

AGENDA NOTES

Gorham Town Council Regular Meeting
July 11, 2017 – 6:30pm
Burleigh H. Loveitt Council Chambers

1. Town of Scarborough's Property Tax Assistance Ordinance

A Representative from the Town of Scarborough will provide a presentation to the Town regarding the Town of Scarborough's Property Tax Assistance Ordinance. For background material, please see my memo dated July 6, 2017.

I have also attached a copy of their Property Tax Assistance Ordinance.

2. Item # 9207 Land Ranking Policy

This policy was first considered by the Town Council at your meeting on April 4, 2017 and then tabled. The Council then asked staff to obtain comment from the Presumpscot Regional Land Trust, Maine Farmland Trust, Cumberland County Soil & Water Conservation District and the Town's Conservation Commission. Comments were received from three of those organizations, which are attached as well as my memo dated June 28, 2017.

Based on those comments, staff has made some adjustments in the proposed policy; however, the Council should be aware that the policy that is in your agenda is the policy that was tabled. A copy of the modified policy is included with your notes and dated July 11, 2017. The Councilors who wish to adopt the adjusted policy should move to amend the order and include those adjustments.

3. Item # 9233 Agricultural Events Center

At the January 3, 2017 Council Meeting, the Town Council forwarded a request from Norm Justice to amend the Land Use and Development Code to allow Agricultural Special Events in the rural zone and asked the Planning Board to develop the language.

At the June 5, 2017 meeting, the Planning Board voted 5-0 with 2 absent to recommend approval of the proposed amendment.

In your packet is a June 22, 2017 memo from Tom Poirier on the proposal.

Please note, any event facility would need to be approved by staff and must comply with the Town Sprinkler Ordinance. Other provisions include:

1. The maximum number of events is 25/year and maximum number of people is 250/event.
2. Porta-Potties may be used for up to 6 events per year, but after that real bathrooms would need to be provided.
3. Each event would need to receive a permit and include a Traffic Management and Parking Plan and comply with the Town's noise standards.
4. Applicants need to provide evidence of agricultural production of at least \$10,000 in the 2nd or 3rd year of the 5 years preceding their application.

4. Item # 9235
Appointment of Town Manager

The Town Council reached an agreement with Ephrem Paraschak to be the next Town Manager, effective September 1, 2017. The Council simply needs to formally approve the contract and appointment.

5. Item # 9236
Accept Murray Drive

Murray Drive is located in the Sanborn Meadows subdivision off of Mighty Street, is approximately 1,320 feet long or 0.25 miles and consists of 14 single-family lots. All of the properties are served by residential sprinkler systems and the road has been inspected and complies with our ordinance.

6. Item # 9237
Turnaround Easement on Phinney Street

In your packet is a memo from me dated July 5, 2017 providing background information, copies of my prior memo dated January 23, 2017, my memo to Paul Smith dated December 28, 2016 and various emails received from staff.

7. Item # 9238
Reappropriation of Road Funds

Several years ago, the Town did a road project on New Portland Road and a road project on County Road under a new Maine Department of Transportation program, in which the Town received partial reimbursement for the cost of the program. The Town, through the reimbursement process, ended up with excess funds in the New Portland Road project account and a deficit in the County Road project. This order would transfer some of the excess funds in the New Portland Road project account to zero balance the County Road project account. Both projects have been completed.

8. Item # 9239
South Street Road Project

I am recommending that the Town of Gorham self-fund the \$500,000 local share of the road project on South Street, rather than issue bonds and borrow money for this project. I have provided more detailed information in my memo to you dated June 29, 2017.

9. Item # 9240
Adult Daycare Centers

At your June 6, 2017 Council meeting, the Council considered a request from Attorney Andrew Kull representing Samira Mohammed who requested that the Land Use and Development Code be amended to allow Adult Day Care Centers. The Council forwarded this to the Ordinance Committee for them to review and make a recommendation to the Council. The Ordinance Committee considered this request at their meeting on June 27, 2017 and further discussed the item with Mr. Kull and Ms. Mohammed who were present. The Ordinance Committee then subsequently made a recommendation 3-0 to forward the proposal to amend the Land Use and Development Code to the Planning Board for Public Hearing and recommendation. The proposed amendment is part of the Council order.

10. Item # 9241
Gorham Village Alliance Appointment

The Council has supported the Gorham Economic Development's efforts to join the Maine Downtown Network, which is a program through the Maine Development Foundation. The Gorham Economic Development Corporation has submitted their application to the Maine Development Foundation and part of the program is to form a committee that would be focused on Gorham Village. This order would appoint Councilor Marla Stelk to be the Town Council's representative on that committee.

11. Item # 9242
Partial Abatement of Taxes

In your packet is a memo from our now retired Assessor, Mike D'Arcangelo, to me detailing an error in the assessment for two properties. The Assessor was able to correct the error in the most current year, but only the Town Council can abate the taxes for two prior years, which are detailed in his memo.

12. Item # 9243
Appointment to the Metro Bus Steering Committee

The Town Council has voted to provide funding to expand the Metro Bus service to Gorham for a three-year period of time. Metro Bus is preparing to develop that route and has asked for the Town to appoint representatives to a steering committee that will include a representative from USM, Westbrook, Portland and METRO to help develop the bus route; one of the appointments should be a Town Councilor. This order would appoint a member of the Town Council, along with Michelle Belhumeur, who is the Administrator at Gorham House Assisted Living, David Galbraith - Zoning Administrator, and Tom Ellsworth - President of the Gorham Economic Development Corporation.

13. Item # 9244
Amend the Land Use and Development Code for Food Trucks

Council Hartwell has sponsored this item and would ask the Ordinance Committee to consider developing an amendment to the Land Use and Development Code to make it easier for food trucks and food carts to operate in Gorham. This item has been debated in the past by the Town Councilors. Previous Councilors were concerned about the need to support the Town's existing business owners who have invested in buildings and equipment vs. a food cart, in which there is really no investment nor any property taxes that are derived from it and can be moved easily from one location to another location.

14. Item # 9245
Reschedule August Town Council Meeting

The Councilors' regularly scheduled meeting for August would be August 1, 2017. I am requesting that the Council move that meeting back one week, because your July meeting was also moved back one week due to the July 4th holiday.

Please let me know if you have any questions.
Att.

MEMO

To: Town Council
From: David Cole
Date: July 6, 2017

Re: Property Tax Assistance or Deferral for Senior Citizens.

A person from the Town of Scarborough will provide information on Scarborough's Property Tax Assistance Ordinance. I believe Scarborough has had this program for a few years so this is a good opportunity to hear from a municipality with real experience. Maine Law, Title 36 MRSA Section 6271, allows a municipality to adopt an ordinance that allows Senior Citizens to defer the payment of their property taxes and there appear to be a few Town who have adopted some form of this program. In reviewing the Scarborough Ordinance, it isn't clear whether their ordinance is intending to implement this law or some other Maine law.

Under Maine Law, Title 36 MRSA Section 6271:

In order to be eligible for the program:

1. The owner must have resided in the residence for 10 years and the property must be eligible for a homestead exemption (meaning it must be the owners principle residence);
2. The taxpayer is an owner of the eligible homestead, is at least 70 years of age on April 1st of the year first eligible and occupies the homestead property; and
3. The household income of the taxpayer does not exceed 300% of the federal poverty level.

The Scarborough Ordinance would appear to have different criteria so it would be helpful to clarify this point.

Under Maine law, if property taxes are deferred, a tax lien would still be placed on the property and interest would accrue at a rate 0.5% higher than the normal interest rate for delinquent taxes.

