

**AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
August 4, 2020  
6:30pm  
On-line Zoom Meeting**

The Town of Gorham invites you to view our upcoming Regular Town Council Meeting on August 4, 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, August 4, 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/84903894717>, or join by phone by calling 1-929-205-6099 and entering Webinar ID: 849 0389 4717. 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 July 7, 2020 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

**Public  
Hearing #1  
On Item #2020-8-01**

Public hearing to hear comments on the proposed amendments to the Land Use and Development Code and Site Plan review for Hans Hansen Contract Zone (M3, L22.502-507, 22.403)(Admin. Spon.)

**Proposed  
Order #20-83**

Ordered, that the Town Council approve amendments to the contract zone of Hans C. Hansen, Inc. as follows:

**THIRD AMENDMENT TO CONTRACT ZONING AGREEMENT BETWEEN HANS C. HANSEN, INC.**

**AND THE TOWN OF  
GORHAM**

This Amendment to Contract Zoning Agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by and between the **TOWN OF GORHAM**, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the "Town") and **HANS HANSEN, INC.**, a Maine corporation with a mailing address of P.O. Box 264, Gorham, Maine 04038 (hereinafter "Hansen").

WHEREAS, the Town entered into a Contract Zoning Agreement with Hansen, dated October 21, 2011 and recorded in the Cumberland County Registry of Deeds in Book 29646, Page 97 (hereinafter the "Contract Zoning Agreement") that established zoning regulations for a parcel of real estate located at 74 County Road, Gorham, Maine, consisting of 23.8 acres (hereinafter "the Property"); and

WHEREAS, the Property consists of Lots 22.401, 22.402, 22.403, 22.404, 22.502, 22.503, 22.504, 22.505, 22.506 and 22.507 on the Town's Tax Map 3; and

WHEREAS, the Contract Zoning Agreement established use, dimensional and performance standards for the Property; and

WHEREAS, the Town and Hansen entered into an Amendment to Contract Zoning Agreement dated October 1, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31147, Page 1 and the Town entered into an Amendment to Contract Zoning Agreement with Cumberland Farms, Inc., dated October 10, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31853, Page 210, both of which Amendments concerned Tax Map 3, Lot 22.404 (collectively, the

“Amendments”); and

WHEREAS, Hansen would like to develop the existing Lots 2 and 3, and Lots 6 and 7 as shown on the Subdivision Plan of Stargazer Subdivision, recorded in Plan Book 217 Page 461 of the Cumberland County Registry of Deeds as age restricted residential units and amend the requirements for the development of Unit 3 of the Condominium; and

WHEREAS, Hansen seeks to amend the use and dimensional and performance standards established by the Contract Zoning Agreement in order to facilitate the proposed development of the Property; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property and to amend the contract rezoning, pursuant to 30-A M.R.S.A. § 4352(8) and Chapter I, Section 1-1, Subsection H, as amended, of the Gorham Land Use and Development Code; and

WHEREAS, after notice and hearing and due deliberation upon this rezoning proposal, the Gorham Planning Board recommended this Third Amendment to the Contract Zoning Agreement; and

WHEREAS, this Third Amendment will change only use and performance standards for the Property; and

WHEREAS, both the Planning Board and the Town Council determined that the original Contract Zoning Agreement was pursuant to and consistent with the Town's Comprehensive Plan and the Town Council has authorized the execution of this Third Amendment to Contract Zoning Agreement; NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

**1. Amendment of Contract Zoning Agreement, Section 6A.**

Section 6A of the Contract Zoning Agreement is amended to add a new Subsection 3, to read as follows:

3. Additional uses and standards for Lots 2, 3, 4, 5, 6 and 7 of Stargazer Subdivision.

- a. Notwithstanding any contrary provision of the Contract Zoning Agreement or the Amendments, Lots 2 through 7 as shown on the subdivision plan may be developed with the following restrictions:
  - 1) Any current uses allowed by the contract zone are allowed on any of the lots.
  - 2) Lots 2 and 3 and lots 6 and 7 may be developed as housing for older persons intended and operated for occupancy by persons 55 years of age and older, in compliance with the requirements of the Housing for Older Persons Act of 1995. To further restrict

the development; no one under the age of 18 may live in the units for more than 60 days a year.

