

AGENDA NOTES

Gorham Town Council Regular Meeting
October 5, 2021 – 6:30pm
Council Chambers

Public hearing #1

On Item #2021-10-01

Public hearing to hear comment on renewal applications for Graveyards/Junkyard Permits for 2021-2022. (Admin. Spon.)

Staff report no current issues with the renewal applications.

Public hearing #2

On Item #2021-10-02

Public hearing to hear comment on a proposed amendment to adopt the Mosher's Corner Mixed-Use District and the proposed amendment to the Official Zoning Map. (Admin. Spon.)

This item modifies the Mosher's Corner Mixed Use District for some allowed uses, as well as other standards within the district. A more detailed memo from Town staff is attached.

Public hearing #3

On Order #2021-10-03

Public hearing to hear comment on proposed amendments to the Land Use and Development Code's Home Occupation ordinance regarding allowed uses and standards. (Admin. Spon.)

This public hearing and order simplifies the Land Use and Development Code ((LUDC) with regard to permitted home occupations and performance standards. The current version of the LUDC has very specific uses. These amendments will broaden the definition of home occupations. A memo from staff is attached.

Old Business

Item #2021-9-12

Action to consider adopting a remote and hybrid meeting policy. (Councilor Pratt Spon.)

At the Town Council's last meeting, the remote and hybrid meeting policy was tabled pending questions for staff. As a reminder, Maine statutes now allow for remote meetings. In order to be able to now utilize remote or hybrid meetings, a municipality must adopt a policy. This item's policy was drafted by legal Counsel and staff requested that it be tailored as a moderate approach versus some more liberal interpretations of the state statute taken by some municipalities.

The policy allows for an all remote meeting or a hybrid meeting if needed of the Town Council only. Each other board or non-Council committee in the Town of Gorham must adopt their own policy for remote meetings and the Town

Council does not set a remote meeting policy for those boards. The Town of Gorham is also not currently in a position to run hybrid meetings on a regular basis, but could utilize existing technologies to complete a hybrid meeting if needed.

This is also a policy, and as such can be amended by the Council at any time much like the Council's own rules. Staff are unaware of any municipality that has adopted these required policies as an ordinance; however, there may be a town we are not aware of. The benefit again of a policy is that it can be adjusted at any time.

Staff also recommend leaving in reference to Zoom as the current preferred platform of choice at the moment due to the Town having a current subscription. However, the policy does provide the ability to utilize another platform if needed and the policy can be changed at any time by the Council.

The adoption of a remote meeting policy is intended to be a tool available for the Council to still conduct business in the event of unforeseen circumstances while still allowing for public participation and access. It will not likely be the norm moving forward past the pandemic. Examples of foreseeable uses of the policy could include the following:

- Pandemic issues push the Council back to remote meetings. Infection of a Council member(s) that requires quarantine.
- Unexpected major storms when the Town Council still needs to conduct business and a meeting cannot be moved.
- Emergency meetings or major states of emergency.
- Emergency meetings where Councilors are out of state and a hybrid or remote meeting needs to be called in order to get a quorum or more participation.

Staff will be on hand to answer any questions and/or address any amendments.

Item # 2021-10-04

Action to consider accepting 864 feet of Winding Brook Way as a public roadway. (Councilor Pratt Spon.)

Winding Brook Way, located off of Plummer Road, has met the qualifications to be considered to be accepted as a public way. The road has been in development for some time, dating back to the 2000s. A memo from staff is attached. As a reminder, the Town Council is under no obligation to accept any roadway as a public road. If accepted, the Town will be responsible for all maintenance and capital expenses related to the roadway moving forward.

Item# 2021-10-05

Action to consider filling a vacancy on the Gorham Conservation Commission. (Appointments Committee Spon.)

Recommendation from the Appointments Committee to appoint Jacinda Wilson to the Conservation Commission.

Item #2021-10-06

Action to setting a date for a Town Council workshop. (Councilor Pratt Spon.)

This item sets October 19th as the next Town Council workshop. Discussion items for the workshop will be possible items to improve the LUDC, a review of ARPA funding and possible projects, as well as possible regular or annual department updates to the Town Council.

Item # 2021-10-07

Action to consider instructing staff to provide written recommendations to the Council to improve waste issues on Gorham trails and properties. (Councilor Philips Spon.)

This item will instruct staff to report back to the Town Council in writing on possible cost effective solutions to address waste issues on Town properties and trails, as well as properties where significant public easements and access exist.

Item # 2021-10-08

Action to consider adopting a resolution on immunization mandates. (Councilor Hartwell Spon.)

This resolution addresses new and pending immunization mandates for the Town of Gorham. As a resolution, it is not legally binding or direction to municipal management.

The Council, Town employees, and the public should be aware that municipal management has and will follow any vaccination mandates that apply to the Town of Gorham. This resolution does not direct or change that position if adopted by the Town Council.

Item #2021-10-09

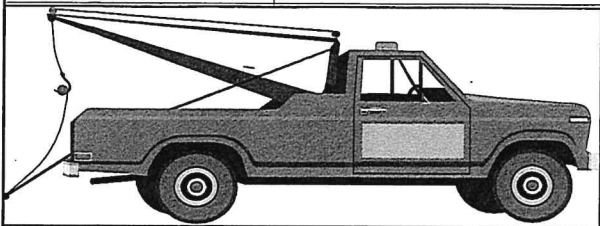
Action to consider authorizing the Town Manager to enter into a License Agreement. (Councilor Pratt Spon.)

This item allows the Town Manager to enter into a License Agreement with Patio Park LLC located off of Libby Avenue to eventually allow for the removal of several sheds, and permit the license of two mobile homes that are several feet over the property line to stay on Town property of the Cross Town Trail. The sheds and mobile homes in question do not hinder the Cross Town Trail or any future expansion; however, when staff became aware of the encroachment onto municipal property, the Town Attorney was involved to come up with a reasonable solution to protect the Town from claim and liability while also providing for the removal of the smaller structures (sheds). A memo explaining the situation from the Town Attorney is attached, as well as the proposed license agreement. Staff will be on hand to answer any specific questions at the meeting.

Item # 2021-10-10

Action to consider going into executive session pursuant to 1 M.R.S.A. § 405(6) (A) to discuss personnel matters. (Admin. Spon.)

Executive session to discuss several personnel matters including establishing a schedule, process and general discussion on the Town Manager's annual review.



2021/2022

OWNER	BUSINESS NAME	ADDRESS	PHONE	M/L	MAILED	REC	INSPECTION DONE
					9/8/2021		
STEVE LUCE	LKQ CORP./GORHAM AUTO	192 NARRAGANSETT ST	839-3080X2898	39/22	X	9/15/2021	
JIM STONE	CASCO FED CREDIT UNION	375 MAIN STREET	839-7201	77/15	X	9/21/2021	
GARY NELSON	CHET'S AUTO SALES	475 OSSIPEE TRAIL	839-4398	76/21	X	9/16/2021	
GORDON REICHERT	REICHERT'S AUTO BODY	112 SHAWS MILL ROAD	318-3538	80/32	X	9/16/2021	
SHAWN MOODY	MOODYS/COWORKER OWNED/ INSURANCE AUC	200 NARRAGANSETT ST	839-2500	39/22	X	9/16/2021	
JOHN DUMBROCYO	DUMBO ENTERPRISES	86 LONGFELLOW ROAD	854-2068	ap 11 lot	X	9/12/2021	
Deadlone September 17, 2021							
Meeting Date October 5, 2021							
Closed							
BRUCE YOUNG	YOUNG'S AUTO SALVAGE	721 FORT HILL ROAD	839-3128	84/14			*
HOPKINS	HOPKINS SALVAGE	230 NORTH GORHAM RD	892-6292	96/16			

Town of Gorham

Code Enforcement Office
Municipal Center
75 South Street, Suite 1
Gorham, Maine 04038-1382

(207) 222-1605
www.gorham-me.org



Freeman F. Abbott
Code Enforcement Officer
fabbott@gorham.me.us

Angela T. Fall
Administrative Assistant
afall@gorham.me.us

**Application For Automobile Graveyard and/or Junkyard Permit
MUNICIPAL OFFICE USE ONLY**

Tentative Date of Hearing: October 5, 2021 Application Received [Signature]

Time of Hearing 6:30pm Permit No _____ Date: 9-15-21

Place of Hearing Gorham Town Council Meeting- 75 South Street Fee Paid \$ 100.00

Notifications sent by: Gorham Code Enforcement Office / Freeman Abbott, Code Officer

To the City/Town Gorham County Cumberland Maine

I/We - LKQ Northeast Inc

Hereby, make application (in quadruplicate) for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751-3760, Chapter 183, Public Laws 1988.

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard 1 1/2 miles west of Gorham Village on RT 202.

2. Is this application made by or for a company, partnership, corporation-individual? Corporation

3. Is this property leased YES Property owned by Shawn Moody
Address: 5 Eckins Rd Gorham, ME 04038

4. How is "yard" screened? - Fence? (Type) _____ Height Trees? (Type) Pine
Embankment? Gully? _____ Hill? _____ Other? _____

5. How far is edge of "yard" from center of highway? 200 Feet.

6. Can junk be seen from any part of highway? Yes _____ No

7. Was Junkyard Law, Requirements and Fees explained to you? Yes No _____

8. Is any portion of this "yard" on public property? Yes _____ No

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No

10. When was "yard" established 1954 By whom' JOHN ALLEN
11. When was last permit issued' 2020 To whom' LKQ NORTHEAST INC

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by [Signature] For: LKQ NORTHEAST INC
Name of Company - Corporation, Partnership, Indiv.

Address: 192 NARRAGANSETT ST GORHAM, ME 04038

Make complete sketch of "yard." Show footage all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map 39

Circle Correct N _____

Lot No 24

Direction E _____

W _____

S _____

Zone _____

THE YARD LOCATED AT 192 NARRAGANSETT ST. GORHAM, ME
APPROXIMATELY 1.5 MILES WEST OF GORHAM VILLAGE. IT IS
APPROXIMATELY 200 FT FROM THE EDGE OF THE YARD TO THE
CENTER OF THE STREET, WITH FRONTAGE OF APPROXIMATELY
35 FT AND ACREAGE OF APPROXIMATELY 20 ACRES OUTLINED
IN BLACK ON THE AERIAL SURVEY.

Road Name

or

Route No.

