

**AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
July 7, 2020
6:30pm
On-line Zoom Meeting**

The Town of Gorham invites you to view our upcoming Regular Town Council Meeting on July 7, 2020, starting at 6:30PM. This meeting will be held remotely, hosted as a Zoom Webinar and streamed over GoCAT 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, July 7, 2020 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/86299695960>, or join by phone by calling 1-929-205-6099 and entering Webinar ID: 862 9969 5960. 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 June 2, 2020 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

**Public
Hearing #1
On Item #2020-7-01**

Public hearing for the purpose of receiving public comments on technical revisions to its Downtown Tax Increment Financing District and the Development Program for the said District, as adopted on March 10, 2020, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

Following a public hearing held on March 10, 2020, the Town Council designated the Downtown Tax Increment Financing District and adopted the Development Program for said District. The District consisted of various parcels that totaled 617.29 acres within and surrounding the Gorham Village. The Town Council will hold a second public hearing as referenced above for the purpose of considering proposed technical revisions to the District that relate exclusively to the addition of 32 parcels within the Gorham Village area located between Narragansett Street and Ossipee Trail as those roads intersect with State Street leading into Main Street at the heart of Gorham Village. These parcels were inadvertently omitted from the District map at the time of designation of the District and were therefore not factored into the Original Assessed Value of the District as set forth in its Development Program. The District as originally adopted, together with the 32 proposed additional parcels will consist of 680.62 acres total. The proposed technical revisions will amend the map and boundaries of the District and the Development Program for the District will be revised to reflect the Original Assessed Value of the District to include these additional parcels (\$194,668,300). No other changes are proposed or will be made to the District or Development Program and these proposed revisions do not impact the stated purpose of the District and Development Program, the Captured Assessed Value or projected Increased Assessed Value of the District, or the authorized project costs of the District. (Admin. Spon.)

**Proposed
Order #20-70**

WHEREAS, pursuant to the Town Council Orders adopted March 10, 2020, the Town designated the Town of Gorham Downtown Tax Increment Financing District #11 (the "District") and adopted the proposed Development Program for the District as presented to the Town Council; and

WHEREAS, the Town submitted an application for approval of the District and Development Program to the Commissioner of the Maine Department of Economic and Community Development ("DECD") on March 26, 2020; and

WHEREAS, following submission of the application for approval of the District and Development Program to DECD, the Town determined that certain parcels located within the Gorham Village area adjacent to the District were inadvertently omitted from the District; and

WHEREAS, the Development Program for the District and the Town Council Orders adopted on March 10, 2020 authorized the Town Manager to submit technical revisions to the Development Program for the District as he deems reasonably necessary or convenient in order to facilitate the process for review and approval by the DECD, so long as such revisions are not inconsistent with the basic structure and intent of this Development Program; and

WHEREAS, the Town Council held a second public hearing on July 7, 2020 in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town to consider testimony regarding the proposed technical revisions; and

WHEREAS, following the second public hearing held by the Town Council on July 7, 2020, the Town Council determined that the proposed technical revisions were not inconsistent with the basic structure and intent of the Development Program for the District; and

WHEREAS, it is anticipated that the Commissioner of the DECD will approve the designation of the District and adoption of the Development Program as revised;

NOW THEREFORE, the Town Council hereby Orders as follows:

Section 1. The Town Council hereby finds and determines that:

- (a) Adoption and implementation of the District and the Development Program, as revised, will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and
- (b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program, as revised, will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program, as revised, on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program, as revised, to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the proposed Town of Gorham Downtown Tax Increment Financing District #11, as revised and as presented to the Town Council on this date.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the District as revised and in the form presented to the Town Council on this date.

Section 4. The foregoing designation of the District and adoption of the Development Program, as revised, shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Gorham, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program, as revised. The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

This Order shall take effect immediately upon adoption.

**Public
Hearing #2
On Item #2020-7-02**

Public hearing on a proposed ordinance to adopt a Marijuana Cultivation or Manufacturing Licensing Ordinance and add Permitted Uses in the Rural, Industrial and Olde Canal zoning districts. (Admin. Spon.)

**Proposed
Order # 20-71**

Ordered, that the Town Council adopt a Marijuana Cultivation or Manufacturing Licensing Ordinance and amend the Land Use Development Code to add permitted uses in the Rural, Industrial and Olde Canal Zoning Districts as follows:

Town of Gorham

Marijuana Cultivation or Manufacturing Facility Licensing Ordinance

Section 1 – Title

This ordinance shall be known as and cited as the “Town of Gorham Marijuana Cultivation or Manufacturing Facility Licensing Ordinance” and will be referred to hereinafter as “this ordinance”. This ordinance limits all subject cultivation or manufacturing facilities to the zoning districts specified under the Gorham Zoning Ordinance, prescribes definitions and provides for permitting/licensing, regulation,

and performance standards for cultivation or manufacturing facilities.

Section 2 – Authority and Applicability

This ordinance is adopted pursuant to the authority granted by 28-B M.R.S.A. §101 et seq., as may be amended, and the Town’s home rule authority under Chapter VIII, Part 2 Section 1 of the Maine Constitution.

Section 3 – Purpose

The purpose of this ordinance is to assure the safety of Gorham citizens by reviewing and regulating marijuana cultivation or manufacturing facilities, as permitted under state law.

Section 4 – Conflict with other ordinances; state law

Whenever a provision of this ordinance conflicts with or is inconsistent with other provisions of this ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with state law; whenever a provision of this ordinance conflicts with state law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable state laws.

Section – 5 Validity and severability

Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

Section 6 – Effective Date

The effective date of this ordinance and the licensing thereunder shall be the date of adoption by the town council.

Section 7 – Definitions

Agricultural Building – a structure designed, constructed, and used to store farm machinery, supplies, implements, livestock, or crops.

Cultivate or cultivation – the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. “Cultivation” or “cultivate” does not include manufacturing, testing or marijuana extraction.

Cultivation facility – a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult

use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature plants and seedlings to marijuana stores. A cultivation facility includes a nursery cultivation facility.

Manufacture, processing – the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including but not limited to marijuana extraction or preparation by means of chemical synthesis. “Manufacture” or “manufacturing” does not include cultivation or testing.

Manufacturing batch – a quantity of marijuana concentrate or extract that is produced in on production cycle using the same extraction methods or formulation and standard operating procedures.

Marijuana – the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. “Marijuana” includes marijuana concentrate but does not include hemp as defined in Title 7 M.R.S.A. §2231(1-A paragraph D) or a marijuana product.

Marijuana establishment. "Marijuana establishment" means a cultivation facility, products manufacturing facility, a testing facility or a marijuana store licensed under this ordinance.

Plant canopy. "Plant canopy" means the total surface area within the licensed premises of a cultivation facility that is authorized by the town for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Section 8 – Annual License required; distribution of licenses; renewal

No person may establish, operate or maintain a marijuana cultivation or manufacturing facility without first obtaining an annual license from the town council.

It is a violation of this ordinance for any person to operate a marijuana cultivation or manufacturing facility without a valid license issued by the town council pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. §301 and §502, an applicant seeking to operate a cultivation or manufacturing facility may submit an application for a license concurrent with an application for a conditional license by the State of Maine to operate a marijuana cultivation or manufacturing facility.

The Town Council is authorized to issue no more than twenty (20) licenses in accordance with this ordinance and where allowed in the Land Use and Development Code.

Cultivation or manufacturing facilities that were operating with Town approval prior to the enactment of this ordinance shall have a priority of review for license issuance by the Town Council, provided that the owner/operator of the business submits a completed application for a license within 90 days of enactment of this ordinance. Such businesses shall be included in the maximum number of licenses permitted.

Any change in ownership or change in officers of an owner of an existing cultivation or manufacturing facility shall have a priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership.

The Town Council shall issue no more than one (1) cultivation or manufacturing facility license per business/individual/owner.

Marijuana cultivation or manufacturing facility licenses shall be administered on a first come, first serve basis based upon the date the application is deemed complete.

Home cultivation or manufacturing of adult use marijuana for personal use is exempt from the licensing requirements of this ordinance.

Section 9 – Application procedure

A. An application for a license must be made on a form provided by the town of Gorham.

B. Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and if referred to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.