- 3) Lots 4 and 5 may be developed as one or more commercial uses set forth in Section 2 of the Contract Zoning Amendment or those commercial uses on the first floor, with dwelling units on the second floor. Any second- floor dwelling units on Lots 4 and 5 shall not be age-restricted housing.
- 4) All dwelling units are limited to two bedrooms and living space of not greater than 1,500 square feet, not including a garage.
- 5) The residential density for these lots will be 2 units per net residential acre, in conformance with the Comprehensive Plan.

2. **Sewer impact fees.** Sewer impact fees will be assessed as follows: Lots 2, 3, 6 and 7 will pay a sewer impact fee of \$10,000 per lot for a total of \$40,000. Lots 4 and 5 and Lot 1, Unit 3 shall pay sewer impact fees as established in Section 6.g of the Contract Zoning Agreement.

3. **Blue Ledge Road improvements.** Improvements to Blue Ledge Road shall be as follows:

Blue Ledge Road will be widened to 24 feet. In addition to the surface pavement required by the subdivision approval, Hansen shall install an additional one (1) inch of pavement from the Cumberland Farms driveway southerly to the end of Blue Ledge Road and shall install an additional two (2) inches of pavement from the Cumberland Farms driveway northerly to County Road. The specifications for the additional pavement shall be established by the Town's Public Works Director. The existing gravel depth is acceptable.

4. **Drive-through, landscaping and parking for Lot 1, Unit 3.** Lot 1, Unit 3 may have a drive through for a bank or credit union only, and parking may be located in the front setback if approved by the Planning Board. In no event shall parking be located directly in front of the building. It is to be in the general configuration as shown on the South Gorham Crossing Credit Union Concept Plan attached as Exhibit A. The installation of the drive through lane is conditioned upon the provision of landscaping

substantially as shown in Exhibit A.

5. Hansen shall install sidewalks along Blue Ledge Road, South Gorham Crossing, and across any shared open space as part of the residential phase of the development, with said sidewalks to be in the general locations shown on Exhibit B. Hansen shall also install a crosswalk and any necessary associated improvements that may be warranted. The crosswalk shall be located on Blue Ledge Road, with the final location and associated improvements to be determined by the Planning Board during site plan review. Associated improvements for the crosswalk may include, but are not limited to, rectangular rapid-flashing beacons, pedestrian controls at the signalized intersection of Blue Ledge Road and Route 22, and ADA ramps with detectable warnings.
6. As part of the residential phase of the development, Hansen shall contribute \$5,000.00 to be applied to the installation of fiber optic cable to link the County Road/Route 22 intersection and the Route 114/Route 22 intersection in Scarborough.
7. **Remaining provisions remain in full force and effect.** Except as expressly amended herein, the provisions of the Contract Zoning Agreement and the Amendments shall remain in full force and effect.

**GORHAM**

**TOWN OF**

Ephrem Paraschak  
It's Town Manager  
(duly authorized by vote of  
the  
Gorham Town Council on

\_\_\_\_\_  
2020

**HANS C. HANSEN, INC.**

\_\_\_\_\_

Hans C. Hansen  
It's President

STATE OF MAINE  
CUMBERLAND, ss

\_\_\_\_\_, 2020

Personally appeared the above-named Ephrem Paraschak, in his capacity as Town Manager for the Town of Gorham, and made oath that the foregoing instrument is his free act and deed in his said capacity and the free act and deed of the Town of Gorham.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public/Attorney-at-Law

\_\_\_\_\_  
\_\_\_\_\_  
Print Name

STATE OF MAINE  
CUMBERLAND, ss

\_\_\_\_\_, 2020

Personally appeared the above-named Hans C. Hansen, in his capacity as president for Hans C. Hansen, Inc., and made oath that the foregoing instrument is his free act and deed in his said capacity and the free act and deed of Hans C. Hansen, Inc.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public/Attorney-at-Law

\_\_\_\_\_  
\_\_\_\_\_

**Public  
Hearing #2  
On Item #2020-8-02**

Public hearing to hear comments on the proposed amendments to the Land Use and Development Code and Site Plan review for Section 1-11, Roadside Commercial District, to allow self-storage facilities.(Admin. Spon.)

**Proposed  
Order # 20-84**

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

## **CHAPTER 1: ZONING REGULATIONS**

### **SECTION 1-5 – DEFINITIONS**

Self-Service Storage Facility – A structure containing separate, individual, and private storage spaces of varying sizes leased or rented to individuals for varying periods of time. Outdoor storage shall not be considered an accessory use to this permitted use.

