

FINAL AMENDED AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
December 6, 2022
6:30pm
Burleigh Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the November 15, 2022 Special Town Council Meeting.

Open Public Communications

Councilor Communications

Department Manager Report

Town Manager Report

School Committee Report

OLD BUSINESS

Item #2022-02-07 Action to consider forwarding recommendations to amend Recreation Impact Fees, and recommendations on expansion of eligible projects in the Land Use & Development Code. (Ordinance Committee Spon.)

Proposed

Order #22-141 Ordered, that the Town Council forward recommendations to amend Recreation Impact Fees and recommendations on expansion of eligible projects in the Land Use & Development Code, to the Planning Board for recommendation and public hearing, as follows:

SECTION 7-3 RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE #2

A. DESCRIPTION OF THE IMPROVEMENTS

The Town is planning to expand the recreational facilities in the community to serve the needs of a growing population. The Town will use the revenue generated from the recreational facilities portion of this impact fee to undertake the following improvements to expand the supply of community-wide outdoor recreation facilities:

- 1) Continue to develop the so-called Chick Property as a multi-purpose community recreational complex substantially in accordance with the June 2001 Feasibility Study conducted by DeLuca-Hoffman Associates and the Chick Property Master Plan approved by the Town Council on June 6, 2000.
- 2) ~~Undertake Phase 2 of the Design and complete~~ recreational facilities development at the ~~new Gorham Middle School as outlined in the conceptual site plan for that facility.~~
- 3) Prepare a master plan for the reuse and development of the Weeks Road property and a Master Plan for the so-called Gorham Savings Bank property and then begin to develop recreational facilities in accordance with the approved Master Plans.
- 4) ~~Prepare a Continue to~~ plan and design for the Little Falls Recreation area to increase the number of playing fields and ~~other recreational facilities and~~ to begin developing those ~~fields recreation facilities.~~
- 5) ~~Prepare a plan for a multi-use trail network throughout the Town and begin development of those trails including acquisition of land or easements for trails.~~
- 7) ~~Undertake a new recreational master plan for the Town of Gorham and to begin developing recreational facilities improvements outlined in the master plan.~~
- 8) ~~Continue to plan, design, and build recreational facilities at Shaw and Robie Parks.~~
- 9) ~~The open space portion of the impact fee will be used to acquire land, conservation easements and or/development rights, prepare a master plan which identifies properties for future conservation, and improve conservation land to protect significant natural resources, conserve scenic values, preserve the community's agricultural heritage, conserve the remaining supply of viable farmland, and provide areas for low-intensity recreational activities such as walking, bird-watching, crosscountry skiing, snow shoeing, biking, hunting, trapping, and similar activities that are consistent with the primary use of the property as open space or farmland.~~

B. NEED FOR THE IMPROVEMENT

The need for community recreation facilities, parks, and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, facilities, playgrounds, natural areas, and open space. The Town's adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population. ~~Similarly, the 1999 Long Range Facility~~

~~Plan prepared by PDT Architects identifies the need for expanded recreational facilities to serve a growing population (see Impact Fee Methodology dated June 16, 2003).~~

The Town has ~~0.0427~~0.1069 acres of park and recreation land per capita as of ~~May 2003~~June 2022. The recreational facilities portion of the fee is designed to allow the Town to maintain the current ratio of land and park and recreational facilities as the population grows and creates the need for the expanded facilities.

Gorham has a total of ~~622-911~~ acres of community open space or a ratio of ~~0.0438~~0.0497 acres of community open space per capita as of ~~May 2003~~June 2022. The open space portion of the fee is designed to allow the Town to maintain this ratio as the Town's population grows.

