

Land Use and Development Code Amendment: Agricultural Tourism

**Town of Gorham
Planning Board Ordinance Committee
December 6, 2021**

ITEM 1 - Land Use and Development Code – Discussion: – Proposed amendment to the Land Use & Development Code to allow for agricultural events and agricultural tourism.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	August 3, 2021
Planning Board - Meeting Discussion	The Item was forward to the PLBD Ordinance Committee for review and recommendations.	September 13, 2021
PLBD Ordinance Committee	The committee request staff provide additional performance standards for review.	October 4, 2021
PLBD Ordinance Committee		December 6, 2021

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Thomas Poirier, Director of Community Development.

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1. Overview

The PLBD Ordinance Committee reviewed the item at the October 4th, 2021 committee meeting and requested staff look to add additional performance standards. Staff has added 3 additional performance standards for the committee's review. The new performance standards addresses times that can be utilized for set-up and take down of activities, the agritourism activity cannot be located in any required setbacks, and the flow of traffic into the activity cannot cause an unsafe condition.

Below information shown in italics are comments from the October 4th, 2021 staff notes. *The Town Council forwarded a request to the Planning Board to allow existing farms to utilize agritourism as a way to generate revenue. This is not a zoning change to allow for dedicated event centers in old barns; that is something that would need to be done under a contract zone as outlined under the new Rural District's performance standard G, 13. The amendment includes adding new definitions, new permitted use in the Rural District, as well as new Rural District performance standards. The Town Council has forwarded the drafted ordinance amendment identified below with proposed changes shown as underlined. The Town Attorney has reviewed and provided edits to the proposed ordinance which have been incorporated.*

The Planning Board may want to review to see if there are any farms in the Suburban Residential District that could utilize the proposed amendment. If so, the Planning Board may want to consider an amendment that would allow agritourism in the Suburban Residential District.

Proposed Amendment:

Chapter 1: ZONING REGULATIONS

SECTION 1-5 – Definitions

Agriculture: The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.

Agritourism: Any agricultural activity carried out on a farm or ranch that members of the general public are allowed to view or participate in, including farming, ranching, historical and cultural activities, harvest-your-own activities and attractions related to farming or ranching, including, but not limited to, marketing or selling of any products from the farm or ranch. Examples of agritourism include farm markets; roadside stands; enjoyment the farm environment; harvest your own operations; ice cream/bakery facilities; Maine Maple events; Christmas tree farm, including cut your own operations; wineries, winery tours and tastings; local product retail operations; corn mazes; farm-related interpretive facilities and exhibits, agricultural education programs and experiences; agriculturally related fairs and festivals; on-site farm, garden and nursery tours; trails; farm stay; recreation related operations; horseback riding; weddings; corporate events/retreats; and banquets. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity.

Farming: The commercial production of agricultural products as a livelihood and includes dairy farming; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm or ranch that are incident to or in conjunction with these farming operations, as defined

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by the Maine Revised Statutes, Title 7, Sec. 251, as amended.

Marketing: The promotion of buying and selling a product or service, including agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation.

Section 1-8 – RURAL DISTRICT

B. PERMITTED USES

24) Agritourism

G. Performance Standards for Agritourism Activity

1. The farm must be an existing and operating working farm.
2. Agritourism activity must be incidental to and directly supportive of the agricultural use of the property.
3. Permits: Events under this section are exempt from site plan review.
4. Applicants, vendors, and owners are required to obtain all required local, state, and federal permits for each agritourism activity.
5. The attendance at any such event shall be limited to two-hundred and fifty (250) people at any one time. Any event larger than two-hundred and fifty (250) at any one time shall be reviewed under the Large Outdoor Event Ordinance.
6. The use of any structure used for agritourism activities is required to meet all local, state, and/or federal codes including but not limited to building and fire codes.
7. Adequate bathroom facilities, either portable or permanent, shall be provided to accommodate all attendees.
8. Any service, sale or consumption of alcoholic beverages shall be in compliance with State law.
9. Such events may include the provision of goods and services by third-party vendors, including but not limited to catered food preparation and serving and musical performances or other entertainment. Third-party vendors are required to obtain all required, local, state, and federal permits for the events they are participating in.
10. Agritourism activities are required to meet the Town's noise standards under Chapter 2 Performance Standards, Section 2-1 Environmental, H. Noise Abatement.
11. Signage may be used as prescribed by Chapter 2 Section 2-3.
12. Hours of event operation are limited to:
 - a. Sunday through Thursday: 8:00 am to 8:00 pm.
 - b. Friday through Saturday: 8:00 am to 10:00 pm.
 - c. Setup and take down for an event is separate from the hours of operation and shall not be considered part of the event itself. **Setup or take down shall not occur between the hours of 11:00pm and 7:00am.**
13. Events that do not conform to the standards above may be considered under the Contract Zoning Chapter 1 Section 1-1.
14. Vehicular access into the agritourism activity will provide for safe and convenient access.
15. None of the agritourism activity shall be located in any required side, rear, or front setbacks.

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**PLANNING BOARD
ORDINANCE REVIEW COMMITTEE
OCTOBER 4, 2021
6:00 p.m.**

WORKSHOP NOTES

**Committee Members Present
VINCENT GRASSI, CHAIRMAN
SCOTT FIRMIN
SUSAN DURST
THOMAS HUGHES**

**Staff Present
THOMAS POIRIER, DIRECTOR OF
COMMUNITY DEVELOPMENT
CAROL EYERMAN, TOWN PLANNER**

**Members of the Public Present
CHARLIE AND LINDA PEARSON**

AGENDA

ITEM 2 Agritourism – Proposed amendments to the Land Use and Development Code to allow for agricultural event centers and agricultural tourism

Mr. Poirier opened the workshop explaining that the Council is looking to provide a way for farms to have accessory events, giving an active farm the opportunity to have people experience the farm, as well as some other way to generate revenue for the forms. Originally a similar item had been under review for “agricultural event centers,” but that proposed amendment was not adopted. The Town Council sent the Planning Board the current draft under review, with the addition of a number of events that a farm could have. The proposal is to add definitions and performance standards. Mr. Poirier said this amendment would permit a one-day event accessory to the farm use.

Mr. and Mrs. Charlie Pearson spoke, expressing concerns about what constitutes an event, the number of events to be allowed, the appropriate number of attendees, parking, traffic, noise and the need for specific standards as compared to what is allowed under Maine state statutes. Mr. Pearson suggested modifying the Town’s large outdoors event ordinance to craft an agritourism sub ordinance based on it.

Mr. Poirier said that it will not be easy to find a middle ground to protect farmers’ abilities to create income and to protect the land from development if a farm fails. Mr. Poirier said he will take a look at some additional performance standards for the committee to consider.

Respectfully submitted,

Barbara C. Skinner
Clerk of the Board