Warehousing facilities – A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or a group of establishments in a particular industrial or economic field. Warehousing may be for long-term or short term storage.

### **SECTION 1-11 - ROADSIDE COMMERCIAL DISTRICT**

#### **A. PURPOSE**

To provide general sales, services and business space in the Town of Gorham.

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

- 1) Any building or use listed under Section 1-10, Subsection B and C, Urban Commercial District.
- 2) Auto-oriented businesses.
- 3) Accessory uses and buildings including a caretaker unit.
- 4) Used car lot
- 5) Gasoline station and/or repair garage.
- 6) Public utility facilities including substations, pumping stations, and sewage treatments

plants.

7) Light Industrial Uses of ten thousand (10,000) square feet or less of gross building floor area.

8) Commercial outdoor recreation facilities.

9) Bed and Breakfast Establishment

10) Bed and Breakfast Establishment with public dining as an accessory use

11) Inn

12) Mobile Vending Units

13) Self-Service Storage Facility

### **C. SPECIAL EXCEPTIONS**

1) (Reserved)

### **D. SPACE STANDARDS**

Minimum lot size:	None
Minimum area per dwelling unit:	*
Minimum street frontage:	None*
Minimum front yard:	<u>25 feet* minimum</u> <u>90 feet maximum</u>
Minimum side and rear yards:	30 feet except as otherwise required by the buffer provisions of this Code and except when the side and/or rear yards abut a residential district in which case a minimum of 30 feet for commercial uses and 50 for light industrial uses or 50% of the building or outdoor stored material height, whichever is greater, shall be required.
Maximum building height:	None
Maximum building coverage:	None*



\*Except that space standards for residential uses shall be the same as those of the Suburban Residential District.

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**

1) The performance standards contained in Chapter 2 of this Code shall be fully observed.

2) The following additional performance standards shall also apply.

a) Lot Layout –

1. Lots abutting multiple streets shall be oriented so the front of the building faces the street of lower classification unless the Planning Board grants access to the street of higher classification allowed under this section. For lots with frontage on both Main Street or Ossipee Trail and another street, the buildings, parking lots and access drives shall be located a minimum of twenty five (25) feet from Main Street or Ossipee Trail. Lots with frontage on Main Street shall meet the design standards within this section.

2. All generators, storage areas, and dumpster pads shall be landscaped and located behind buildings and structures so that they are not visible from any public street or residential properties. The Planning Board may allow generators, storage areas, and dumpster pads to be located so they are not located behind the buildings if the Board finds that the proposed locations are required to provide for a better overall design of the lots/ development and that are sufficiently buffered from public roads and residential properties.

3. Lots will be designed to have not more than one double-loaded row of parking between the building and the street or private way providing access to the lot. The access aisle to the parking space shall be only the minimum necessary to provide access to the parking spaces.

b) Utilities

1. All developments and subdivisions shall connect to public water and sewer meeting the requirements for the Portland Water District and the Town of Gorham.

a. The Planning Board may grant a waiver for public water main extension if the lot is located greater than 200' from the nearest watermain and the proposal meets the Determination of Unreasonable Costs under Chapter 2, Section 2-10

The Provisions of Public Water Supply.

- b. The Planning Board may grant a waiver for public sewerage main extension if the lot is located greater than 200' and the costs to connect into the system is greater than 3 times the costs for an onsite sewerage disposal system as identified by the Planning Board."

2. All developments are required to have underground utilities.

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

1. There shall be at least a 25' wide landscaped buffer between any public or private road.

2. That there shall be at least a 15' landscaped buffer between any abutting properties with residential uses. That there shall be at least a 10' landscaped buffer between any other abutting developed parcels.

3. The landscape buffer shall contain an adequate mix of trees, shrubs, plants, hardscapes, berms, topography, and other landscaping features that adequately break up the proposed development.

4. The Planning Board may allow the use of native forested area in place of the required landscaped buffer if the Board finds that the existing forest buffer is a minimum of 35' wide and provides the required screening to adequately break up the view of the development. That no cutting of existing trees will be allowed in the native forested buffer area. Dead, diseased, and dying trees may be removed with the approval of the Town Planner.