C. All applicants must be qualified according to the provisions of this Ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

D. Application to establish a Marijuana Cultivation or Manufacturing Facility

1. If the applicant who wishes to operate a Marijuana Cultivation or Manufacturing Facility is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a Marijuana Cultivation or Manufacturing Facility is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

2. The completed application for a Marijuana Cultivation or Manufacturing Facility license shall contain the following information and shall be accompanied by the following documents:

a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty- one (21) years of age.

b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.

d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.

e. If the applicant intends to operate the Marijuana Cultivation or Manufacturing Facility under a name other than that of the applicant, they must state the Marijuana Cultivation or Manufacturing Facility name and submit the required registration documents.

f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

g. If the applicant has had a previous license under this Ordinance or other similar Marijuana Cultivation or Manufacturing Facility license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the Marijuana Cultivation or Manufacturing Facility for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer,

director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Cultivation or Manufacturing Facility for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

h. If the applicant holds any other permits/licenses under this Ordinance or other similar Marijuana Cultivation or Manufacturing Facility license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of Marijuana Cultivation Facility for which the applicant is seeking a license.

j. The location of the proposed Marijuana Cultivation or Manufacturing Facility, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Cultivation or Manufacturing Facility pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

l. The applicant's mailing address and residential address.

m. Recent passport-style photograph(s) of the applicant(s).

n. The applicant's driver's license.

o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

p. A copy of a town of Gorham Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Marijuana Cultivation or Manufacturing Facility within one thousand (1,000) feet of the subject property; and the property lines of any preexisting public or private school within seven hundred and fifty (750) feet of the subject property, measured in accordance with this ordinance.

3. All applications for a Marijuana Cultivation or Manufacturing Facility license shall be kept confidential by the town.

4. All applicants, including all individuals, officers, directors, managers, members, and partners, for any Marijuana Cultivation or Manufacturing Facility license must be residents of the State, as defined in 28-B M.R.S. A. §102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents.

5. If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents.

Section 10 – Standards for license

General

1. All Marijuana Cultivation or Manufacturing Facilities shall comply with applicable state and local laws and regulations.

2. Marijuana Cultivation or Manufacturing Facilities shall only be located within the zoning districts permitted in the Gorham Zoning Ordinance.

3. Marijuana Cultivation or Manufacturing Facilities may not be located on property within seven hundred and fifty (750) feet of the property line of a preexisting public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Marijuana Cultivation or Manufacturing Facilities is located. If the Marijuana Establishment is located within a subdivision, the required setback shall be measured from the front door of the Marijuana Cultivation or Manufacturing Facilities to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

4. Marijuana Cultivation or Manufacturing Facilities may not be located on property within one thousand (1,000) feet of the property line of a parcel containing one or more Marijuana Cultivation or Manufacturing Facility. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the property lines of the parcels of land on which the Marijuana Cultivation or Manufacturing Facilities are located. If the Marijuana Cultivation or Manufacturing Facilities is located within a commercial subdivision, the required setback shall be measured from the front door of each of the Marijuana Cultivation or Manufacturing Facilities. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

Notwithstanding the foregoing, more than one Marijuana Cultivation or Manufacturing Facilities may be located on the same parcel, provided all state and local requirements are met. This setback requirement does not apply to properties with more than one Marijuana Cultivation or Manufacturing Facilities that

are subdivided, as long as the Marijuana Cultivation or Manufacturing Facilities located on the property were operating with town approval prior to the adoption date of this ordinance.

5. No outside cultivation or Manufacturing or storage of marijuana, marijuana products, or related supplies is permitted, except as allowed by ordinance.

6. Ventilation and Odor - All Marijuana Cultivation or Manufacturing Facility are required to be in compliance with the state requirements and all Marijuana Cultivation or Manufacturing facilities shall have odor mitigation systems such that odor is imperceptible from the outside of any building or lease line. A ventilation plan shall be required for marijuana cultivation and manufacturing facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its manufacturing or cultivation to be effectively confined to the any building or lease line.

7. All Marijuana Cultivation or Manufacturing Facilities shall obtain a State of Maine conditional license prior to operating in the town of Gorham.

C. Operating Plan

A. Marijuana Cultivation or Manufacturing Facilities are required to submit an operation plan that at a minimum addresses the following:

- a. wastewater
- b. disposal of waste
- c. ventilation and odor
- d. parking
- e. landscaping

Section 11 - License expiration and renewal

A separate license must be obtained for each marijuana cultivation or manufacturing facility located on the same premises. Each license shall be effective for a period of one year from the date of its issuance. A license must be obtained prior to the opening of marijuana cultivation or manufacturing facility.

Applications for renewal licenses shall be submitted at least sixty (60) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a new license is granted.

Section 12 – Denial, suspension or revocation of license

A marijuana cultivation or manufacturing facility license under this ordinance shall be denied to the following entities or persons:

A person or entity who fails to meet the requirements of this ordinance.

A person or entity that has had a license for marijuana cultivation or manufacturing facility revoked by the Town of Gorham or by the State of Maine.

A person or entity who has not acquired all necessary state approvals and other required local approvals prior to issuance of a license.

The Town may suspend or revoke a license for any violation of this ordinance, Chapter 1, Chapter 2 or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for a marijuana cultivation or manufacturing facility suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Section 13 - Right of Access/Background Check/Inspection

Every Marijuana Cultivation or Manufacturing facility shall allow law enforcement officers and the Gorham Code Enforcement Officer (“CEO”) to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. Every owner and employee of a Marijuana Establishment applying for a license, shall contact the Gorham Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for Marijuana Cultivation or Manufacturing Facility shall submit emergency contact information to the Police Department. Due to fire, explosion, and other hazards inherent in Marijuana Cultivation or Manufacturing facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO2 enrichment, and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Gorham Fire Department and have a Lock Box installed at the structure's exterior entrance for emergency access. Lock Boxes shall be obtained and installed in coordination with the Gorham Fire Department.

Section 14 - Indemnification

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Establishment owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations. By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage,

including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed Marijuana Establishment.

Section 15 - State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the cultivation or manufacturing of Marijuana, the additional or stricter regulation shall control the establishment or operation of any Marijuana Cultivation or manufacturing Facility in Gorham. Compliance with all applicable State laws and regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

Section 16 – Advertisement and Public Hearing

- A. For new or renewal licenses requiring Town Council action the Council shall hold a public hearing.
- B. Prior to any public hearing held in accordance with this Ordinance, the application shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the public hearing.

Section 12 – License Fees

Fees for a marijuana cultivation or manufacturing facility shall be as set forth in the fee schedule established by the Gorham Town Council and shall be paid annually.

Section 13 - Enforcement

Violations

Any violations of this ordinance, including failure to comply with any conditions, may be enforced in accordance with 30-A M.R.S.A. §4452. Every day a violation exists constitutes a separate violation.

Commencement of any marijuana cultivation or manufacturing facility without a town license for same shall be a violation of this ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the town can pursue fines and/or penalties under 30-A M.R.S.A. §4452.

Law enforcement officer and code enforcement

Law enforcement officers and the CEO may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to license approvals and

shall investigate all complaints of alleged violations of this ordinance.

Section 14 - Appeals

Any appeal of a decision of the Town shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

Zoning Ordinance Amendments:

Language to be added is underlined.

SECTION 1-8 – RURAL DISTRICT

B. 24) Marijuana Cultivation or Manufacturing Facility, when inside an existing agricultural building

SECTION 1-12- INDUSTRIAL DISTRICT

B. PERMITTED USES

11) Marijuana Cultivation or Manufacturing Facility

SECTION 1-21- OLDE CANAL INDUSTRIAL DISTRICT

B. PERMITTED USES

13) Marijuana Cultivation or Manufacturing Facility

Below is a proposed fee schedule for consideration by the Council. This is not part of the current proposed ordinance.

All applications must be submitted with a \$500 fee.

If an application is approved, the following license fees must be paid before the Town will issue a license:

Marijuana Manufacturing Facility: \$5,000

Marijuana Cultivation Facility:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.

Tier 2: 501 to 2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001 to 7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

Tier 4: greater than 7,000 SF of mature plant canopy: Annual License Fee: \$5,000.

Nursery Cultivation facility: Annual License Fee: \$1,000 (Plant canopies of individual Nursery Cultivations are capped at 1,000 SF, subject to the requirements and restrictions of State law.)

Renewal applicants for Marijuana Cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section and State law.

Public

Hearing #3

On Item #2020-7-03 Public hearing on a proposed amendment to expand the Development Transfer Overlay District to include the area in the vicinity of Mosher’s Corner. (Admin. Spon.)

Proposed

Order # 20-72 Ordered, that the Town Council amend the Land Use and Development Code to expand the Development Transfer Overlay District to include areas of Mosher’s Corner through the adoption of a new zoning map.

