

AGENDA NOTES

Gorham Town Council Regular Meeting

July 7, 2020 – 6:30pm

Remote Zoom Meeting

Public

Hearing #1

On Item #2020-7-01

Public hearing for the purpose of receiving public comments on technical revisions to its Downtown Tax Increment Financing District and the Development Program for the said District, as adopted on March 10, 2020, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

This public hearing and order amends the Gorham Village TIF map and application to include a slightly larger area around Flaggy Meadow Road that was recently identified for development. Staff were advised by the Town Attorney and the State of Maine that we could amend the map to include more area in the Village TIF and resend the application. This would capture additional future development and allow for further investment into the Village District areas.

Public

Hearing #2

On Item #2020-7-02

Public hearing on a proposed ordinance to adopt a Marijuana Cultivation or Manufacturing Licensing Ordinance and add Permitted Uses in the Rural, Industrial and Olde Canal zoning districts. (Admin. Spon.)

This order adopts a Marijuana Cultivation or Manufacturing Licensing Ordinance and adds permitted uses for the cultivation or manufacturing of adult use marijuana in the Rural, Industrial and Olde Canal Zoning Districts with various restrictions and permitting fees. This order does not permit the retail sale of adult use marijuana in the Town of Gorham. This item is coming from the Planning Board where it received a public hearing. If adopted, this ordinance would be valid in 30 days.

Public

Hearing #3

On Item #2020-7-03

Public hearing on a proposed amendment to expand the Development Transfer Overlay District to include the area in the vicinity of Mosher's Corner. (Admin. Spon.)

This order extends the transfer overlay district to areas of Mosher's Corner (Route 237 & 25). A memo from the Town Planner is attached, as well as the new map, which would be adopted by this order.

**Public
Hearing #4
On Item #2020-7-04**

Public hearing on a proposed amendment to the area of Harding Bridge Road to match the Future Land Use Map in the Comprehensive Plan currently zoned as Rural to Suburban Residential. (Admin. Spon.)

This order would rezone a section of land in the area of Harding Bridge Road from Rural to Suburban residential. This item is coming from the Planning Board and the order would adopt a new zoning map.

Public Hearings 5 & 6

Hearings and orders for licenses. Staff report no issues with the applications.

**Public
Hearing #7
on Item #2020-07-07**

Public hearing to take public comment on Gorham's Streets and Sidewalks Ordinance to allow for more on street parking in the Village Area. (Admin. Spon.)

This order would amend the Streets and Sidewalks Ordinance to allow for more parking in various areas of the Gorham Village. The amendments also clarify some no parking areas.

Item # 9415

Action to consider a request from the Ordinance Committee for clarification on Order #9415, instructing the Ordinance Committee to review requiring taxes to be paid before issuance of permits. (Ordinance Committee Spon.)

This item requests clarification by the Ordinance Committee of the Town Council on Item #9415, which originally instructed the Ordinance Committee to review requiring taxes to be paid before a permit was issued. The order is the same order as the original item with the intention that the Council will discuss and clarify the item at your meeting for the benefit of the Ordinance Committee.

Item #2020-07-08

Action to consider forwarding to the Planning Board, for public hearing and their recommendation, amendments to the Land Use and Development Code to allow for Varied Density in the Village District and Urban Commercial District. (Ordinance Committee Spon.)

This order forwards specific language for varied density in the Gorham Village to the Planning Board for public hearing and comment. The item would then come back to the Town Council for another public hearing and final vote. A memo from the Town Planner is attached.

Item #2020-07-09

Action to consider appointing a Councilor to the Economic Development and Capital Improvements Committee. (Councilor Philips Spon.)

This order appoints Councilor Kuech to the Economic Development and Capital Improvements Committee. The committee currently only has two Councilors appointed to it.

Item #2020-07-10

Action to consider adopting a resolution affirming that the Town of Gorham not conduct electrical inspections until 30-A M.R.S.A. § 4171 is resolved. (Councilor Hartwell Spon.)

Several months ago Councilor Hartwell requested information from staff on whether or not the town ever formally authorized electrical inspections pursuant to 30-A M.R.S.A. § 4171. Staff were not able to locate any reference in an ordinance or Council order that would meet the requirements of the State statute allow for electrical inspections. Staff were not able to find a resolution or ordinance. The Town may have been conducting inspections since before the law was passed but we are unsure. The resolution would clarify that we do not meet the requirements of the state statute and instruct staff not to complete electrical inspections themselves but would allow the town to require that a licensed electrician sign off on a permit. Staff will be available to discuss what has been the process in the past and how specifically this will affect the process going forward if so ordered.

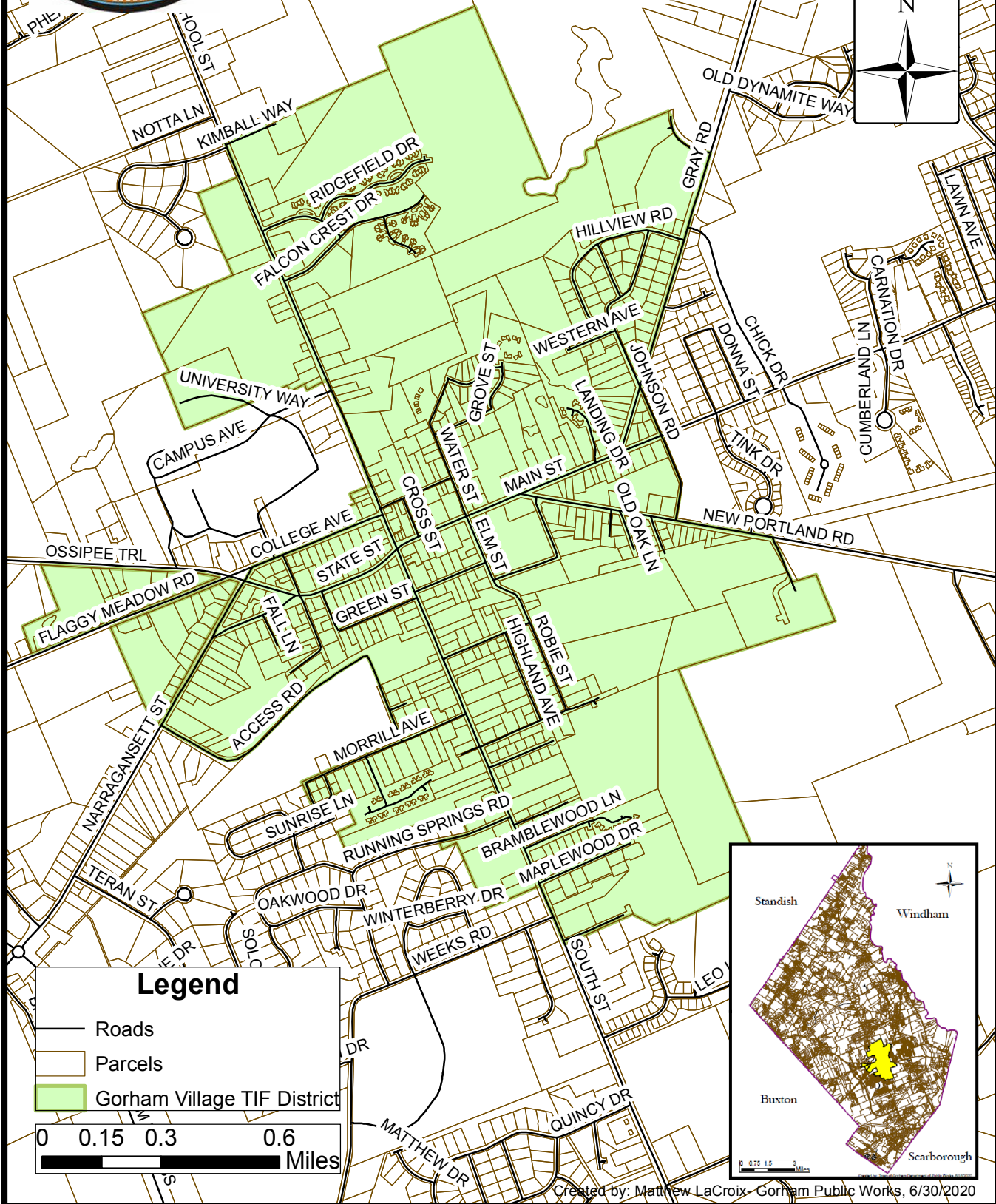
Item #2020-07-11

Action to consider scheduling a Town Council workshop to review Agritourism, agricultural event centers and other related topics as it pertains to the Land Use and Development Code in the Town of Gorham. (Councilor Philips Spon.)

This item instructs staff to schedule a workshop for the Town Council to discuss argitourism, agricultural event centers and other related topics that might be included to allow farms and other similar businesses and organizations to host weddings, events and other organized activities that are not currently allowed under existing zoning.



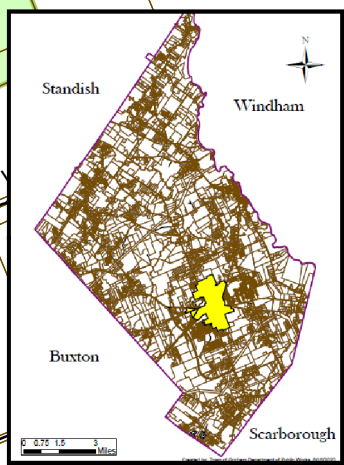
Gorham Downtown TIF District #11 (Gorham Village District)



Legend

- Roads
- Parcels
- Gorham Village TIF District

0 0.15 0.3 0.6 Miles





Town of Gorham Community Development

Thomas M. Poirier, *Director of Community Development*
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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: Ephrem Paraschak, Town Manager
FROM: Carol Eyerman, Town Planner *CME*
SUBJECT: Marijuana Manufacturing and Cultivation Ordinance
DATE: JUNE 16, 2020

The Town Council forwarded the draft Marijuana Cultivation and Manufacturing Ordinance to the Planning Board for public hearings and recommendations. The proposed ordinance includes provisions for regulation by license for cultivation and manufacturing of adult use marijuana. The proposed ordinance provides for this use in the two (2) industrial zoning districts as well as the rural district when associated with an existing agricultural building. The number of licenses allowed would be twenty (20). Each license is valid for one (1) year. It also establishes performance standards that include odor and ventilation controls, setbacks from schools, and the requirement for an operating plan. All operations are required to be licensed by the State of Maine. It provides for denial, revocation, or suspension of a license; enforcement; and appeals.

