such designation shall be in writing and shall apply only to that meeting. This designee shall have all the power and authority as the department head.

The Site Plan Review Committee shall meet biweekly as needed on a day agreeable to the members of the Committee. Meetings of the Committee shall be advertised in the same manner as those of other Town committees and shall be open to the public.

If a vacancy exists in any of the positions serving on the Committee, the Town Manager shall name an interim committee member with appropriate expertise in the respective department, until such vacancy is filled.

SECTION 4-6 - CLASSIFICATION PROCEDURES

Upon receipt of an application for site plan review, the Town Planner shall classify the application as a Major Development or Administrative Review Minor Development.

SECTION 4-7 - PROCEDURES FOR AN ADMINISTRATIVE REVIEW OF MINOR DEVELOPMENTS

A. Pre-application Conference - Applicants for site plan review of an Administrative Review a minor development are encouraged to schedule a pre-application conference with the Town Planner. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements, and the approval criteria and to familiarize the Director Town Planner with the nature of the project. No decisions relative to the plan may be made at this meeting.

In connection with the pre-application review, the Town Planner may determine that an on-site inspection be held to familiarize the Site Plan Review Committee with the project site. The on-site inspection shall be scheduled by the Town Planner and shall be attended by the applicant and/or the applicant's representative and members of the Site Plan Review Committee.

B. Application Procedure - The owner or his representative shall submit a formal application for Administrative Review and approval to the Office of the Town Planner. The application shall consist of:

- 1) A fully executed and signed copy of the application for site plan review (provided by the Town);
- 2) One (1) original of the site plan on durable, permanent transparency material;
- 2 3) Seven (7) copies of a site plan and supporting documentation as described in Subsection C; and

3 4) The required publishing and public notice, application, and field inspection fees.

Upon receipt of an application, the Planning Office shall provide the applicant with a dated receipt showing the nature of the application and the fees paid.

Within ten (10) working days of receipt of an application for an Administrative Minor Development Review, the Town Planner shall review the application and determine if the application meets the submission requirements set forth in Subsection C. Prior to determining the completeness of the application and considering waiver requests, the Town Planner may solicit the input of other department heads, including those who participate in the Site Plan Review Committee. If the application is complete, the Town Planner shall notify the applicant and the Chairman of the Planning Board in writing of this determination and the action on any waivers and shall provide copies of the application to the Planning Office, Code Enforcement Office, Town Engineer, Police Department and Fire Department and any other Department Head as needed. If the application is incomplete, the Town Planner shall notify the applicant in writing of this determination, specify what additional materials or information are required to complete the application, and advise the applicant that the revised application package will be re-reviewed for completeness when it is resubmitted.

In addition, if the application is deemed to be complete, the Town Planner shall notify all abutters to the site as shown on the Assessor's records, in writing, that an application has been filed. This notice shall contain a brief description of the proposed activity and the name of the applicant. It shall advise the party that a copy of the application is available for inspection, that written comments on the application will be received and considered by the Site Plan Review Committee if submitted by the end of the departmental review period, and that they may request that the application be considered by the Committee at a public meeting of the Committee. Failure of any abutter to receive such notice shall not be grounds for delay of any consideration of the application or denial of the project.

C. Submission Requirements - The application for site plan review of an Administrative Minor Development Review shall contain at least the following exhibits and information:

- 1) Seven (7) copies of written materials plus seven (7) sets of site plans, maps, or drawings containing the information listed below. The written materials shall be contained in a single report. The site plan, maps, or drawings shall be at a scale sufficient to allow review of the items listed under approval criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development:

a. General Information

1. Record owner's name, address, and phone number and applicant's name, address and phone number if different
2. Location of all building setbacks, yards and buffers required by this Ordinance
3. Names and addresses of all abutting property owners, including those in neighboring towns, if applicable
4. Sketch map showing general location of the site within the Town based upon a reduction of the Town tax maps
5. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time
6. The assessing tax map and lot number of the parcel or parcels
7. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant
8. The name, registration number and seal of the architect, engineer **and/or** similar professional who prepared the plan
9. A general description of the proposed activity or use.

b. Existing Conditions

1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district.
2. Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, and power and telephone lines and poles on the property to be developed and of any that will serve the development from abutting streets or land.
3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.