Public

Hearing #4

On Item #2020-7-04 Public hearing on a proposed amendment to the area of Harding Bridge Road to match the Future Land Use Map in the Comprehensive Plan currently zoned as Rural to Suburban Residential. (Admin. Spon.)

Proposed

Order # 20-73 Ordered, that the Town Council amends the Land Use and Development Code to change an area currently identified in the Comprehensive Plan as Rural to Suburban through the adoption of a new zoning map.

Public

Hearing #5

On Item #2020-7-05 Public hearing on a proposal to issue a renewal Liquor License to Gorham Sports Center. (Admin. Spon.)

Proposed

Order # 20-74 Ordered, that the Town Council issue a renewal Liquor License to Gorham Sports Center, 215 Narragansett Street.

Public

Hearing #6

On Item #2020-07-06 Public hearing on a proposal to issue a renewal Liquor License to Rustic Taps and Catering LLC. (Admin. Spon.)

Proposed

Order #20-75

Ordered, that the Town Council issue a renewal Liquor License to Rustic Taps and Catering, LLC, 25 Elm Street.

Public

Hearing #7

On Item #2020-07-07 Public hearing to take public comment on Gorham's Streets and Sidewalks Ordinance to allow for more on street parking in the Village Area. (Admin. Spon.)

Proposed

Order #20-76

Ordered, that the Town Council amends the Gorham Streets and Sidewalks Ordinance as follows:

SCHEDULE A - No Parking Allowed

SECTION 1

Parking shall be prohibited on the following streets:

Academy Street The easterly side from College Avenue to State Street.
The westerly side from 170 feet from College Avenue to a point 45 feet from State Street.

Access Road The northerly side from Ball Park Road continuing westerly to the driveway of #6 Access Road, a distance of 1,815 feet.
The southerly side from the driveway of #7 Access Road easterly to the designated parking spaces located on Access Road for a distance of 200 feet

Alden Lane Both sides from State Street to College Avenue, a distance of 107 feet.

Ball Park Road The east side of Ball Park Road from Morrill Avenue to the Access Road
The north side of Ball Park Road opposite the Cooperative Preschool Bldg

Church Street The northerly side 260 feet from School Street
The southerly side 190 feet from School Street

Southern Maine fire lane, a distance of 860 feet.
Open to Parking on north and south side except for westerly of Academy St intersection north and south side

Cross Street	The easterly side 168 feet from Church Street.
Elm Street	The westerly side from Main Street to Preble Street
Gray Road	The westerly side from Huston Road 125 feet southerly.
	The westerly side from Huston Road 162 feet northerly to the fire hydrant near utility pole #125.
Green Street	On the northerly side 160 feet from South Street
Johnson Road	The westerly side from Main Street to Gray Road.
	The easterly side 100 feet from Gray Road. The easterly side 75 feet from Main Street.
Lincoln Street	The northerly side from the entrance of Village School to South Street, a distance of 848 feet.
	The southerly side from the entrance of Village School 100 feet westerly to the driveway of #29 Lincoln Street.
Lombard Street	The west side of Lombard Street
Main Street	The northerly side from 100 feet east of New Portland Road to Cross Street.
	The southerly side from New Portland Road to South Street.
	The southerly side beginning 190 feet west of the midpoint of the intersection of Route 202 and Route 25 and extending 310 feet easterly.
Mechanic Street	The easterly side from the New Portland Road to Railroad Avenue.
	The westerly side 160 feet from the New Portland Road intersection to Railroad Avenue.
Middle Jam Road	The easterly side from the North Gorham Road to 400 feet north of the North Gorham Road
	The westerly side from North Gorham Road to 400 feet north of the North Gorham Road
New Portland Road	The northerly side from Main Street to 100 feet east of Mechanic Street
	The southerly side from Main Street to 100 feet east of Mechanic Street
North Gorham Road	On either side from a distance of 850 feet westerly from the intersection of the North Gorham Road and the Gorham-Windham Municipal boundary.
	On both sides 200 feet westerly from the intersection of Standish Neck Road.
Pine Street	The westerly side from State Street to 200 feet south of State Street
Preble Street	The southerly side from South Street to Elm Street
Railroad Avenue	Southerly side 190 feet from the intersection of Mechanic Street Intersection
Robie Street	Elm to Lincoln Intersection east and west
	Easterly side Lincoln St. intersection to whispering pines lane intersection.
School Street	The westerly side beginning at CMP pole #1 to the
	The easterly side beginning at a point 270 feet north of Main Street and continuing north to the intersection of Church Street, a distance of 60 feet.

The westerly side beginning at CMP pole #8 and continuing north to the compact zone line.

The easterly side beginning at CMP pole #8 and continuing north to the compact zone line.

South Street Main Street. The easterly side from Main Street to 120 feet south of Main Street.

Standish Neck Road Gorham Road. On both sides 125 feet from the intersection of North Gorham Road.

State Street Pine Street within the right-turn lane. The southerly side from South Street to 200 feet east of Pine Street within the right-turn lane.

The southerly side from Pine Street continuing westerly to the compact zone line.

The northerly side from the driveway of #45 State Street continuing westerly to the compact zone line.

Water Street Church Street. The westerly side from Main Street to the intersection of Church Street.

On the easterly side 470 feet from Main Street

SECTION 2

Parking shall be prohibited within the boundaries of Robie Park. These boundaries being: Morrill Avenue on the south side, Ball Park Road on the east side, Access Road on the north side, and the high school parking lot and the unnamed roadway that runs from Morrill Avenue to the high school parking lot on the west side of the park.

SCHEDULE B - Limited Parking

SECTION 1 (One Hour Limit: 7 a.m. – 7 p.m.) Eliminate this Section 1 and merge with Section 3 Two Hour

Parking shall be limited to a maximum of one hour between the hours of 7 a.m. and 7 p.m. on the following streets:

Gray Road The westerly side of Gray Road, between CMP pole #126 southerly to CMP pole #127 for a distance of 164 feet.

The easterly side of Gray Road directly across the street from the same CMP poles and for the same distance.

Main Street Street The northerly side from School Street to Cross Street

South Street Town owned parking on the north side of Robie Gym and Town owned parking located in front of Robie Gym on South Street.

SECTION 2 (One Hour Limit: 7 a.m. – 4 p.m.)

Parking shall be limited to a maximum of one hour between the hours of 7 a.m. and 4 p.m. of any day except Sundays and public holidays upon the following streets:

Access Road
 Church Street
 Douglas Circle
 Green Street
 Lombard Street
 Morrill Avenue
 Narragansett Street Move to 2 hour From Alden Lane to #104 Narragansett Street
 Ball Park Road
 Pine Street
 South Street
 Sylvan Road
 Village Woods Circle
 Village Woods Drive

SECTION 3 (Two Hour Limit: 7 a.m. – 7 p.m.)

Parking shall be limited to a maximum of two hours at any time between the hours of 7 a.m. and 7 p.m. on any day except Sundays and public holidays on the following streets:

School Street The easterly side beginning at Main Street and continuing north to a point 270 feet north of Main Street,

The westerly side from State Street continuing north to a point 96 feet from State Street.

SECTION 4 (No Parking: 6 a.m. – 4 p.m.)

Parking shall be prohibited at any time between the hours of 6 a.m. and 4 p.m. Monday through Friday on the following streets:

Lincoln Street For discussion The southerly side from the driveway of 29 Lincoln Street to South Street, a distance of 748 feet.

Add Restrictions for Municipal Center Parking Lot here.

SCHEDULE C - No through trucks allowed

No three (3), four (4), or five (5) axle through trucks shall be allowed on the following streets:

Deering Road From the Buxton Town Line to Route 22

Flaggy Meadow Road From the Buxton Town Line to Route 25

Huston Road From Route 237 to Route 202

New Portland Road From Bartlett Road to Route 25 (Main Street)

Wood Road From the Finn Parker Road to Route 25

Robie Street From South Street to Elm Street

Lincoln Ave From South Street to Robie Street

Preble Street From South Street to Elm Street

SCHEDULE D - Right – Turn Only

The following intersections are restricted to right-turn only vehicular movement. Left turning

vehicular movements are strictly prohibited.

Cross Street onto Main Street (Route 25)

OLD BUSINESS

Item # 9415 Action to consider a request from the Ordinance Committee for clarification on Order #9415, instructing the Ordinance Committee to review requiring taxes to be paid before issuance of permits. (Ordinance Committee Spon.)

Proposed Order #20-77 Ordered, that the Town Council instruct the Ordinance Committee, after further discussion and guidance from the Council, to review adding requirements to the Land Use & Development Code requiring that taxes be paid before the issuance of permits and bring back its recommendations to the Town Council.