There are also proposed amendments to the Zoning Ordinance to allow for the uses within the Rural, Industrial, and Olde Canal Industrial Zoning Districts.

The proposed Marijuana Cultivation and Manufacturing Ordinance and Zoning Ordinance are attached.

In addition, there is a proposed fee schedule that the Council might consider at this time.

ORDINANCE TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (6 ayes)	March 10, 2020
Planning Board Meeting – Public Hearing	The proposed ordinance was advertised as a public hearing and required the Planning Board to open the item for public comment. The Planning Board voted (7-0) to recommend approval of the proposed ordinance.	May 18, 2020

Public Hearing: No written or verbal comments were received at the public hearing.

Town of Gorham

Marijuana Cultivation or Manufacturing Facility Licensing Ordinance

Adopted - ?

Town of Gorham

Marijuana Cultivation or Manufacturing Facility Licensing Ordinance

Section 1 – Title

This ordinance shall be known as and cited as the “Town of Gorham Marijuana Cultivation or Manufacturing Facility Licensing Ordinance” and will be referred to hereinafter as “this ordinance”. This ordinance limits all subject cultivation or manufacturing facilities to the zoning districts specified under the Gorham Zoning Ordinance, prescribes definitions and provides for permitting/licensing, regulation, and performance standards for cultivation or manufacturing facilities.

Section 2 – Authority and Applicability

This ordinance is adopted pursuant to the authority granted by 28-B M.R.S.A. §101 et seq., as may be amended, and the Town’s home rule authority under Chapter VIII, Part 2 Section 1 of the Maine Constitution.

Section 3 – Purpose

The purpose of this ordinance is to assure the safety of Gorham citizens by reviewing and regulating marijuana cultivation or manufacturing facilities, as permitted under state law.

Section 4 – Conflict with other ordinances; state law

Whenever a provision of this ordinance conflicts with or is inconsistent with other provisions of this ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with state law; whenever a provision of this ordinance conflicts with state law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable state laws.

Section – 5 Validity and severability

Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

Section 6 – Effective Date

The effective date of this ordinance and the licensing thereunder shall be the date of adoption by the town council.

Section 7 – Definitions

Agricultural Building – a structure designed, constructed, and used to store farm machinery, supplies, implements, livestock, or crops.

Cultivate or cultivation – the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. “Cultivation” or “cultivate” does not include manufacturing, testing or marijuana extraction.

Cultivation facility – a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature plants and seedlings to marijuana stores. A cultivation facility includes a nursery cultivation facility.

Manufacture, processing – the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including but not limited to marijuana extraction or preparation by means of chemical synthesis. “Manufacture” or “manufacturing” does not include cultivation or testing.

Manufacturing batch – a quantity of marijuana concentrate or extract that is produced in on production cycle using the same extraction methods or formulation and standard operating procedures.

Marijuana – the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. “Marijuana” includes marijuana concentrate but does not include hemp as defined in Title 7 M.R.S.A. §2231(1-A paragraph D) or a marijuana product.

Marijuana establishment. "Marijuana establishment" means a cultivation facility, products manufacturing facility, a testing facility or a marijuana store licensed under this ordinance.

Plant canopy. "Plant canopy" means the total surface area within the licensed premises of a cultivation facility that is authorized by the town for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation

facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Section 8 – Annual License required; distribution of licenses; renewal

No person may establish, operate or maintain a marijuana cultivation or manufacturing facility without first obtaining an annual license from the town council.

It is a violation of this ordinance for any person to operate a marijuana cultivation or manufacturing facility without a valid license issued by the town council pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. §301 and §502, an applicant seeking to operate a cultivation or manufacturing facility may submit an application for a license concurrent with an application for a conditional license by the State of Maine to operate a marijuana cultivation or manufacturing facility.

The Town Council is authorized to issue no more than twenty (20) licenses in accordance with this ordinance and where allowed in the Land Use and Development Code.

Cultivation or manufacturing facilities that were operating with Town approval prior to the enactment of this ordinance shall have a priority of review for license issuance by the Town Council, provided that the owner/operator of the business submits a completed application for a license within 90 days of enactment of this ordinance. Such businesses shall be included in the maximum number of licenses permitted.

Any change in ownership or change in officers of an owner of an existing cultivation or manufacturing facility shall have a priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership.

The Town Council shall issue no more than one (1) cultivation or manufacturing facility license per business/individual/owner.

Marijuana cultivation or manufacturing facility licenses shall be administered on a first come, first serve basis based upon the date the application is deemed complete.

Home cultivation or manufacturing of adult use marijuana for personal use is exempt from the licensing requirements of this ordinance.

Section 9 – Application procedure

A. An application for a license must be made on a form provided by the town of Gorham.

B. Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and if referred to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.

C. All applicants must be qualified according to the provisions of this Ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

D. Application to establish a Marijuana Cultivation or Manufacturing Facility

1. If the applicant who wishes to operate a Marijuana Cultivation or Manufacturing Facility is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a Marijuana Cultivation or Manufacturing Facility is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

2. The completed application for a Marijuana Cultivation or Manufacturing Facility license shall contain the following information and shall be accompanied by the following documents:

a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty- one (21) years of age.

b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.

d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.

e. If the applicant intends to operate the Marijuana Cultivation or Manufacturing Facility under a name other than that of the applicant, they must state the Marijuana Cultivation or Manufacturing Facility name and submit the required registration documents.

f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

g. If the applicant has had a previous license under this Ordinance or other similar Marijuana Cultivation or Manufacturing Facility license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the Marijuana Cultivation or Manufacturing Facility for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Cultivation or Manufacturing Facility for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

h. If the applicant holds any other permits/licenses under this Ordinance or other similar Marijuana Cultivation or Manufacturing Facility license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of Marijuana Cultivation Facility for which the applicant is seeking a license.

j. The location of the proposed Marijuana Cultivation or Manufacturing Facility, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Cultivation or Manufacturing Facility pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

l. The applicant's mailing address and residential address.

m. Recent passport-style photograph(s) of the applicant(s).

n. The applicant's driver's license.

o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

p. A copy of a town of Gorham Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Marijuana Cultivation or Manufacturing Facility within one thousand (1,000) feet of the subject property; and the property lines of any preexisting public or

private school within seven hundred and fifty (750) feet of the subject property, measured in accordance with this ordinance.

3. All applications for a Marijuana Cultivation or Manufacturing Facility license shall be kept confidential by the town.

4. All applicants, including all individuals, officers, directors, managers, members, and partners, for any Marijuana Cultivation or Manufacturing Facility license must be residents of the State, as defined in 28-B M.R.S. A. §102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents.

5. If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents.

Section 10 – Standards for license

A. General

1. All Marijuana Cultivation or Manufacturing Facilities shall comply with applicable state and local laws and regulations.

2. Marijuana Cultivation or Manufacturing Facilities shall only be located within the zoning districts permitted in the Gorham Zoning Ordinance.

3. Marijuana Cultivation or Manufacturing Facilities may not be located on property within seven hundred and fifty (750) feet of the property line of a preexisting public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Marijuana Cultivation or Manufacturing Facilities is located. If the Marijuana Establishment is located within a subdivision, the required setback shall be measured from the front door of the Marijuana Cultivation or Manufacturing Facilities to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

4. Marijuana Cultivation or Manufacturing Facilities may not be located on property within one

thousand (1,000) feet of the property line of a parcel containing one or more Marijuana Cultivation or Manufacturing Facility. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the property lines of the parcels of land on which the Marijuana Cultivation or Manufacturing Facilities are located. If the Marijuana Cultivation or Manufacturing Facilities is located within a commercial subdivision, the required setback shall be measured from the front door of each of the Marijuana Cultivation or Manufacturing Facilities. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section. Notwithstanding the foregoing, more than one Marijuana Cultivation or Manufacturing Facilities may be located on the same parcel, provided all state and local requirements are met. This setback requirement does not apply to properties with more than one Marijuana Cultivation or Manufacturing Facilities that are subdivided, as long as the Marijuana Cultivation or Manufacturing Facilities located on the property were operating with town approval prior to the adoption date of this ordinance.

5. No outside cultivation or Manufacturing or storage of marijuana, marijuana products, or related supplies is permitted, except as allowed by ordinance.

6. Ventilation and Odor - All Marijuana Cultivation or Manufacturing Facility are required to be in compliance with the state requirements and all Marijuana Cultivation or Manufacturing facilities shall have odor mitigation systems such that odor is imperceptible from the outside of any building or lease line. A ventilation plan shall be required for marijuana cultivation and manufacturing facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its manufacturing or cultivation to be effectively confined to the any building or lease line.

7. All Marijuana Cultivation or Manufacturing Facilities shall obtain a State of Maine conditional license prior to operating in the town of Gorham.

C. Operating Plan

A. Marijuana Cultivation or Manufacturing Facilities are required to submit an operation plan that at a minimum addresses the following:

- a. wastewater
- b. disposal of waste
- c. ventilation and odor
- d. parking

e. landscaping

Section 11 - License expiration and renewal

A separate license must be obtained for each marijuana cultivation or manufacturing facility located on the same premises. Each license shall be effective for a period of one year from the date of its issuance. A license must be obtained prior to the opening of marijuana cultivation or manufacturing facility. Applications for renewal licenses shall be submitted at least sixty (60) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a new license is granted.