C. ACTIVITIES SUBJECT TO THE FEE

Any residential development activity that creates new dwelling units shall pay this impact fee based upon the expected population of the project considering typical occupancy rates. The following occupancy factors shall be used as a base for calculating the fee:

Single family dwellings and mobile homes 3.2 people/unit

Dwelling unit in a two-family or multi-family dwelling with:

- | | |
|---------------------------|-----------------|
| a. one bedroom | 1.2 people/unit |
| b. two bedrooms | 2.0 people/unit |
| c. three or more bedrooms | 3.0 people/unit |

Dwelling unit in elderly or congregate 1.2 people/unit housing

This fee shall apply to the construction of any new dwelling unit whether or not such unit is part of a subdivision. It shall apply to conversion or alteration of an existing building that creates or increases the number of dwelling units in the building. In the case of a development activity that increases the number of dwelling units in a building, the impact fee shall apply only to the new dwelling units.

D. CALCULATION OF THE FEE

The recreational facilities and open space impact fee is the sum of the per capita cost of providing additional recreational facilities and the per capita cost of providing additional open space multiplied by the anticipated number of residents in the dwelling unit. The adjusted per capita recreational facilities fee is ~~\$457-801~~ (see Impact Fee Methodology dated ~~June 16, 2003~~ _____, 2022). The adjusted per capita open space facilities fee is ~~\$79179~~. Combining the two portions of the fee results in an impact fee of ~~\$536-980~~ per capita.

1) The impact fee per dwelling unit for the following types of residential units shall be:

A single family dwelling including a \$1,715
3,136 manufactured or modular housing unit placed
on a single-family lot, a mobile home or
manufactured housing unit in a mobile home
park, or a detached condominium unit

A dwelling unit in a two-family or multi-family dwelling including attached
condominium units with:

a. one bedroom	\$6431,176
b. two bedrooms	<u>\$1,0721,960</u>
c. three or more bedrooms	<u>\$1,6082,940</u>

A dwelling unit in elderly or congregate housing \$6431,176

2) For any other type of residential use or where the application of the fee schedule is unclear, the Planning Board shall determine the applicable fee based upon the number of occupants that would be typically expected to live in the dwelling unit and the impact fee of ~~\$536-980~~ per capita.

3) In the situation where the number of dwelling units in an existing building is being increased, the impact fee due shall be the difference between the impact fee that would be due based upon the proposed utilization of the building minus the fee that would have been charged based upon the utilization of the building prior to the change.

4) The recreational impact fee is due at the time of payment for the building permit where the dwelling units are located.

E. EFFECTIVE DATES

Notwithstanding the provisions of 1 M.R.S.A. §302 or any other law, this ordinance, when enacted, shall govern any plan or application for approval or permits under the Land Use and Development Code submitted on or after November 11, 2003 - _____, and any such plan or application submitted before that date, but which had not received at least one substantive review, within the meaning of §302, on or before that date, by the Town board or official having authority to grant any such permit or approved.

Item #2022-08-02 Action to consider forwarding recommendations for the creation of a White Rock Mixed-Use District to comply with the Comprehensive Plan. (Ordinance Committee Spon.)

Proposed

Order #22-142 Ordered, that the Town Council forward recommendations for the creation of a White Rock Mixed-Use District to comply with the Comprehensive Plan, to the Planning Board, for recommendation and public hearing, as follows:

Proposed Zoning Amendment:

CHAPTER 1: ZONING REGULATIONS

SECTION 1-?? – WHITE ROCK MIXED-USE DISTRICT

A. PURPOSE

To expand and add to the commercial and limited mixed-use area to the North Gorham area consistent with the Comprehensive Plan's goals. To this end, residential development shall be limited to mixed-use and/or multi-family and developed in accordance with the standards below.

B. PERMITTED USES

- 1) Nursing home, home for the aged.
- 2) Residential units as part of a mixed-use development.
- 3) Municipal building or use.
- 4) Parks and/ or playgrounds.
- 5) Accessory residential uses, including home occupations.
- 6) Rooming house, apartment building or multifamily housing, except fraternity housing.
- 7) Business and professional offices and professional out-patient clinics.
- 8) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- 9) Commercial school, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization, or social nature which is not used for residential or commercial purposes, which has less than two thousand (2,000) square feet of floor area and generates less than two hundred (200) vehicle trips during any twenty-four hour period, except fraternity houses.