The deferred taxes, interest and costs would be paid when:

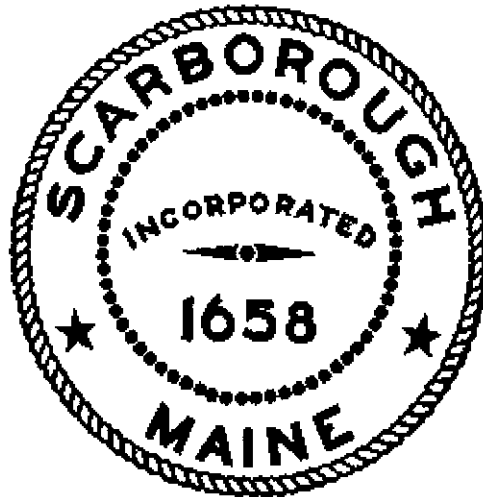
1. The taxpayer dies;
2. Some person other than the tax payer becomes the owner of the property;
3. The tax-deferred property is no longer the occupied by the taxpayer, unless the owner is absent for health reasons;
4. The tax-deferred property, mobile home, is moved out of State.

The Scarborough Ordinance isn't clear on whether a lien is placed on the property or not and what the interest rate would be, if there is a lien. It appears from the Scarborough Ordinance, that they make a payment directly to the property owner instead of deferring the tax payment.

Councilors should feel free to ask any and all questions but here are a few suggested questions:

1. What section of Maine Law is providing the authority for this local ordinance?
2. Is the Town allowing eligible residents to defer making property tax payments, meaning they will need to pay those taxes later, or are they appropriating additional funds and then paying eligible residents as a way of helping them pay their property taxes or is the program intending to do something else?
3. In order to do this program, I believe the Town would need to appropriate additional funds as part of their annual budget. So how much does Scarborough appropriate for this program?
4. Are additional administrative duties for Town Staff, what are those duties and how much additional work is involved with the Scarborough program?

CHAPTER 313-A
TOWN OF SCARBOROUGH
PROPERTY TAX ASSISTANCE
ORDINANCE



Adopted November 4, 2015

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CHAPTER 313-A
TOWN OF SCARBOROUGH PROPERTY TAX ASSISTANCE ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 62 years of age and over who reside in the Town of Scarborough.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Tax Assessor or his designee, after review of a complete application submitted under Section 4 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 62 years of age or more by last day on which an application may be filed under Section 4 of this Ordinance.
- b. The applicant shall have been a resident of the Town of Scarborough with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 4 of this Ordinance.
- c. The federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household) does not exceed \$50,000.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information. At the time of application, Applicants must provide adequate evidence of eligibility. The Assessor may accept a statement under oath. No confidential income records, including tax returns, will be kept by the Town. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final.

Section 5. Determination of eligibility and amount of eligibility

1. Eligibility for Homeowners

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he shall determine the amount of the benefit paid. The amount shall be the least of the following:

- a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the the applicant (plus that of any other adult members of the applicant's household); or

- b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-section a for all eligible applicants; or
- c. \$500.00.

In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon presentation of adequate information returns and other information, shall calculate the federal adjusted gross income.

2. Eligibility for Renters

In the case of renters, the tax assessed for purposes of Section 5.1.a(i) shall be deemed to be 18% of the rent payable from own funds by applicant (and other adult members of applicant's household) in the preceding calendar year. The Tax Assessor, upon presentation of adequate documents and other information, shall determine the amount of rent.

Section 6. Annual Report to the Town Council

The Tax Assessor shall report in writing to the Town Council no later than their first regular meeting in December each year the projected payments and number of eligible applicants requesting assistance for the program fund.

Section 7. Program Fund - Limitations On Payments

In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 8. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall revert to the Property Tax Assistance Reserve Account.

Section 9. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than December 15th for the year in which participation is sought.

Section 10. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax Assessor shall be disbursed to another member of the household as determined by the Town Assessor in consultation with the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

(This version for Tax Filing Owners)

- 1. Name: _____ Phone: _____
- 2. Address: _____ E-Mail: _____
- 3. Date of Birth: _____ Document Seen: _____ ME Driver's License/ID
Applicants must be 62 on 10/15/2016 _____ US Passport
Born on/before 10/15/1954 _____ Other _____
- 4. Resident of Scarborough Document Seen: _____ Assessing Record
For at least 10 years on 10/15/2016 _____ Other _____
_____ Oath
- 5. Federal Adjusted Gross Income
From filed Form 1040, 1040-A, or 1040-EZ _____
- 6. Additional income of other adults in household _____
- 7. Total Income (Line 5 plus Line 6) _____
- 8. Income Limit \$50,000
a. If line 7 exceeds line 8: STOP: No benefit paid
- 9. Benefit Threshold _____
5% of Line 7
- 10. Real Estate Tax Assessed _____
July 1, 2015 through June 30, 2016 (FY 2016)
- 11. Excess of Tax Assessed over Benefit Threshold _____
Line 10 minus Line 9. If line 10 does not exceed
Line 9: STOP: No benefit paid
- 12. Benefit Cap \$500
- 13. Benefit Determined (Check Mailed by 12/15/2016) _____
Lesser of Excess Tax of Benefit Cap
(Lesser of Line 11 or Line 12)

Oath: I certify that the information contained herein is accurate to the best of my knowledge and belief, under penalties of perjury.

Signed: _____

Prepared / Approved by _____ Date: _____

MEMO

To: Town Council
From: David Cole
Date: June 28, 2017

Re: Policy for Acquisition of Property with Open Space and TDR funds.

The Town Council considered this policy at your meeting on April 4, 2017 and then tabled it asking staff to contact the Town's Conservation Commission, the Presumpscot Regional Land Trust, Maine Farm Land Trust and the Cumberland County Soil & Water Conservation District for comment. Cumberland County Soil & Water Conservation District did not make any comments. Attached are the comments that were received.

After reviewing their comments we are recommending some minor modifications as follows:

Comments from the Town's Conservation Commission.

1. They suggested that a category be added for significant historical or archeological value for 3 points. We generally agree and added this category with a potential score of 2 points.
2. They suggested adding a category for property that abuts public trails for 2 points. We generally agree and added this category for 1 point.

Comments from the PRLT.

1. Shoreland district. They suggested quadrupling the score to 16 points. Staff believes the Shoreland District is already adequately protected and is not recommending any change.
2. High Value Wildlife Habitat: They suggested quadrupling the score to 8 points. Staff believes the current score is reflective of the multiple values considered in the policy, including protecting valuable wildlife habitat, and is not recommending this change.

Comments from the Maine Farmland Trust (MFT).

1. Remove type of preservation: Essentially the proposed policy considers land that will be owned by the Town as a little more valuable than land that will continue to be owned by an individual providing only a conservation easement to the Town. MFT believes that there should be no distinction. If this proposed policy was only about preserving farms, we might agree but this policy balances multiple town interests and we believe that land that will be owned by the Town should be a little higher priority than a conservation easement and staff is not recommending any change.
2. Clarify Farmland Value: Staff agrees with the need to clarify and this change is included in our modified proposal.
3. Active Farm land bullet. MFT recommends scoring active farm land that is an open field, higher than other property in the belief that it is more likely to be developed. Staff's experience is that in

Gorham, forest land and open fields are equally attractive to developers and that providing extra protection for fields over forested space is not needed. The current proposal will already score valuable farm land higher and staff does not recommend this change.

- Cumberland County
Southwestern Comm.
District - did not respond

Policy for the Acquisition of Open Space and Transfer Development Property.