Section 12 – Denial, suspension or revocation of license

- A. A marijuana cultivation or manufacturing facility license under this ordinance shall be denied to the following entities or persons:
 - a. A person or entity who fails to meet the requirements of this ordinance.
 - b. A person or entity that has had a license for marijuana cultivation or manufacturing facility revoked by the Town of Gorham or by the State of Maine.
 - c. A person or entity who has not acquired all necessary state approvals and other required local approvals prior to issuance of a license.
- B. The Town may suspend or revoke a license for any violation of this ordinance, Chapter 1, Chapter 2 or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for a marijuana cultivation or manufacturing facility suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Section 13 - Right of Access/Background Check/Inspection

Every Marijuana Cultivation or Manufacturing facility shall allow law enforcement officers and the Gorham Code Enforcement Officer (“CEO”) to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. Every owner and employee of a Marijuana Establishment applying for a license, shall contact the Gorham Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for Marijuana Cultivation or Manufacturing Facility shall submit emergency contact information to the Police Department. Due to fire, explosion, and other hazards inherent in Marijuana Cultivation or Manufacturing facilities, including, but not limited to, heavy

electrical loads, hot lighting fixtures, CO2 enrichment, and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Gorham Fire Department and have a Lock Box installed at the structure's exterior entrance for emergency access. Lock Boxes shall be obtained and installed in coordination with the Gorham Fire Department.

Section 14 - Indemnification

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Establishment owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations. By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed Marijuana Establishment.

Section 15 - State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the cultivation or manufacturing of Marijuana, the additional or stricter regulation shall control the establishment or operation of any Marijuana Cultivation or manufacturing Facility in Gorham. Compliance with all applicable State laws and regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

Section 16 – Advertisement and Public Hearing

A. For new or renewal licenses requiring Town Council action the Council shall hold a public hearing.

B. Prior to any public hearing held in accordance with this Ordinance, the application shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the public hearing.

Section 12 – License Fees

Fees for a marijuana cultivation or manufacturing facility shall be as set forth in the fee schedule

established by the Gorham Town Council and shall be paid annually.

Section 13 - Enforcement

Violations

Any violations of this ordinance, including failure to comply with any conditions, may be enforced in accordance with 30-A M.R.S.A. §4452. Every day a violation exists constitutes a separate violation.

Commencement of any marijuana cultivation or manufacturing facility without a town license for same shall be a violation of this ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the town can pursue fines and/or penalties under 30-A M.R.S.A. §4452.

Law enforcement officer and code enforcement

Law enforcement officers and the CEO may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to license approvals and shall investigate all complaints of alleged violations of this ordinance.

Section 14 - Appeals

Any appeal of a decision of the Town shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

Below are the proposed Zoning Ordinance Amendments:

Language to be added is underlined.

SECTION 1-8 – RURAL DISTRICT

- B.** 24) Marijuana Cultivation or Manufacturing Facility, when inside an existing agricultural building

SECTION 1-12- INDUSTRIAL DISTRICT

B. PERMITTED USES

- 11) Marijuana Cultivation or Manufacturing Facility

SECTION 1-21- OLDE CANAL INDUSTRIAL DISTRICT

B. PERMITTED USES

13) Marijuana Cultivation or Manufacturing Facility

Below is a proposed fee schedule for consideration by the Council. This is not part of the current proposed ordinance.

All applications must be submitted with a \$500 fee.

If an application is approved, the following license fees must be paid before the Town will issue a license:

Marijuana Manufacturing Facility: \$5,000

Marijuana Cultivation Facility:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.

Tier 2: 501 to 2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001 to 7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

Tier 4: greater than 7,000 SF of mature plant canopy: Annual License Fee: \$5,000.

Nursery Cultivation facility: Annual License Fee: \$1,000 (Plant canopies of individual Nursery Cultivations are capped at 1,000 SF, subject to the requirements and restrictions of State law.)

Renewal applicants for Marijuana Cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section and State law.



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: Ephrem Paraschak, Town Manager
 FROM: Thomas M. Poirier, Director of Community Development
 SUBJECT: Zoning Map Amendments
 DATE: JUNE 9, 2020

IMP

The Town Council forwarded 2 zoning map amendments to the Planning Board for public hearings and recommendations. The zoning map amendments include following:

Development Transfer Overlay District Boundary

The Town Council requested the Planning Board look at expanding the Development Transfer Overlay (DTO) District Boundary to include the lots identified in the Comprehensive Plan’s Future Land Use Map as Mosher Corner Mixed District. The Planning Board is also recommending expanding the DTO District to include the area along New Portland Road near the area proposed to be rezoned to Suburban Residential District in the Comprehensive Plan’s Future Land Use District. This area has the potential to be served by sewer, water, and sidewalk extensions due to its proximity to the City of Westbrook. The Zoning Map on the Town Council agenda for approval shows both proposed amendments to the DTO District Boundaries.

DTO AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council (6 ayes) forwards the item to the Planning Board for a public hearing and recommendations. (6 ayes)	November 12, 2019
Planning Board Meeting	The Planning Board forwarded the item to the Planning Board’s Comprehensive Plan Implementation Committee.	January 6, 2020
Planning Board’s Comprehensive Plan Implementation Committee	The committee recommended adding the area along the Westbrook Town line in the area identified in the Comprehensive Plan as Suburban Residential.	February 3, 2020
Planning Board Meeting – Public Hearing	The proposed amendment has been advertised as a public hearing and requires the Planning Board to open the item for public comment. The Planning Board voted (7-0) to recommend approval of the proposed amendment.	May 18, 2020

Public Hearing: No written or verbal comments were received at the public hearing.

Suburban Residential District in the vicinity of Harding Bridge Road

The Town Council requested the Planning Board review the current rural district located near Harding Bridge and Huston Roads and propose a revision to suburban residential district consistent the Comprehensive Plan’s Future Land Use Map. The Planning Board is recommending that the Town Council move forward with a rezone to Suburban Residential District of the area from Wards Hill Road to the Little River.

Public Hearing: No written or verbal comments were received at the public hearing.

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwarded the item to the Planning Board for a public hearing and recommendations. (7 ayes)	October 1, 2019
Planning Board Meeting	The Planning Board forwarded the item to the Planning Board’s Comprehensive Plan Implementation Committee (4 ayes, 3 absent)	November 4, 2019
Planning Board Comprehensive Plan Implementation Committee	The CPIC met in workshop to discuss scope of the proposed district	February 3, 2020
Planning Board Comprehensive Plan Implementation Committee	CPIC workshop	March 2, 2020
Planning Board Public Hearing	Board voted to forward the item to the Town Council with Planning Board recommendations (7 ayes)	May 18, 2020

Both map amendments reviewed and recommended for adoption by the Planning Board are shown on the attached draft zoning map. To assist the Town Council in reviewing which areas are being amended on the draft zoning map, *Community Development staff went ahead and put red circles highlighting the areas with the proposed amendments.*