To Buxton

To Gorham Village

- 1 Copy of Application to City/town
- 1 Copy of Application to Applicant
- 1 Copy of Application to State Police. Augusta
- 1 Copy of Application to Department of Transportation

Town of Gorham

Code Enforcement Office
Municipal Center
75 South Street, Suite 1
Gorham, Maine 04038-1382

(207) 222-1605
www.gorham-me.org



Freeman F. Abbott
Code Enforcement Officer
fabbott@gorham.me.us

Angela T. Fall
Administrative Assistant
afall@gorham.me.us

**Application For Automobile Graveyard and/or Junkyard Permit
MUNICIPAL OFFICE USE ONLY**

Tentative Date of Hearing: October 5, 2021 Application Received 9-21-21

Time of Hearing 6:30pm Permit No _____ Date: AF

Place of Hearing Gorham Town Council Meeting- 75 South Street Fee Paid \$ 100.00

Notifications sent by: Gorham Code Enforcement Office / Freeman Abbott, Code Officer

To the City/Town Gorham County Cumberland Maine

I/We - Casco Federal Credit Union

Hereby, make application (in quadruplicate) for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751-3760, Chapter 183, Public Laws 1988.

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard 393 Ossipee Trail
(Backside of property off Shaw Mills Road)

2. Is this application made by or for a company, partnership, corporation-individual? Company

3. Is this property leased _____ Property owned by Casco Federal Credit Union
Address: 375 Main St Gorham Maine 04038

4. How is "yard" screened? - Fence? (Type) _____ Height Trees? (Type) Various heights min 8' fir mix
Embankment? X Gully? _____ Hill? _____ Other? _____

5. How far is edge of "yard" from center of highway? _____ Feet.

6. Can junk be seen from any part of highway? Yes _____ No X

7. Was Junkyard Law, Requirements and Fees explained to you? Yes X No _____

8. Is any portion of this "yard" on public property? Yes _____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No X

10. When was "yard" established _____ By whom' _____

11. When was last permit issued' 2020 To whom' Casco Federal Credit Union

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by [Signature] For: Casco Federal Credit Union
James R. Stone CEO Name of Company - Corporation, Partnership, Indiv.

Address: 3.75 Main St. Gorham, Maine 04038

Make complete sketch of "yard." Show footage all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map _____

Lot No _____

Zone _____

Circle Correct N _____
Direction E _____
W _____
S _____

There have been no changes to the yard area since last renewal

**Road Name
or
Route No.**

To _____

To _____

- 1 Copy of Application to City/town
- 1 Copy of Application to Applicant
- 1 Copy of Application to State Police. Augusta
- 1 Copy of Application to Department of Transportation

Town of Gorham

Code Enforcement Office
Municipal Center
75 South Street, Suite 1
Gorham, Maine 04038-1382

(207) 222-1605
www.gorham-me.org



Freeman F. Abbott
Code Enforcement Officer
fabbott@gorham.me.us

Angela T. Fall
Administrative Assistant
afall@gorham.me.us

Application For Automobile Graveyard and/or Junkyard Permit MUNICIPAL OFFICE USE ONLY

Tentative Date of Hearing: October 5, 2021 Application Received [Signature]
Time of Hearing 6:30pm Permit No _____ Date: 9-16-21
Place of Hearing Gorham Town Council Meeting- 75 South Street Fee Paid \$ 100.00
Notifications sent by: Gorham Code Enforcement Office / Freeman Abbott, Code Officer

To the City/Town Gorham County Cumberland Maine

I/We - Chef's Auto Sales, Inc

Hereby, make application (in quadruplicate) for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751-3760, Chapter 183, Public Laws 1988.

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard _____

475 Ossipee Trail Gorham, me 04038

2. Is this application made by or for a company, partnership, ~~corporation~~-individual' corporation

3. Is this property leased no Property owned by GARY + Evangeline Nelson
Address: _____

4. How is "yard" screened? - Fence? (Type) _____ Height Trees (Type) Pine
Embankment? _____ Gully? _____ Hill? _____ Other? _____

5. How far is edge of "yard" from center of highway? 800 Feet.

6. Can junk be seen from any part of highway? Yes _____ No

7. Was Junkyard Law, Requirements and Fees explained to you? Yes No _____

8. Is any portion of this "yard" on public property? Yes _____ No

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No

10. When was "yard" established 1964 By whom' Chet's Auto Sales, Inc

11. When was last permit issued' 2020 To whom' Chet's Auto Sales, Inc

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by Evangelina Nelson For: Chet's Auto Sales, Inc
Name of Company - Corporation, Partnership, Indiv.

Address: 475 OSSIPEE TRAIL Gorham, ME 04038

Make complete sketch of "yard." Show footage all sides and location in relationship to adjacent properties.
Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name.
Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map _____

Lot No _____

Zone _____

Circle Correct N _____
Direction E _____
W _____
S _____

Same

Road Name
or
Route No.

To _____

To _____

- 1 Copy of Application to City/town
- 1 Copy of Application to Applicant
- 1 Copy of Application to State Police. Augusta
- 1 Copy of Application to Department of Transportation

Town of Gorham

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Freeman F. Abbott
Code Enforcement Officer
fabbott@gorham.me.us

Angela T. Fall
Administrative Assistant
afall@gorham.me.us

**Application For Automobile Graveyard and/or Junkyard Permit
MUNICIPAL OFFICE USE ONLY**

Tentative Date of Hearing: October 5, 2021

Application Received 9-16-21 #6177

Time of Hearing 6:30pm

Permit No _____

Date: Check

Place of Hearing Gorham Town Council Meeting- 75 South Street

Fee Paid \$ 100.00

Notifications sent by: Gorham Code Enforcement Office / Freeman Abbott, Code Officer

To the City/Town GORHAM County CUMBERLAND Maine

I/We - Gordon REICHERT / REICHERT'S Auto Body Inc.

Hereby, make application (in quadruplicate) for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751-3760, Chapter 183, Public Laws 1988.

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard 112A Shaw's Mill Rd.
Gorham, MAINE

2. Is this application made by or for a company, partnership, corporation-individual? CORPORATION

3. Is this property leased No Property owned by GORDON REICHERT
Address: 112 Shaw's Mill Rd. GORHAM MAINE 04038

4. How is "yard" screened? - Fence? (Type) 6' Embankment Height Trees? (Type) _____
Embankment? _____ Gully? _____ Hill? _____ Other? _____

5. How far is edge of "yard" from center of highway? 250 Feet.

6. Can junk be seen from any part of highway? Yes _____ No

7. Was Junkyard Law, Requirements and Fees explained to you? Yes No _____

8. Is any portion of this "yard" on public property? Yes _____ No

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No

10. When was "yard" established 1975 By whom' GORDON REICHERT
 11. When was last permit issued' 2021 To whom' GORDON REICHERT

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by Gordon Reichert For: Reichert Auto Body Inc.
Name of Company - Corporation, Partnership, Indiv.

Address: 112 Spruers Mill Rd. Gorham Maine 04038

Make complete sketch of "yard." Show footage all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map 80
 Lot No 32
 Zone _____

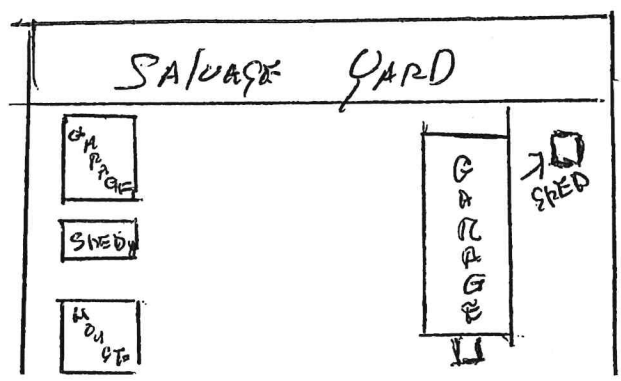
Circle Correct N _____
 Direction E _____
 W _____
 S _____

Road Name
 or
 Route No.

To N ↗

To _____

- 1 Copy of Application to City/town
- 1 Copy of Application to Applicant
- 1 Copy of Application to State Police. Augusta
- 1 Copy of Application to Department of Transportation



Town of Gorham

Code Enforcement Office
Municipal Center
75 South Street, Suite 1
Gorham, Maine 04038-1382

(207) 222-1605
www.gorham-me.org



Freeman F. Abbott
Code Enforcement Officer
fabbott@gorham.me.us

Angela T. Fall
Administrative Assistant
afall@gorham.me.us

**Application For Automobile Graveyard and/or Junkyard Permit
MUNICIPAL OFFICE USE ONLY**

Tentative Date of Hearing: October 5, 2021 Application Received [Signature]
Time of Hearing 6:30pm Permit No _____ Date: 9-16-21
Place of Hearing Gorham Town Council Meeting- 75 South Street Fee Paid \$ 100.00
Notifications sent by: Gorham Code Enforcement Office / Freeman Abbott, Code Officer

To the City/Town Gorham County Cumberland Maine

I/We - Moody's Co-Workers Owned, Inc dba Moody's Collision AND Insurance
Auto Auctions

Hereby, make application (in quadruplicate) for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751-3760, Chapter 183, Public Laws 1988.

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard _____
200 Nanagansett St, Gorham, ME 04038

2. Is this application made by or for a company, partnership, corporation-individual? CORP

3. Is this property leased Yes Property owned by Shawn A. Moody
Address: 5 ELKINS Road, Gorham, ME 04038

4. How is "yard" screened? - Fence? (Type) _____ Height Trees? (Type) _____
Embankment? 8' berm Gully? _____ Hill? _____ Other? _____

5. How far is edge of "yard" from center of highway? 200' Feet.

6. Can junk be seen from any part of highway? Yes _____ No ✓

7. Was Junkyard Law, Requirements and Fees explained to you? Yes ✓ No _____

8. Is any portion of this "yard" on public property? Yes _____ No ✓

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No ✓

10. When was "yard" established 1954 By whom' Joh C Allen
 11. When was last permit issued' 2020 To whom' Moody's Co-worker Owned Inc and Insurance Auto Auctions

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by [Signature] For: Moody's Co-Worker Owned
 Address: 200 Narragansett St
Name of Company, Corporation, Partnership, Indiv.
Gorham, ME 04038

Make complete sketch of "yard." Show footage all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map 39
 Lot No 24
 Zone ND

Circle Correct N
 Direction E _____
 W _____
 S _____

←	Road Name or Route No.	→
To <u>Buxton West Rt 202</u>		Rt 202 To <u>Gorham Village</u>
<u>Johnson / Pond</u>		<u>Moody's Collision</u>

1 Copy of Application to City/town
 1 Copy of Application to Applicant
 1 Copy of Application to State Police. Augusta
 1 Copy of Application to Department of Transportation
Leased to IAA

Shawn Moody
leased to LK & Corp.