- 10) Accessory Apartments
- 11) Inn
- 12) Bed and Breakfast Establishments
- 13) Recreational Vehicles Sales and Service
- 14) Personal and business services
- 15) Office of Contractor or tradesman.
- 16) Retail stores having a gross floor area of less than 2,500 square feet.
- 17) Light Industrial Uses of five thousand (5,000) square feet or less of gross floor area.
- 18) Auto-oriented businesses.

C. SPECIAL EXCEPTIONS

- 1) Commercial school, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential purposes 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.
- 2) Bed and Breakfast Establishment with public dining as an accessory use.

D. SPACE STANDARDS

<u>Supply</u>	<u>Public Water Supply</u>	<u>Private Water</u>
Minimum lot size for residential lots	40,000 sq.ft.	60,000 sq.ft.
Minimum lot area per residential dwelling unit	20,000 sq.ft.	40,000 sq.ft.
Minimum lot area per residential dwelling unit in a mixed-use building	*	20,000 sq.ft

* the lots' maximum residential unit density shall be set by design requirements of a private septic system designed and installed on the lot meeting all the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Minimum street frontage	150 ft.	200 ft.
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Minimum front yard		
MDOT numbered routes	50 ft.	50 ft.
Local Roads	25 ft.	25 ft.
Minimum rear and side yards	15 ft.	15 ft.
Maximum building height	40' or three stories whichever is greater	
Maximum impervious area coverage	0.75	0.75

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size, building coverage, 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) Developments and uses shall be developed to meet the following requirements:
 - a) Lot Layout and Utilities:
 1. The lots and buildings shall be served by underground utilities.
 2. All generators, storage areas, electrical transformer pads, HVAC ground mounted units, above-ground propane tanks, and dumpster pads shall be landscaped and located behind the buildings and structures so that they are not visible from any public street or residential properties. The Planning Board/ Site Plan Review Committee may allow generators, storage areas, and dumpster pads to be located so they are not located behind the buildings if the Board or Committee finds that the proposed locations are required to provide for a better overall design of the lots/development and that they are sufficiently buffered from public roads and residential properties.
 3. That parking lots between the front wall of a building and the street shall be limited to a double-row of parking spaces, access driveway, and driveway into the building. All other parking shall be located to the side and rear of the building
 - b) Buffer Yards and landscaping buffering shall conform to the following standards:
 1. That a 25' landscaped buffer shall be required along the lot's frontage on a public street or private way.
 2. That a 15' landscaped buffer shall be required along the side or rear property line where parking lots are located.
 3. The landscaped buffer area shall be designed and maintained to minimize the adverse impact on abutting properties and the public and to soften the appearance of

the structure(s) and in particular, to minimize the adverse impact on any structures which exist on abutting lots located outside this district. Landscaped buffers should include a mix of evergreen and deciduous trees, shrubs, and plants. Hardscape features such as, but not limited to, stonewalls and decorative metal or wooden fences are also encouraged in the buffer area to provide and shall the buffer and balance the plantings.

4. No building, parking or service areas shall be located in the buffer area. Access roads may cross the buffer area to provide access to and from a street, but shall be designed to minimize the disruption of the buffer area. No direct access to parking stalls shall be provided from an access road located in a buffer area.

c) Building Design Standards:

1. All principal buildings and structures for non-residential or mixed-use purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing architecture in the area.
2. The predominant exterior building materials shall be of high quality materials, including but not limited to, wood or vinyl clap board 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.
3. 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 Sebago Lake Road/ North Gorham Road. The Planning Board or Site Plan Review Committee may waive the building materials 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 on the required building materials. All facades that have frontage on streets or private ways shall be considered a primary façade.

d) Access Management:

1. A parcel that does not have frontage on Sebago Lake Road or North Gorham Road shall not be granted vehicular access from the street except in cases where:
 - a. Access will be provided through a combined entrance with another parcel which has frontage along the street.