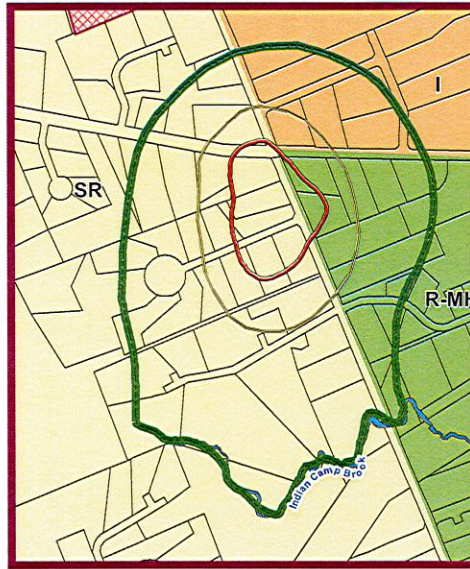
ZONING MAP

OF THE TOWN OF
GORHAM
CUMBERLAND COUNTY, MAINE

April __, 2020

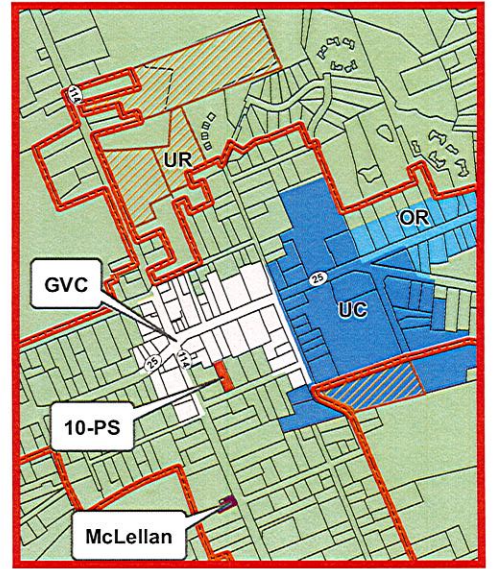


**Black Brook and Brackett Road
Special Protection District**



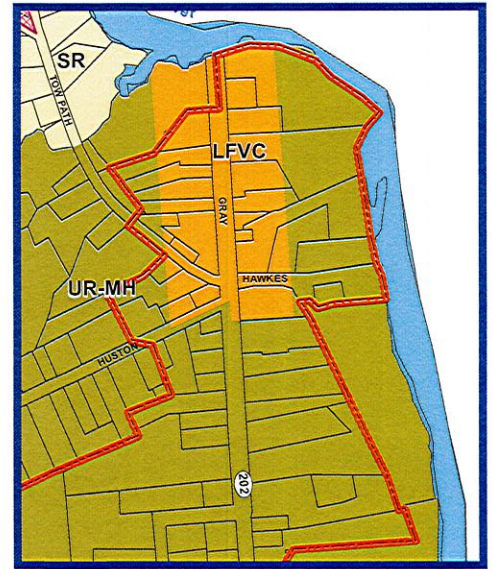
0 500 1,000 2,000 Feet

Gorham Village Center



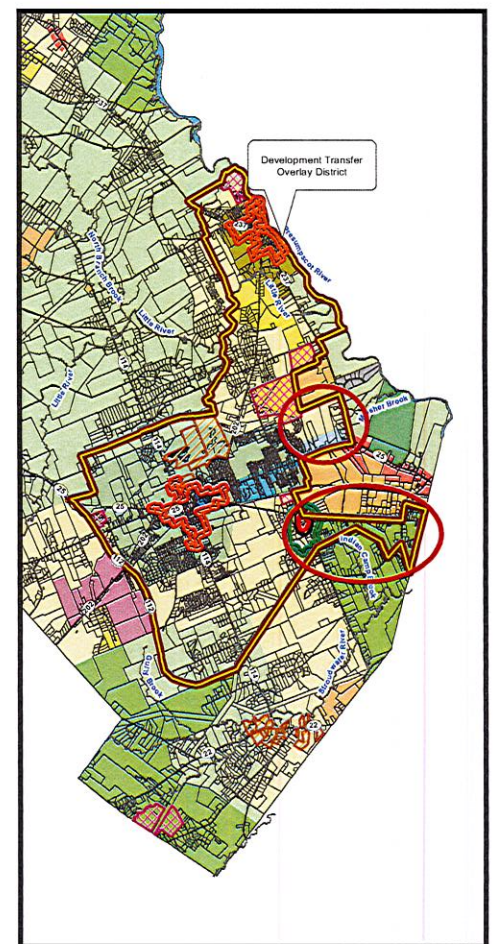
0 500 1,000 2,000 Feet

Little Falls Village Center

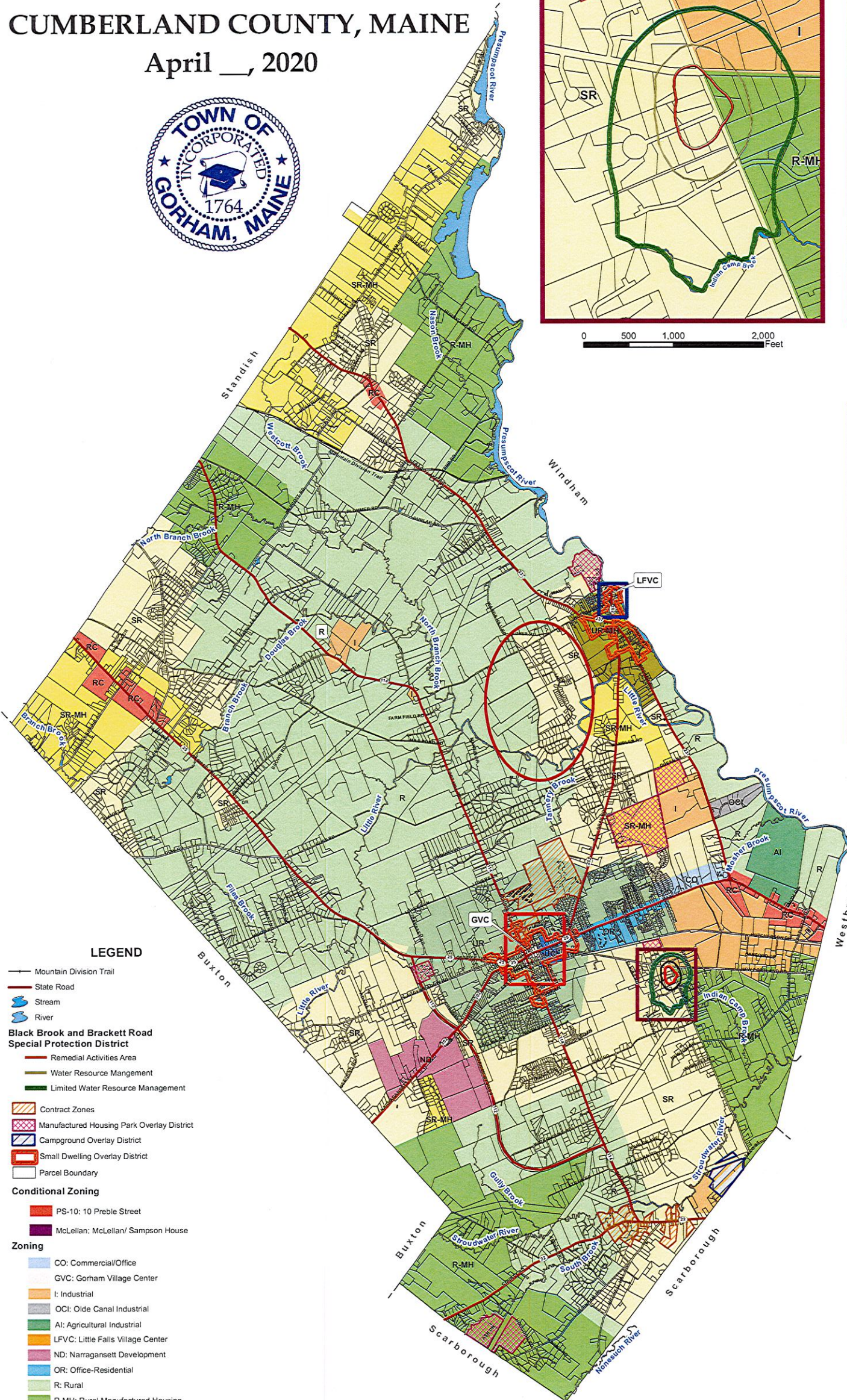


0 300 600 1,200 Feet

Development Transfer Overlay District



0 3,000 6,000 12,000 Feet



LEGEND

- Mountain Division Trail
- State Road
- Stream
- River
- Black Brook and Brackett Road Special Protection District**
 - Remedial Activities Area
 - Water Resource Mangement
 - Limited Water Resource Management
- Contract Zones
- Manufactured Housing Park Overlay District
- Campground Overlay District
- Small Dwelling Overlay District
- Parcel Boundary
- Conditional Zoning**
 - PS-10: 10 Preble Street
 - McLellan: McLellan/ Sampson House
- Zoning**
 - CO: Commercial/Office
 - GVC: Gorham Village Center
 - I: Industrial
 - OCI: Olde Canal Industrial
 - AI: Agricultural Industrial
 - LFVC: Little Falls Village Center
 - ND: Narragansett 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 and effective this December 4, 2018.

1 inch = 6,000 feet

0 1,500 3,000 6,000 9,000 12,000 Feet





STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Southern Maine Community Recreation Center	Business Name (D/B/A): Gorham Sports Center
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 215 Narragansett Street, Gorham, ME 04038
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: info@gorhamsportscenter.com
Telephone # Fax #: 207-839-6767 207-839-6900	Business Telephone # Fax #: 207-839-6767 207-839-6900
Federal Tax Identification Number: 26-0776999	Maine Seller Certificate # or Sales Tax #: 1132451
Retail Beverage Alcohol Dealers Permit:	Website address: gorhamsportscenter.com

1. New license or renewal of existing license? New Expected Start date: _____

Renewal Expiration Date: 08/27/2020

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$ 5,083.00 Beer, Wine or Spirits: \$ 5,337.00 Guest Rooms: \$ 0.00

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A 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"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

215 Narragansett Street, Gorham, ME 04038

6. Is the licensee/applicant(s) citizens of the United States? Yes No
7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Tyler Maroon	██████████	Portland, ME

Residence address on all the above for previous 5 years

Name	Address:
Tyler Maroon	197 Blake Rd, Standish, ME 04084
Name	Address:
Tyler Maroon	5 Birch Hill Ln, Unit 201, Saco, ME 04072
Name	Address:
Tyler Maroon	10 Flaggy Meadow Rd, Gorham, ME 04038
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

Southern Maine Community Recreation Center - 215 Narragansett Street, Gorham, ME 04038

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Indoor sports and recreation facility. Small snack bar with food, packaged snacks, drinks, a small seated dining area, and seating located around field.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Church

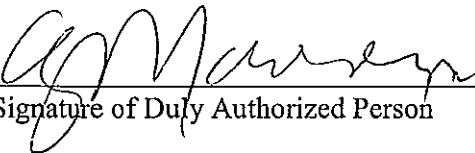
Distance: 1.20

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 5/22/20


Signature of Duly Authorized Person

Signature of Duly Authorized Person

Tyler Maroon
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

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.

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;

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;

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;

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;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

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

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.

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. Repealed

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.

4. Repealed

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.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