Town of Gorham

Code Enforcement Office
Municipal Center
75 South Street, Suite 1
Gorham, Maine 04038-1382

(207) 222-1605
www.gorham-me.org



Freeman F. Abbott
Code Enforcement Officer
fabbott@gorham.me.us

Angela T. Fall
Administrative Assistant
afall@gorham.me.us

**Application For Automobile Graveyard and/or Junkyard Permit
MUNICIPAL OFFICE USE ONLY**

Tentative Date of Hearing: October 5, 2021 Application Received 9-13-21

Time of Hearing 6:30pm Permit No _____ Date: 9-13-21

Place of Hearing Gorham Town Council Meeting - 75 South Street Fee Paid \$ 100.00

Notifications sent by: Gorham Code Enforcement Office / Freeman Abbott, Code Officer

To the City/Town Gorham County Cumberland Maine

I/We - John Dumbrocyo o/b/a Dumbo Enterprises

Hereby, make application (in quadruplicate) for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751-3760, Chapter 183, Public Laws 1988.

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard 86 Longfellow Road
Rear lot

2. Is this application made by or for a company, partnership, corporation-individual? Individual

3. Is this property leased NO Property owned by John Dumbrocyo
Address: 86 Longfellow Road, Gorham, ME 04038

4. How is "yard" screened? - Fence? (Type) wood 6' Height Trees? (Type) 12' Pine + Oak
Embankment? _____ Gully? _____ Hill? _____ Other? _____

5. How far is edge of "yard" from center of highway? 400' +/- Feet.

6. Can junk be seen from any part of highway? Yes _____ No

7. Was Junkyard Law, Requirements and Fees explained to you? Yes No _____

8. Is any portion of this "yard" on public property? Yes _____ No

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No

10. When was "yard" established 1970's By whom' John Dumbrocyo

11. When was last permit issued' 10/5/2020 To whom' John Dumbrocyo

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by [Signature] For: Dumbo Enterprises - Individual
Name of Company - Corporation, Partnership, Indiv.

Address: 86 Longfellow Road, Gorham, ME 04038

Make complete sketch of "yard." Show footage all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map _____
Lot No _____
Zone _____

Circle Correct N _____
Direction E _____
W _____
S _____

Road Name
or
Route No.

To _____

To _____

- 1 Copy of Application to City/town
- 1 Copy of Application to Applicant
- 1 Copy of Application to State Police. Auguata
- 1 Copy of Application to Department of Transportation



**Town of Gorham Community
Development**

Thomas M. Poirier, *Director of Community Development*
tpoirier@gorham.me.us
 Carol Eyerman, *Town Planner*
ceverman@gorham.me.us

GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038 Tel: 207-222-1620 / Fax: 207-839-4793

TO: Town Council
Ephrem Paraschak, Town Manager

FROM: Thomas M. Poirier, Director of Community Development

SUBJECT: Mosher Corner Mixed-Use District and Zoning Map Amendment

DATE: SEPTEMBER 28, 2021

IMP

The Planning Board had multiple meetings on the Town Council’s Mosher Corner Mixed-Use District draft language and after careful review and discussion the Planning Board is recommending adoption as amended by the Planning Board. The proposed Planning Board changes were to standardize the permitted and special exception uses, clarify some of the language under space standards, add some minor changes to performance standards regarding lot layout and landscaping, and add waiver provision for the requirement for off-site sidewalks.

The Planning Board is also recommending the adoption of the draft zoning map attached to this memo showing the changes to the Mosher Corner Mixed-Use, Suburban Residential, and Urban Residential Districts boundaries to make the zoning map consistent with the Future Land Use Map in the Mosher Corner area. The map amendment will need to be official adopted by the Town Council.

The Town Council’s proposed language sent to the Planning Board is identified in underlined and struck through. The Planning Board’s proposed changes are shown underlined, struck through, and bolded.

Public Hearing: Public Hearing was held at the Planning Board’s September 13, 2021 meeting. No members of the public spoke on the item.

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)	February 2, 2021
Planning Board Meeting Discussion	Referred to Board’s CPIC for workshop review and recommendations	March 1, 2021
Planning Board CPIC Workshop		March 22, 2021
Planning Board CPIC Workshop	The committee reviewed the proposal and made changes to the following sections: performance standards, lot layout, landscape requirements, access management, and off-site sidewalks.	May 3, 2021
Planning Board CPIC Workshop	The committee reviewed the proposed language and forwarded the item	June 7, 2021
Planning Board CPIC Workshop	The CPIC forwarded the item to the next available meeting for a public hearing.	July 19, 2021
Planning Board Meeting – Public Hearing	The Planning Board held a public hearing and voted (4-0) to recommend adoption of the proposed Mosher Corner Mixed Use District and adoption of the draft zoning map.	September 13, 2021

Proposed Amendments:

SECTION 1-13 - COMMERCIAL/OFFICE MOSHER CORNER MIXED- USE DISTRICT

A. PURPOSE

To provide areas in the Town of Gorham which accommodate a suitable mix of retail commercial businesses and professional offices in a manner which maintains the attractiveness of the major entrances to Gorham, protects the physical environment, maintains the traffic capacity of existing major roads and protects abutting property owners.

B. PERMITTED USES

- 1) Retail Stores
- 2) Business Services establishments
- 3) Personal services
- 4) Business and professional offices and professional out-patient clinics
- ~~5) Shopping centers~~
- 6) Municipal office buildings or uses
- 7) Park or playground
- 8) Rooming house, excluding fraternity housing.
- 9) Funeral home
- 10) Places of public assembly, including indoor theaters **which have less than two thousand (2,000) square feet of floor area.**
- 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 generates less than two hundred (200) vehicles trips during any twenty-four hour period.
- 12) Public and private utility facilities, including substations, **and** pumping station(s) **and treatment facilities.**
- 13) Drive-through service which is accessory to a permitted use

- 14) Accessory buildings and uses
- 15) Residential uses, including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing
- 16) Day Care Homes as Home Occupations
- 17) Bed and Breakfast Establishment
- 18) Bed and Breakfast Establishment with public dining as an accessory use
- 19) Inn
- 20) Offices for executive, administrative, and data processing activities
- 21) **Commercial Schools which have less than two thousand (2,000) square feet of floor area.**
- 22) Medical or quick care facilities
- ~~23) **Office of a contractor or tradesman**~~

C. SPECIAL EXCEPTIONS

- 1) Day Care Centers
- 2) 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 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.
- 3) **Places of public assembly, including indoor theaters which have more than two thousand (2,000) square feet of floor area.**
- 4) **Commercial Schools which have more than two thousand (2,000) square feet of floor area.**

D. SPACE STANDARDS

- 1) Residential Uses

Sewered

Unsewered

Minimum Lot Size	20,000 sq.ft	40,000 sq.ft
Minimum area per dwelling unit	20,000 sq.ft	40,000 sq.ft.
Street frontage	100'	150'
Front setbacks		
MDOT numbered routes	80'	80'
Local Roads	25'	25'
Side/ Rear setbacks	15'	15'

2) Non-Residential Uses

Standards for non-residential uses shall be as follows:

Minimum lot size	€30,000 square feet
Minimum street frontage	2100 feet
Minimum front yard - local or collector street	50 feet or two (2) times the building height, whichever is greater

Minimum front yard - arterial street State Numbered Routes	80 feet or three (3) times the building height, whichever is greater
Minimum side and rear yard	50 feet or two (2) times the building height, is greater

whichever

Maximum building height	35 feet
Maximum floor area <u>Impervious Coverage</u> ratio	0.35 <u>60</u>
Minimum landscaped buffer on any side abutting an arterial street State Numbered Routes	50 feet
Minimum landscaped buffer on any side abutting all other streets collector or local street	25 feet

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size, street frontage, and floor area ratio 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 following performance standards shall apply in addition to the standards contained in Chapter 2 of this ordinance Code shall be fully observed.

2) The following additional performance standards shall also apply.

a) Lot Layout

1. For lots with frontage on Main Street no parking lots shall be located between any building façade facing Main Street and Main Street.
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 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 they are sufficiently buffered from public roads and residential properties.

b) Utilities

1. All non-residential uses and subdivisions shall be supplied with public water service meeting the requirements of the Portland Water District.
2. All non-residential uses and subdivisions shall connect to public sewer meeting the requirements of the Portland Water District and the Town of Gorham. ~~which generate a design sewerage flow in accordance with the Maine State Plumbing Code of more than 3,000 gallons per day shall be serviced with public sewer.~~
 - a. The Planning Board may grant a waiver for the requirements of the extension of public sewer main extension if the lot is located greater than 200 feet from the nearest connection to a public sanitary sewer 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.
3. All developments are required to have underground utilities.

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

1. The required setback between any public road and/or any residential zoning district or property shall be designated as a buffer area unless it's part of a mixed-use project and the residential/ commercial uses are developed as part of an

integrated development plan and provides an aesthetically pleasing environment.

2. A 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. ~~which structures exist as of the date of enactment of this zoning ordinance amendment on September 17, 1996.~~ **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 shape the buffer area and balance the plantings.** 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.
3. The landscaped buffer area shall require a plan to be prepared or reviewed 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.
4. Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.

d) Building Design Standards:

1. All principal buildings and structures for non-residential purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.
2. The predominate exterior building materials shall be on 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 Main Street/ Mosher Road. 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 street or private way shall be considered a primary façade.

e) Access Management

1. Projects involving more than one building and/ or lot shall provide an internal circulation system to minimize entrances to the project.
2. 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.
3. For lots with frontage on Main Street, Mosher Road, 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.
4. A parcel that does not have frontage on Main Street or Mosher 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 on the street.
5. Lots with access on Main Street or Mosher Road must have driveways located so that they are a minimum 400' 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 400' minimum requirement. The Planning Board shall provide for a driveway spacing to the greatest extent practical.
6. Lots with frontage on Mosher Road and/ or Main Street are required to install sidewalks for the lot frontage should sidewalks not be located along Mosher Road and/ or Main Street.
7. The internal pedestrian access shall connect to the sidewalks located on Mosher Road and/ or Main Street. **The requirement for off-site sidewalk extension shall be**

modified by the Planning Board or Site Plan Review Committee provided the following conditions are met:

- a. **For projects under site plan review the costs for off-site sidewalks exceeds a cost of \$1,000 per 2,000 sq.ft. of gross commercial floor area or for projects proceeding under subdivision review the costs for off-site sidewalks exceeds a cost of \$10,000 per lot. Subdivision lots that have been reviewed under this provision are not required to be reviewed again under site plan review.**
 - b. **In place of a full sidewalk extension, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development:**
 - i. **For roads with existing closed drainage systems and curbing, the applicant shall extend the sidewalk 200' for each 5,000 sq.ft. of gross floor area under site plan review or 400' for each lot;**
 - ii. **For roads without existing closed drainage systems and curbing, the applicant shall extend the sidewalk 100' and close in the drainage system for each 5,000 sq.ft. of gross floor area under site plan review or 250' for each lot;**
 - iii. **For existing public roads with sidewalks in poor condition as determined by the Public Works Director or his designee, an applicant can request that half of the required extension be utilized to repair the existing sidewalk network on a foot by foot exchange. The lot is also subject to the connection of pedestrian improvements located off the lot as required under Chapters 2 and 4 of the Land Use Code.**
- 5) ——— Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.