NEW BUSINESS

Item #2020-07-08 Action to consider forwarding to the Planning Board, for public hearing and their recommendation, amendments to the Land Use and Development Code to allow for Varied Density in the Village District and Urban Commercial District. (Ordinance Committee Spon.)

Proposed Order #20-78 Ordered, that the Town Council forward proposed amendments to the Land Use and Development Code to allow for Varied Density in the Village District and Urban Commercial District as follows:

CHAPTER 1: ZONING REGULATIONS

SECTION 1-5 DEFINITIONS

Mixed-Use Developments The development or redevelopment of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

SECTION 1-6 – URBAN RESIDENTIAL DISTRICT

D. SPACE STANDARDS

	<u>Watered & Sewered</u>	<u>Unsewered</u>
Minimum lot size	105,000 sq.ft.**	20,000 sq.ft.
Minimum area per dwelling unit	10,000 sq.ft.	20,000 sq.ft.
Minimum street		

frontage	80 ft.	80 ft.
Minimum front yard	25 ft.	25 ft.
Minimum rear and side yards	15 ft.*	15 ft.*

*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

SECTION 1-9 - VILLAGE CENTERS DISTRICT

SUBSECTION 1. LITTLE FALLS VILLAGE CENTER DISTRICT

A. PURPOSE

To provide space within Little Falls Village for small, local, retail sales, commercial service, and office uses which are in keeping with the scale and character of the Village while minimizing the traffic problems and interruptions created by such development. In addition, the rehabilitation and reuse of existing structures is encouraged.

B. PERMITTED USES

- 1) Local retail stores (individual stores shall not have more than seven thousand [7,000] square feet of gross floor area).
 - 2) Personal, business, and repair services.
 - 3) Business and professional offices.
- 4) Residential uses including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing but excluding mobile homes and trailers, except fraternity housing.
 - 5) Municipal building or use.
 - 6) Park or playground.
 - 7) Accessory building or use including home occupations.
 - 8) Rooming house.
 - 9) Funeral home.
 - 10) Place of public assembly, including indoor theater.
- 11) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization, or social nature which is not used for residential purposes, which has less than two thousand (2,000) square feet of floor area and which generates less than two hundred (200) vehicle trips during any twenty-four hour period.
- 12) Public utility facilities including substations, pumping stations, and exchange buildings.
- 13) Drive-through service, as defined in Section 1-5 of this Chapter, when accessory to financial institutions.
- 14) Bed and Breakfast Establishment
- 15) Bed and Breakfast Establishment with public dining as an accessory use.

- 16) Inn
- 17) Residential dwelling units part of a mixed use developments.

C. SPECIAL EXCEPTIONS

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

D. SPACE STANDARDS

Minimum lot size:	None*
Minimum area per dwelling unit:	<u>10,000 sq.ft.**</u>
Minimum street frontage	None*
Building setback:	New buildings constructed in the Village Center District shall be located in such a manner as to maintain the established relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an existing building is being demolished, than the pre-existing setback, whichever is greater.
Minimum side and rear yards:	10 feet* except as otherwise required by the buffer provisions of this Code.
Maximum building height:	35 feet <u>None</u>
Maximum building coverage:	None*

*These space standards for residential uses and properties shall be the same as those in the Urban Residential District. The Urban Residential District space standards do not apply to mixed-use buildings.
 **Minimum area per dwelling unit for existing buildings being converted to mixed-use buildings may utilize the space standards under Chapter 2, Section: 2-4 Residential, D. Mixed-Use Developments.

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: SITE DEVELOPMENT

The performance standards contained in Chapter 2 of this Code shall apply and the following additional requirements shall be placed on uses within this district:

- 1) No portion of the lot in front of the front building line shall be used for accessory structures off-street parking, service or loading.
- 2) The Planning Board may waive or reduce the off-street parking requirements if:
 - a) An existing building is being converted to another permitted use, or
 - b) Adequate off-street parking is available in public cooperative off-street parking facilities within 300 feet of the site.
- 3) The Planning Board ~~may~~ shall require that entrances to uses in this district be combined to the maximum extent possible. Provisions shall be made for the interconnection of non-residential parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without

having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a “short-cut” by traffic.

4) Each building shall be limited to a maximum of one entrance and exit to Main Street Gray Road at a point determined by the Planning Board.

5) Parking shall be designed to reinforce the “village character.” No off-street parking shall be located within any required front, side, or rear yard or setback. No portion of the lot in front of the front building line shall be used for off-street parking.

Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking an/or cross access with adjacent properties. When allowing parking spaces within any side or rear setback the Planning Board shall review a landscaped plan provided by a licensed landscaped architect detailing how the proposed parking spaces visual impacts shall be minimized to the abutters and from public right-of-ways through the use of plantings, stonewalls, hardscape features, berms, and/ or fencing.

6) Buildings shall be compatible with the “village character”. The exterior surface of all facades that are visible from a public street shall use traditional New England materials or materials which replicate traditional materials such as vinyl clapboard siding, masonry units that replicate shake or clapboard siding, or metal or plastic roofing that simulates shake or shingle roofing. The use of flat concrete block, corrugated or flat metal, fiberglass, or plastic panels, reflective materials, stucco, or products such as T-111 or plywood on facades visible from public streets is not permitted. The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

Roofs shall be designed to maintain the “village character”. All new buildings and additions shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false building fronts shall be used to imitate pitched roofs. Accessory buildings, canopies, and other structures shall have roof lines that are visually compatible with the roof line of the principal building.

SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT

A. PURPOSE

To provide space within Gorham Village for small, local, retail sales, commercial service, and office uses which are in keeping with the scale and character of the Village while minimizing the traffic problems and interruptions created by such development. In addition, the rehabilitation and reuse of existing structures is encouraged.

B. PERMITTED USES

- 1) Retail stores having less than seven thousand (7,000) square feet of floor area on any floor.
- 2) Personal, business, and repair services.
- 3) Business and professional offices.
- 4) Residential uses including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing but excluding mobile homes, trailers, and fraternity housing.
- 5) Municipal building or use.

- 6) Park or playground.
- 7) Accessory building or use including home occupations.
- 8) Rooming house.
- 9) Funeral home.
- 10) Place of public assembly, including indoor theater.
- 11) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization, or social nature which is not used for residential purposes, which has less than two thousand (2,000) square feet of floor area and which generates less than two hundred (200) vehicle trips during any twenty-four hour period.
- 12) Public utility facilities including substations, pumping stations, and exchange buildings.
- 13) Drive-through service, as defined in Section 5 of this Chapter, when accessory to financial institutions.
- 14) Bed and Breakfast Establishment
- 15) Bed and Breakfast Establishment with public dining as an accessory use
- 16) Inn
- 17) Residential dwelling units part of a mixed-use developments.

C. SPECIAL EXCEPTIONS

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

D. SPACE STANDARDS

Minimum lot size:	None*
Minimum area per dwelling unit:	<u>10,000 sq.ft.**</u>
Minimum street frontage	None*
Building Setback:	New buildings constructed in the Village Centers District shall be located in such a manner as to maintain the "village character" with respect to the relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an existing building is being demolished, than the preexisting setback, whichever is less subject to the performance standards of Subsection E.
Minimum side and rear yards:	10 feet* except as otherwise required by the buffer provisions of this Code.
Maximum building height:	35 feet <u>None</u>
Maximum building coverage:	None*

*These space standards for residential uses and properties shall be the same as those in the Urban Residential District. These Urban Residential District space standards do not apply to mixed-use buildings.

**Minimum area per dwelling unit for existing buildings being converted to mixed-use buildings may utilize the space standards under Chapter 2, Section: 2-4 Residential, D. Mixed-Use Developments.

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

All buildings, structures, and uses shall conform to the following additional performance standards:

The general performance standards of Chapter 2,
The Site Plan approval criteria and standards of Chapter 4, Section 4-9 where applicable, and
The following additional performance standards.

If there is conflict between the various standards of performance, the more restrictive provision shall apply.

1. Access into the Site

In addition to being safe and convenient, vehicular access into the site shall be designed to minimize traffic delays on the streets providing access to the site and shall meet the following requirements:

- a. Entrances to uses in this district shall be combined to the maximum extent possible.
- b. Each parcel having frontage on Main Street shall be limited to a maximum of one entrance from Main Street at a location determined by the Planning Board to be consistent with the purposes of this zoning district. The Planning Board may further restrict access from Main Street when alternative access is available.
- c. A parcel that does not have frontage on Main Street shall not be granted vehicular access from Main Street except in cases where:
 - 1) Access will be provided through a combined entrance with another parcel, and
 - 2) The Planning Board determines that the increased use will not have a negative impact on Main Street traffic flow.