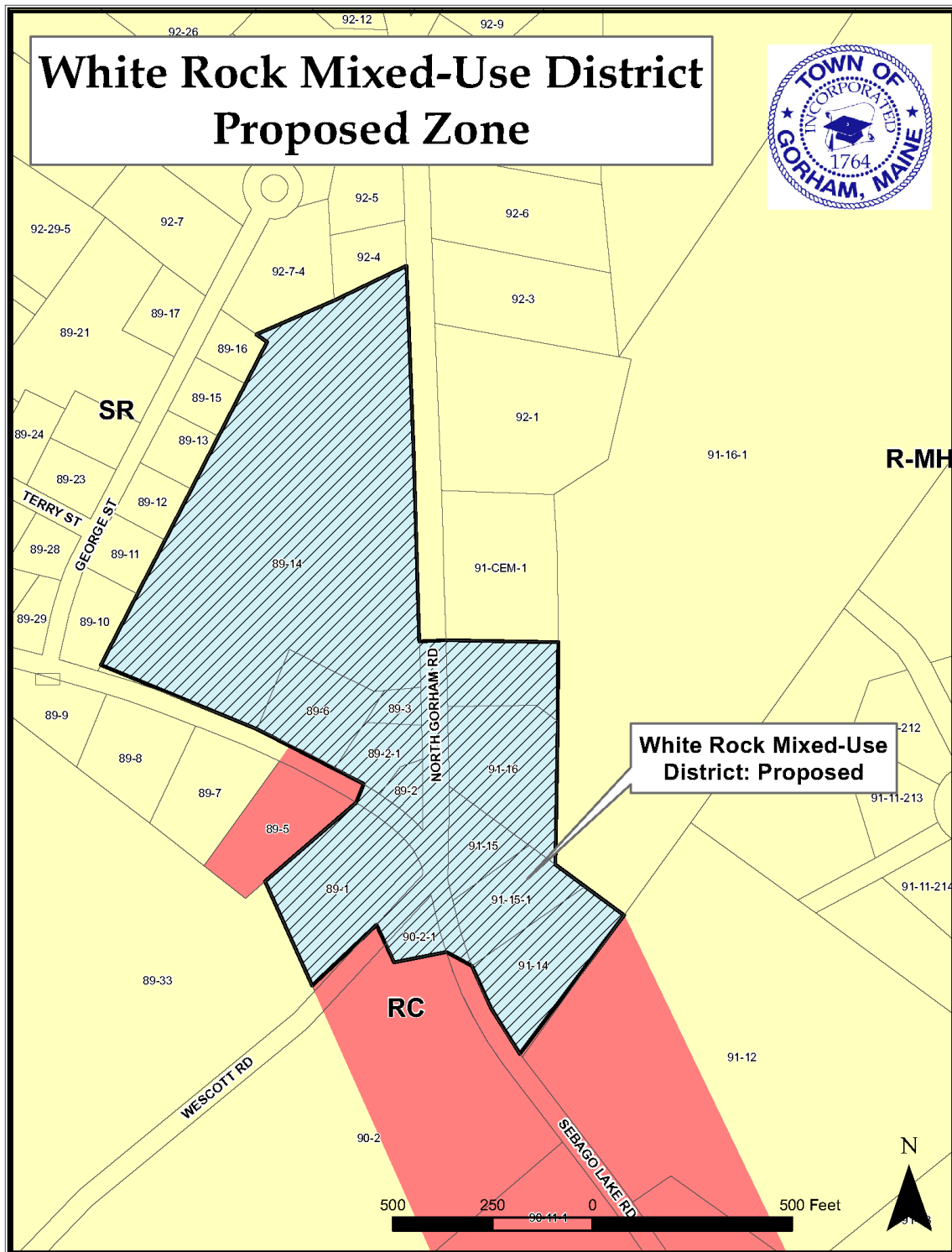
2. Lots with access on Sebago Lake Road or North Gorham Road must have driveways located so that they are a minimum 300' from another driveway on the same side of the street unless:
 - a. The Planning Board finds that the distance would provide for unsafe circumstances.
 - b. The driveway's spacing to abutting properties' driveways cannot be spaced to meet the 300' minimum requirement. The Planning Board shall provide for a driveway spacing to the greatest extent practical.