- ~~6) The location of all entrances to a collector or arterial street shall meet the minimum sight distance requirements of the Maine Department of Transportation for the posted speed limit.~~
- ~~7) All non-residential uses shall be served by underground utilities.~~
- ~~8) All principal buildings and structures for non-residential purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.~~

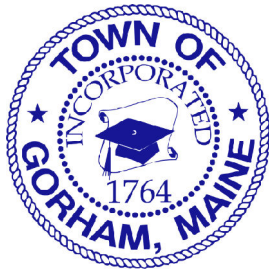
ZONING MAP

OF THE TOWN OF

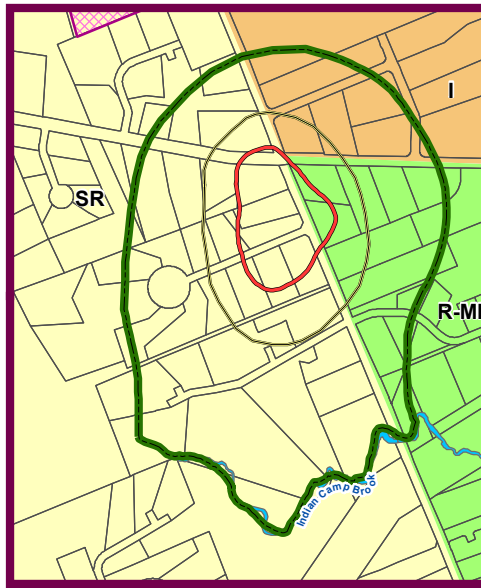
GORHAM

CUMBERLAND COUNTY, MAINE

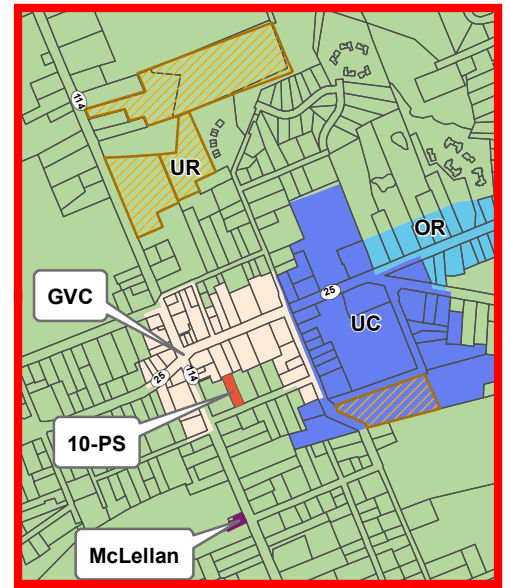
2021



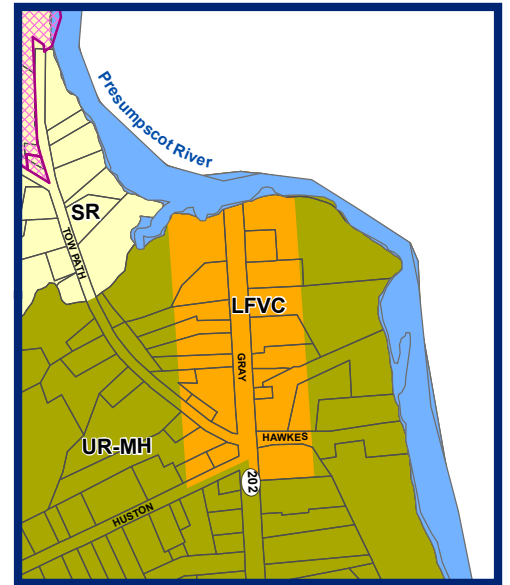
**Black Brook and Brackett Road
Special Protection District**



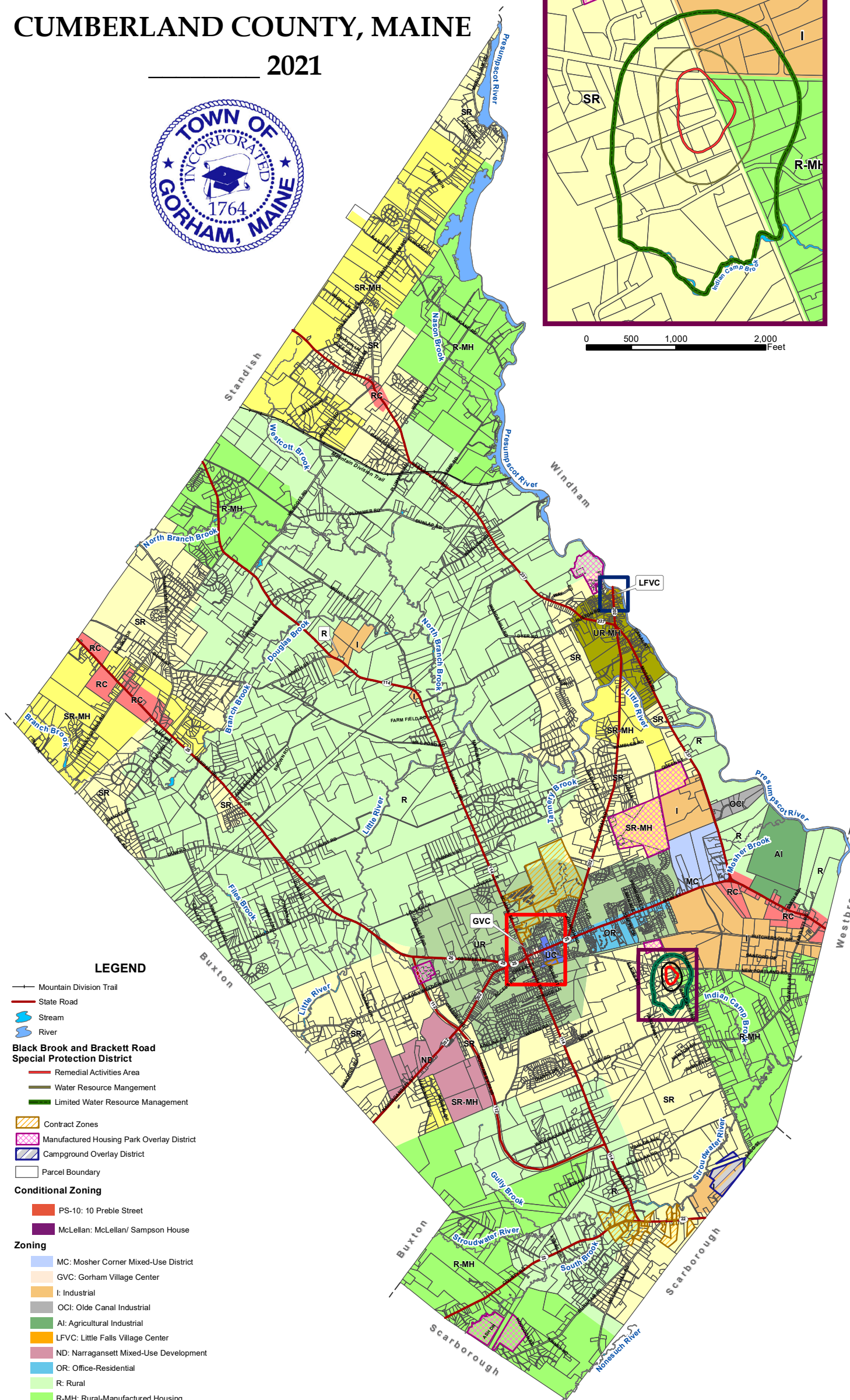
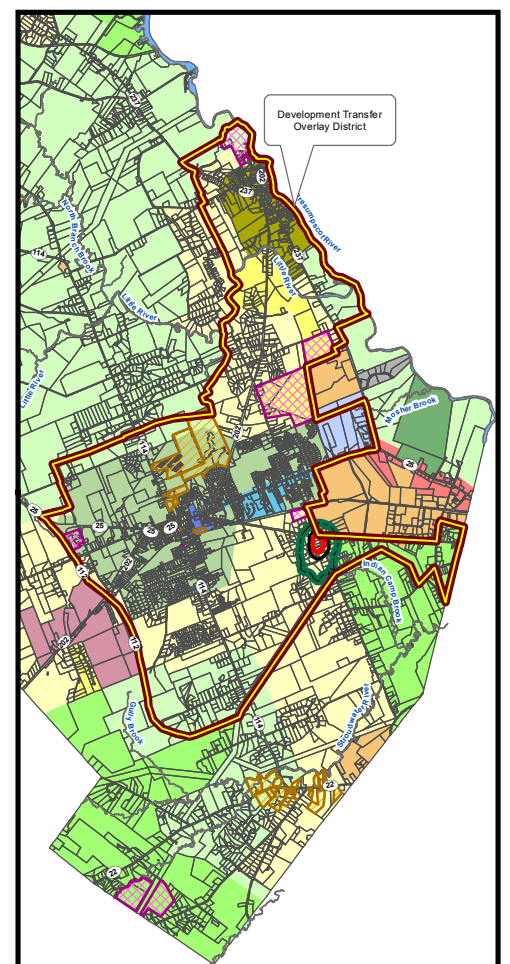
Gorham Village Center



Little Falls Village Center



Development Transfer Overlay District



LEGEND

- Mountain Division Trail
- State Road
- Stream
- River
- Black Brook and Brackett Road Special Protection District**
 - Remedial Activities Area
 - Water Resource Management
 - Limited Water Resource Management
- Contract Zones
- Manufactured Housing Park Overlay District
- Campground Overlay District
- Parcel Boundary
- Conditional Zoning**
 - PS-10: 10 Preble Street
 - McLellan: McLellan/ Sampson House
- Zoning**
 - MC: Moshers Corner Mixed-Use District
 - GVC: Gorham Village Center
 - I: Industrial
 - OCI: Olde Canal Industrial
 - AI: Agricultural Industrial
 - LFVC: Little Falls Village Center
 - ND: Narragansett Mixed-Use Development
 - OR: Office-Residential
 - R: Rural
 - R-MH: Rural-Manufactured Housing
 - RC: Roadside Commercial
 - SR: Suburban Residential
 - SR-MH: Suburban Residential-Manufactured Housing
 - UC: Urban Commercial
 - UR: Urban Residential
 - UR-MH: Urban Residential-Manufactured Housing

I hereby certify that this is the Zoning Map of the Town of Gorham referred to in the Gorham Land Use and Development Code Zoning Ordinance and is the Official Zoning Map for the Town of Gorham, Maine. It includes all prior revisions and is current as of this date and was voted on by the Town Council.