2. Egress from the Site

Vehicular egress from the site shall be designed to minimize the impact on Main Street traffic and the degradation of the character of the village and shall meet the following requirements:

- a. Exits from uses in this district shall be combined to the maximum extent possible.
- b. The creation of new vehicle exits onto Main Street shall be permitted only if the Planning Board finds that no other reasonable alternative exists. In this case, each parcel shall be limited to a maximum of one exit onto Main Street at a location determined by the Planning Board to be consistent with the purposes of this zoning district.
- c. A parcel that does not have frontage on Main Street shall not be granted vehicular egress to Main Street except in cases where:
 - 1) Egress will be provided through a combined exit with another parcel, and

2) The Planning Board determines that the increased use will not have a negative impact on Main Street traffic flow.

3. Vehicular Circulation Between Parking Lots

Provisions shall be made for the interconnection of non-residential parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a “short-cut” by traffic.

4. Parking Locations

Parking shall be designed to reinforce the “village character”. No off-street parking shall be located within any required front, ~~side, or rear yard or~~ setback. No portion of the lot in front of the front building line shall be used for off-street parking.

Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking and/or cross access with adjacent properties. When allowing parking spaces within any side or rear setback the Planning Board shall review a landscaped plan provided by a licensed landscaped architect detailing how the proposed parking spaces visual impacts shall be minimized to the abutters and from public right-of-ways through the use of plantings, stonewalls, hardscape features, berms, and/ or fencing.

5. Reduction in Off-street Parking

The amount of off-street parking required by Chapter 2, Section 2-2 may be reduced for uses in this district in accordance with the provisions of that section.

6. Relationship of the Building to the Street

Buildings shall be located on the lot in a manner that reinforces the “village character”. Where an established village scale setback relationship exists, a new building shall maintain the established relationship. The area between the front wall of the building and street shall be used for pedestrian amenities, walkways, and landscaping. For buildings on corner lots, the setback relationship of both streets shall be maintained where possible to avoid the creation of “empty lots.” In no event shall any accessory structure be located closer than any principal structure to a street abutting the lot.

7. Pedestrian Relationships and Facilities

Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives. The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood. If a sidewalk is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.

8. Motor Vehicle Facilities and Services

The locations and design of facilities for motor vehicles including driveways, access roads, drive through facilities, and service areas shall be compatible with the “village character”. Vehicular and service facilities shall not be located between the building and the street. Access drives, driveways, and entrances or exits to drive through services shall not pass between the building and the sidewalk where a sidewalk exists or will be created. Overhead doors and service areas shall be located on the side or rear

of the building and shall be screened from view from a public street. Drive through services shall be designed to keep vehicular activity to the side and/or rear of the building and shall prevent the queuing of vehicles between the building and the street or in other areas where it is visually intrusive.

9. Street Facades

All buildings shall be designed so that the front wall of the building and any wall facing Main Street that is not a front wall have the visual appearance of a front facade. The façade shall incorporate pedestrian scale design features such as doors and windows to create a “village character”. Windows or architectural treatments designed to simulate windows shall comprise no less than twenty (20) percent of the exterior wall surface. The façade shall be designed to avoid large areas of blank wall space.

10. Signs

In addition to the requirements of Chapter 2, Section 2-3, all signs shall maintain the “village character”, be of a pedestrian scale, and shall be located to be visually compatible with the site and the building. All signs shall also comply with the following standards:

- a) Freestanding signs shall be limited to a maximum height of eight (8) feet.
- b) Signs shall not be located on roofs.
- c) Attached or projecting signs shall not extend above the roofline for flat roofs or the ridge line of pitched roofs.
- d) Internally illuminated signs shall be prohibited.

11. Roof Lines

Roofs shall be designed to maintain the “village character”. All new buildings and additions shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false building fronts shall be used to imitate pitched roofs. Accessory buildings, canopies, and other structures shall have roof lines that are visually compatible with the roof line of the principal building.

12. Building Materials

Buildings shall be compatible with the “village character”. The exterior surface of all facades that are visible from a public street shall use traditional New England materials or materials which replicate traditional materials such as vinyl clapboard siding, masonry units that replicate shake or clapboard siding, or metal or plastic roofing that simulates shake or shingle roofing. The use of flat concrete block, corrugated or flat metal, fiberglass, or plastic panels, reflective materials, stucco, or products such as T-111 or plywood on facades visible from public streets is not permitted. The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

13. Lighting

Exterior lighting shall be compatible with the “village character”. Exterior lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking and service areas and to not cause glare beyond the limits of the property boundaries. Lighting shall also conform to the following standards:

- a) At a minimum, light fixtures shall have a total cutoff of light at no more than ninety (90) degrees and a beam cutoff of no more than seventy-five (75) degrees.
- b) The illumination of parking lots shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance) to provide for an even distribution of light.

- c) The maximum illumination level within parking lots shall be not more than 6.0 footcandles measured at the ground surface.
- d) The maximum illumination level at the property line with abutting properties in a residential district shall be not more than 0.2 footcandles.
- e) The illumination of other areas and facilities may be greater than the level established for parking lots provided that the lighting level and design are consistent with the guidelines of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- f) Building mounted or wall pack lighting fixtures that have lamps or reflectors that are exposed to angles greater than forty-five (45) degrees above nadir are prohibited.
- g) The maximum light fixture height shall be twenty (20) feet.
- h) Awnings shall not be illuminated in a manner that results in light being emitted through the awning material or that results in the awning appearing to be illuminated.
- i) The color of light fixtures and poles shall be compatible with the "village character". No colors intended to accent the fixtures or poles shall be permitted.
- j) Lamps in exterior light fixtures shall be incandescent, metal halide, or high pressure sodium. Low pressure sodium lamps are prohibited.
- k) The use of exterior string lighting shall be prohibited except as part of seasonal holiday displays.
- l) Lighting that outlines the building or building features shall be prohibited.
- m) Period or historical fixtures that do not meet these requirements may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors and the mounting height shall not exceed fifteen (15) feet above the adjacent ground.
- n) A photometric point by point analysis, on a grid no larger than 20 feet, shall be submitted to the Planning Board for review for all major developments requiring site plan review, applications involving increased security risks such as banks and ATM's, and applications for uses regularly open after 9:00 PM. The grid shall extend to all project property boundaries.

SECTION 1-10 URBAN COMMERCIAL DISTRICT

A. PURPOSE

To provide general sales, services and business space in the Town of Gorham. Within this district, the redevelopment of parcels in a manner that is consistent with the "village character" is encouraged.

B. PERMITTED USES

- 1) Any building or use listed under Section 1-9, Subsection B, Village Centers District.
- 2) Retail businesses and service establishments.
- 3) Accessory uses and buildings including a caretaker unit.
- 4) Municipal building or use.
- 5) Rooming house, excluding fraternity housing.
- 6) Funeral home.
- 7) Place of public assembly, including indoor theater.
- 8) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization, or social nature which is not used for residential occupancy which has less than two thousand (2,000) square feet of floor area and which generates less than two hundred (200) vehicle trips during any twenty-four hour period.

- 9) Public utility facilities including substations, pumping stations, and exchange buildings.
- 10) Drive-through service which is accessory to a permitted use.
- 11) Bed and Breakfast Establishment
- 12) Bed and Breakfast Establishment with public dining as an accessory use
- 13) Inn
- 14) Residential dwelling units part of a mixed-use developments.

C. SPECIAL EXCEPTIONS

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

D. SPACE STANDARDS

- 1) Urban Commercial District:

Minimum lot size:	None*
Minimum area per dwelling unit:	10,000 sq.ft.**
Minimum street frontage:	None*
Minimum front yard:	25 feet [±]
Minimum side and rear yards:	10 feet [±] —except as otherwise required by the buffer provisions of this Code
Maximum building height:	35 feet* None
Minimum open space:	25% of lot area.
<u>Maximum Impervious Coverage Ratio</u>	<u>0.75</u>

*The space standards for residential uses and properties shall be the same as those in the Urban Residential District. The Urban Residential District space standards do not apply to mixed-use buildings.

**Minimum area per dwelling unit for existing buildings being converted to mixed-use buildings may utilize the space standards under Chapter 2, Section: 2-4 Residential, D. Mixed-Use Developments.