July 11, 2017

Section 1: Introduction

In 2003, the Town passed the Recreational Facilities and Open Space Impact Fee. The in 2006, the Town of Gorham adopted the Development Transfer Overlay District. Both the Development Transfer Overlay District and the Open Space portion of the impact fee identifies the conservation of land by either acquiring the land or conservation easement to protect significant natural resources, conserve scenic values, preserve the community's agricultural heritage, conserve the remaining supply of viable farmland and working forest, provide for low intensity recreational activities such as walking, bird-watching, fishing, biking, cross country skiing, hunting, and similar activities that are consistent with the primary use of the property as open space or farmland.

The overlay district ordinance was set up to promote higher density growth in areas of Town supported with public infrastructure (public water and sewer) and protect developable land currently being used as agricultural land, forest land, and wildlife habitat in the rural areas of Town from ever being developed. Parcels located within the Development Transfer Overlay District are allowed greater density if developments are approved under the overlay district's standards and pay the required Development Transfer Fee. The applicant pays the fee to the Town for each dwelling unit allowed above the number of maximum dwelling units that could be developed on the site based on the underlying zoning. The Development Transfer Fees are required to be used to acquire fee interest in land or conservation easements on potentially developable land in areas where the Town desires to discourage growth.

The open space provisions of the Recreational Facilities and Open Space Impact Fee is designed to allow the Town to maintain a ratio of 0.0438 acres of community open space per capita. Any residential development activity that creates new dwelling units shall pay this impact fee based upon the expected population of the project. The fee applies to the construction of any new dwelling unit whether or not such a unit is part of a subdivision.

Section 2: Purpose

The purpose of this policy is to rank properties on developable and natural resource attributes to ensure the Town is purchasing the land with the highest preservation value to benefit all citizens of Gorham.

Section 3: Application Process

Applications for land to be considered for preservation will be accepted on a continuous basis throughout the year. Applications will be reviewed for completeness by Town Staff and when deemed complete will be evaluated, scored and ranked based on the Land Ranking System.

Section 4: Land Ranking System

The Land Ranking System is an objective, numerically based land use evaluation procedure. Staff will use the land assessment tool to determine relative importance, worthiness, and priority of parcels for preservation and make a recommendation to the Town Council; however, this system shall not guarantee a result of the land proposed for preservation. The final decision to purchase or not purchase a parcel of land or an easement shall be made by the Town Council.

There are two parts of the Land Ranking System: (1) the Land Use Category and (2) the Site Assessment Category. The first category, Land Use Category, is used to determine if the parcel is located within the Rural District or in one of the Town's growth districts. The second category, the Site Assessment Category, evaluates the parcel's development potential, natural resources value, farmland value, tree growth value, located in the Town's Shoreland Overlay Districts, and clustering potential.

Each Category is assigned the following scores:

<u>Land Use Category</u>	<u>Total Points</u>
None of parcel located in Rural District	0
Less than quarter of the parcel located in Rural District	4
Less than half of the parcel located in Rural District	8
Less than three quarters of the parcel located in Rural District	12
Less than the entire but more than three quarters is located in Rural District	16
The entire parcel is located in the Rural District	20

Site Assessment Categories

- **Farmland Value (Parcel contains soils designated by USDA as prime farmland and/ or farmland soils of local important. ~~Parcel is located within Prime Farmland or Farmland of Statewide Importance~~)**

Less than quarter of the parcel 1

Less than half of the parcel 2

Less than three quarters of the parcel	3
Less than the entire parcel but more than three quarters	4
The entire parcel is located in	5
• Tree Growth Value	
Parcel has an active forest management plan by licensed forester	2
Liquidation harvesting has not occurred within the past 10 years	2
• Any portion of the parcel is located in any Shoreland Overlay District	4
• High Value Wildlife Habitat as determined by the Maine Depart IF&W (for each high value habitat identified.)	2
• Land with significant historical/ archeological features	2
• Size of the parcel (acres)	
0-10	1
11-25	2
26-50	3
51-100	4
100+	5
• The Development Potential (Number of dwelling units based on Net Residential Density for Rural District)	
5-10	2
11-25	4
26-50	8
50+	12
• Proximity to Conserved Lands	
The parcel abuts other preserved land	2
The parcel abuts land that has the potential to be preserved	1
The parcel abuts land with public trails & will allow trail access	1

- Type of Preservation
 - Fee Ownership 3
 - Conservation Easement 1
- Scenic Character (with public access to scenic view) 1
- Accessibility to the general public 1
- Town's Post-Construction Stormwater Management
 - Any portion of the parcel is located in the Town's Urbanized Area 1
 - Any portion of the parcel is located in the highest priority watershed 1



Message

Mon, Apr 10, 2017 10:43 PM

From: "Robert Lavoie D.C." <dr.lavoie@gorhamchiro.com>

To: Tom Poirier

Subject: Land Use Policy

Please review...

Mr. Cole,

On behalf of the Conservation Commission, I am responding to your request to review the proposed "Policy for the Acquisition of Open Space and Transfer Development Property" and associated "Land Ranking System."

The Commission's main focus is conserving land and open space. We are concerned with the numerical value given to just rural areas. This may restrict other districts with valued land that do not fit into this ranking model. However, we do agree that this ranking system is a useful tool to aid the Council in their decision making. The Gorham Conservation Commission voted to endorse this policy and land ranking system with the inclusion of the following items into the ranking system.

1. Under "Site Assessment Categories".

***Land with significant historical or archeological value**

3 Points

2. Under "Site Assessment Categories," subcategory "Proximity to Conserved Lands"

***The parcel abuts other preserved land with established Conservation Commission trails and will allow for trail connectivity**

2 Points

We appreciate your consideration.

Rob Lavoie
Chair, Gorham Conservation Commission

Sent from my iPad



Presumpscot Regional Land Trust

May 12, 2017

Dear David Cole,

Thank you for the opportunity to provide input on the Land Ranking Policy associated with the Policy for the Acquisition of Open Space and Transfer Development Property. First we want to share how impressed we are that you are taking leadership in the region by prioritizing the conservation of open space, funding open space projects, and creating criteria for how open space acquisition projects should be funded.

We are also delighted to see that both funds require the open space funding be used only for projects that include public access. We see public access as an important way to ensure all people connect with the value of open space.

It is clear from the distribution of points that these funds will help direct development towards the growth areas and away from rural areas. We also think these funds can help meet Gorham's planning goal of increasing Resources Conservation Areas as identified in the Comprehensive Plan.

- **Shoreland Overlay District:** This category can help ensure healthy waterways. The Comprehensive Plan acknowledges there are multiple waterways in Gorham that are already impaired or in threat of impairment. Since one of the best ways to ensure a healthy waterway is to conserve open space surrounding the waterway, quadrupling the points to 16 for this category can help steer future conservation to include protection of waterways.
- **High Value Wildlife Habitat:** This category currently includes six potential habitat values that apply to Gorham. However looking at the current Maine Inland, Fish and Wildlife Beginning with Habitat maps of Gorham there are no places in which more than two values overlap. As a result the highest score wildlife habitat could receive is four points but typically it will only be two. We recommend at least quadrupling the points to eight per high value wildlife habitat because conserving wildlife habitats at the same time as protecting potentially developable areas would help ensure high value conservation.

Thank you for the opportunity to give input on the Land Ranking Policy. We look forward to continuing to work collaboratively with the Town of Gorham on open space and conservation priorities.