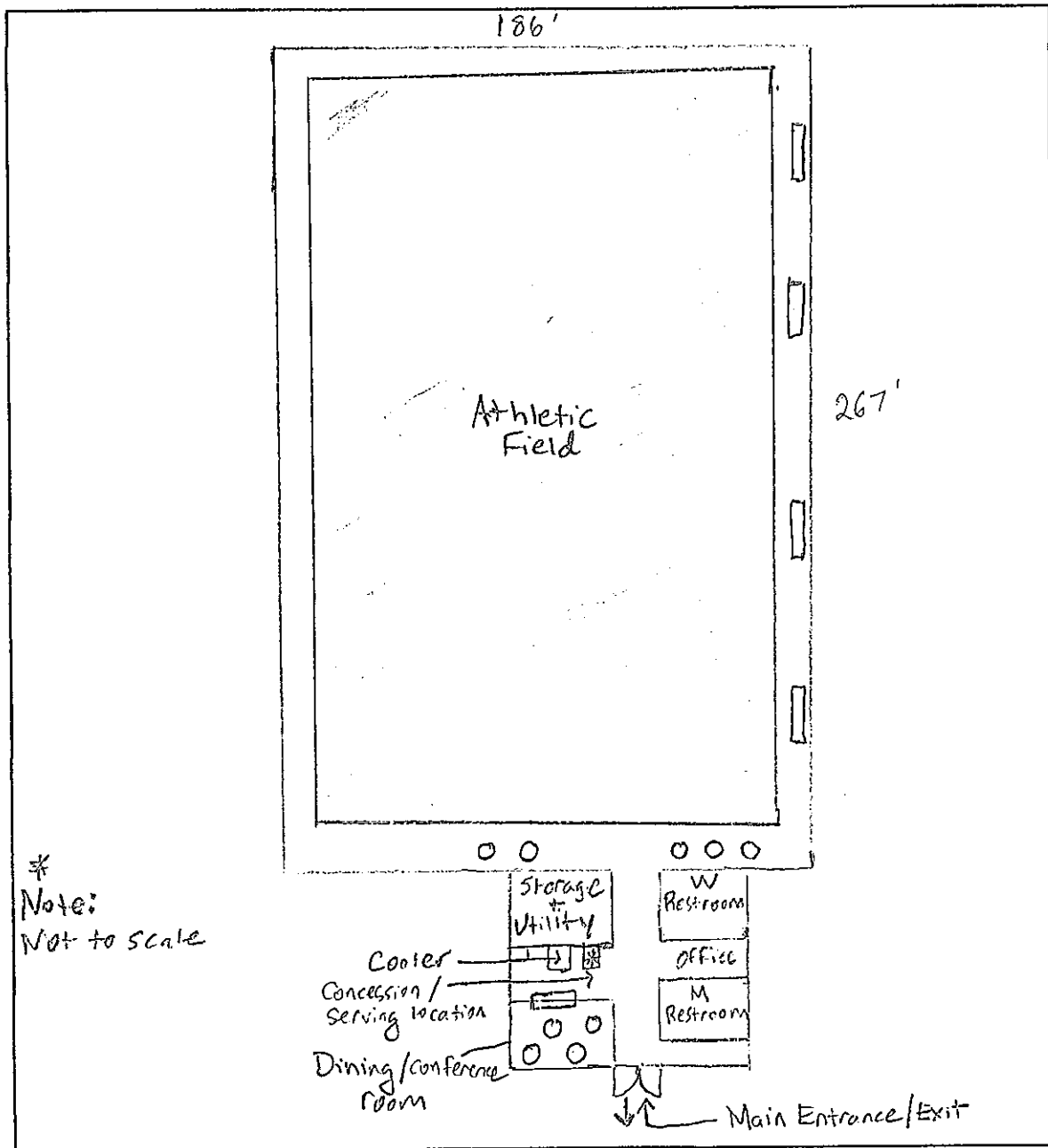
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Southern Maine Community Recreation Center
2. Doing Business As, if any: Gorham Sports Center
3. Date of filing with Secretary of State: 04/17/2007 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Volunteer Board of Directors (Unpaid)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
John Burghardt	6 Quail Ridge Drive Gorham, ME	[REDACTED]	Board Preside	0.0000
Naomi Schucker	64 Gordon Farms Road Gorham	[REDACTED]	Secretary	0.0000
Mike Richman	56 Sydneys Way Gorham, ME	[REDACTED]	board member	0.0000
Matt McCleary	58 Tarbox Lane Buxton, ME	[REDACTED]	board member	0.0000
David Maroon	57 Deering Road Gorham, ME	[REDACTED]	board member	0.0000
Eric Peterson	58 Willow Street Yarmouth, ME	[REDACTED]	board member	0.0000

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

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

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4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Benjamin Smith	368 Main Street, Unit B, Gorham	[REDACTED]	board member	0.0000

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



Laurie Nordfors <lnordfors@gorham.me.us>

(no subject)

Freeman Abbott <fabbott@gorham.me.us> Tue, May 26, 2020 at 10:01 AM
To: Laurie Nordfors <lnordfors@gorham.me.us>
Cc: Charles Jarrett <cjarrett@gorham.me.us>, Christopher Sanborn <csanborn@gorham.me.us>, Robert Lefebvre <rlefebvre@gorham.me.us>, Sharon Laflamme <slaflamme@gorham.me.us>

Laurie, Code is all set

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

[Quoted text hidden]
[Quoted text hidden]



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.



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.



Laurie Nordfors <lnordfors@gorham.me.us>

(no subject)

Sharon LaFlamme <slaflamme@gorham.me.us>
To: Laurie Nordfors <lnordfors@gorham.me.us>

Tue, May 26, 2020 at 1:12 PM

Hi Laurie,

Taxes are all set

Sharon

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

On Tue, May 26, 2020 at 9:59 AM Laurie Nordfors <lnordfors@gorham.me.us> wrote:

[Quoted text hidden]



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.

[Quoted text hidden]



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
 Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Rustic Taps and Catering LLC	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s): Dave Golden	Physical Location: 25 Elm Street, Gorham, ME 04038
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: PO Box 52, Gorham, ME 04038
Mailing address, if different from DBA address:	Email Address: Dave@rustictaps.com
Telephone # Fax #: 207-205-1351	Business Telephone # Fax #:
Federal Tax Identification Number: 81-5257815	Maine Seller Certificate # or Sales Tax #: 1197880
Retail Beverage Alcohol Dealers Permit:	Website address: www.rustictaps.com

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: 03/26/2020

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$61,530.50 Beer, Wine or Spirits: \$75,766.75 Guest Rooms:

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

3. Indicate the type of license applying for: (choose only one)

- | | | |
|---|--|---|
| <input type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A 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"/> Golf Course with auxiliary and mobile cart options
(Class I, II, III, IV) | <input type="checkbox"/> Tavern
(Class IV) | |
| <input checked="" type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |
| <input type="checkbox"/> Other: _____ | | |

Refer to Section V for the License Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

5. Business records are located at the following address:

120 Gateway Commons Drive, Gorham, ME 04038

6. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If **Yes**, complete Section VII at the end of this application

7. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

8. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Dave Golden	[REDACTED]	Manchester NH
Jessica Golden (Eslinger)	[REDACTED]	Fall River MA

Residence address on all the above for previous 5 years

Name	Dave Golden	Address:	120 Gateway Commons Drive, Gorham, ME 04038
Name	Jessica Golden	Address:	120 Gateway Commons Drive, Gorham, ME 04038
Name		Address:	
Name		Address:	

9. Is the licensee/applicant(s) citizens of the United States? Yes No
10. Is the licensee/applicant(s) a resident of the State of Maine? Yes No
11. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?
- Yes No
- Not applicable – licensee/applicant(s) is a sole proprietor
12. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No
13. Will any law enforcement officer directly benefit financially from this license, if issued?
- Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

Lisa Allen 52 Em Street Gorham ME 04038

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Our Kitchen is a 11 x 23 space that holds our refrigeration stainless shelving and prep area along with sanitation equipment such as dishwasher and 3 bay sink and dish racks. Each truck has its own refrigeration with taps and are locked at all time with individual locks for outside doors and separate shut off valves for each line as well as mixer and CO2 and nitrogen.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Village School

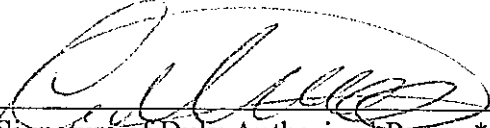
Distance: 1/4 mile

Section II: Signature; Fee; Delivery of application

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 3/21/20



Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

Dave Golden

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VII on this application.

Section III: For use by Municipal Officers and County Commissioners only
Approval of an application for an on-premises liquor license

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application on this date: _____.

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

This Approval Expires in 60 Days

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

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.

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;

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;

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;

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;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

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

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.

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. Repealed

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.

4. Repealed

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.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Rustic Taps and Catering LLC
2. Doing Business As, if any: Rustic Taps and Catering LLC, David Golden Sole MBR
3. Date of filing with Secretary of State: 2/7/2017 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
David Golden	120 Gateway Commons Drive, Gorham, ME 04038	[REDACTED]	Owner	100%

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



Laurie Nordfors <lnordfors@gorham.me.us>

(no subject)

Freeman Abbott <fabbott@gorham.me.us>

Wed, Jun 24, 2020 at 12:30 PM

To: Laurie Nordfors <lnordfors@gorham.me.us>

Cc: Charles Jarrett <cjarrett@gorham.me.us>, Christopher Sanborn <csanborn@gorham.me.us>, Robert Lefebvre <rlefebvre@gorham.me.us>, Sharon Laflamme <slaflamme@gorham.me.us>

code is all set

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

[Quoted text hidden]

[Quoted text hidden]



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.



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Laurie Nordfors <lnordfors@gorham.me.us>

Re:**Christopher Sanborn** <csanborn@gorham.me.us>

Wed, Jun 24, 2020 at 1:04 PM

To: Freeman Abbott <fabbott@gorham.me.us>

Cc: Laurie Nordfors <lnordfors@gorham.me.us>, Charles Jarrett <cjarrett@gorham.me.us>, Robert Lefebvre <rlefebvre@gorham.me.us>, Sharon Laflamme <slaflamme@gorham.me.us>

P.D. is all set

On Wed, Jun 24, 2020 at 12:30 PM Freeman Abbott <fabbott@gorham.me.us> wrote:

code is all set

Freeman Abbott

Town of Gorham Code Enforcement Officer

Building Inspector

75 South Street, Ste. 1

Gorham, ME 04038

(207)222-1605

On Wed, Jun 24, 2020 at 12:24 PM Laurie Nordfors <lnordfors@gorham.me.us> wrote:

Hello,

Rustic Taps and Catering LLC has applied for their renewal liquor license. Please let me know if you have any concerns or questions.

Laurie

Laurie K Nordfors, CCM

Town Clerk

Registrar of Voters

Motor Vehicle Agent

Assistant Tax Collector

Town of Gorham

75 South Street

Gorham, ME 04038

207-222-1670

fax - 207-839-5036



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STREETS AND SIDEWALKS ORDINANCE

ENACTED: MARCH 3, 2009
EFFECTIVE DATE: MARCH 4, 2009
AMENDED: JULY 7, 2009
AMENDED: FEBRUARY 1, 2011
AMENDED: APRIL 2, 2013
AMENDED: JULY 16, 2013
AMENDED: DECEMBER 6, 2016
AMENDED:

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CHAPTER 1 - STREET AND SIDEWALKS

SECTION 1. CONDUCT OF PERSONS

1 .1 It shall be unlawful for any person to loiter in, on, or adjacent to a public way, after having been requested to disperse by a duly authorized law enforcement officer. For the purposes of this ordinance, loitering is defined as the act of standing, sitting, leaning or idling in, on, or adjacent to any street, way, sidewalk, or parking area adjacent to a public way, so as to hinder or impede the passage of pedestrians or vehicles.