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

E. PERFORMANCE STANDARDS

All buildings, structures, and uses shall conform to the following additional performance standards:

- The general performance standards of Chapter 2,
- The Site Plan approval criteria and standards of Chapter 4, Section 4-9 where applicable, and
- The following additional performance standards

If there is conflict between the various standards of performance, the more restrictive provision shall apply.

1. Access into the Site

In addition to being safe and convenient, vehicular access into the site shall be designed to minimize traffic delays on the streets providing access to the site and shall meet the following requirements:

- a. Entrances to uses in this district shall be combined to the maximum extent possible.
- b. Each parcel having frontage on Main Street shall be limited to a maximum of one entrance from Main Street at a location determined by the Planning Board to be consistent with the purposes of this zoning district. The Planning Board may further restrict access from Main Street when alternative access is available.
- c. A parcel that does not have frontage on Main Street shall not be granted vehicular access from Main Street except in cases where:
 - 1) Access will be provided through a combined entrance with another parcel, and
 - 2) The Planning Board determines that the increased use will not have a negative impact on Main Street traffic flow.

2. Egress from the Site

Vehicular egress from the site shall be designed to minimize the impact on Main Street traffic and the degradation of the character of the village and shall meet the following requirements:

- a. Exits from uses in this district shall be combined to the maximum extent possible.
- b. The creation of new vehicle exits onto Main Street shall be permitted only if the Planning Board finds that no other reasonable alternative exists. In this case, each parcel shall be limited to a maximum of one exit onto Main Street at a location determined by the Planning Board to be consistent with the purposes of this zoning district.
- c. A parcel that does not have frontage on Main Street shall not be granted vehicular egress to Main Street except in cases where:
 - 1) Egress will be provided through a combined exit with another parcel, and
 - 2) The Planning Board determines that the increased use will not have a negative impact on Main Street traffic flow.

3. Vehicular Circulation Between Parking Lots

Provisions shall be made for the interconnection of non-residential parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a "short cut" by traffic.

4. Parking Locations

Parking shall be designed to reinforce the "village character." No off-street parking shall be located within any required front, ~~side, or rear yard or~~ setback. No portion of the lot in front of the front building line shall be used for off-street parking.

Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking an/or cross access with adjacent properties. When allowing parking spaces within any side or rear setback the Planning Board shall review a landscaped plan provided by a licensed landscaped architect detailing how the proposed parking spaces visual impacts shall be minimized to the abutters and from public right-of-ways through the use of plantings, stonewalls, hardscape features, berms, and/ or fencing.

5. Reduction in Off-street Parking

The amount of off-street parking required by Chapter 2, Section 2-2 may be reduced for uses in this district in accordance with the provisions of that section.

6. Relationship of the Building to the Street

Buildings shall be located on the lot in a manner that reinforces the “village character”. Where an established village scale setback relationship exists, a new building shall maintain the established relationship. If an established setback relationship does not exist, the building shall be located so that the front wall of the building is either:

- a. Within thirty feet of the front property line, or
- b. More than one hundred feet from the front property line

If the front wall of a building is located within thirty (30) feet of the property line, the area between the building and street shall be used for pedestrian amenities, walkways, and landscaping. No accessory buildings are permitted within this area.

If the front wall of a building is located more than thirty feet from the property line, the front yard shall be treated with structural elements, accessory buildings, and/or landscaping to establish a visual sense of a village scale setback. In no event shall any accessory structure be located closer than any principal structure to a street abutting the lot.

For new buildings on corner lots, the setback relationship of both streets shall be maintained where possible to avoid the creation of “empty corners.”

7. Pedestrian Relationships and Facilities

Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives if the front wall of the building is located within one hundred (100) feet of the property line. The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood. If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.

Provisions shall be made for pedestrian circulation between buildings and uses within a site or on adjacent parcels if the buildings do not have a direct relationship to the sidewalk or if the front wall of the building is located more than one hundred (100) feet from the property line.

8. Motor Vehicle Facilities and Services

The locations and design of facilities for motor vehicles including driveways, access roads, drive through facilities, and service and fueling areas shall be compatible with the “village character”. Service facilities shall not be located between the front wall of the building and the street or between the building and Main Street. Access drives, driveways, and entrances or exits to drive through services shall not pass between the front wall of the building and the sidewalk where a sidewalk exists or will be created if the building is located within one hundred (100) feet of the street. Overhead doors and service areas shall be located on the side or rear of the building and shall be screened from view from a public street. Facilities for the dispensing of fuel shall be located at the side of the principal building. Drive through services shall be designed to keep vehicular activity to the side and/or rear of the building and shall prevent the queuing of vehicles between the front wall of the building and the street or in other areas where it is visually intrusive or creates traffic problems.

9. Street Facades

All buildings shall be designed so that the front wall of the building and any wall facing Main Street that is not a front wall have the visual appearance of a front facade. The facade shall incorporate pedestrian scale design features such as doors and windows to create a “village character”. Windows or architectural treatments designed to simulate windows shall comprise no less than twenty (20) percent of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.

10. Signs

In addition to the requirements of Chapter 2, Section 2-3, all signs shall maintain the “village character”, be of a pedestrian scale, and shall be located to be visually compatible with the site and the building. All signs shall comply with the following standards:

- a) Freestanding signs shall be limited to a maximum height of eight (8) feet.
- b) Signs shall not be located on roofs.
- c) Attached or projecting signs shall not extend above the roofline for flat roofs or the ridge line of pitched roofs.
- d) Internally illuminated signs shall be prohibited.

11. Roof Lines

Roofs shall be designed to maintain the “village character”. All new buildings and additions shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false building fronts shall be used to imitate pitched roofs. Accessory buildings, canopies, and other structures shall have rooflines that are visually compatible with the roofline of the principal building.

12. Building Materials

Buildings shall be compatible with the “village character.” The exterior surface of all facades that are visible from a public street shall use traditional New England materials or materials which replicate traditional materials such as vinyl clapboard siding, masonry units that replicate shake or clapboard siding, or metal or plastic roofing that simulates shake or shingle roofing. The use of flat concrete block, corrugated or flat metal, fiberglass, or plastic panels, reflective materials, stucco, or products such as T-111 or plywood on facades visible from public streets is not permitted. The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

13. Lighting

Exterior lighting shall be compatible with the “village character”. Exterior lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking areas and to not cause glare beyond the limits of the property boundaries. Lighting shall also conform to the following standards:

- a) At a minimum, light fixtures shall have a total cutoff of light at no more than ninety (90) degrees and a beam cutoff of no more than seventy-five (75) degrees.
- b) The illumination of parking lots shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance) to provide for an even distribution of light.
- c) The maximum illumination level within parking lots shall be not more than 6.0 footcandles measured at the ground surface.

- d) The maximum illumination level at the property line with abutting properties in a residential district shall be not more than 0.2 footcandles.
- e) The lighting of canopies shall not be used to attract attention to the business. Areas under canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 3:1 with an average illumination level of not more than 30 foot candles.
- f) Light fixtures located on canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.
- g) The illumination of other areas and facilities may be greater than the level established for parking lots provided that the lighting level and design are consistent with the guidelines of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- h) Building mounted or wall pack lighting fixtures that have lamps or reflectors that are exposed to angles greater than forty-five (45) degrees above nadir are prohibited.
- i) The maximum light fixture height shall be twenty (20) feet for parking lots with less than twenty thousand (20,000) square feet of area, twenty-five (25) feet for parking lots with twenty thousand (20,000) to eighty thousand (80,000) square feet of area and thirty (30) feet for lots larger than eighty thousand (80,000) square feet.
- j) Awnings shall not be illuminated in a manner that results in light being emitted through the awning material or that results in the awning appearing to be illuminated.
- k) The color of light fixtures and poles shall be compatible with the "village character". No colors intended to accent the fixtures or poles shall be permitted.
- l) Lamps in exterior light fixtures shall be incandescent, metal halide, or high pressure sodium. Low pressure sodium lamps are prohibited.
- m) The use of exterior string lighting shall be prohibited except as part of seasonal holiday displays.
- n) Lighting that outlines the building or building features shall be prohibited.
- o) Period or historical fixtures that do not meet these requirements may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors and the mounting height shall not exceed fifteen (15) feet above the adjacent ground.
- p) A photometric point by point analysis, on a grid no larger than 20 feet, shall be submitted to the Planning Board for review for all major developments requiring site plan review, applications involving increased security risks such as banks and ATM's, and applications for uses regularly open after 9:00 PM. The grid shall extend to all project property boundaries.