4. Location, dimensions and ground floor elevations of all existing buildings on the site.
5. Location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
6. Location of intersecting roads or driveways within two hundred (200) feet of the site.
7. Location of open drainage courses, floodplains, wetlands, stands of trees, and other important natural features, with a description of such features to be retained.
8. The direction of existing surface water drainage across the site.
9. Location, front view and dimensions of existing signs.
10. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
11. Location of the nearest fire hydrant, dry hydrant or other water supply for fire protection and any existing fire protection systems.

c. Proposed Development Activity

1. Location and dimensions of all provisions for water supply and wastewater disposal and evidence of their adequacy for the proposed use including test pit data if on-site sewage disposal is proposed.
2. The direction of proposed surface water drainage across the site.
3. Provisions for handling solid wastes including the location and proposed treatment of any on-site collection or storage facilities.
4. Location, dimensions, and ground floor elevations of all proposed buildings or expansion on the site.
5. Location and dimensions of proposed driveways, parking and loading areas, and walkways.

0. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
 1. Location and type of exterior lighting.
 2. Proposed landscaping and buffering.
 3. Schedule of construction, including anticipated beginning and completion dates.
 4. Location of all utilities, including fire protection systems.
 5. Statement of any hazardous materials that will be stored or used on the site.

d. Wind Energy Systems – Additional Plan Requirements

1. Property lines and physical dimensions of the property directly abutting the properties in all directions and properties for which easements have been granted.
2. Location of the wind system tower.
3. Location of all residential structures within 250 feet of the proposed wind system tower.
4. Location of all overhead utility and telephone lines within 250 feet of the proposed wind system tower.
5. Location of all public and private road rights-of-way within 250 feet of the proposed wind system tower.
6. Location of other rights-of-way, including but not limited to, railroads and utility corridors within 250 feet of the proposed wind system tower.
7. Location of other Wind Energy Systems, telecommunication towers, MET towers, and water towers within 250 feet of the proposed wind system tower.
8. Wind Energy Systems supported by lattice tower(s) are required to submit the following:

- a. Elevation drawings of the proposed wind tower system in relation to other structures and existing vegetation.
 - b. Photo representations of the proposed facility taken from the perspectives determined by the Site Plan Review Committee or the Town Planner during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
 - c. A narrative discussing:
 - i. The tree line elevation within 100 feet of the facility.
 - ii. The extent to which the proposed facility would be visible from abutting properties and from designated scenic resources.
- e. Supplemental Information

If the Town Planner determines that the project has the potential for having significant adverse impact on traffic flow or safety or on the environment, the Town Planner ~~he~~ may require the applicant to submit a traffic impact assessment ~~and/or~~ an environmental impact assessment.

The Town Planner may require the applicant to provide a boundary survey of the parcel if the property lines are not clearly and easily determined on the ground.

The applicant shall delineate on the plan or supply such other information, studies ~~and/or~~ reports from qualified professionals that the Town Planner may request under this section when the Town Planner determines said information to be reasonably necessary to make any of the determinations required by this Chapter, or to impose or carry out conditions of approval. The applicant shall submit such additional information within twelve (12) months of said request. The failure to timely submit such information will result in the application being placed on ~~the next a subsequent~~ Site Plan Review Committee meeting agenda for ~~final~~ review.

f. Approval Block

Space shall be provided on the plan for the five three signatures of the Site Plan Review Committee and the date, together with the following words, "Approved: Town of Gorham Site Plan Review Committees.