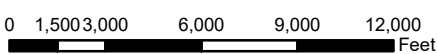
Laurie Nordfors, Town Clerk

When uncertainty exists with respect to the district boundaries as shown upon this Zoning Map of the Town of Gorham, or amendments thereto, the following shall apply:

- 1) Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of the Code, of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- 2) Other district boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the official Zoning Maps on file in the Gorham Municipal Office. In the absence of a written dimension, the graphic scale on the official Zoning Maps shall be used.

Amended by the Gorham Town Council on _____ and effective this _____.

1 inch = 6,000 feet





**Town of Gorham Community
Development**

Thomas M. Poirier, *Director of Community Development*
tpoirier@gorham.me.us

Carol Eyerman, *Town Planner*
ceyerman@gorham.me.us

GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038 Tel: 207-222-1620 / Fax: 207-839-4793

TO: Town Council
Ephrem Paraschak, Town Manager

FROM: Thomas M. Poirier, Director of Community Development

SUBJECT: Home Occupation

DATE: SEPTEMBER 27, 2021

IMP

The Planning Board had multiple meetings on the ordinance amendment to clarify and standardize the home occupation uses and performance standards. After careful review and discussion the Planning Board is recommending the adoption of the ordinance as amended by the Planning Board. The proposed Planning Board changes were to add provisions to allow for online retail sales and to allow home occupations as an accessory use in the Narragansett Mixed-Use District.

The Town Council’s proposed language sent to the Planning Board is identified in underlined and struck through. The Planning Board’s proposed changes are shown **underlined and bolded**.

Public Hearing: Public Hearing was held at the Planning Board’s September 13, 2021 meeting. No members of the public spoke on the item.

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)	June 1, 2021
Planning Board - Meeting Discussion	The item was forwarded to the PB Ordinance Sub-committee for review and recommendations.	July 12, 2021
PB- Ordinance Committee	The committee added a new use J and moved the item for full Planning Board public hearing in September.	August 2, 2021
Planning Board – Public Hearing	The Planning Board voted to recommend adoption of the proposed amendment as revised by the Planning Board (4-0). Two members were absent from the meeting.	September 13, 2021

New proposed ordinance language is shown on blow and is underlined.

Chapter 1: ZONING REGULATIONS

SECTION 1-5 - Definitions

Business and Professional Offices for the conduct of business and involve no sales of tangible products available on the premises, except as a minor and ancillary use as would be

directly related to the conduct of a given profession, or storage of materials or equipment that are used off the premises.

Professional offices include, but are not limited to, the following: office facility of a salesman, sales representative or a manufacturer's representative; office facility of an architect, engineer, broker, dentist, physician, optometrist, psychiatrist, insurance agent, land surveyor, lawyer, musician, real estate agent or accountant; office facility of a minister, rabbi or other religious leader, provided that the office is open to the public or congregation. The following uses are not considered business and professional offices:

- 1) Distribution facilities
- 2) Sales offices involving on-premises display and sales of materials, except as a minor and ancillary use as described above
- 3) Offices of building contractors involving the storage of materials or equipment.

Personal Services A service based on the intellectual or manual efforts of an individual rather than a salable product. Personal services includes, but are not limited to, the following: barber, hairdresser, beauty parlor, spa, barbershop, shoe repair, shoe shine, photographic studio, and businesses providing similar services of a personal nature.

Repair Services Businesses providing for the repair and maintenance of personal and business property such as radios and televisions; electrical and electronic equipment; watches, clocks, and jewelry; furniture and upholstery; musical instruments; sporting equipment; small engines and equipment; small appliances; bicycles; electric bicycles and similar items but not including the repair of motor vehicles, boats, recreational vehicles or heavy equipment. Retail sales of parts and supplies shall be allowed provided such sales are accessory to the repair service.

Instructional Services An instructional service is a use in which the practitioner provides the client with special instruction in a specific area of study. Instructional services include, but are not limited to, the following: music, dance, arts and crafts, and tutoring.

Home crafts The business activities whereby the commodity for sale is completely manufactured by the resident craftsman. Home crafts may include, but are not limited to, the following: artists, jewelers, sculptors, dressmaking, seamstresses and

tailors, and include such activities as model making, bakery, rug weaving, lapidary work and furniture making.

Online Retail Sales

The sale of goods and services from the seller to the customer over the internet using a web browser or a mobile app.

SECTION 1- 13 – COMMERCIAL/ OFFICE DISTRICT

B. PERMITTED USES

- 14) Accessory buildings and uses **including home occupations.**

SECTION 1- 16 – NARRAGANSETT MIXED-USE DISTRICT

B. PERMITTED USES

- 3) Residential Uses – as part of a mixed-use development.

c) Accessory uses including home occupations.

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-15 – HOME OCCUPATION STANDARDS

Home occupations shall conform to the following requirements:

1. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes.

2. A home occupation may not alter the residential character of the structure, neighborhood or change the character of the lot from its principal use as a residence.

~~1-3.~~ The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto with the exception of farm/roadside stands which are allowed to be carried on in a separate structure.

~~2-4.~~ Not more than two people outside the family shall be employed in the home occupation.

~~3-5.~~ There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this chapter), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

~~4-6.~~ No nuisance, offensive noise, vibration, smoke, dust, odors, heat, or glare shall be generated. The noise standards shall comply with the standards identified under Chapter 4, Section 4-9, and T. Noise.

~~5-7.~~ No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood or generate more than 10 vehicle trips per day.

~~6-8. In addition to the~~ Off-street parking provided to shall meet the standards set forth in Section 2-2 of this Chapter. If additional parking spaces are provided, they shall be located to the rear or side yard of the principal structure but not within the yard setbacks. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences. normal requirements of the dwelling, adequate off street parking shall be provided for the vehicles of each employee and the vehicles of the maximum of users the home occupation may attract during peak operating hours.

9. The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises, to catalog items ordered off the premises by customers and to items which are accessory and incidental to a service which is provided on the premises.

~~7-10.~~ The home occupation shall not utilize more than 20% of the total floor area of the dwelling unit or 576 square feet, whichever is more, with the exception of day care home facilities which may utilize up to 50% of the dwelling unit in addition to the use of the exterior of the property for State required play areas.

~~8-11.~~ The following uses shall be allowed as home occupations as defined in Chapter 1, Section 1-5 Definitions:

- a. Business and Professional offices
- b. Personal Services
- c. Instructional Services
- d. Repair Services
- e. Day Care Home
- f. Home crafts
- g. Construction Services
- h. Office of a Contractor or Tradesman
- i. Medical marijuana caregiver
- j. Online Retail Sales**

A home occupation shall be limited to the following:

- ~~a. art studio~~
- ~~b. bed and breakfast~~
- ~~e. day care home~~
- ~~d. dressmaking shop~~
- ~~e. farm/roadside stands~~
- ~~f. hairdressing shop~~
- ~~g. teaching or tutoring facilities~~
- ~~h. office of a physician, dentist, optometrist, lawyer, engineer, architect or accountant~~
- ~~i. office of a real estate broker or agent~~
- ~~j. office of an insurance agent or broker~~
- ~~k. office of construction services~~

~~1. uses similar and compatible with the above as determined by the Town's Code Enforcement Officer~~

9-12. Permit required. A permit must be obtained from the Code Enforcement Department prior to commencement of the Home Occupation. As part of the permit approval, the Town's Code Enforcement Officer is authorized to limit the proposed use or require on-site improvements to minimize potential negative impacts to the neighborhood and/or roadways.

10-13. A home occupation shall not be interpreted to include the following:

- a. facilities for the repair of motor vehicles
- b. day care center

11-14. In addition to the home occupation standards listed above, the home occupation uses listed below shall meet the following requirements:

a. Instructional Services

- 1) Instructional services involving a maximum of four students at a time are permitted. In the case of musical instructions, no more than two students at a time shall be permitted.

b. Day Care Home

- 1) Prior to the permit approval of the use by the Code Enforcement Officer, the applicant must obtain a license from the State of Maine Department of Child and Family Services.

c. Construction Services

- 1) Limited to two of the following: pick-up trucks, vans or box trucks and one trailer parked/stored outside.
- 2) No outside storage of materials.
- 3) Material storage buildings/space limited to 20% of the size of the total area of the dwelling unit.

d. Repair Services

- 1) The repair of any small engines or equipment with any type of gas, diesel, oil, or natural gas engine is not permitted.

e. Medical marijuana caregivers:

- 1) All growing and related growing supplies are required to be stored inside and within the 20% of the total floor area of the dwelling unit or 576 square feet, whichever is more.
- 2) No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence, including but not limited to, any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.
- 3) The odor generated from marijuana cultivation or harvesting shall not be reasonably detectable from any adjacent lot, public right-of-way, or outside of the growers' leased area. The marijuana cultivation shall provide for adequate

- ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation from being dispersed or released outside the building or lease line.
- 4) The medical marijuana caregiver shall obtain a State of Maine conditional license prior to operating in the town of Gorham.
 - 5) That the grow plant canopy size shall be capped at a maximum of 500 sq. ft.
 - 6) All cultivation areas shall meet all applicable local, state, and federal building, electrical, and fire codes.
 - 7) That a property owner's written consent to cultivate marijuana is required for growers located on lots/ leased areas not owned by them. An owner of a residential structure can prohibit the cultivation of marijuana on his or her property.
 - 8) The cultivation areas shall be locked when not being attended to by the grower of the marijuana.
 - 9) Prohibited: The following is prohibited as part of the home occupation medical caregiver marijuana growing:
 - a. The home extractions of marijuana concentrate using hazardous substances.
 - b. The manufacturing, testing, retail sale, gifting, and/or growing of marijuana for adult use.
 - c. No medical marijuana client is allowed to pick-up the material on the lot where the marijuana is being grown.