5. The landscape buffer area shall require a plan to be prepared by a registered landscape architect or qualified landscaping firm. The plan shall provide all the required submission requirements outlined under Chapter 3: Subdivision and/or Chapter 4: Site Plan Review. The name of the landscape professional and firm preparing the plan along with their credentials shall be provided with the landscape plan.

d) Building Design Standards:

1. The predominant exterior building materials shall be of high quality materials, including but not limited to, wood or vinyl clapboard siding, masonry units that replicate shake or clapboard siding, brick, sandstone, wood native stone and tinted/ textured concrete masonry units and/ or glass products or metal or plastic roofing that simulates shake or shingle roofing. Simulated material may be substituted for any of the aforementioned building materials.

2. At least three different materials shall be used for the primary front façade

for the building facing the primary street the building access and/ or Main Street. The Planning Board may waive the building material to two different materials if it finds the building design has enough architectural details to sufficiently break up the massing of the building. Glass for use in windows and doors shall not be considered one of the required building materials. All facades that have frontage on a street or private way shall be considered a primary façade.

3. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T-111. Prefabricated steel panels are excluded unless they contain architectural details with intricate designs. Metal roofs may be allowed if compatible with the overall architectural design of the building.

4. Building and other structure Colors: Exterior colors shall be on low reflectance, colors. The use of high intensity colors such as neon and fluorescent colors for the façade and/ or roof of the building are prohibited except as approved for building trim.

e) Access Management:

1. Entrances and uses in this district shall be combined to the maximum extent possible. Developments must allow for pedestrian and vehicular access into the lot's driveways, sidewalks, and/or parking lots from the abutting properties.

2. For lots with frontage on Main Street, Ossipee Trail, and another street the access drives shall be located off the street of lower classification unless the Planning Board finds that no safe alternative exists.

3. A parcel that does not have frontage on Main Street or Ossipee Trail shall not be granted vehicular access from street except in cases where:

a. Access will be provided through a combined entrance with another parcel which has frontage on the street.

4. Lots with access on Main Street or Ossipee Trail must have driveways located so that they are a minimum of 400' from another driveway on the same side of the street unless:

a. The Planning Board finds that the distance would provide for an unsafe circumstance.

b. The driveway's spacing to abutting properties' driveways cannot be spaced to meet the 400' minimum requirement. The Planning Board shall provide for a driveway spacing to the greatest extent possible.

## **CHAPTER 1: ZONING REGULATIONS**

## SECTION 2-2 – PARKING, LOADING AND TRAFFIC

### C. ~~ACCESS AND PARKING LAYOUT~~

- ~~1) To limit the proliferation of access points from parking areas to public highways and the resultant strip development, traffic hazards, congestion and other manifestations of commercial sprawl, each developer in a Roadside Commercial Zone shall dedicate a 50 foot strip adjacent to and running the length of the public highway to the use of controlled public access and landscaping.~~
- ~~2) The developer shall install within this 50 feet at least a 20 foot strip which shall be curbed and landscaped. The remainder shall be improved and dedicated as marginal vehicular access to parking aisles serving the proposed development. An access roadway at least 26 feet in width shall be constructed in accordance with Section 2-5 of this chapter. It shall connect in a proper fashion with the roadways of adjoining development.~~
- ~~3) The developer shall file with the Town of Gorham a performance guarantee in an amount sufficient to defray the cost of improving the 50 foot strip for marginal vehicular access and landscaping. The conditions and amount of such performance bond shall be determine by the Manager of the Town with the advice of the various municipal departments and agencies concerned. The amount shall be at least equal to the total cost of curbing, landscaping and providing vehicular access of at least 26 feet traveled width conforming with the provisions of Section 2-5 of this chapter and shall be conditioned on the completion of such improvements within one year of the date of the performance bond.~~
- ~~4) Upon satisfactory completion, the developer shall petition the Town of Gorham for acceptance of the 50 foot strip for controlled marginal access and landscaping.~~
- ~~5) In addition to meeting the parking requirements of this Ordinance, the developer shall provide 40 square feet for each patron parking space planned. This 40 feet shall be used to provide curbed and paved divider strips at least 8'0" wide between parking aisles. The divider strips shall be to provide safe pedestrian access between rows of parked vehicles, traffic channeling, lighting and landscaping. Where feasible, such divider strips shall be oriented at right angles to the main entrance of the principle building or use in order to provide for maximum pedestrian convenience and safety.~~
- ~~6) The Town of Gorham reserves the right to select areas within the 50 foot marginal access for the grouping or placement of signs and traffic directions.~~
- ~~7) All traffic flow in parking areas shall be clearly marked with signs and/or surface directions at all times.~~

~~8) All parking spaces shall be clearly marked.~~

~~9) The Town of Gorham reserves the right to designate all ingress and egress points to the public highway from the 50 foot marginal access as may be needed to meet current and future traffic control needs.~~

**Item #2020-8-03**

Action to consider adopting a resolution to assist with ending systemic racism. (Councilor Wilder Cross Spon.)