Sincerely,

Rachelle C. Apse

Rachelle Curran Apse, Executive Director

Board of Directors

Joanne Chessey
Sebago

Andy Colvin
Portland

Matt Craig
Cape Elizabeth

Richard Curtis
Gorham

Valerie DeVuyst
Windham

Fred Dillon
Portland

Ben Lord
Gorham

Michael Parker
Windham

Priscilla Payne
Windham

Tamara Lee Pinard
Gray

June Sleeper
Windham

Glenice Stover
Windham

Donald Wescott
Gorham

Executive Director

Rachelle Curran Apse

Contact

info@prlt.org

P.O. Box 33
Gorham, ME 04038

www.prlt.org



Dear Tom,

May 23, 2017

Thank you for the opportunity for Maine Farmland Trust (MFT) to provide comments on Gorham's proposed Land Ranking Policy. Overall, it is great to see the Town of Gorham proactively working to promote higher density growth in certain areas of the Town and protecting the more rural areas for the benefit of wildlife habitat and farms. Your ordinance changes could serve as an excellent model for other towns in Maine.

The current scoring system's distribution of points is well designed based on the priorities listed in David Cole's memo dated April 5 with minimal exceptions.

MFT recommends the following changes:

- Remove the "Type of Preservation" bullet.
 - Because our organization believes active farms should stay in the ownership of farmers, conservation easements are the most appropriate tool to protect working farmland. In order to weigh farmland equally with wildlife habitat, fee ownership should not be prioritized over conservation easements.
- Clarify the Farmland Value bullet.
 - We recommend naming this bullet "Farmland Soils" and editing the text to clarify that the intent is to prioritize parcels with high percentages of quality soils. *Parcel is located within Prime Farmland...* should be changed to *Parcel contains soils designated by USDA as Prime Farmland...*
 - We also recommend adding "Farmland Soils of Local Importance" to this bullet. As you may know, the Cumberland County Soil and Water Conservation District has designated locally important farmland soils (keep in mind that these soils meet this designation only if they are currently non-forested, so this places higher priority on open fields).
- Add an Active Farmland bullet.
 - Because open fields are often the most developable lots, we recommend placing more importance on active, working farms with open fields or those properties that are well suited for a productive farm. This could be accomplished by adding an "Active Farm" bullet.
We suggest allocating 4 points to an active, commercial farm (including land that is leased to a commercial farm) or 2 points to a property that is currently not active but has a strong potential to be a commercial farm in the future based on quality of soils, open fields, and available agricultural infrastructure.

Thanks again for your efforts to protect farmland in Gorham.

Sincerely,

Chris Cabot
Farmland Protection Project Manager
Maine Farmland Trust



Town of Gorham Planning Department

David C.M. Galbraith, *Zoning Administrator*
dgalbraith@gorham.me.us

Thomas M. Poirier, *Town Planner*
tpoirier@gorham.me.us

Item # 9233

GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038

Tel: 207-222-1620

To: David Cole, Town Manager
 Town Council

From: Thomas M. Poirier, Town Planner

Subject: Zoning Amendment: Agricultural Special Event Centers

Date: June 22, 2017

The Town Council forwarded a request to the Planning Board to develop an ordinance to allow Agricultural Event Centers as a permitted use. The Planning Board has drafted a proposed ordinance that would allow Agricultural Special Event Facilities as a permitted use in the Rural Zone in conjunction with an ongoing viable agricultural and residential uses located on the site. Agricultural Special Event Centers must also meet the performance standards outlined under Section 2- 16.

Once a special event center has received site plan approval, it would be allowed to hold special events on site. Prior to each event being held on the site, the applicant would need to receive approval for an Event Management Plan from the Site Plan Review Committee to ensure each event will meet the required performance standards. The Planning Board has provided a provision in the ordinance amendment that would allow the Town Council to set a fee schedule for the Event Management Plan’s review by staff.

Proposed Text: The proposed ordinance as drafted by the Planning Board is located under Section 2. Ordinance Amendments Language of this memo.

Public Comment: The Planning Board received written and verbal comment on the proposed amendment over multiple public hearings and workshops. Comments on the proposed ordinance amendment were both in favor and against the proposed ordinance amendment. Based on public comments the Planning Board made numerous changes to the ordinance language.

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council (7 ayes) forwards the item to the Planning Board to develop language for Agricultural Special Event Facilities.	January 3, 2017
Planning Board Ordinance Committee Meeting	Made proposed changes to the draft ordinance and forwarded it to the Planning Board.	February 28, 2017
Planning Board Meeting	The Planning Board held a meeting and discussed the proposed ordinance with some members of the public and sent the item back to the Planning Board’s Ordinance Committee.	April 3, 2017

Subject: Zoning Amendment: Agricultural Special Event Centers

Planning Board Ordinance Committee Meeting	The Planning Board's Ordinance Committee made changes to the proposed ordinance and recommended a workshop with the full Planning Board about the proposed changes.	May 1, 2017
Planning Board Workshop	The Planning Board made recommended changes to the ordinance and forwarded the item for Public Hearing at the next PLBD Meeting.	May 15, 2017
Planning Board Public Hearing	The Planning Board recommends adoption of the proposed Agricultural Center. (5 ayes, 2 absent Anderson, Herrick)	June 5, 2017

2. Ordinance Amendments Language

Chapter 1, Zoning Regulations

Section 1-5 – Definitions

Agricultural Special Event Facilities

A facility or land area located on a parcel(s) with an ongoing viable agricultural use, consisting of one or more meeting or multi-purpose rooms, kitchen facilities, outdoor barbecue facilities, or temporary structures such as tents, that are available for use by private or public groups for such social activities as meetings, parties, weddings, receptions, and dances.

Section 1-8- Rural District

B. Permitted Uses:

23) Agricultural Special Event Facilities, subject to the requirements of Section 2-16.

Chapter 2, General Standards of Performance

Section 2- 2: Parking, Loading, and Traffic

A. 2)

Agricultural Special Event Facilities

1 space per 3 seats or 1 space for every 3 people based upon maximum building occupancy, whichever is greater.

Section 2-16 – Agricultural Special Events Facilities

A. Purpose: The purpose of this section is to provide for the operation of special event facilities in conjunction with an agricultural use. The use may be allowed on a parcel with an ongoing viable agricultural use in the Rural District provided that the following standards under this section and all applicable standards under Chapter 2 Performance Standards are met to reduce the impacts to surrounding properties.

B. Ordinance Conflicts: If there is a conflict between the provisions of this ordinance and another ordinance or law, the more stringent provisions shall apply.

Item # 9234

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 8/27/2017

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Southern Maine Community Recreation Center	Business Name (D/B/A) Gorham Sports Center
APPLICANT(S) –(Sole Proprietor) Tyler Maroon	DOB: 12/29/93
Physical Location: 215 Narragansett St	City/Town State Zip Code Gorham ME 04038
Address 215 Narragansett St	Mailing Address 215 Narragansett St
City/Town State Zip Code Gorham ME 04038	City/Town State Zip Code Gorham ME 04038
Telephone Number Fax Number 207-839-6767 207-839-6900	Business Telephone Number Fax Number 207-839-6767 207-839-6900
Federal I.D. # 26-0776999	Seller Certificate #: or Sales Tax #: 1132451
Email Address: Please Print tyler@gorhamsportscenter.com	Website: gorhamsportscenter.com

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ **8000** LIQUOR \$ **3900**

3. Is applicant a corporation, limited liability company or limited partnership? YES NO *Non-Profit Org.*
If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you own or have any interest in any another Maine Liquor License? Yes No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.


License # Name of Business (Use an additional sheet(s) if necessary.)