SECTION 1-18 – DEVELOPMENT TRANSFER OVERLAY DISTRICT

A, PURPOSE

The purpose of the Development Transfer Overlay District is to create livable, walkable neighborhoods in areas of the community where public sewerage is available or planned while minimizing development in other areas of the community where intensive development is not desired. This will be accomplished by allowing well-planned, higher density residential development in designated areas with public sewerage in exchange for the payment of a development transfer fee. The development transfer fee will be used by the Town to purchase conservation land and/or easements and open space.

B. APPLICABILITY

The provisions of this overlay district are optional. A land owner within the overlay district may choose to develop in accordance with the provisions of this overlay district or the provisions of the underlying zoning district. If the owner chooses to develop in accordance with these provisions, all subsequent development on the parcel shall then be subject to these requirements.

The provisions of this overlay district may only be utilized by new residential subdivisions or projects that are subject to site plan review and that meet all of the following provisions:

- 1) The development is located within the Development Transfer Overlay District as shown on map of the Development Transfer Overlay District adopted by the Town Council as part of the Official Zoning Map;
- 2) The development will be served by public water and by the public sewerage system of the Town of Gorham and all buildings with plumbing facilities within the development will be connected to the sewer system; and
- 3) The owner or developer will pay a development transfer fee in accordance with the provisions of E.1.

The provisions of this district supplement and modify the provisions of the underlying zoning district. Where the provisions of the overlay district differ from or conflict with the provisions of the underlying district, these provisions shall govern if the property owner has chosen to develop in accordance with the overlay district provisions. The plan of any development approved in accordance with the overlay district must include a plan note stating that the plan was approved in accordance with the Development Transfer Overlay District, that a development transfer fee will be required to be paid prior to the issuance of the building permit for each dwelling unit in the development, and that all future development of the original parcel or lots created as part of the approval must be done in accordance with the provisions of the overlay district.

The provisions of the overlay district only apply to subdivisions and other developments approved in accordance with the overlay district and may not be applied to a lot(s) that is not located within a subdivision that was approved and developed in accordance with the provisions of the overlay district including the following:

- 1) lots within a subdivision that was approved prior to the effective date of this section,
- 2) lots in a subdivision that was approved and developed in accordance with the provisions of the underlying zoning district, or
- 3) lots that are not part of a subdivision.

C. PERMITTED USES

Only uses allowed in the underlying zoning district shall be permitted in the overlay district. Uses that are permitted uses in the underlying zoning district remain permitted use and uses that are special exceptions in the underlying zoning district remain special exception uses.

D. SPACE STANDARDS

The following space standards apply to the subdivision or project and to the lots within the subdivision based upon the underlying zoning district.

<u>Standard</u>	<u>If the underlying zone is any district other than Rural</u>	<u>If the underlying zone is Rural</u>
Minimum net acreage per dwelling unit	6 5,000 sq. ft.	9,000 sq. ft.
Minimum lot size:		
One-family dwelling	8,500 sq. ft.	12,750 sq. ft.
Two-family dwelling	15,000 sq. ft.	22,500 sq. ft.
Multi-family dwelling or apartment	20,000 sq. ft.	30,000 sq. ft.
Non-residential <u>mixed-use</u>	15,000 sq. ft.	15,000 sq. ft.

Minimum street frontage:		
One-family dwelling	75 60 feet	75 feet
Two-family dwelling	100 75 feet	125 feet
Multi-family dwelling or apartment	120 100 feet	150 feet
Non-residential <u>mixed-use</u>	100 feet	100 feet
Minimum front yard for one and two-family dwellings:		
Access or sub-collector street or private way	15 feet	15 feet
Collector street or service road	30 feet	30 feet
Arterial street	70 feet	70 feet
Maximum front yard for one and two-family dwellings:		
Access or sub-collector street or private way	25 feet*	25 feet*
Collector street or service road	none	none
Arterial street	none	none
Minimum front yard for multi-family dwellings, apartments and non-residential <u>mixed-uses</u> :		
Access or sub-collector street or private way	20 feet**	20 feet**
Collector street or service road	30 feet**	30 feet**
Arterial street	70 feet**	70 feet**
Minimum side and rear yards:		
One-family dwelling	10 feet	10 feet
Two-family dwelling	15 feet	15 feet
Multi-family dwelling, apartment, or non-residential <u>mixed-use</u>	30 feet or height of building whichever is greater***	30 feet or height of building whichever is greater***
Maximum building height	None	None

* Not more than ten percent (10%) of single and two-family dwellings within a subdivision may have a front yard or setback of more than twenty-five (25) feet provided that:

- 1) any lot with a front yard greater than twenty-five (25) feet may not abut another lot with a front setback of more than twenty-five feet, and
- 2) any lot with a front yard greater than twenty-five feet must be identified on the approved subdivision plan and the maximum front yard for the lot specified on the plan.

**new buildings constructed on existing roads shall be located in such a manner as to maintain the established relationship of buildings to the street. No building shall be setback further than the average of the existing neighboring structures setbacks in the block in which the building is located or if an existing building is being demolished, than the pre-existing setback. Where no such relationship exists, the minimum setback shall be as identified per street classification.

*** new buildings constructed in existing neighborhoods shall be located in such a manner as to maintain the established relationship of existing neighboring structures to the side setbacks. Where no such relationship exists, the minimum setback shall be as identified per use type.

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

In addition to the performance standards of Chapter 2, all new subdivisions and developments that are approved in accordance with the provisions of the Development Transfer Overlay District must conform to the following performance standards. If these standards conflict with the performance standards of the underlying zone, these standards apply.

1. Development Transfer Fee and Calculations

a) Calculation of the Fee – The development transfer fee that must be paid by a subdivision or development shall be based upon the number of “bonus units” included in the approved subdivision or development plan. “Bonus units” are approved dwelling units in excess of the number of dwelling units that could be built on the site in accordance with the provisions of the underlying zone.

The number of “bonus units” shall be determined by the Planning Board as part of the approval of the subdivision or site plan. The number of bonus units shall be calculated by determining the maximum number of dwelling units that could be developed on the site based on the underlying zoning, site conditions, and allowable density bonuses and subtracting those units from the number of approved dwelling units.

The maximum number of dwelling units allowed in the underlying zone shall be calculated as follows:

1) If the underlying zone has a maximum density provision based upon net residential density or net acreage per dwelling unit, the maximum number of units allowed under the underlying zoning shall be calculated based upon this requirement and calculated by dividing the net acreage of the area proposed to be subdivided by the per unit factor, plus any additional units allowed in the underlying district for the use of public sewerage and/or public water.

2) If the underlying zone does not have a maximum density requirement based upon net residential density or net acreage per dwelling unit, the maximum number of units allowed under the underlying zoning 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 size for one family dwellings or the minimum lot area per dwelling unit for two-family dwellings, ~~or~~ multifamily housing, or residential units part of a mixed-use development plus any additional units allowed in the underlying district for the use of public sewerage and/or public water.

The total development transfer fee for a subdivision or project shall be calculated by multiplying the number of “bonus units” determined by the Planning Board times the per unit Development Transfer Fee established by the Town Council.

b) Payment of the Fee – The total development transfer fee for the subdivision or project shall be divided by the total number of approved dwelling units in the subdivision or project to determine the development transfer fee for each dwelling unit. The per dwelling unit development transfer fee shall be paid to Town at the time of the issuance of the building permit for each dwelling unit in the project.

c) Use of the Fee – Development transfer fees collected by the Town shall be deposited into a separate account and must be used only for acquiring the fee in or conservation easements on potentially developable land in areas where the Town desires to discourage growth in accordance with the priorities set forth below.

Any land acquired with development transfer fees must be permanently restricted from development and be used for conservation, passive and/or active recreation, and open space purposes. Development transfer fee revenue may be used in conjunction with other Town funds, impact fee revenue, or other private or government funding to acquire land or easements provided that the intent of this section is met.

The Town Council shall be guided by the following priorities in acquiring land or development rights/conservation easements with the development transfer fees:

- land that is adjacent to Town-owned recreational facilities or open space that is consistent with that use
- land that is adjacent to the Presumpscot or Little Rivers
- land that is currently in agricultural or silvicultural use and will remain in agricultural or silvicultural use
- land that is adjacent to land that is in agricultural or silvicultural use and that is permanently protected from development
- land with significant historical or archeological value
- land that has significant natural resource value but that is developable
- land within the viewshed from the top of Fort Hill toward Mount Washington with a priority for those parcels closest to the top of the hill
- land adjacent to or visible from arterial and rural collector roads in areas that are zoned Rural or a future low-density equivalent
- land that maintains the integrity of unfragmented habitat blocks
- other land that is identified as open space or conservation land in the Town's Comprehensive Plan including land adjacent to the principal approaches to Gorham

2. Design Standards

All subdivisions and other developments are subject to the provisions of A. 6) of Chapter 2. Section 2-4 – Residential and the plan shall show how these criteria will be addressed.

a) Mixed-Use and Commercial Use Building Design Standards

1) Projects are required to be designed by a multidisciplinary design team comprising at a minimum of a landscape architect, architect, surveyor, and professional engineer.