Proposed TC Ordinance Committee Recommendations on White Rock Mixed-Use District Boundaries.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to include the portion above parcel number 91-16 in the district.

A discussion ensued regarding the triangle above the parcel number 89-14 in which Councilor Hartwell recommended including that section in the district as well.

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to include the triangle above parcel number 89-14 in the district.



Item #2022-12-1

Action to consider a contract zone at 239 County Road, Map 15 – Lot 25.001 for a mixed-use property. (Councilor Philips Spon.)

**Proposed
Order #22-143**

Ordered, that the Town Council forward to the Planning Board, for design, review and recommendation, a proposed contract zone at 239 County Road, Map 15 – Lot 25.001 for mixed uses, including event center, agricultural uses, as well as educational purposes; and

Be It Further Ordered, that the Planning Board forwards their final recommendation to the Town Council for public hearing and review.

Item #2022-12-2

Action to consider authorizing the use of a public easement to access and build a private way. (Councilor Philips Spon.)

**Proposed
Order #22-144**

Ordered, that the Town Council authorizes access off of the public right of way on Samantha Drive for the purpose of constructing a private way providing that the public easement is not restricted.

Item #2022-12-3

Action to consider using gender inclusive language in current and future ordinances and town used forms. (Councilor Gagnon Spon.)

**Proposed
Order #22-145**

Ordered, that the Town Council instructs the Ordinance Committee and Staff to modernize language, within existing and future ordinances and Town used forms, to use Gender Inclusive language where appropriate; and

Be It Further Ordered, that the Town Council instructs the Ordinance Committee to review the Rules of the Town Council and make recommendations for changes to use Gender Inclusive language where appropriate.

Item #2022-12-4

Action to consider setting an educational workshop for February on Gorham's transportation systems. (Councilor Pratt Spon.)

**Proposed
Order #22-146**

Ordered, that the Town Council sets February 21, 2023 as a workshop

date to discuss Gorham's transportation infrastructure, crash statistics, safety improvements and long term planning.

Item #2022-12-5

Action to consider instructing the Finance Committee to review current and pending ARPA expenditures. (Councilor Philips Spon.)

Proposed

Order #22-147

Ordered, that the Town Council instructs the Finance Committee to review current and pending ARPA expenditures.

Item #2022-12-6

Action to consider instructing the Finance Committee to review rental fees for town buildings. (Councilor Philips Spon.)

Proposed

Order#22-148

Ordered, that the Town Council instructs the Finance Committee to review rental fees for town buildings and to provide any recommendations back to the Town Council.

Item #2022-12-7

Action to consider updating the Master Plan for the Chick Property. (Councilor Philips Spon.)

Proposed

Order#22-149

Ordered, that the Town Council instructs the Capital Improvements Committee to provide a framework for the review and possible revisions to the Chick Master Plan and report back to the Town Council with a recommendation.

Item #2022-12-8

Action to consider authorizing an expenditure from an emergency reserve account. (Councilor Pratt Spon.)

Proposed

Order #22-150

Ordered, that the Town Council authorizes the release of up to \$120,000 from account 203-10-50640-02 for the purpose of a boiler replacement at the Gorham Municipal Center.

Item #2022-12-9

Action to consider formally supporting Gorham's Early Childhood Partnership Plan. (Councilor Shepard Spon.)

Proposed

Order #22-151

Ordered, that the Town Council authorizes full support for the Gorham Early Childhood Partnership Plan as outlined in the Bright Futures for Little Rams Report; and

Be It Further Ordered, that the Town Manager is authorized to sign a letter of support on behalf of the Town of Gorham.

Adjourn