Physical Location City / Town

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Gorham, Maine on June 22, 2017
Town/City, State Date


 Signature of Applicant or Corporate Officer(s)
Tyler Maroon
 Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)
 Print Name

FEE SCHEDULE

- FILING FEE: (must be included on all applications)..... \$ 10.00**
- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.
- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

\$ 230.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

cense that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c.45, Pt. A, §4 (NEW) .]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW) .]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD) .]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD) .]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD) .]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW) .]

[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP) .]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c.730, §27 (AMD) .]

[1995, c.140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100%	Yes <input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Southern Maine Community Recreation Center
- Doing Business As, if any: Gorham Sports Center
- Date of filing with Secretary of State: 4/17/2007 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
John Burghardt	6 Quail Ridge Drive Gorham, ME 04038	06/24/73	President	0%
David Maroon	57 Deering Road Gorham, ME 04038	03/20/61	Vice President	0%
Naomi Schucker	64 Gordon Farms Road Gorham, ME 04038 Prev: 30 Samantha Drive Gorham	10/03/80	Secretary	0%
Tom Biegel	47 Black Brook Road Gorham, ME 04038	07/21/64	Treasurer	0%


(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: _____ (list primary officers in the above boxes)

From:  **Dan Jones** Friday, June 23, 2017 11:52:51 AM 

Subject: Re: Gorham Sports Center Liquor License Renewal


To:  **Bethany Benson**

Cc:  **Sharon Laflamme**  **Robert Lefebvre**  **Freeman Abbott**
 **Laurie Nordfors**

All set.

Sent from FirstClass with my iPhone

From:  **Sharon Laflamme**

Friday, June 23, 2017 11:58:58 AM 

Subject: Re: Gorham Sports Center Liquor License Renewal

To:  **Bethany Benson**

Cc:  **Laurie Nordfors**

Taxes are current.

Bethany Benson writes:

Gorham Sports Center has applied for their Liquor license renewal. Can you let me know if your department is all set? Have a great day!



Beth Benson, Deputy Clerk
Town of Gorham
75 South Street, Suite 1
Gorham, ME 04038
(207) 222-1673
(207) 839-5036 (fax)

Sharon LaFlamme
Finance Director
Town of Gorham
75 South Street, Ste., 1
Gorham, ME 04038
207-222-1611



NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

From:  **Robert Lefebvre** Friday, June 23, 2017 12:38:33 PM 

Subject: Re: Gorham Sports Center Liquor License Renewal

To:  Bethany Benson

Cc:  **Dan Jones**  Sharon Laflamme  **Freeman Abbott**  **Laurie Nordfors**

fire is all set



GORHAM FIRE DEPARTMENT

270 Main Street, Gorham, Maine 04038

ROBERT LEFEBVRE

Fire Chief



Tel: 207-222-1642

24 Hours: 207-839-5581

Fax: 207-839-7753

E-mail: rlefebvre@gorham.me.us



From:  **Freeman Abbott** Friday, June 23, 2017 1:01:27 PM 
Subject: Re: Gorham Sports Center Liquor License Renewal
To:  **Bethany Benson**
Cc:  Dan Jones  Sharon Laflamme  Robert Lefebvre  Laurie Nordfors

Code is all set



Freeman Abbott
Town of Gorham Code Enforcement Officer
75 South Street, Ste. 1
Gorham, ME 04038
(207)222-1605

FIRST PREVENTERS: A First Preventer may go under the title of building inspector, building official, code enforcement officer, fire chief, fire marshal, building safety official, electrical inspector, plumbing inspector plan reviewer or simply health officer. But the labels merely obscure their common mission: to prevent harm by ensuring compliance with building safety codes before a disaster occurs. From hurricanes to tornados, floods, wildfires and earthquakes, building safety codes administered by First Preventers play a major role in saving lives, protecting property and reducing recovery costs often paid for by taxpayer dollars.

Bethany Benson writes:

Gorham Sports Center has applied for their Liquor license renewal. Can you let me know if your department is all set? Have a great day!



Beth Benson, Deputy Clerk
Town of Gorham
75 South Street, Suite 1
Gorham, ME 04038
(207) 222-1673
(207) 839-5036 (fax)

Street Acceptance Report

Item # 9236

**Murray Drive
Sanborn Meadows Subdivision
Boyington Associates LLC. / Sanborn Meadows Home Owners Association**

June 27, 2017

Request: The applicant, The Sanborn Meadows Home Owners Association, represented by Patrick Harrington of Taylor, McCormack and Frume Law Offices, is requesting street acceptance of Murray Drive in the Sanborn Meadows Subdivision located off Mighty Street.

Street Classification: Rural access Length: 1,320 feet (0.25 miles)

Description: The Sanborn Meadows Subdivision was initially approved by the Gorham Planning Board on April 22, 2005 and a subdivision amendment (grading) was granted on July 9, 2007. The subdivision was approved under the Town's Rural (R) District standards. The subdivision was approved in one phase. The Sanborn Meadows Subdivision consists of fourteen (14) single-family residential lots. Two (2) of the lots have direct access off Mighty Street and twelve (12) lots have their access off Murray Drive. The subdivision a single roadway called Murray Drive which is approximately 1,320 feet in length which terminates in a cul-de-sac. A 320 foot long right-of-way has been created off the cul-de-sac to provide future access to the adjacent 38.69 acre parcel. The subdivision has fourteen (14) lots and thirteen (13) have been issued Certificates of Occupancy. The remaining home is under construction and Staff estimates that they will be issued a Certificate of Occupancy within the next few months. Final paving has been completed and inspected by the Town's Public Works Director.

Utilities: The subdivision is private wells and septic systems and underground utilities.

Fire Protection: The single family homes within the Sanborn Meadows Subdivision feature residential sprinkler systems meeting the Town's Sprinkler Ordinance and meeting and as approved by the Gorham Fire Chief.

Inspections, Engineering Certification and Record Drawings: The Town contracted with Woodard and Curran for inspection services, while Sebago Technics, provided construction services to the developer. The applicant's engineer has certified the road has been constructed according to the approved plans and has provided the required test results, documents and record drawings. The Director of Public Works has reviewed these documents and as-built drawings and found them to be acceptable for street acceptance.

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

Performance & Road Maintenance Guarantees: The amount of the one-year maintenance guarantee has been set at \$3,500.00 by the Public Works Director and the Town has received the required guarantee.

Subject: Zoning Amendment: Agricultural Special Event Centers

- C. Permits: Prior to the start of the use on the site the owner of the lot shall follow and receive approval under the requirements of Chapter 4: Site Plan Review.

Prior to each event being held at the facility the owner/operator shall receive an approval of the Event Management Plan by the Site Plan Review Committee. The Site Plan Review Committee shall review the event plan to ensure compliance with Chapter 2: General Standards of Performance, Chapter 4: Site Plan Review, and any Site Plan Review Conditions of Approval placed on the use on the site. The Committee may deny or approve with conditions any Event Management Plan that is not compliant with the relevant Chapters of the Land Use Code or Site Plan Review Approval. The Committee may also deny any event at an Agricultural Special Event Facility should the facility frequently violate its Event Management Plan approvals, the Land Use and Development Code, and/or the Site Plan Review Approval.

A non-refundable application fee for each Event Management Plan review in an amount(s) established by the Town Council and amended from time to time in an amount(s) and for such purposes as the Town Council may from time to time establish by Council Order shall be paid by the applicant to the Town of Gorham at the time of filing the Event Management Plan.