1 .2 No person shall in, on or adjacent to any of said streets, ways, parking area, or public places, make, continue or cause to be made or continued any loud, unnecessary, or unusual noise or noises which shall either annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others. The sounding of any horn or signaling device, except as a danger warning, the playing of any radio, musical instrument, phonograph, or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of neighboring inhabitants and passers-by; the use of any loud speaker or amplifier for the purpose of commercial advertising or attraction of the public to a specific building, location or business, yelling, shouting, hooting, whistling, or singing shall be considered to be loud, disturbing, and unnecessary noises and a violation of this ordinance but such enumeration shall not be deemed exclusive.

1 .3 It shall be unlawful for any person to drink any malt, vinous, or spirituous liquors upon any streets, sidewalks, or any public way, or parking area adjacent to a public way.

1 .4 It shall be unlawful for any person or persons to enter or remain on public land known as Fort Hill Park, 1/2 hour after sunset up to sunrise.

SECTION 2. PARKING REQUIREMENT

2.1 Standing or parking close to curb - No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within twelve (12) inches of the curb or edge of the roadway except as otherwise provided in this article.

2.2 Signs or marking indicating angle parking

- A. The Police Chief shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within this town unless the Maine Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

2.3 Obedience to angle-parking signs or markings - Upon those streets which have been signed or marked by the Police Chief for angle parking, no person shall park or stand a vehicle other than at the angle at the curb or edge of the roadway indicated by such signs or markings.

2.4 Stopping, Standing, or Parking Prohibited in Specified Places

- A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk

2. Within 5 feet of a public or private driveway.
3. Within an intersection
4. Within 10 feet of a fire hydrant
5. On a crosswalk
6. Within 20 feet from the center of a crosswalk at an intersection
7. Within 30 feet upon the approach to any flashing beacon, stop signs, or traffic-control signal located at the side of a roadway; unless otherwise indicated by signs or pavement markings.
8. Within 50 feet of the nearest rail of a railroad crossing
9. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when property signposted).
10. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
11. On the roadway side of any vehicle stopped or parking at the end or curb of a street - so called "Double Parking"
12. Upon any bridge or other elevated structure upon a highway
13. At any place where official signs prohibit stopping

2.5 Parking not to obstruct traffic - No person shall park any vehicles in the travel lane of a street in a manner to obstruct traffic.

2.6 All night parking prohibited - No person shall park a vehicle on the street between the hours of midnight and 6 a.m. from November 1st to May 1st.

2.7 Parking for certain purposes prohibited - No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale.
- B. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

2.8 Parking adjacent to schools

- A. The Police Chief is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

2.9 Parking prohibited on narrow streets

- A. The Police Chief is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

2.10 No stopping, standing or parking near hazardous or congested places

- A. The Police Chief is hereby authorized to determine and designate by proper sign areas in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place.

2.11 Handicapped parking

- A. It shall be unlawful for any vehicle to park in a parking space(s) designated as a handicapped parking space without first displaying a special registration plate or placard issued under Title 29A, Section 521 of M.R.S.A. or a similar plate issued by another state, providing that such area(s) after being designed as a handicapped parking space(s) are signed and posted adjacent to and visible for each handicapped parking space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background, and bearing the following warning: Handicapped Parking.

SECTION 3 – LOADING ZONES

3.1 Police Chief to designate curb loading zones - The Police Chief is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

3.2 Standing in passenger curb loading zone - No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when regulations applicable to such curb loading zone are effective, and then only for a period not to exceed 5 minutes.

3.3 Standing in freight curb loading zone - No person shall stand or park a vehicle for any purpose or length of time than for the expeditious unloading and delivery or pickup and unloading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

SECTION 4 - STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

4.1 Application of article - The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when in compliance with the directions of a police officer or official traffic-control device.

4.2 Regulations not exclusive - The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

4.3 Parking prohibited at all times on certain streets - When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Schedule A attached to and made a part of this ordinance.

4.4 Parking time limited on certain streets - When signs are erected giving notice thereof, no person shall park a vehicle for longer than one hour at any time (a) between the hours of 7 a.m. and 7 p.m.

on any day except Sundays and public holidays upon any of the streets described in Section 1 of Schedule B attached to and made a part of this ordinance; or (b) between the hours of 7 a.m. and 4 p.m. of any day except Sundays and public holidays upon any of the streets described in Section 2 of Schedule B attached to and made a part of this ordinance.

4.5 Parking time limited on certain streets - When signs are erected giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 7 a.m. and 7 p.m. on any day except Sundays and public holidays upon any of the streets described in Section 4 of Schedule B.

4.6 Parking prohibited at certain times on certain streets - When signs are erected giving notice thereof, no persons shall park a vehicle at any time between the hours of 6 a.m. and 4 p.m., Monday through Friday upon any of the streets described in Schedule D attached to and made a part of this ordinance.

4.7 Parking signs required - Whenever by this or any other ordinance of this Town any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the Chief of Police to cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense. Parking and No Parking signs are placed on the street at an angle, so that they may be viewed from a vehicle while parking. Signs have arrows indicating the direction of parking and no parking. You must picture the sign to be parallel with the roadway.

SECTION 5 – OVERHEAD SIGNS

5.1 The Town Manager is authorized to place overhead signs at appropriate locations indicating traffic movement and direction and also to place signs indicating that pedestrians have the right of way on crosswalks.

SECTION 6 - EMERGENCY HAZARDS

6.1 The Town Manager, or his designee, with the advice of the Chief of Police and the Public Works Superintendent, shall be authorized to establish emergency parking, traffic or pedestrian regulations in the instance of civil emergencies, including but not limited to fire, rescue, holocaust, construction, snow or other weather storms. Such regulations shall be of a temporary nature and shall be conspicuously posted. Any posting of such regulations adjacent to a street shall be prima facie evidence that such posting was done in conformance with this ordinance and it shall be unlawful for any person to violate any posted emergency regulations.

6.2 The Chief of Police or his designee may cause any vehicle parked, disabled or abandoned on any Town way at a place, in a manner or for a length of time prohibited by this ordinance or in violation of emergency parking, traffic or pedestrian regulations under Section 1 of this Article to be removed from the way and brought to a garage, storage place, parking place or Town property.

SECTION 7 - SIDEWALKS

7.1 It shall be unlawful for any person to use a sidewalk or other pedestrian way for the use of any motorized vehicle (except for the purpose of Public Works), or horseback riding.

SECTION 8 - STREETS RESTRICTED TO CERTAIN TRAFFIC

8.1 When signs are erected giving notice thereof no person shall drive a three (3), four (4), or five (5) axle through truck anytime upon the streets described in Schedule C, attached to and made part of this ordinance.

SECTION 9 - STREETS RESTRICTED TO ENTERING TRAFFIC

9.1 When signs are erected giving notice thereof no person shall drive a vehicle onto a street marked "Do Not Enter". The following locations are hereby authorized to display said signs:

- A. At State Street and Pine Street thereby prohibiting vehicles from entering Pine from State Street, except for the initial 160 feet for the purpose of entering business parking lots at 76 and 88 State Street.
- B. At Narragansett Street and Alden Lane thereby prohibiting vehicles from entering Alden Lane from Narragansett Street.

SECTION 10 - STREETS RESTRICTED TO RIGHT-TURNS

10.1 When signs are erected giving notice thereof, no person shall turn left when exiting a street onto another street as described in Schedule E when an intersection is marked "No Left Turns".

SECTION 11 - REMOVAL OF SNOW FROM PRIVATE PROPERTY TO STREETS

11.1 No person shall lay, throw, place or plow or cause to be laid, thrown, placed or plowed on or into any public street, any snow or ice from private property. If in the removal of snow or ice from private property it is necessary to temporarily place snow or ice on any public street, such snow or ice shall be immediately removed from the public way by and at the expense of the person that caused it to be placed thereon or caused the hiring of a person to remove said snow or ice.

11 .2 No person shall place snow or ice at any intersection or in such location so as to hinder vision of those persons entering a public way.

11 .3 During snowplowing operations, the following procedure will be implemented for the night-time hours (12 midnight to 6 a.m.).

- A. In the event that a vehicle is parked in the street or otherwise inhibiting snow removal operations, the plow operators will:
 - 1. Radio to Public Safety Dispatcher with the plate number and description of the vehicle and the vehicle's exact location.
 - 2. Advise the area patrol officer of the violation and if he/she has not already done so on that particular shift he/she will go immediately to that location and issue a parking tag for: overnight parking and/or snow removal violations, (both on the same ticket, if applicable).
 - 3. The dispatcher will then utilize the directory, teletype, or similar communications to determine the registered owner or, if impractical, the responsible party and will call the residence and advise the party to immediately remove the vehicle and will also advise that if they refuse to remove it, the vehicle will be towed at their expense.
 - 4. If no contact is made by telephone, the Public Works Director or the working

highway crew foreman will be called and will determine if the vehicle still needs to be towed. If so, the officer will make a good faith attempt to notify someone at the residence at which it is parked. If the officer is still unable to make notification, the next available wrecker will be called to tow the vehicle.

5. The assigned wrecker will tow the vehicle to its own storage area. The wrecker operator will be responsible for collecting his/her towing charges.
6. Once a vehicle has been towed, the officer will then notify Dispatch to notify Public Works to return to the area to continue snow removal.

11.4 During other snowplowing operations between the “business hours” of 6 a.m. and 12 midnight the following procedures will be implemented.

- A. In the event that a vehicle is parked in the street, the plow operator will notify the responsible party and bring attention to the problem and ask that the vehicle be removed.
 1. Use their lights, horn, or similar communications in a good faith attempt to notify the responsible party and bring attention to the problem and ask that the vehicle be removed.
 2. Should these efforts fail, the plow operator will notify the Public Safety dispatcher of the vehicle plate number, description and exact location (in front of which house).
 3. The dispatcher will then utilize the directory, teletype, or similar communications to determine the registered owner or, if impractical, the responsible party, and will call the residence and advise the party to immediately remove the vehicle and that if they refuse to move it the vehicle will be towed at their expense (if the vehicle is immediately removed no ticket will be issued).
 4. If no contact is made by the telephone, the area patrol officer will be dispatched to the scene and he/she, if not making immediate contact with the registered owner or, if impractical, the responsible party at the residence, will issue a ticket for interfering with snow removal operations.
 5. The Public Works Director or working crew foreman will be called and will determine if the vehicle needs to be towed. If so, the officer will make any additional reasonable attempts at notification (calling known work number, etc.) and being unsuccessful in this attempt will cause the vehicle to be towed as outlined above.
 6. The assigned wrecker will tow the vehicle to its own storage area. The wrecker operator will be responsible for collecting his/her towing charges.
 7. Once the vehicle has been towed, the Officer will then notify Dispatch to notify Public Works to return to the area to continue snow removal.