The applicant may request a waiver of any of the submission requirements. Such request shall be in writing and shall be made at the time of submission of the application. The request shall specify why the waiver is being sought. The Town Planner shall review any requests for waivers and shall act on those requests prior to determining the completeness of the application. Upon request, the Town Planner shall waive any such submission requirement as he determines unnecessary to allow the Site Plan Review Committee to determine the application's compliance with the approval standards.

D. Review Procedures - Within ten (10) working days of the application being determined to be complete, all the Planning Department, Code Enforcement Office, Town Engineer, Police Department, and Fire Department Town Department Heads and review staff shall review the application in a workshop with the applicant and shall provide the Town Planner with a written review of the application. These reviews shall evaluate the application's conformance with the approval criteria and standards and identify any areas in which the department has questions about conformance with local ordinances. If any department fails to respond within the ten (10) working day review process, this shall mean that the department has no concerns about the project.

1) No adverse comments

If no adverse comments are received by the Town Planner as a result of the department review process and if no adverse written comments or written requests for a meeting of the Committee are received from an abutter to the project by the end of the ten (10) working day review period, the Town Planner shall:

- a. Declare the application approved, sign the site plan, and have the members of the Site Plan Review Committee sign the site plan,
- b. Notify the applicant and Chairman of the Planning Board in writing of the approval, and
- c. Notify any abutter who requested to be notified or who commented on the application of the action.

2) Adverse comments

If adverse comments or questions are received by the Town Planner as a result of the departmental review process or from an abutter by the end of the ten (10) working day review period, the Town Planner shall:

a. Notify

status of the review, including any comments received.

b. Schedule a staff workshop with the applicant within ten (10) working days. This workshop is intended to provide the applicant with guidance on how the application could be modified to comply with the review criteria and standards and address concerns raised in the review process. This workshop shall be attended by the Town Planner and the applicant and/or his representative. Any department which provided adverse comment on the application shall also be represented at the staff review workshop.

3) Staff workshop

If a staff workshop is held, the staff shall present any concerns about the application and any comments received from the public. The staff shall work with the applicant to attempt to resolve all issues. At this workshop the applicant shall be given the option of presenting the initial submission to the

Site Plan Review Committee or revising the submission. If the applicant chooses to go to the Committee with the initial application, the Town Planner shall schedule the application for consideration at the next available Site Plan Review Committee meeting (but within twenty working (20) days). If the applicant chooses to revise the application, the Town Planner shall schedule the revised application for consideration by the Site Plan Review Committee within twenty (20) working days of receipt of the revised application.

4) Site Plan Review Committee meeting

The Site Plan Review Committee shall consider the application at a regular public meeting of the Committee within 30 days of the application being considered complete. The Town Planner shall notify the applicant, Chairman of the Planning Board, media, and any abutters who commented on the application or requested a Committee meeting in writing of the date, time, and place of the meeting.

The applicant and/or his representatives shall be allowed to make a presentation on the application, address any comments made by the staff or public, and present any revisions to address these issues.

Any abutters may comment on the application or ask questions of the applicant and/or his representatives. The focus of the Committee's review

shall be on those areas of the application that produced adverse comments or raised questions.

The Site Plan Review Committee shall consider if the application complies with the standards and criteria of Section 4-9. If the Committee finds that the application conforms to these requirements, the Committee shall vote to approve the application. Approval by the Committee shall require the affirmative vote of all members of the Committee. The applicant may request a continuation of the Site Plan Review Committee's meeting if only two members are present.

The applicant, Chairman of the Planning Board, and any abutters who provide written comments or requested the Committee meeting shall be notified in writing of the Committee's action. The minutes of the Committee shall be adequate notification.

5) Appeal to the Planning Board

Any party aggrieved by the decisions of the Site Plan Review Committee may seek an appellate review by the Planning Board. The appellant shall have ten (10) days in which to file such an appeal with the Chairman of the Planning Board. The appeal shall be in writing and shall specify why the appellant believes the action of the Committee was in error. The appeal shall be accompanied by a fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order.