- D. Agricultural Use Requirement: Any proposed Agricultural Special Event Facility shall provide evidence of agricultural production of at least \$10,000.00-per year in one of the 2, or 3 of the 5, calendar years preceding application for site plan review. Prior to the start of each year's event season the operator shall provide written documentation outlining the active agricultural activities occurring on the site, evidence that at least \$10,000.00 was earned in the prior year or in one of the 2, or 3 of the 5, calendar years from agricultural activities, not including the Agricultural Special Event Use, and a statement evidencing the potential to produce at least \$10,000.00 from on-site agricultural production during the next year or in one of the 2, or 3 of the 5, calendar years.

- E. Standards: Special event facilities are subject to the following operation and development standards:

1. Event Management Plan: The owner/operator shall provide to the Planning Office for approval by the Site Plan Review Committee an event management plan for each event held on the site. The plan shall include all applicable conditions of approval and the approved site plan, a traffic management plan for the specific event, the precise location of the event, and all other operational specifications. The Town Planner may request additional information if determined necessary due to the size or nature of a specific event. A copy of the approved event management plan shall be available for on-site inspections at all times.
2. Noise Control: Noise standards shall be regulated in accordance under Chapter 4, Section 4-9 – Approval Criteria and Standards, T. Noise.

Subject: Zoning Amendment: Agricultural Special Event Centers

3. Lighting: All lighting shall comply with the following requirements:
 - a. All lighting associated with the event shall be turned off by 11:00 pm. Parking lot lighting may remain on for a longer period if specified under the event management plan but only as long as necessary to facilitate safe travel from the parking area.
 - b. Outdoor lighting shall be reduced to limit light trespass and glare onto abutting properties. Outdoor lighting shall have full-cut off shielding and be located and directed such that no direct light falls outside the property line, or into the public right-of-way.
4. Traffic Management Plan: The traffic management plan shall demonstrate compliance with the following requirements:
 - a. Approved access meeting the driveway standards as identified under Chapter 2, Section 2-5 - Minimum Standards for the Design and Construction of Streets and Ways.
 - b. Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Gorham Fire Department and Public Works Director.
 - c. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not backup or block private easements, public roads, intersections, or private driveways.
 - d. Parking attendant(s) shall direct traffic into the facility and towards available parking during arrival of guests. Attendants shall direct traffic leaving the facility at the conclusion of the event.
 - e. Temporary direction signs shall be located on any driveway entrance and within the parking lot to ensure orderly flow of traffic. The temporary signs shall be placed prior to all events and promptly removed at the conclusion of the event.
5. Operation Limitations: The following operation limitations apply to all Special Event Facilities:
 - a. Special Event Facilities shall not be operated unless accessory to an agricultural permitted use on the lot and where residential use exists on the property.
 - b. No Special Event Facility shall be allowed to exceed an attendance level of 250 people per event.

Subject: Zoning Amendment: Agricultural Special Event Centers

- c. The special event duration including set up/take down time shall not exceed 12 hours per day. The event shall be limited to the hours of 7:00 am to 10:00 pm, except on Saturdays and Sundays, which are limited to a 8:00 am start time.
 - d. Each event shall have potable domestic water supply and adequate treatment for sewage.
 - 1) For sites with fewer than 6 events per year, temporary use of portable toilet units are allowed for special events. Prior to each event, the location and number of portable toilet units shall be approved by the Code Enforcement Officer.
 - 2) For sites with 6 or more events per year, permanent on-site bathroom facilities to accommodate the maximum number of people to attend special events are required. The bathroom facilities are required to be connected to a private sewage disposal system or a public sewer service connection meeting the requirements of local and state plumbing codes.
 - e. The Special Event Facility shall be limited to a maximum number of twenty-five (25) events per calendar year. A single event cannot occur on multiple days without the additional days being counted against the number of events allowed per calendar year.
6. Minimum Lot Size and Setbacks: The following setbacks shall be maintained at all times:
- a. Notwithstanding the minimum lot size requirement of Chapter 1, Section 1-8, Rural District, Subsection D, Space Standards, the Special Event Facility use shall be permitted only on a lot with an area of at least five (5) acres. If the lot contains another principal use(s), the lot must have at least five (5) acres for the Special Event Facility use in addition to the area required for the other principal use(s).
 - b. No portion of the event facilities shall be located closer than 100 feet from a property line. A greater distance may be identified as being necessary to ensure compliance with other standards.
 - c. All temporary structures such as tents, stages, and dance floors shall abide by all required setbacks, and locations must be identified on the plot plan and event management plan.
7. Signage: Any event signage shall meet the requirements of Chapter 2, Section 2-3 - Signs.

Subject: Zoning Amendment: Agricultural Special Event Centers

8. Dust Control: Dust impacts to abutting properties shall be minimized by reducing vehicle speeds on driveways and parking areas and during dry conditions with the application of water or other approved methods.
9. Parking: On-site parking shall be provided in accordance with Chapter 2, Section 2-2 - Parking, Loading and Traffic, A. 2).
10. Neighbor Notification: Facilities shall post a schedule of future events on their website. At least 2 weeks prior to the start of every month the operator/owner shall mail a notice to abutting properties and the Town of Gorham's Planning & Code Enforcement Office which lists events to be held that month. The notice shall show days planned for events, hours of operation, and include a phone number and contact person for inquiries. The notice shall also identify the date for each event management plan submission to the Planning Office and shall state that the plans are available for review and comments for 2 weeks after submission to the Planning Office.

MEMO

To: Town Council
From: David Cole
Date: July 5, 2017

Re: Turnaround Easement on Phinney Street.

At your February 7, 2017 Council meeting the Council considered a request from Councilor Paul Smith to use his driveway located near the end of Phinney Street as a turn-around for the Town's Snow Plow truck. The Council tabled the request until the March 7 meeting to obtain more comment from the School Department and Fire Department.

The School Department (see Norm Justice memos of Feb. 8 and March 2 indicated that they have been using Tanglewood Drive and considered it a much safer location for School Buses to turn-around. Please note the School Department had been turning around at this location with only verbal permission which could be withdrawn at any time. In a memo, dated February 8, 2017, the Superintendent indicated that the School would stick with the current turn-around at Tanglewood Drive. The Fire Chief (see his memo of February 12) indicated that they would not use Mr. Smith's driveway unless they had no other choice because of a concern that the weight of the Fire Engine might damage a driveway and because, in the case of Mr. Smith's private driveway, it slopes downhill. The Fire Chief also verbally advised me that an emergency vehicle could turn-around in any location during an emergency. I later confirmed that the Fire Department could turn-around in any location in an emergency, from the Town's Attorney, Mark Bower. (See his email of February 10, 2017).

At your March 7, 2017 Council Meeting the Council voted to authorized, on a temporary basis, the Public Works Department to snow plow and sand Councilor Smith's private driveway as an additional location for municipal vehicles to turn-around and further directed Town Staff to look for better options to use as a turn around.

We have been able to obtain a written easement to use the end of Tanglewood Drive, which is the location being used by the School Department to turn around School Buses.

I have attached another copy of my January 23, 2017 memo to the Town Council and my December 28, 2016 memo to Councilor Smith for additional background information.

MEMO

To: Town Council
From: David Cole
Date: January 23, 2017

Re: Turnaround Easement on Phinney Street.

Phinney Street is located off Fort Hill Road. At the end of Phinney Street is an extension that turns right, known as Phinney Street extension.

Back in June 22, 1988 the Town acquired an easement from Arnold Smith to provide a turnaround for the snow plow at the end of Phinney Street extension. The easement allowed the Town to plow down Phinney Street, turn right onto Phinney Street Extension and turn around in the easement located near the end of Phinney Street Extension.