2) Plans sets are required to include at a minimum photometric plans, architectural renderings, landscaped plans, stormwater treatment plans and details, and any plans or information required under Chapter 3 and/ or 4. A visual plan and written assessment are also required which identify how the proposed development fits with existing neighboring structures, maintains the character of the overall neighborhood, and incorporates the required design criteria under this section and any underlying zoning district's design standards.

3) New buildings and structures shall be designed to meet any underlying district's architectural requirements. Buildings design shall also:

A. Orient service entrances, exterior fire escapes, exterior generators, waste disposal areas and other similar uses toward service lanes and away from the view of streets and public areas.

B. Position service areas to minimize conflicts with abutting uses.

C. Minimize the visual impacts of mechanical and HVAC equipment on the public way and surrounding neighborhood.

D. Minimize the visual impacts of utility connections.

E. Maintain the average perceived size of buildings at the sidewalk.

F. Traditional spacing patterns created by the repetition of uniform building widths along the street should be maintained.

G. New Buildings should incorporate a base, middle, and a cap in the design.

H. Position taller portions of a structure away from neighboring buildings of lower scale.

I. Establish a sense of human scale in the building design.

3. Additional Standard for One and Two-Family Lots

If a subdivision approved in accordance with these overlay provisions contains individual lots that will be developed with one or two-family dwellings, the layout of those lots should be deeper than they are wide to provide a suitable, private rear yard. At least eighty percent (80%) of lots within the subdivision that will contain single-family or two-family dwellings must have an average lot depth that is at least one hundred forty percent (140%) of the lot width as measured between the side lot lines of the lot at the rear of the required minimum front yard.

4. Access Limitations

Access to subdivisions or developments shall be designed to minimize the number of entrances onto arterial or collector roads. Direct vehicular access to individual lots or uses from existing roads classified as arterials, collectors or sub-collectors shall not be allowed unless the Planning Board finds that there is no reasonable alternative access.

5. Open Space

A portion of any new subdivision or project with more than ten lots or units must be set aside within the development and permanently protected as open space to serve the residents of the project. This requirement is in addition to any requirement for the payment of a recreational facilities or open space impact fee. The total combined area of the open space set aside within the subdivision shall be a minimum of ten percent (10%) of the gross area of the parcel. This open space must include an area of usable land as defined by the net acreage provision that is at least five percent (5%) of the total net acreage of the parcel (For example, if the net acreage of the parcel is twenty acres then at least 5% or one acre of the open space must be usable land).

The required open space within the subdivision or project may be used for the following types of uses:

- formal open spaces such as greens, commons, and parks
- passive recreation areas
- natural resource or conservation areas

At least fifty percent (50%) of the required usable land within the open space shall be developed for formal spaces or recreation facilities. The Planning Board may waive or reduce this requirement if it finds that, due to the scale of the development, compliance with this requirement will not result in usable open space.

The setting aside of less-than-lot-sized pieces of land for specific formal spaces or recreation facilities is only permitted in a Development Transfer Overlay District approved subdivision. These areas can be aggregated to meet the 50% of the required usable open space and shall be developed for formal recreation facilities use. Formal recreation facilities shall include, but not be limited to, school bus stops with waiting shelters and/or benches or structures of any type, public monuments, small parks or gardens with structures such as benches or fountains, playground sets, basketball courts, trail heads with amenities, picnic tables, etc., and may occupy less-than-lot sized areas within the development.

Where appropriate the Planning Board may require buffering or screening from adjoining residential properties.

No parcels less than required lot size may be set aside for any other open space requirements prescribed in the Development Transfer Overlay District standards such as passive recreation areas, or natural resource or conservation areas.

6. Parking Lot Locations

Parking lots for five or more vehicles to serve multi-family housing, apartments, and non-residential uses shall be located to the side or rear of the building where feasible. No parking lots for these uses shall be permitted in the required front yard area.

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-2 – PARKING, LOADING, AND TRAFFIC

A. OFF – STREET PARKING STANDARDS

2)

Mixed – Use Developments:

Residential - studio/ 1 bedroom 1 parking space
units with more bedrooms .5 parking space per extra bedroom*

Commercial - 1 unit per 250 sq.ft. of gross floor area

*For projects within .25 miles, or 1,340' of a public transit stop the .5 parking space per extra bedroom shall be waived by the Planning Board.

9) The Planning Board ~~may~~ shall approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said shared parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

SECTION 2-4 – RESIDENTIAL

D. MIXED -USE DEVELOPMENTS:

1) PERFORMANCE STANDARDS FOR GORHAM AND LITTLE FALLS VILLAGES, & URBAN COMMERCIAL DISTRICTS

a) The residential density for existing buildings being converted to mixed-use developments constructed prior to 1925 shall be exempt from a base density standard identified under each districts' D. Space Standards provided the below standards c) through h) below are met.

b) The residential density for new buildings shall meet the requirements of the zoning district which the parcel is located or the provisions for mixed-use residential density in Development Transfer Overlay District.

c) 90% of the building's first floor shall be utilized for commercial, institutional, or land use other than residential or accessory residential space.

d) Residential Dwelling Units Minimum Sizes: The total floor area of an residential dwelling unit shall meet the following minimum standards.

1.	Studio	400 square feet
2.	1 bedroom	550 square feet
3.	2 bedrooms	700 square feet
4.	3 bedrooms	850 square feet
5.	4 bedrooms	1,000 square feet

e) Parking Requirements: To the greatest extent possible parking shall be located to the rear of the building. The Planning Board may allow parking to the side of the building provided that a plan provided by a licensed landscape architect shows the view from the street and abutting properties has been buffered through use of landscaping both plants and hardscape features.

f) Developments shall be served by public water and sewer.

g) That the development shall meet all applicable sections of underlying zoning standards outlined under Chapter 1: ZONING REGULATIONS, 2: GENERAL STANDARDS OF PERFORMANCE, 3: SUBDIVISION, and 4: SITE PLAN REVIEW.

h) Mixed-use developments are exempt from Chapter 2, Section 2-4, B. Performance Standards for Multi-family Housing.

***Deletions – ~~STRUCK~~**

****Additions - UNDERLINED**

Item #2020-07-09 Action to consider appointing a Councilor to the Economic Development and Capital Improvements Committee. (Councilor Philips Spon.)

Proposed Order #20-79 Ordered, that the Town Council appoint Councilor Kuech to the Economic Development and Capital Improvements Committee.

Item #2020-07-10 Action to consider adopting a resolution affirming that the Town of Gorham not conduct electrical inspections until 30-A M.R.S.A. § 4171 is resolved. (Councilor Hartwell Spon.)

Proposed Order #20-80 Ordered, that the Town Council adopt the following resolution:

WHEREAS, the Town of Gorham currently requires residential electrical inspections;

WHEREAS, under 30-A M.R.S.A. § 4171, Maine specifically requires a municipality to pass a resolution or ordinance under its home rule authority in order to require the inspection of electrical installations within the municipality;

WHEREAS, the Town of Gorham has been unable to locate such a resolution or ordinance that was ever passed by the Town Council;

WHEREAS, the Town of Gorham may still require electrical permits without requiring electrical inspections by the Town of Gorham;

WHEREAS, the Town of Gorham may require electrical permits to be signed by a licensed electrician;

NOW THEREFORE, BE IT RESOLVED by the Town Council that the Town of Gorham does not have the authority to require electrical inspections until such time as the Town Council passes a resolution or ordinance under its home rule authority in order to require electrical inspections within the municipality.

NOW THEREFORE, BE IT ORDERED that the Town of Gorham will no longer require electrical inspections until the Town Council passes a resolution or ordinance in compliance with 30-A M.R.S.A. § 4171.

Item #2020-07-11

Action to consider scheduling a Town Council workshop to review Agritourism, agricultural event centers and other related topics as it pertains to the Land Use and Development Code in the Town of Gorham. (Councilor Philips Spon.)

**Proposed
Order #20-81**

Ordered, that the Town Council instruct staff to schedule a workshop for the Council to discuss Agritourism, agricultural event centers and other related topics as potential allowed uses in the Town of Gorham.

Adjourn