SECTION 12 - PENALTIES

12.1 Any violation of Section 1 through Section 11 of this ordinance, except as specified in Section 12, paragraph 12.2, shall be punishable by a fine not to exceed \$100 to be recovered for the use of

the Town of Gorham, Maine.

12.2 The fact that a motor vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered. Said person charged with a violation of the parking regulations contained in the Streets and Sidewalks Public Safety Ordinance of the Town of Gorham, Maine may waive his right to court action by the payment to the Town of the fees specified below within a period of 15 days from the date of the violation.

- A. For violation of the parking regulations contained in Section 2 of this ordinance, a fee of Twenty-Five (\$25.00) Dollars.
- B. For violation of Section 6, paragraph 6.1 of this ordinance (parking in violation of emergency hazard regulations) a fee of Fifty Dollars (\$50.00)
- C. Immobilize (booting) vehicles with three or more outstanding (unpaid) tickets may be booted if they are ticketed for a violation. In order to get a boot removed, the owner must first pay all unpaid parking tickets, plus a boot fee of Fifty (\$50.00) Dollars. Payments must be made in cash, money order or bank check. No personal checks will be accepted. Payments are to be made at the Gorham Police Department, 270 Main Street, 207-839-5581, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m. After 6:00 p.m., we begin towing and impounding immobilized vehicles at the owner's expense. All outstanding parking tickets and boot fees must be paid to the Town of Gorham as well as any towing and storage fees to the tow company before said vehicles will be released. The individual tow company sets the tow fee. After the first 24 hours, there is an impound/storage fee that is also set by the individual tow company.

12.3 The Town Manager is hereby authorized to have prepared in such form as he deems appropriate, for the use by the Police Department, tickets notifying violators of their right to waive court action upon payment of the fees specified herein within the time limits specified herein.

SCHEDULE A - No Parking Allowed

SECTION 1

Parking shall be prohibited on the following streets:

Academy Street	The easterly side from College Avenue to State Street. The westerly side from 170 feet from College Avenue to a point 45 feet from State Street.
Access Road	The northerly side from Ball Park Road continuing westerly to the driveway of #6 Access Road, a distance of 1,815 feet. The southerly side from the driveway of #7 Access Road easterly to the designated parking spaces located on Access Road for a distance of 200 feet
Alden Lane	Both sides from State Street to College Avenue, a distance of 107 feet.
Ball Park Road	The <u>west</u> side of Ball Park Road from Morrill Avenue to the Access Road <u>The north side of Ball Park Road opposite the Cooperative Preschool Bldg</u>
Church Street	The northerly side 260 feet from School Street The southerly side 190 feet from School Street

College Avenue

~~The southerly side from 100 feet west of School Street to State Street for a distance of 1,400 feet.~~

~~The northerly side 160 feet from School Street.~~

~~The northerly side from State Street to the University of~~

~~Southern Maine fire lane, a distance of 860 feet.~~

Open to Parking on north and south side except for westerly of Academy St intersection north and south side

Cross Street	The easterly side 168 feet from Church Street.
Elm Street	The westerly side from Main Street to Preble Street
Gray Road	The westerly side from Huston Road 125 feet southerly. The westerly side from Huston Road 162 feet northerly to the fire hydrant near utility pole #125.
Green Street	On the northerly side 160 feet from South Street
Johnson Road	The westerly side from Main Street to Gray Road. The easterly side 100 feet from Gray Road. The easterly side 75 feet from Main Street.
Lincoln Street	The northerly side from the entrance of Village School to South Street, a distance of 848 feet. The southerly side from the entrance of Village School 100 feet westerly to the driveway of #29 Lincoln Street.
Lombard Street	The west side of Lombard Street
Main Street	The northerly side from 100 feet east of New Portland Road to Cross Street. The southerly side from New Portland Road to South Street. The southerly side beginning 190 feet west of the midpoint of the intersection of Route 202 and Route 25 and extending 310 feet easterly.
Mechanic Street	The easterly side from the New Portland Road to Railroad Avenue. The westerly side <u>160 feet</u> from the New Portland Road <u>intersection</u> to Railroad Avenue.
Middle Jam Road	The easterly side from the North Gorham Road to 400 feet north of the North Gorham Road The westerly side from North Gorham Road to 400 feet north of the North Gorham Road
New Portland Road	The northerly side from Main Street to 100 feet east of Mechanic Street The southerly side from Main Street to 100 feet east of Mechanic Street
North Gorham Road	On either side from a distance of 850 feet westerly from the intersection of the North Gorham Road and the Gorham-Windham Municipal boundary. On both sides 200 feet westerly from the intersection of Standish Neck Road.
Pine Street	The westerly side from State Street to 200 feet south of State Street
Preble Street	The southerly side from South Street to Elm Street
<u>Railroad Avenue</u>	<u>Southerly side 190 feet from the intersection of Mechanic Street</u>

Intersection

Robie Street

Elm to Lincoln Intersection east and west

Easterly side Lincoln St. intersection to whispering pines lane intersection.

School Street

The westerly side beginning at CMP pole #1 to the intersection of College Avenue, a distance of 203 feet.

The easterly side beginning at a point 270 feet north of Main Street and continuing north to the intersection of Church Street, a distance of 60 feet.

The westerly side beginning at CMP pole #8 and continuing north to the compact zone line.

The easterly side beginning at CMP pole #8 and continuing north to the compact zone line.

South Street

The easterly side from Main Street to 120 feet south of Main Street.

Standish Neck Road

On both sides 125 feet from the intersection of North Gorham Road.

State Street

The southerly side from South Street to 200 feet east of Pine Street within the right-turn lane.

The southerly side from Pine Street continuing westerly to the compact zone line.

The northerly side from the driveway of #345 State Street continuing westerly to the compact zone line.

Water Street

The westerly side from Main Street to the intersection of Church Street

On the easterly side 470 feet from Main Street

SECTION 2

Parking shall be prohibited within the boundaries of Robie Park. These boundaries being: Morrill Avenue on the south side, Ball Park Road on the east side, Access Road on the north side, and the high school parking lot and the unnamed roadway that runs from Morrill Avenue to the high school parking lot on the west side of the park.

SCHEDULE B - Limited Parking

SECTION 1 (One Hour Limit: 7 a.m. – 7 p.m.) ~~Eliminate this Section 1 and merge with Section 3 Two Hour~~

Parking shall be limited to a maximum of one hour between the hours of 7 a.m. and 7 p.m. on the following streets:

Gray Road

The westerly side of Gray Road, between CMP pole #126 southerly to CMP pole #127 for a distance of 164 feet.

The easterly side of Gray Road directly across the street from the same CMP poles and for the same distance.

Main Street	The northerly side from School Street to Cross Street
South Street	Town owned parking on the north side of Robie Gym and Town owned parking located in front of Robie Gym on South Street.

SECTION 2 (One Hour Limit: 7 a.m. – 4 p.m.)

Parking shall be limited to a maximum of one hour between the hours of 7 a.m. and 4 p.m. of any day except Sundays and public holidays upon the following streets:

Access Road
Church Street
Douglas Circle
Green Street
Lombard Street
Morrill Avenue
Narragansett Street Move to 2 hour — From Alden Lane to #104 Narragansett Street
Ball Park Road
Pine Street
~~South Street — From 65 and 66 South Street to Robie Street~~
Sylvan Road
Village Woods Circle
Village Woods Drive

SECTION 3 (Two Hour Limit: 7 a.m. – 7 p.m.)

Parking shall be limited to a maximum of two hours at any time between the hours of 7 a.m. and 7 p.m. on any day except Sundays and public holidays on the following streets:

School Street	The easterly side beginning at Main Street and continuing north to a point 270 feet north of Main Street, The westerly side from State Street continuing north to a point 96 feet from State Street.
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SECTION 4 (No Parking: 6 a.m. – 4 p.m.)

Parking shall be prohibited at any time between the hours of 6 a.m. and 4 p.m. Monday through Friday on the following streets:

<u>Lincoln Street</u> <u>For discussion</u>	The southerly side from the driveway of 29 Lincoln Street to South Street, a distance of 748 feet.
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Add Restrictions for Municipal Center Parking Lot here.

SCHEDULE C - No through trucks allowed

No three (3), four (4), or five (5) axle through trucks shall be allowed on the following streets:

Deering Road	From the Buxton Town Line to Route 22
Flaggy Meadow Road	From the Buxton Town Line to Route 25
Huston Road	From Route 237 to Route 202
New Portland Road	From Bartlett Road to Route 25 (Main Street)

Wood Road	From the Finn Parker Road to Route 25
<u>Robie Street</u>	<u>From South Street to Elm Street</u>
<u>Lincoln Ave</u>	<u>From South Street to Robie Street</u>
<u>Preble Street</u>	<u>From South Street to Elm Street</u>

SCHEDULE D - Right – Turn Only

The following intersections are restricted to right-turn only vehicular movement. Left turning vehicular movements are strictly prohibited.

Cross Street onto Main Street (Route 25)

CHAPTER 2 - STREET OPENING ORDINANCE

Section 1. Purpose

1.1 The purpose of this ordinance is to protect the enormous public investment in the streets and roads of Gorham and also to protect the health, safety, and welfare of the traveling public.