On November 13, 2001, the Town Council made a decision that Phinney Street extension was not a Town Road. On March 5, 2002 the Town Council moved to acquire the Phinney Street extension by eminent domain. The final step in completing the eminent domain process was not done until March 14, 2012. Subsequently, in April 2012, Paul Smith, Patrick Smith and Susan Smith commenced a law suit against the Town claiming that the eminent domain process was no longer valid. Later, C&C Family LLC, Travis Caruso, Allyn Caruso and Thomas Caruso became parties to the law suit.

On February 12, 2015, the Town of Gorham and Paul Smith, Patrick and Susan Smith, C&C Family LLC, Travis, Allyn and Thomas Caruso reached a compromised settlement in the law suit. As part of the settlement, the Town released any interest it had in Phinney Street extension, to the Smiths including the turnaround easement acquired in 1988.

In subsequent snow storms, the Town plowed down Phinney Street and turned around at the intersection of Phinney Street and Phinney Street extension. Paul Smith objected to the Town using any part of Phinney Street extension so the Town then used the intersection of Phinney Street and Blockhouse Road. This turn around, while not ideal, has worked for the Town and we have continued to use it.

Paul Smith recently offered to allow the Town's plow trucks to turnaround in his private driveway. While we appreciate his offer, his private driveway slopes downhill and increases the risk of the truck getting stuck or sliding sideways and we do not believe it is a better option than the turnaround we are currently using. In addition, there is a road plan on file for Blockhouse Run so we know there is a reasonable gravel base on the road and can support Town vehicles.

In addition I am concerned about a conflict of interest when the Town is being asked to no longer use a turn-around that is working, and instead, using the private driveway of a member of the Gorham Town Council. Attached is my memo to Councilor Smith responding to his offer.

9183

MEMO

To: Paul Smith
From: David Cole
Date: December 28, 2016

Re: Snow plow turnaround on Phinney Street.




Thank you for your recent offer, and written grant of permission, to allow the Town's snow plow to turn around in your driveway located near the end of Phinney Street.

Since last year, the Town has used the 50 foot wide right-of-way for Phinney Street and a portion of Blockhouse Run for the plow to turn around. Although not ideal, it is functioning adequately for the Town. Your driveway slopes downhill and causes a less than ideal turnaround as well.


Perhaps even more importantly, using the Town's plow truck to turnaround in your driveway would inadvertently result in your driveway being plowed out by the Town. At a minimum, as a member of the Town Council, that would provide the appearance of a conflict of interest and could constitute an actual conflict of interest.



For these reasons, we believe our current turnaround is the best option for the Town.

CC: Town Council
Bob Burns, Public Works Director

From:  Norm Justice <norm.justice@gorhamschools.org> Wed, Feb 08, 2017 12:15:08 ...  

Subject: Re: School Bus turnaround on Phinney Street.

To:  **David Cole**

Cc:  Heather Perry <heather.perry@gorhamschools.org>
 "normj@gorhamschools.org" <NormJ@gorhamschools.org>

David,

Our buses currently turn around at Tanglewood Drive & Phinney. Both Blockhouse and Mr Smiths driveway are on slight incline and are difficult areas to turn particularly in inclement weather. Years ago we had a spare bus driver that was unfamiliar with Phinney Street that attempted to turn the bus in Mr. Smiths drive and got stuck.

We appreciate Mr. Smith's offer for a turn around spot. We feel Tanglewood and Phinney is a much safer spot for buses to turn around.

Norm

On Wed, Feb 8, 2017 at 12:00 PM, David Cole <dcole@gorham.me.us> wrote:







Heather:

The Town currently uses Blockhouse Run (a road off of Phinney Street) as a turn around for the Town's Snow Plow truck. Recently, Paul Smith offered to allow the Town to use his driveway for the Snow plow truck to turn around it. While we appreciate his offer, we concluded that continuing to use Blockhouse Run was a better turnaround for the Snowplow truck. The Town Council discussed his offer at their meeting on February 7. During the discussion Mr. Smith indicated that his driveway was a better turnaround for the School Bus. Members of the Town Council asked me to follow up with the School Department regarding his comment.

Dave

David Cole, Town Manager
Town of Gorham
75 South Street, Suite 1
Gorham, ME 04038

Telephone [\(207\)222-1650](tel:(207)222-1650)
FAX [\(207\)839-5408](tel:(207)839-5408)

From:  Heather Perry <heather.perry@gorhamschools.org> 2/8/2017 12:32:13 PM  
Subject: Re: School Bus turnaround on Phinney Street.
To:  Norm Justice <norm.justice@gorhamschools.org>
Cc:  David Cole  "normj@gorhamschools.org" <NormJ@gorhamschools.org>

Thanks David, and thanks for your quick response Norm. David, could you please pass along to Mr. Smith our sincere thanks for his offer, but let him know that we will stick with our current turnaround location for the reasons Norm so eloquently identified.

Thank you!

*Heather J. Perry
Superintendent of Schools
Gorham School District
75 South Street, Suite 2
Gorham, ME 04038
Tel. # - 207-222-1012
Fax. # - 207-839-5003
email: heather.perry@gorhamschools.org
Twitter: @hperrysup*





<https://docs.google.com/uc?export=dow>


On Wed, Feb 8, 2017 at 12:15 PM, Norm Justice <norm.justice@gorhamschools.org> wrote:


David,

Our buses currently turn around at Tanglewood Drive & Phinney. Both Blockhouse and Mr Smiths

From:  "Robert Lefebvre" <rlfebvre@gorham.me.us> Sun, Feb 12, 2017 9:50:52 PM 

Subject: Re: Turn Around on Phinney Street.

To:  **David Cole**

Bcc:  **David Cole**

David I have gone to this area and reviewed the turn arounds. The turn around on blockhouse run is very tight but we can use it for an engine or the Rescue. The ladder in the winter time most likely would not be able to turn around using this. If we could not use the turn around on blockhouse that Public Works is using we would back our trucks back to the intersection and back to the corner of Phinney Street Extension. I am not sure just were that private way starts, however we would not have to back into it very much to make the swing back on to Phinney Street to head back towards Fort Hill Road. I do not see us using Councilor Smith's driveway for a couple of reasons. First we try and not use a private driveway to turn apparatus around unless we have no other choice. It is to easy with the weight of the trucks to damage private property. Second it is a straight shot backing out of block house to back a short distance into Phinney Street extension to turn around, and I am not sure that we would have to actually back into Phinney Street extension to make the turn. Last Councilor Smith's driveway slopes down hill and in the winter time backing down hill is not our best option when we could back straight across to Phinney Street Extension.

Thanks

Bob L.

"David Cole" <dcole@gorham.me.us> writes:
Bob:

The Town uses Blockhouse Run as the Snow Plow truck turn-around off Phinney Street. Recently, Paul Smith has offered to let the Town use his driveway for the Snow Plow Truck to turn around. The Town concluded that Blockhouse Run was a better turn around for the Snow Plow truck than his driveway. The Council considered Mr. Smiths request at their meeting on Feb. 7. During the discussion, Mr. Smith said that his driveway was a better place for a Fire Engine to turn around. Council members asked me to follow up with you. Would Mr. Smiths driveway be a better place for a Fire Truck or Rescue vehicle to turn around?