Street Acceptance Report

Winding Brook Way
Brookside Estates Subdivision
Leavitt Earthworks Co., Inc.

August 24, 2021

Request: The applicant, Leavitt Earthworks Co, Inc. is requesting street acceptance of Winding Brook Way in the Brookside Estates Subdivision located off Plummer Road.

Street Classification: Rural Access Road **Length:** 864 feet

Description: The Brookside Estates Subdivision was approved by the Gorham Planning Board on June 5, 2006. The road provides access for 6 lots. All the lots within the subdivision have been built with occupancy permits being granted.

Utilities/ Mailbox Locations: The subdivision is served by private wells, private septic systems, and underground utilities.

Fire Protection: Each home was installed with a residential sprinkler system as required.

Inspections, Engineering Certification and Record Drawings: The Town contracted with a mix of engineering inspection firms from SytDesign and Woodard and Curran. While Shawn Frank with Sebago Technics and Peter Dalfonso provided construction services to the developer. The applicant's engineer has provided the required test results, documents and record drawings, which have been reviewed and found acceptable by the Director of Public Works.

Legal Documents: The offer of cession for the roadway, the proposed roadway deed, appropriate drainage easements, and the required transfer tax form have been reviewed by legal counsel and are in order for acceptance.

Road Maintenance Guarantee: The developer has provided a one-year road maintenance guarantee. The amount of the one-year, maintenance guarantee has been set at \$5,000.00 by the Public Works Director.

Right-of-Way to Abutting Properties: The street acceptance does not include a 50' right-of-way for a future extension off the end of Winding Brook Way. The Planning Board found the extension not required because of the surrounding terrain and stream prohibited the ability to provide a connection to other developable land.

PLANNING DEPARTMENT STREET ACCEPTANCE CHECKLIST

(To be completed by the Town Planner)

Street Name: Winding Brook Way

Subdivision/Project Name Brookside Estates Subdivision

OWNER/Developer Leavitt Earthworks Co., Inc.

Street Classification Rural Access Street Length 864'

Type of Approval: Final Acceptance Prior to Final Paving

Verification of occupancy permits for 50% of the housing units in the subdivision, if there are more than 20 lots in the subdivision or 50% of the approved construction phase.

Total number of lots 6

Number of occupancy permits issued 6, 100%

Number of lots in phase NA

Number of occupancy permits issued NA, NA%.

Please mark each of the following items Yes, No or NA (Not applicable)

- 1. Letter of Cession.
- 2. Road Deed (NA includes center of turning circle).
- 3. Real Estate Transfer Tax Form.
- 4. Easement deeds for road drainage.
- 5. NA Other documents _____.
- 6. Reviewed by Town Attorney and approved on July 29, 2021.
- 7. NA Fire pond/dry hydrant installations reviewed & approved by Fire Chief.
- 8. NA PWD: Water/Final Inspection Report received.
- 9. NA PWD: Sewer/Final Inspection Report received.
- 10. Color As-Built drawings delivered to: Engineer Public Works Planner.
- 11. Maintenance Guarantee Acct.: Amount \$5,000.00 Type Cash Date April 7, 2021.
- 12. NA Road Improvement Acct.: Amount _____ Date Established _____
- 13. Legal Documents & Plan ROW provided to Town Clerk. Date To be provided after TC Meeting on the item.
- 14. Public Works Director's Final Report.

Note any incomplete items or compliance issues:

New Standards regarding Street Acceptance Standards and Invasive Species:

The project does not comply with the new standards regarding street acceptance in particular the road does not serve a minimum of 25 lots and does not provide 2 points of connection to other interconnected streets. The project was approved and constructed with occupancy permits for all lots issued prior to the adoption of the new standard.

The applicant has not provided verification by a qualified professional that no invasive terrestrial plants are located within the proposed road right-of-way. The street acceptance application had been submitted and reviewed before the new requirements regarding documentation of invasive species were adopted.

PUBLIC WORKS DEPARTMENT STREET ACCEPTANCE CHECKLIST

(To be completed by Director of Public Works)

Street Name: WINDING BROOK WAY
Subdivision/Project Name BROOKSIDE ESTATES
OWNER/Developer BRYAN LEAVITT
Final Inspection by BOB BURNS Date 11-13-2020

Please mark each of the following items Yes, No or NA (Not applicable)

- 1. NA Road Deed and Easement Deeds reviewed by the Public Works Director.
- 2. NA Easement Deeds reviewed by the Public Works Director.
- 3. ✓ Roadway and shoulders constructed per plans.
- 4. ✓ Drainage installed per plans.
- 5. NA Curbing installed per plans.
- 6. NA Sidewalks installed per plans.
- 7. ✓ Roadway monumentation installed per plans.
- 8. NA Catch basins cleaned.
- 9. ✓ Detention ponds constructed per plans.
- 10. NA Fire ponds constructed per plans.
- 11. NA Fire ponds inspected, tested and approved by the Gorham Fire Department.
- 12. NA Hydrants inspected, tested and approved by the Gorham Fire Department.
- 13. NA No. of new hydrants _____.
- 15. ✓ Paved driveway aprons.
- 16. ✓ Mailbox locations per plans.
- 17. ✓ Street trees and landscaping completed per plans.
- 18. ✓ Street signs and traffic control signs installed per plans.
- 19. ✓ Loaming and seeding completed per plans.
- 20. ✓ Permanent erosion control installed per plans.
- 21. ✓ Water mains inspected and approved by Portland Water District.
 Final inspection report received.
- 22. NA Sewer mains and pump stations inspected and approved by Portland Water District.
 Final inspection report received.
- 23. ✓ Final clean up completed.
- 24. ✓ Core Sample(s) measured and meet the Town's minimum standards.

Note any incomplete items or compliance issues: DEVELOPMENT IS SUBSTANTIALLY COMPLETE FOR SEVERAL YEARS. READY FOR ACCEPTANCE WITH MAINTENANCE BOND.

LEAVITT EARTHWORKS CO., INC.

Letter of Cession
Brookside Estates Subdivision
Leavitt Earthworks Co, Inc
Standish, Maine

Leavitt Earthworks Co. Inc., of Standish, Cumberland County, Maine. without any claim for compensation hereby offers to grant to the Town of Gorham, a body politic, with warranty covenants the following described land in Gorham, County of Cumberland, State of Maine

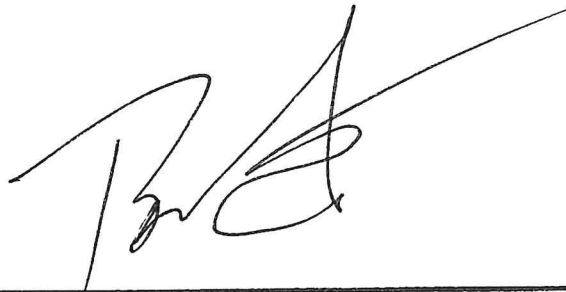
A certain parcel of land shown on a final subdivision plan entitled "FINAL SUBDIVISION PLAN OF BROOKSIDE ESTATES, PLUMMER ROAD, GORHAM MAINE", prepared for Leavitt Earthworks Co., Inc., by Sebago Technics, One Chabott Street, Westbrook, Maine date September 30, 2004, to be duly recorded in the Cumberland County Registry of Deeds, upon final approval by the Town of Gorham Planning Board, reference to said plan is made for further details and particulars. The following parcels are to be included.

The Fee interest in a certain right-of-way known as "Winding Brook Way" as shown on said subdivision plan.

Also conveying all drainage and grading easements and detention pond easements shown on said plan subject to the right of use of other owners of lots as shown on said subdivision plan.

The Town of Gorham shall have no obligation to maintain the detention areas, ponds, or drainage easements outside of the right of way conveyed herein.

Meaning and intending to convey a portion of the land conveyed to the Grantor herein by deed dated August 8, 1999 recorded in Book 14798. Page 56 and deed dated September 9, 1999 recorded in Book 1766 Page 162 and deed dated April 24, 2002 recorded in Book 15035, Page 152 all of the Cumberland County Registry of Deeds



**WARRANTY DEED
(Maine Statutory Short Form)**

KNOW ALL PERSONS BY THESE PRESENTS, that **Leavitt Earthworks Co., Inc.**, a Maine Corporation with a mailing address of PO Box 703, Standish, Maine 04084, for consideration paid, GRANT(S) to the **Town of Gorham** a municipality duly organized and existing under the laws of the State of Maine, its mailing address being 75 South Street, Suite 1, Gorham Maine 04038, its successors and assigns, the following described property:

A certain lot or parcel of land located in the Town of Gorham, County of Cumberland and State of Maine, being more particularly described as follows:

Property known as Winding Brook Way, as set forth on a Subdivision Plan entitled "Brookside Estates, Plummer Road, Gorham, Maine" dated September 30, 2004, by Sebago Technics for Leavitt Earthworks Co., Inc. recorded in the Cumberland County Registry of Deeds in Plan Book 206, Page 418.

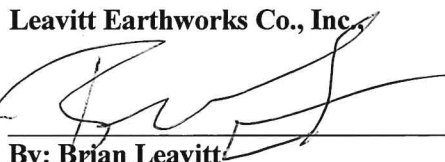
Said above described land is conveyed subject to the notes, conditions and restrictions as set forth on the above Plan.

Also conveying an easement to those areas identified on said plan as "Drainage Easements" for the purpose of, but not the obligation to, maintain those areas including the storm water pond.

WITNESS, my hand and seal this 6 day of August, 2021.

Signed, Sealed and Delivered in the presence of:


WITNESS

Leavitt Earthworks Co., Inc.

By: **Brian Leavitt**
Its: **President**

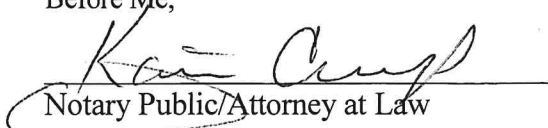
STATE OF MAINE

Cumberland, SS.