If an appeal is filed, the application shall be placed on the agenda of the next regular meeting of the Planning Board. The appellant, applicant, and any abutters who provide written comments or requested a Committee meeting shall be notified in writing of the Planning Board meeting. The Town Planner shall provide members of the Planning Board with copies of the application, supporting material, staff review comments, abutters' comments, and minutes of the staff workshop and Committee meeting at which the application was considered.

The Planning Board shall review on an appellate basis the existing record of materials and shall determine if the application conforms to the approval criteria and standards. If the Board finds that the application conforms to the standards, it shall approve the application; otherwise, it shall deny the same.

The Town Planner shall notify the appellant, applicant and abutters who participated in the review of the action of the Planning Board.

+ Section 4-10 4 Post Approval Activities

A. Recording of Approved Plan or Decision Document

- 1) The conditions of approval, waivers granted by the Planning Board or the Site Plan Review Committee along with variances granted by the Board of Appeals must be added to the approved Site Plan and the Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board.
- 2) The applicant shall submit 3 copies of the plans for signature. The final recording copy for any site plan may be signed by the Planning Board at the close of the meeting only if the original and three (3) paper copies have been filed with the Planning Division by noon on Monday one (1) week prior to a Planning Board meeting. Two (2) signed copies of the approved Site Plan or Decision Document shall be retained by Town, the Planning Division (1) and the Assessing Division (1). One (1) original copy of the signed plan or Decision Document shall be recorded in the Registry of Deeds. Should a site plan not be completed by a professional engineer, surveyor, or landscape architect then a decision document shall be completed by the Town for recording in the Registry of Deeds. A copy of the recorded site plan or Decision Document shall be returned to the Planning Division prior to a pre-construction meeting being held.
- 3) No approved site plan or Decision Document shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted for off-site public improvements. If an approved plan or Decision Document is not recorded in the Registry of Deeds within one (1) year of the original approval, it shall become null and void.

B. Submission of Performance Guarantee Schedule of Values and Inspection Escrow

The developer shall submit to the Town Planner a proposed schedule of values identifying all off site improvement costs estimates for the establishment of the performance guarantee. This itemized cost estimate must include all approved public and quasi public improvements including, but not limited to, road construction, fire ponds, the installation of public sewer and public water, roadway monumentation, and the installation of street trees, required landscaping, etc. The applicant must indicate the date by which all of the improvements will be completed. The applicant can then use the approved cost estimate to establish a Performance Guarantee with a local bank or other lending institution of his/her choice.

The Town Planner will refer the itemized cost estimate for improvements to the Town's Engineer who will review the proposed scope of work and cost estimates. Once the description of the work to be done and the estimated costs have been reviewed by the Town's Engineer, the Town Planner will advise the applicant of any requested changes. All Performance Guarantees must be established through the Planning Division and approved by the Town Manager and the Town Attorney prior to the scheduling of the Pre Construction meeting.

Establishment of Inspection Escrow

Prior to the pre application meeting, the applicant must record the Site Plan or Decision Document in the Cumberland County Registry of Deeds and must provide the completed Escrow Agreement for field inspection with the escrow amount to the Town Planner.

Submission of AutoCAD Plans

The final recording copy for any site plan may be signed by the Planning Board at the close of the meeting only if the original and three (3) paper copies have been filed with the Planning Division by noon on Monday one (1) week prior to a Planning Board meeting. Prior to the signing of the original copy by the Planning Board, information in an AutoCAD.dwg or dxf format (preferably .dwg) must be submitted to the Town Planner electronically.

Pre construction meeting

Prior to construction, the applicant shall schedule with the Town Planner for a pre construction meeting. At a minimum, the applicant, his engineer, and his construction manager shall be in attendance.

Performance Guarantee prior to Issuance of Temporary Occupancy Permit

A. Performance Guarantee:

1) Purpose: Improvement guarantees shall be provided to ensure that the applicant has the financial capability to properly construct the project as approved by the Planning Board or Site Plan Review Committee.

1) Types of Guarantees.