Dave

David Cole, Town Manager
Town of Gorham
75 South Street, Suite 1
Gorham, ME 04038

Telephone (207)222-1650
FAX (207)839-5408

your questions:

Your first question is whether emergency vehicles (fire, ambulance, rescue) are authorized to turn around in a private driveway. The general rule is that an easement, license or other legal authority is needed in order to utilize private property owned by another, including a driveway. This is why the Town will occasionally need to negotiate easements to turn around snow plow trucks, for instance. Although there is not much legal guidance directly on the issue of emergency vehicles turning around, it goes without saying that emergency vehicles are allowed to use private roads in order to respond to an emergency. Also, there are statutes that allow towns to use highway equipment on private ways (i.e., public easement roads) in order to provide for fire and police protection, and that excuse emergency vehicles from certain traffic laws when responding to an emergency. I would say that the prevailing view is that emergency vehicles may turn around in private driveways in the event of an emergency without risking liability for trespass. However, if this is occurring on more than an occasional basis in a particular location, or has been raised as a complaint by a property owner, it would probably be advisable for the Town to seek a more long-term turnaround solution.

To answer your second question, since driveways are private property, other persons have no legal right to use that property to turn around private vehicles and/or business vehicles without specific legal authority to do so, such as a license or easement. (Although, to the extent the business vehicle, such as a delivery truck, is there to serve the property owner in question, that vehicle would have apparent authority to turn around as an invitee. Also, a public utility vehicle working on a property that is burdened by a utility easement probably has an implied right to turn around in the driveway.) The lack of a "no trespassing" sign does not create a general authorization of the use of the driveway by others; therefore, a property owner would not need to post his/her driveway against trespassing in order to enforce that right, and a property owner would be within his/her right to place gates or bars on his/her driveway to prevent turnarounds, to the extent those gates/bars are located entirely on his/her private property.

I'm happy to discuss if you have any further questions on either of these points. Thank you.

-- Mark

Mark A. Bower
Jensen Baird Gardner & Henry
(207) 775-7271

From: David Cole [mailto:dcole@gorham.me.us]
Sent: Thursday, February 09, 2017 9:03 AM
To: Mark A. Bower
Cc: David Cole
Subject: Response by Emergency Vehicles.

Mark:

I am writing to clarify the authority provided by Maine Law for an emergency vehicle, like a Fire Engine, Heavy Rescue, Ambulance or similar vehicle to turn-around in or on a private driveway or private road. Do emergency vehicles has such authority and, if so, are there any restrictions?

Second, what authority do vehicles, whether private automobiles or business vehicles, have to turn around in a private driveway? Is the land owner obligated to post a driveway if vehicles are not allowed to turn around?

Dave




David Cole, Town Manager
Town of Gorham
75 South Street, Suite 1
Gorham, ME 04038

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NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

Confidentiality Notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message, attachments and/or files, including any contained in your reply.

From:  Norm Justice <norm.justice@gorhamschools.org> Thu, Mar 02, 2017 3:27:29 PM  

Subject: Re: School Bus turnaround on Phinney Street.

To:  **David Cole**

Cc:  Heather Perry <heather.perry@gorhamschools.org>
 "normj@gorhamschools.org" <NormJ@gorhamschools.org>

David & Heather,

FYI, I wanted to follow up from my earlier email. While our buses currently turn around at Tanglewood Drive its important to note this is a private drive and the owner has given us verbal permission to back into Tanglewood. Obviously if that permission is rescinded we'd need another turn around for buses. I'd also note prior to this thaw when snow banks were higher Tanglewood became quite narrow. If we had any more snow it would not have been possible to turn at Tanglewood.

If Tanglewood is not an option, turning a bus on Blockhouse Run would be extremely difficult due to the angle of Phinney Street and Blockhouse not being a 90 degree angle. While Mr. Smith's driveway would be better then Blockhouse it is less the ideal due to its slope and configuration.

Ideally obtaining an easement on Phinney Street that would provide for a hammerhead turnaround similar to those typically required by our Land Use Code for dead-end roads would be the best solution. The attached Town of Gorham GIS Maps shows the 2ft contours and drop off on Mr. Smiths driveway.



MEMO

To: Town Council
From: David Cole
Date: June 29, 2017

Re: Financing the Town's \$500,000 local share of South Street Road Project.

On June 13, 2017 the voters approved borrowing and spending up to \$500,000 as the Town's local share of a road project on South Street. This project has received approval from PACTS and we anticipate that it will be done in 2018. However, as you know the actual construction time of road projects often slips as is evidenced by the Main Street project.

Should the Town issue bonds?

The voter authorization allows the Town to borrow up to \$500,000 but the Town is not required to borrow the funds. Over the years I have generally advised the Council to consider borrowing (issuing bonds) if the amount is over \$1 million but if the amount is under \$1 million the Town should make an effort to self-fund the cost.

Normally it costs us between \$40,000 and \$50,000 to borrow money but the last bond issue was more complicated and cost us about \$80,000. Those costs aren't dependent on the amount to be borrowed but are fixed costs and come from the need to obtain a bond rating from Standard & Poors and a second bond rating from Moody's Investment. There are also legal costs with our Bond Counsel at Jensen Baird and the cost of our Financial Advisor. I don't want to make this complicated but sometimes there are bond premiums that are included in a bid that help offset some of our costs.

Generally, I would not recommend issuing bonds to borrow \$500,000 if it can be avoided. There is also the added uncertainty of when the project will actually start and therefore, when to borrow the funds.

I am recommending that the Town self-fund our local share of \$500,000 and start by re-appropriating the following funds into a reserve account:

1. When the Council approved the budget on June 6, the Town Council moved **\$230,000** in Capital Part 2 funds from a Sand Shed project to do some kind of additional road work. I believe this project would be consistent with the intent of the Council's vote and I would recommend appropriating these funds towards this road project.

2. We have small amounts of unallocated funds from the Capital Part 2 budgets from fiscal years 2014, 2015 and 2016 amounting to **\$8,437.39**.
3. There is **\$12,037.65** left in an account for sidewalks on South Street. Using these funds for a road project on South Street would be consistent with the original intent.
4. The Town has excess funds from a reimbursement on a road project on New Portland road of **\$4,002.65**.
5. In the 2017/18 budget are funds to pay for our cost of issuing new bonds that won't be needed if bonds are not issued. I recommend re-appropriating **\$50,000** towards our local share of this project.

These funds total **\$304,776.69** leaving a balance of **\$195,522.31** that would need to be funded in next year's budget and likely out of Capital Part 2 funds, to complete the \$500,000 needed for our local share.

CC: Sharon Laflamme, Finance Director

Town of Gorham

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

(207) 222-1600
(207) 839-4793 Fax
www.gorham-me.org



Mike D'Arcangelo
Tax Assessor
mdarcangelo@gorham.me.us

Item # 9242

June 6, 2017

Memo to: Dave Cole

Memo From: Mike D'Arcangelo, CMA
Town of Gorham Assessor

Re: Abatements:
1. Map 101, lot 20.3 14 Woodside Drive
Owner: Larilee L English

2. Map 101, lot 20.4 16 Woodside Drive
Owners: Christopher Powers & Michelle Doughty

Dave,

While reviewing tax values at the request of a local real estate agent, a computer glitch was discovered that inflated the tax values for 2 out of 8 condominiums. With the help of Vision help desk personnel, I have corrected the tax values for the 2 above listed properties, and have issued an abatement for each for the 2016-17 tax year.

I am requesting the Council abate taxes for the preceding 2 tax years, 2015-16 and 2014-15.

For the property at 14 Woodside Drive, Map 101, lot 20.3, the total 2 year abatement should be \$1,196.86 (\$598.21 for 2015-16 and \$598.65 for 2014-15).

For the property at 16 Woodside Drive, Map 101, lot 20.4, the total 2 year abatement should be \$817.07 (\$379.79 for 2015-16 and \$437.28 for 2014-15).

Thank you and the Council. Please contact me with any questions.

Mike D