August 6, 2021

Personally appeared the above named **Brian Leavitt** and acknowledged the foregoing to be signed as his free act and deed in his said capacity and the free act and deed of **Leavitt Earthworks Co., Inc.**

Kathryn F. Cummings
Notary Public
State of Maine
My Commission Expires Dec. 13, 2023

Before Me,

Notary Public/Attorney at Law



**MAINE REAL ESTATE
TRANSFER TAX DECLARATION
Form RETTD**
Do not use red ink.

1. County **CUMBERLAND**

2. Municipality **GORHAM**

BOOK/PAGE - REGISTRY USE ONLY

3. GRANTEE/PURCHASER

3a. Last name, first name, MI; or business name

GORHAM, TOWN OF

3c. Last name, first name, MI; or business name

3b. Federal ID

3d. Federal ID

3e. Mailing address after purchasing this property

75 SOUTH STREET

3f. Municipality

GORHAM

3g. State 3h. ZIP Code

ME 04038

4. GRANTOR/SELLER

4a. Last name, first name, MI; or business name

LEAVITT EARTHWORKS CO, INC

4c. Last name, first name, MI; or Business name

4b. Federal ID

4d. Federal ID

4e. Mailing address

PO BOX 703

4f. Municipality

STANDISH

4g. State 4h. ZIP Code

ME 04084

5. PROPERTY	5a. Map	Block	Lot	Sub-lot	Check any that apply	5b. Type of property - enter the code number that best describes the property being sold (see instructions).
	86		10		No maps exist Multiple parcels	
5c. Physical location					Portion of parcel	5d. Acreage (see instructions)
WINDING BROOK WAY					Not applicable	.

6. TRANSFER TAX	6a. Purchase price (If the transfer is a gift, enter "0").....	6a.	\$ 0 .00
	6b. Fair market value (Enter a value only if you entered "0" or a nominal value on line 6a)	6b.	.00

6c. Exemption claim - Check the box if either grantor or grantee is claiming exemption from transfer tax and enter explanation below.

Transfer of road to municipality

7. DATE OF TRANSFER (MM-DD-YYYY) 8. CLASSIFIED. WARNING TO BUYER - If the property is classified as farmland, open space, tree growth, or working waterfront, a substantial financial penalty may be triggered by development, subdivision, partition, or change in use. **CLASSIFIED**

9. SPECIAL CIRCUMSTANCES. Were there any special circumstances with the transfer that suggest the price paid was either more or less than its fair market value? If yes, check the box and enter explanation below.

10. INCOME TAX WITHHELD. The buyer is not required to withhold Maine income tax because:
 Seller has qualified as a Maine resident
 A waiver has been received from the State Tax Assessor
 Consideration for the property is less than \$50,000
 The transfer is a foreclosure sale

11. OATH. Aware of penalties as set forth in 36 M.R.S. § 4641-K, I declare that I have reviewed this return with the Grantor(s) and Grantee(s) and to the best of my knowledge and belief the information contained herein is true, correct and complete. Declaration of preparer is based on information provided by Grantor(s) and Grantee(s) and of which preparer has any knowledge.

PREPARER. Name of preparer: **First Choice Title Company** Phone number: **(207) 222-2901**
 Mailing address: **80 Main Street Gorham, ME 04038** Email address: _____
 Fax number: _____

Real Estate Transfer Tax Declaration Instructions

The Real Estate Transfer Tax Declaration (Form RETTD) must be filed with the county Registry of Deeds when the accompanying deed is recorded. The Registry of Deeds will collect a tax based on the value of the transferred property. The tax is equal to \$2.20 for each \$500 of value and is imposed half on the purchaser and half on the seller. If the transferred property is in more than one municipality or if there are more than two sellers or buyers, a Supplemental Form must be completed. For more information, visit www.maine.gov/revenue/propertytax/transfertax/transfertax.htm or contact the Property Tax Division at 207-624-5606.

Line 1. County. Enter the name of the county where the property is located. If the property is in more than one county, complete separate Forms RETTD.

Line 2. Municipality. Enter the name of the municipality where the property is located. If the transferred property is located in more than one municipality, complete a Supplemental Form.

Line 3. Grantee/Purchaser. a) & c): Enter one name on each available line, beginning with last name first. If more than two purchasers, complete a Supplemental Form. **b) & d):** If a business entity is entered on a) or c), enter the entity's federal ID number. Do not enter a social security number. If you do not have a federal ID number, or if the transfer is of unimproved land for less than \$25,000 or land with improvements for less than \$50,000, you may enter all 0s in this field. **e) through h):** Enter the mailing address for the buyer after the purchase of this property.

Line 4. Grantor/Seller. a) & c): Enter one name on each available line, beginning with last name first. If more than two sellers, complete a Supplemental Form. **b) & d):** If a business entity is entered on a) or c), enter the entity's federal ID number. Do not enter a social security number. If you do not have a federal ID number, or if the transfer is of unimproved land for less than \$25,000 or land with improvements for less than \$50,000, you may enter all 0s in this field. **e) through h):** Enter the mailing address for the seller after the purchase of this property.

Line 5. Property. a): Enter the appropriate map-block-lot-sub lot number. If the property has more than one map and lot number, attach a Supplemental Form. If the municipality does not have property tax maps, if the property has more than one map and lot or if the transferred property is part of a larger parcel, then check the appropriate box. **b):** From the list provided below, enter the property type code that best describes the entire transferred property. **c):** If the municipality does not have property tax maps, enter the physical location (including street and number) of the property. **d):** Enter the acreage of the transferred property. If you

don't know the exact acreage, enter an estimate based on the available information. The acreage recital is for MRS purposes only and it does not constitute a guarantee to the buyer of the acreage being conveyed. **EXCEPTION:** If the transferred property is a gift, you do not need to complete lines b) and d).

Line 6. Transfer tax. a): Enter the actual sale price or "0" if the transfer is a gift. **b):** If you entered 0 or a sale price that is considered nominal on line a), enter the fair market value of the property on this line. The fair market value is based on the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing buyer and a willing seller and must reflect the value at the time of the transfer. **c):** If either party is claiming an exemption from the transfer tax, check this box and enter an explanation of the reason for the claim. See 36 M.R.S. § 4641-C for a list of exemptions.

Line 7. Date of transfer. Enter the date of the property transfer, which reflects when the ownership or title to the real property is delivered to the purchaser. This date may not be the same as the recording date.

Line 8. Classified. Check the box if the property is enrolled in one of the current use programs. Current use programs are tree growth, farm and open space, and working waterfront.

Line 9. Special circumstances. If the sale of the property was either substantially more or less than the fair market value, check this box and enter an explanation of the circumstances.

Line 10. Income tax withheld. Nonresident sellers are subject to real estate withholding under 36 M.R.S. § 5250-A. If you have any questions, please contact the Income Tax Division at 207-626-8473.

Line 11. Oath. Please provide the name, mailing address, phone number, and email address of the person or company preparing this form if different from the parties of the transaction.

PROPERTY TYPE CODES

VACANT LAND		COMMERCIAL		INDUSTRIAL		RESIDENTIAL		MISC CODES	
Rural	101	Mixed use	301	Gas and oil	401	Rural	201	Government	501
Urban	102	5+ unit apt.	303	Utility	402	Urban	202	Condominium	502
Oceanfront	103	Bank	304	Gravel pit	403	Oceanfront	203	Timeshare unit	503
Lake/pond front	104	Restaurant	305	Lumber/saw mill	404	Lake/pond front	204	Nonprofit	504
Stream/riverfront	105	Medical	306	Pulp/paper mill	405	Stream/riverfront	205	Mobile home park	505
Agricultural	106	Office	307	Light manufacture	406	Mobile home	206	Airport	506
Commercial zone	107	Retail	308	Heavy manufacture	407	2-4-unit apt.	207	Conservation	507
Other	120	Automotive	309	Other	420	Other	220	Current use	
		Marina	310					classification	508
		Warehouse	311					Other	520
		Hotel/motel/inn	312						
		Nursing home	313						
		Shopping mall	314						
		Other	320						



MEMORANDUM

TO: Gorham Town Council

FROM: Mark A. Bower, Esq.

RE: Patio Park License Agreement

DATE: September 29, 2021

This is a brief overview of the proposed License Agreement between the Town and Patio Park, LLC, which is in order for approval at the Council meeting on October 5, 2021.

Patio Park, LLC is the owner of the age-restricted Patio Park Mobile Home Park (“Park”) off Libby Avenue. The Park is adjacent to a section of the Cross Town Trail that is owned by the Town, running from Libby Avenue to New Portland Road (“Trail Lot”). In 2019, the owner self-reported to the Town that 3 mobile homes and 9 accessory structures owned by Park tenants were encroaching onto the Trail Lot, and that the encroachments went back many years (well before the Town acquired the Trail Lot in 2016). Apparently, the encroachments were only discovered when the prior owner had a boundary survey performed, and a copy of the survey was shared with Town staff. At that time, the response from Town staff was that the structures would need to be moved off the Trail Lot and back onto Park property, but that the Town would be willing to work with the tenants on a reasonable time frame for accomplishing that.

Marsha Trill, the attorney for Patio Park, LLC followed up with Town staff in January 2021, as the Park owner wanted to resolve the issue for a potential future transaction. The matter was referred to my office to work out an agreement with Attorney Trill, and between March and August 2021, negotiations took place and resulted in the proposed License Agreement, which contains the following terms:

1. The Park tenants’ encroaching structures may remain in place temporarily, provided they are kept in good condition, are not expanded, and do not encroach further onto the Trail Lot.
2. Any encroaching shed must be relocated when the lot is sold or transferred, or within 3.5 years from the date of the agreement (whichever is earlier), with at least 3 relocated in the first year, 3 in the second year, and 3 by the end of the term. The encroaching mobile homes must be relocated when moved or removed from the lot pursuant to a sale or transfer.
3. Once an encroaching structure is relocated, the Park owner or tenant must install fencing at the end of that lot (at their sole expense) to designate the surveyed property boundary, and to prevent future encroachments.

4. Patio Park, LLC is required to carry liability insurance for all structures, include the Town as an additional insured on those policies, and indemnify the Town for any claims or losses that may arise on the Trail Lot.
5. In the event of a default by the Park owner, the Town may enforce the provisions of the License Agreement and is entitled to reimbursement of its costs in doing so.

In summary, the License Agreement provides the Park a limited “license” to allow these structures to remain temporarily in their current locations, while providing an efficient way for them to be relocated over time under a reasonable schedule. If the License Agreement were not entered into, and the Town were to pursue involuntary relocation of the structures, there could be potentially challenging and expensive legal hurdles, given the length of time that the structures have been in the current locations.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the "License") is made as of this ___ day of _____, 2021, by and between **TOWN OF GORHAM**, a body corporate and politic and political subdivision of the State of Maine, with a mailing address of 75 South Street, Gorham, ME 04038 (the "Licensor"), and **PATIO PARK LLC**, a Maine limited liability company, with a principal place of business in _____, and mailing address of _____ (the "Licensee").