- a. Off-site Improvements: The applicant shall provide a performance guarantee for an amount adequate to cover 150% of the total construction costs of all required improvements located off of private property and located on public property or rights-of-way. Off-site improvements are required to have performance guarantees in place prior to the final plan or decision document being released for recording at the Registry of Deeds. All off-site improvements are required to be completed prior to issuance of an occupancy permit for the project. The Town Planner may allow a temporary occupancy permit to be issued prior to completion of all off-site improvements but the improvements are required to be completed within a year from issuance of the temporary occupancy permit.
- b. On-Site Improvements: The applicant shall provide a performance guarantee for an amount adequate to cover 125% of the total construction costs of all remaining site improvements not completed prior to issuance of a temporary or final temporary occupancy permit. The applicant shall complete all required improvements as soon as

possible but the remaining improvements are required to be completed within a year from issuance of the temporary occupancy permit.

c. Performance and maintenance guarantees shall be provided by a variety of means including, but not limited to the following, which must be approved as to form and enforceability by the Town Manager and Town Attorney:

- i. Escrow Account: Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as sole owner;
- ii. Security Bond: A performance bond payable to the municipality issued by a surety bonding company authorized to do business in the State of Maine;
- iii. Letter of Credit: An irrevocable letter of credit, from a bank or other reputable lending or financial institution.

3) Contents of Guarantee: The performance guarantee must contain the following:

- a. Construction schedule; and
- b. Cost estimates for each phase of construction taking into account all construction costs for site improvements, provisions for inspections of each phase of construction, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

4) Escrow Account. A cash contribution for the establishment of an escrow account must be made by either a certified check made out to the Town of Gorham, the direct deposit into a savings account, or the purchase of a certificate of deposit.

- a. For any account opened by the applicant, the Town of Gorham must be named as owner or co-owner, and the consent of the Town must be required for any withdrawal.
- b. The Town shall be authorized to make withdrawals without the signature of the applicant, pursuant to the performance schedule.

5) Performance Bond. A performance bond must detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents must specifically reference the site plan for which approval is sought and the approved costs estimates.

- a. The applicant shall submit a draft copy of the performance bond to the Town Planner for review and approval prior to issuance of the final performance bond.
- 6) Letter of Credit. An irrevocable letter of credit from a bank or other reputable lending institution with offices in the region must indicate that funds have been set aside for the construction of the site plan.
 - a. The letter of credit must use the template established by the Town of Gorham, unless waived by the Town Manager in consultation with the Town Attorney.
- 7) Phasing of Development: The Planning Board or Site Plan Review Committee may approve plans to develop a site plan in separate and distinct phases. The phases must be designed so that they can be recorded at the registry of deeds as separate and distinct plans. No phased plans will be released for recording in the registry of deeds until the performance guarantee for the off-site improvement for that phase has been established as required under this section.
- 8) Release of Guarantee. While partial draws are permitted, the amount of each must be no less than twenty percent (20%) of the original amount. The developer shall submit to the Town Planner a copy of the approved schedule of values identifying items substantially completed and being requested for release. Prior to the release of any part of the performance guarantee, the Town Manager, or designee, shall determine to their satisfaction, in part upon the report of the Town's consulting engineer or other qualified individual retained by the municipality and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.
- 9) Default: If upon investigation, the Town or the Town's consulting engineer finds that any of the required improvements have not been constructed in general conformance with the plans and specifications filed as part of the application, they shall report in writing to the Code Enforcement Officer, the Town Manager, the Town Planner, and the applicant or builder. The Town Manager, or designee, shall take any steps necessary to preserve the municipality's rights.
- 10) An escrow account for field inspection and compliance work equivalent to two and one-half percent (2.5%) of the approved estimated costs of both off and on site improvements prior to the start of construction is established with the Town Planner by the Developer to guarantee payment in advance of the pre-construction meeting being held.