**Proposed**

**Order # 20-85**

Ordered, that the Town Council adopt the following resolution:

TOWN OF GORHAM

COUNCIL RESOLVE

Resolution to end systemic racism, the oppression/misrepresentation of minority groups, and to continue to assure that law enforcement honors equal justice for all in Gorham.

WHEREAS, the murders of George Floyd, Breonna Taylor, Ahmaud Aubrey, and other victims of police brutality and misconduct have ignited universal support of the Black Lives Matter movement; and

-

WHEREAS, Gorham citizens have joined together in marches, vigils, and other forms of demonstrations to peacefully support the Black Lives Matter movement; and

WHEREAS, Gorham is a predominantly white community with a growing population representing diversity of color, culture, language, sexual preference; and

WHEREAS, Minority groups in Gorham often experience discrimination in various forms; and

WHEREAS, the Town of Gorham is committed to educating all Gorham citizens about ending discrimination in any form; and

WHEREAS, Gorham's citizens have historically maintained a close and respectable relationship with our local law enforcement; and

WHEREAS, the Gorham Police Department strives to use precautionary measures in times of distress.

Now, THEREFORE, be it Resolved that

The Gorham Town Council

1. Partners with all town departments and members of the public to assure equal justice for all, prevent any form of police misconduct, provide educational opportunities to accept and celebrate diversity and address racial discrimination; and
2. Affirms and acknowledges that Black Lives Matter; and

3. Recognizes that the Gorham Police Department has ensured the safety of local protest and been supportive of the informational sessions on the Black Lives Matter movement; and
4. Partners with the Gorham Police Department to organize and create a law enforcement atmosphere that is conducive to welcoming people of color; and
5. Commits to providing the necessary resources to ensure that all town staff receive anti-bias training and that police officers continue to receive training on de-escalation; and
6. Encourages the Gorham Police Department to continue its comprehensive training of its officers in de-escalation, use of force and comprehensive reporting to state and national standards, and;
7. Encourages Gorham PD to make available on its website information on general department policies so that they can be more accessible to the public, excluding information that is statutorily confidential; and
8. Condemns any form of hatred or bigotry in the community against any person or group; and
9. Supports opportunities for the voices and stories of people of color and other minority groups in this community to be heard; and
10. Commits to addressing any members of its organizations or departments who are affiliated with any hate groups to the extent legally possible; and
11. Affirms it will stand against racism and other forms of discriminations while doing everything in its power to make certain the Town of Gorham is welcoming to people of color and other minority groups.

**Item # 2020-8-04**

Action to consider selecting a vendor for a town wide revaluation.  
(Admin. Spon.)

**Proposed**

**Order #20-86**

Ordered, that the Town Council selects \_\_\_\_\_ as the vendor to complete the Town’s next revaluation.

**Item #2020-8-05**

Action to consider approving a request for qualifications process for a joint facilities inventory study with the Gorham School Department.  
(Admin. Spon.)

**Proposed**

**Order #20-87**

Ordered, that the Town Council approve the request for qualifications process for a town wide facilities inventory study as proposed by a joint session of the school and town capital improvements committees.

**Item #2020-8-06**

Action to consider authorizing staff to work with the Gorham School Department to remove dangerous trees between the high school parking lot and Robie Softball Field. (Admin. Spon.)

**Proposed**

**Order # 20-88**

Ordered, that the Town Council authorizes staff to work with the Gorham School Department to remove dangerous trees between the high school parking lot and Robie Softball Field as recommended by an arborist.

**Item #2020-8-07**

Action to consider voting on Maine Municipal Association Legislative Policy Committee Appointments. (Admin. Spon.)

**Proposed  
Order # 20-89**

Ordered, that the Town Council formally votes for Ephrem Paraschak, Gorham Town Manager and Jean-Marie Caterina, Scarborough Town Councilor, as continuing representatives of the MMA's Legislative Policy Committee's Senate District 30.

**Adjourn**