WITNESSETH:

WHEREAS, Licensor is the owner of certain property consisting of a former railroad bed, now used a public walking trail, designated as Lot 6-1 on Town Tax Map 27, which it owns by virtue of a Warranty Deed from Shaw Brothers Construction Company, Inc., dated November 4, 2016, and recorded in the Cumberland County Registry of Deeds in Book 33650, Page 327 (the "Town Property"); and

WHEREAS, Licensee owns certain property consisting of a mobile home park located on Libby Avenue in the Town of Gorham, County of Cumberland and State of Maine, by virtue of a Warranty Deed to Licensee dated July 10, 2002, and recorded in the Cumberland County Registry of Deeds at Book 17831, Page 90 (the "Patio Park Property"); and

WHEREAS, there are certain encroachments running from the Patio Park Property onto the Town Property, including certain mobile homes and sheds (the "Encroachments"), as shown on a survey plan titled "Standard Boundary Survey Plan, Land of Patio Park LLC and PHMC LLC, Libby Avenue, Gorham Maine," prepared for James Kelley and dated April 2018 (the "Survey"), which is attached hereto as Exhibit A; and

WHEREAS, Licensor and Licensee desire to enter into this License, which shall govern the use of the Town Property by Licensee as well as the eventual removal of the Encroachments from the Town Property.

NOW, THEREFORE, in consideration of good and valuable consideration the receipt and sufficiency being hereby acknowledged, the parties do hereby agree as follows:

- 1. Premises.** Licensor does hereby grant to Licensee the right, license, and privilege to keep and maintain the Encroachments as depicted on the Survey in their current locations on the Town Property, subject to the provisions of this License. The addresses and the nature of the Encroachments are listed in a table attached hereto as Exhibit B.
- 2. Maintenance and Repair.** Licensee shall keep, maintain and repair the Encroachments in good working order, condition and appearance. Licensee shall not enlarge or expand the Encroachments, and shall permit no further encroachments onto the Town Property.
- 3. Use and Purpose.** The Encroachments may be used by Licensee solely for residential purposes and for no other business or purpose.

4. Term.

- a.** As applied to the Encroachments that are mobile homes, the License shall commence on _____, 2021, and shall continue as long as those mobile homes are occupied as residences; provided, however, in the event that any of the encroaching mobile homes are moved or removed from a lot on the Patio Park Property at any time in the future, any replacement mobile home on that lot will be located in such a way that there is no encroachment onto the Town Property as set forth on the Survey, and no further encroachments onto the Town Property shall be permitted outside of the scope of this License.
 - b.** As applied to the Encroachments that are sheds, the License shall commence on _____, 2021, and shall continue until such time as any mobile homes associated with an Encroachment is transferred or sold from its current ownership as of the date of the execution of this License. At the time that a mobile home with an Encroachment is transferred or sold, Licensee shall make arrangements to remove the Encroachment, and any replacement structure shall be properly permitted by the Town of Gorham and located in such a way that there is no encroachment onto the Town Property as set forth on the Survey.
 - c.** Notwithstanding subparagraph (b) above, within forty-two (42) months from the execution of this License by the parties, Licensee shall move or relocate all Encroachments that are sheds fully within the boundary line for the Patio Park Property set forth on the Survey. Three (3) Encroachments shall be moved or relocated by the end of twelve (12) months following the execution of this License by the parties. Three (3) Encroachments shall be moved or relocated by the end of twenty-four (24) months following the execution of this License. All remaining Encroachments shall be moved or relocated by the end of forty-two (42) months following the execution of this License.
- 5. Fencing.** At the time that any Encroachment is removed or relocated within the boundary lines of the Patio Park Property as set forth on the Survey, Licensee shall erect decorative partial fencing at the rear of each mobile home lot along the boundary line between the Patio Park Property and the Town Property in order to prevent future encroachments.
- 6. Rent.** There shall be a charge of one dollar (\$1.00) per year for the License, payable by Licensee to Licensor on the first day of August of each year that the License is in effect.
- 7. Approvals and Permits; Compliance with Laws.** Licensee shall obtain all approvals and permits required by any law, regulation, or ordinance for all relocated or replacement structures. Licensee shall pay all costs, fees, and taxes due any government agency in connection with relocated or replacement structures.

8. Indemnification and Liability. Licensee hereby agrees:

- a.** to indemnify, defend, and hold harmless Licensor, its officers, employees, agents, guests and invitees, from any liability or injury, loss, accident or damage to any person or property, and from any claims, actions, proceedings, expenses and costs in connection therewith (including, without limitation, reasonable counsel fees and expenses) arising in whole or in part from (i) the omission, faults, willful act, negligence or other misconduct by Licensee, its employees, guests or invitees; or (ii) the failure of Licensee to perform and discharge its covenants and obligations under this License; and
 - b.** that all of the effects and property of every kind, nature and description of the Licensee, its employees, guests and invitees, whether tangible or intangible, located within the Town Property shall be at the sole risk and hazard of Licensee, its employees, guests and invitees, and if the whole or any part thereof shall be destroyed or damaged by fire, water or otherwise by theft or from any other cost, no part of said loss or damage is to be charged to or to be borne by Licensor unless loss or damage is due to the willful or grossly negligent acts or omissions of Licensor, its agents or employees, and in no event shall Licensor be liable for consequential damages.
 - c.** Nothing in this License is intended, or shall be construed, to constitute a waiver (by insurance or otherwise) of any defense, immunity or limitation of liability that may be available to Licensor, or any of its officers, agents or employees, pursuant to the Maine Tort Claims Act (14 M.R.S.A. § 8101 et seq.), any state or federal statute, the common law or any privileges or immunities as may be provided by law.
- 9. Insurance.** During the term of this License, Licensee shall maintain at its expense a policy of commercial general liability insurance in the amount of Four Hundred Thousand Dollars (\$400,000) per occurrence for causes of action pursuant to the Maine Tort Claims Act and in the amount of One Million Dollars (\$1,000,000) per occurrence for causes of action pursuant to federal law or state law for which immunity is not provided under the Maine Torts Claims Act, naming Licensor as an additional insured on the policy. Such policy shall be issued by a company qualified to do business in the State of Maine and may not be changed or canceled without at least ten (10) days' prior written notice to Licensor and shall otherwise be in a form acceptable to Licensor. Licensee shall furnish Licensor a certificate of such insurance at least seven (7) days prior to the start of the term and thereafter upon request by Licensor. The parties agree that the Licensee's current CGL policy and umbrella policy, which provides coverage for \$1,000,000 and \$3,000,000 per occurrence respectively, is adequate to meet these requirements.
- 10. Waiver of Subrogation.** Licensee will cause each insurance policy carried by it in accordance with Section 9 above to provide that the insurer waives all rights of recovery by way of subrogation against Licensor in connection with any loss or damage covered

by the policy. Licensor shall not be liable to Licensee for any loss or damage covered by the insurance policies maintained by Licensee.

- 11. Removal.** Within thirty (30) days following expiration, or earlier revocation or termination of this License pursuant to Licensee default, Licensee shall clear the Town Property of any remaining refuse and debris, and repair any damage to the Town Property caused by the use of the License. Licensee shall not make any alterations or modification to the Town Property, including but not limited to the clearing of vegetation.
- 12. Licensee Default.** In the event that Licensee defaults in the performance or observance of any covenant or condition in this License and such default remains for ten (10) days after written notice thereof has been given or sent to Licensee by Licensor, then Licensor may terminate this License and revoke the rights granted hereby by delivering a termination notice in writing to Licensee. Upon termination of this License as set forth herein, Licensee agrees that the Licensor shall have the right to record a written notice evidencing such termination in the Cumberland County Registry of Deeds. If Licensee fails to vacate and remove the Encroachments upon termination, then Licensee shall be liable to Licensor in an amount equal to all reasonable costs associated with the default of Licensee and the termination of the License, including but not limited to Licensor's attorney's fees incurred in enforcing the provisions of this License against Licensee.
- 13. No Waiver; Remedies.** No failure on the part of any party hereto to exercise, and no delay in exercising, any right hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right hereunder preclude any other or further exercise thereof or the exercise of any other right. The remedies herein provided are cumulative and not exclusive of any remedies provided by law.
- 14. Severability.** Each provision of this License is intended to be severable and, if any term or provision of this License is determined to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity or legality of the remainder of this License.
- 15. Governing Law.** This License shall be governed by, and construed in accordance with, the laws of the State of Maine, regardless of the law that might otherwise govern under applicable principles of conflict of laws thereof.
- 16. Entire Agreement.** This License embodies the entire agreement and understanding of the parties hereto in respect of the subject matter hereof and supersedes all prior agreements, representations, warranties, and understandings between or among the parties with respect to such subject matter.

WITNESS the execution hereof, under seal, in any number of counterpart copies, each of which counterpart copies shall be deemed an original for all purposes.

Licensor: Town of Gorham

Dated: _____, 2021

By: _____
Ephrem Paraschak, Town Manager

Licensee: Patio Park LLC

Dated: _____, 2021

By: _____
Its: _____

STATE OF MAINE
COUNTY OF CUMBERLAND

_____, 2021

Personally appeared the above named Ephrem Paraschak in his capacity as Town Manager of the Town of Gorham, and acknowledged the foregoing instrument to be his free act and deed in such capacity and the free act and deed of the Town of Gorham.

Notary Public/Attorney at Law
Printed name: _____

STATE OF MAINE
COUNTY OF CUMBERLAND

_____, 2021

Personally appeared the above named _____ in his capacity as _____ of Patio Park LLC, and acknowledged the foregoing instrument to be his/her free act and deed in such capacity and the free act and deed of said company.

Notary Public/Attorney at Law
Printed name: _____

Exhibit A

[INSERT SURVEY PLAN]

Exhibit B

Identification of Existing Encroachments

Address	Type of Encroachment
1 Patio Park Lane	Shed
9 Patio Park Lane	Shed
11 Patio Park Lane	Shed
13 Patio Park Lane	Shed
15 Patio Park Lane	Shed
23 Patio Park Lane	Shed
25 Patio Park Lane	Shed and Mobile Home
1 Tori Lane	Shed and Mobile Home
3 Tori Lane	Shed and Mobile Home