

**Land Use and Development Code Amendment: Agricultural Tourism**

**Town of Gorham  
Planning Board Meeting  
January 3, 2022**

**ITEM 2 - Land Use and Development Code – Public Hearing:** – 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                    |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Town Council Meeting</b>                | The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)                                                                                 | <b>August 3, 2021</b>     |
| <b>Planning Board - Meeting Discussion</b> | The Item was forward to the PLBD Ordinance Committee for review and recommendations.                                                                                                        | <b>September 13, 2021</b> |
| <b>PLBD Ordinance Committee</b>            | The committee request staff provide additional performance standards for review.                                                                                                            | <b>October 4, 2021</b>    |
| <b>PLBD Ordinance Committee</b>            | The committee reviewed the additional standards added and recommended no further changes. The committee forward the item to the next available Planning Board meeting for a public hearing. | <b>December 6, 2021</b>   |
| <b>Planning Board – Public Hearing</b>     |                                                                                                                                                                                             | <b>January 3, 2022</b>    |

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.**

# Land Use and Development Code Amendment: Agricultural Tourism

## 1. Overview

The PLBD Ordinance Committee reviewed the item at the December 6th, 2021 committee meeting and three additional performance standards requested by the committee. The new performance standards address 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. The changes proposed by the committee are shown **bolded and underlined**. As part of the committee's review they received comments from both proponents and opponents of the draft ordinance language that is presented here for public hearing. The committee felt the draft proposal on for public hearing was a compromise to protect abutting properties while not being overly burdensome to active farms looking to supplement their income.

The ordinance amendment is on for public hearing and will require the item to be opened for public comment on this draft being reviewed by the Planning Board.

Below information shown in italics are comments from the October 4<sup>th</sup>, 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

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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 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 considered to be separate from the hours of operation of the event and shall not be considered part of the event itself. **Setup or take down shall not occur between the hours of 11:00 pm and 7:00 am.**
13. Events that do not conform to the standards above may be considered under the Contract Zoning Chapter 1 Section 1-1.

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- 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.**

**PLANNING BOARD  
ORDINANCE REVIEW COMMITTEE  
DECEMBER 6, 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 1      Agritourism – Proposed amendments to the Land Use and Development Code to allow for agricultural event centers and agricultural tourism**

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Barbara C. Skinner  
Clerk of the Board