C. Submission of AutoCAD Plans

The final recording copy for any site plan may be signed by the Planning Board at the close of the meeting only if the original and three (3) paper copies have been filed with the Planning Division by noon on Monday one (1) week prior to a Planning Board meeting. Prior to the signing of the original copy by the Planning Board, Projects that require a survey plan completed by a State of Maine Licensed Surveyor shall submit information in an AutoCAD.dwg, or dxf format, (preferably .dwg or other digital format preferred by the Town) to the Town Planner electronically prior to a pre-construction meeting being heldinformation in an AutoCAD.dwg or dxf format (preferably .dwg) must be submitted to the Town Planner electronically.

D. Pre-construction meeting

Prior to the start of construction, the applicant shall schedule with the Town Planner a pre-construction meeting with Town Staff. At a minimum, the applicant, the design engineer or other design professional, and the earthwork construction managercontractor shall be in attendance.

Public hearing #8

On item #2021-09-11

Public hearing to hear comment on a proposal to amend the Land Use & Development Code to promote effective multi-family development.

Proposed

Order #22-66

Ordered, that the Town Council amend the Land Use & Development Code to promote effective multi-family development as follows:

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 multifamily 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.
 - (a) 7. The developer shall provide a minimum of 250 square feet of private, outdoor space for each dwelling unit.
 - (b) 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.
- (f) 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.
- (g) 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.
- (h) 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, Urban Residential Expansion District, and 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:
1. 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 inches in caliper with a mature height of at least 12 feet.
 2. Street furniture such as benches, trash bins, and bike racks.
 3. Pedestrian lighting
- (e) All developments are required to have underground utilities, public sewer and water meeting the requirements of the Portland Water District.
1. The Planning Board may grant a waiver for the requirements of the extension of public sewer if the lot is located greater than **four hundred 200 400'** 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.
 2. The Planning Board may grant a waiver for the requirements of the extension of public water if the lot is located greater than **six hundred 200 600'** 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.
1. 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.
 2. 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.
 3. Maintenance of landscaping: All required landscaping and screening shall be maintained or replanted **by the owner of the parcel(s)** 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.

1. 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.
 1. Entrances shall be combined to the maximum extent possible.
 2. 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.
 3. 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.
 4. 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.
 1. 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.
 2. All other parking shall be located to the side and rear of the building.

Item # 2022-06-09 Action to consider a resignation from the Planning Board. (Admin.

Spon.) Proposed

Order #22-66 ORDERED, that the Town Council accept the resignation of Thomas Hughes from the Planning Board; and

Be it further Ordered, that the Council thanks Thomas Hughes for his 18 years of service on the Board.

Item # 2022-06-10 Action to consider authorizing the Town Manager to enter into an MOU with EcoMaine and other EcoMaine Communities for the purpose of exploring regionalized waste collection. (Councilor Pratt Spon.)

Proposed

Order #22-67

Ordered, that the Town Manager is authorized to enter into a non-binding MOU with EcoMaine and EcoMaine member communities to explore regional waste and recycling collection; and

Be It Further Ordered, that the Town Manager is authorized to explore and/or negotiate with the Town's current service provider in order to expand the possibilities of regionalized waste and recycling during and/or at the end of the Town's existing contract.

Item # 2022-06-11 Action to consider entering into a purchase and sale agreement for Town owned property located in the Gorham Industrial Park West Campus. (Admin. Spon.)

Proposed

Order #22-68

Ordered, that the Town Council authorizes the Town Manager to enter into a purchase and sale agreement with EC Properties, LLC on Lot 2 of the Town of Gorham's draft subdivision plan for the Gorham Industrial Park West Campus.

Old Business

Item # 2021-9-10 Action to consider amending the Land Use & Development Code to move forward with the adoption of the South Gorham Corridor Commercial District. (Ordinance Committee Spon.)

Proposed

Order #22-69

Ordered, that the Town Council forward to the Planning Board, for recommendation and public hearing, amendments to the Land Use & Development Code as recommended by the Ordinance Committee.

Adjourn