Section 2. Definitions, License, Insurance Permit

Definitions:

The following words and phrases, when used in Chapter 2 of this ordinance, shall have the meanings respectively ascribed to them:

- 2.1 Town shall mean Town of Gorham and/or its public works authority.
- 2.2 Excavation shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.
- 2.3 Facility shall mean pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire tower, pole, pole line, anchor, cable, junction box, or any material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under, or over any public place.
- 2.4 Licensed excavator shall mean any person who has been issued a license by the Town of Gorham to excavate in public places in the Town.
- 2.5 Newly constructed, reconstructed or repaved streets shall mean any street that has been newly constructed, reconstructed or repaved within the last five (5) years.
- 2.6 Permittee shall mean a person who has obtained a permit as required by this article.
- 2.7 Public place shall mean any public street, way, place, sidewalk, park, square, plaza, or any other similar public property owned or controlled by the Town and dedicated to public use, and any dedicated-but-unaccepted street or way.
- 2.8 Substructure shall mean any pipe, conduit, duct, tunnel, manhole, vault, buried cable, wire or utility system appurtenance, or any other similar structures located below the surface of any public place.
- 2.9 Utility shall mean a private company, corporation or quasi-municipal corporation under the direction and control of the Public Utilities Commission, as defined in 35-A M.R.S.A., Section 102 as it may hereinafter be amended.
- 2.10 Major Excavation shall mean repair or replacement of any main utility line, repair or replacement of the majority of utility services lines on any street, any excavation project of a one hundred (100) foot length, or more, or a two hundred and fifty (250) square foot area or greater, or any project complex enough to be deemed major by the Public Works Director.

211 Minor Excavation shall be any repair or replacement that is not a Major Excavation.

2.12 Person shall mean any individual, firm, company, association, corporation, trust or governmental authority, partnership, public or private corporation or authority, trust, estate, governmental entity, or agency or political subdivision of a municipality, the State of Maine, or other legal entity, or their representatives, agents or assigns. The singular shall include the plural where indicated by the context.

2.13 Emergency shall mean any event which may threaten public health or safety, including but not limited to leaking water or gas conduit systems, damaged, plugged or leaking sewer or storm drain conduit systems, damaged underground electrical and communication facilities, or downed overhead pole structures.

Section 3. License Required

3.1 No person or utility shall excavate in a public place without holding a valid license for such work from the Town of Gorham. The public works authority shall issue such license upon receipt of an application therefore and the annual license fee, after having satisfied himself or herself of the competency and ability of the applicant to carry on the business of excavating. No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. A license issued to an excavator may be revoked after notice and hearing, if it is determined by the Town that the licensed excavator has willfully disobeyed any portion of this article.

3.2 The excavator may, within 30 days from the date the permit was revoked, appeal this decision to the Board of Appeals.

3.3 The annual non-refundable excavator license fee shall be established by the Town Council and the Town Council may change the fee at any time as they determine to be in the Town's best interest. The license shall be valid from January 1 to December 31 and contains no prorated provisions.

Section 4. Insurance

4.1 This article shall not be construed as imposing upon the Town of Gorham or any official or employee of the Town any liability or responsibility for damages to any person injured by the performance of an excavation work for which an excavation permit is required under this article, nor shall the Town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. In the case of a dedicated-but-unaccepted street or way, this article shall not be construed as authorizing any action that is inconsistent with any private rights in said street or way by the Town for highway or any other purposes. For purposes of this section, every licensed excavator shall maintain at all times a minimum of \$1,000,000.00 public liability insurance coverage protecting himself, his agents and the Town from all such claims for damages or injuries and naming the Town as an additional insured. Evidence of such coverage shall be a condition precedent to the issuance of any license hereunder and shall be submitted in a form satisfactory to the public works authority.

Section 5. Permit

- 5.1 No person or utility shall make any excavation or fill any excavation in any public place without first obtaining a permit to do so from the Town. A certificate of Public Liability Insurance is required prior to the issuance of any excavation permit, with a minimum of \$1,000,000.00 coverage naming the Town as an additional insured.
- 5.2 No excavation permit shall be issued unless a written application on a form provided by the Town for an issuance of an excavation permit is submitted to the Town. The written application shall state the name and address of the applicant, the name of the public place to be excavated and street number, the beginning date of proposed work, the type of work to be done, signatures of utility approval, the signature of Town departments (if involved), a diagram of the planned excavation on the back of the form.
- 5.3 Utilities, although having to submit an application for a permit to the Town, may contact other utilities involved by phone and the authorized person doing so shall sign the application in the appropriate place. All applications shall be presented to the Town for the issuance of an excavation permit within thirty (30) days from the date of the last utility approval. After the expiration of this thirty (30) day period such application shall become null and void and shall have to be renewed.
- 5.4 In order to obtain a permit, the applicant must be in possession of a current excavator license from the Town of Gorham, and the applicant must be current on all of its financial obligations to the Town.
- 5.5 Excavation work must be started no later than sixty (60) days from this date of the issue of the excavation permit. After the expiration of this sixty (60) day period, such permit shall become null and void and shall have to be renewed.

Section 6. Special Conditions

61 Relocation and protection of utilities

The permittee shall not interfere with any existing facility without the written consent of the Town and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus, which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along, or across the work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The Town shall not be made a party to any action because of this section. The permittee shall

inform itself as to the existence and location of all underground facilities and protect the same against damage.

6.2 Protection and non interference of public property:

- a. The permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate Town department or Town official having control of such property.
- b. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, traffic signal cables or loops and all other equipment designated by the Town.

6.3 Urgent Work

When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Town shall have the full power to order, at the time the permit is granted, that a crew and adequate facilities be employed by the permittee beyond normal working hours including up to twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible.

6.4 Emergency action

Nothing in this article shall be construed to prevent the making of such emergency excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making emergency repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities for on the spot locations in accordance with 23 MRSA, Section 3360-A.

6.5 Noise, dust and debris

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of 10:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the Town or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb sleep or occupants of the neighboring property.

6.6 Preservation of monuments

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the Town, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Town to do so. Permission to remove or disturb such monuments, reference points or bench marks shall be granted only when no alternative route for the proposed substructure or conduit is available. If the Town is satisfied that no alternative route is available, permission shall be granted only upon condition, by an agreement in writing, that the person or utility applying for such

permission shall pay all expenses incident to the proper replacement of this monument by the Town or permittee.

6.7 Granite and bituminous curb

No person or utility shall remove, damage, haul away or cause misalignment of any bituminous curb, granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the Town. Any curb missing, damaged or misaligned shall be replaced or aligned by the Town at the rate set forth herein and will be charged to the permittee; provided, however, that the Town, at its option, may allow the permittee to replace or realign that portion of the curb damaged by the permittee's excavation. In such event, replacement or realignment shall be done in a manner and under specifications prescribed by the Town and subject to inspection by the Town and shall be completed within a period of ninety (90) days after such authorization to complete such work. The permittee shall, for a period of three (3) years thereafter, be fully liable for all defects in materials and workmanship relating to such work and shall promptly repair or replace the same upon notice of the public works authority and to the satisfaction thereof.

6.8 Manholes and/or catch basins

No person or utility shall remove, damage, haul away, or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the Town without first receiving written permission from the Town. Any manhole and/or catch basin castings, frames, and/or covers missing damaged or disturbed shall be repaired and/or replaced by the permittee in accordance with the specifications set forth by the Public Works Department.

6.9 Excavations in reconstructed streets

Whenever the Town has developed plans to reconstruct a street, the Town or its representative shall give written notice thereof to all abutting property owners, to the Town departments, and to all public utilities that have or may wish to lay pipes, wires or other facilities in or under the highway. Upon receipt of such written notice, such person or utility shall have sixty (60) days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or facility shall make a written application to the Town explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five (5) years unless an emergency condition exists or unless the necessity for making such installation could not reasonably have been foreseen at the time such notice was given. The above mentioned five (5) year moratorium for street openings also pertains to all new public or private streets, i.e. new subdivisions or developments that have been accepted in accordance with Town specifications.

6.10 Incurred expenses through repairing and backfilling by Town of Gorham

- a. If the work or any part thereof mentioned in this article for repairing or backfilling the trenches or excavations shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done, and shall keep an account of the expense thereof, and in such case such person or utility shall pay the Town an amount equal to the whole of the expense incurred by the Town with an additional amount of fifty (50) percent. Thereafter, upon completion of the work and the

determination of the costs thereof, the Town shall issue no further or new permits to any person or utility until it shall receive payment of the estimated costs.

- b Any person or utility who continues to violate any section of this article shall receive no further permits until such time as the Town is satisfied that the person or utility shall comply with the terms of this article.

6.11 Maintenance of drawings

Every person or utility owning, using, controlling, or having an interest in substructures, under the surface of the public way used for the purpose of supplying or conveying gas, electricity, communication, impulse, water, steam, ammonia or oil in the Town, shall file with the Town, a map or set of maps each drawn to scale of not less than one (1) inch to fifty (50) feet, showing in detail the plan, location, size and kind of installation, if known, of all new or renewed substructures, except service lines designed to serve single properties. These maps shall be provided to the Town no later than sixty (60) days after the completion date of construction.

6.12 Annual work program to be submitted by utilities

Each year on or before March 31 st, each utility shall submit to the public works authority its planned work program for the ensuing year, which shall not include emergencies and normal house service lines. Thereafter, no permit shall be issued to a utility for excavations not contained within its planned work program, except for emergencies and house service lines, until a prior written application for such excavation shall have been submitted to and approved by the public works authority.

Section 7. Excavation, Resurfacing

7.1 Clearance for vital structures

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and loops and all other vital equipment as designated by the Town.

7.2 Protective measures and routing of traffic

- a. Safe crossings. The permittee shall in general maintain safe crossings for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians. If any excavation is made across any public street or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along such sidewalk line.
- b. Barriers and warning devices. It shall be the duty of every permittee cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices necessary for safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian and bicycle traffic shall be subject to final review and approval of the Public Works Department. Barriers, warning signs, lights, etc., shall conform to the latest edition of the "Manual on

Uniform Traffic Control Devices.” Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical markers or flashers shall emit light at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace light sources.

- c. Normalizations of traffic conditions. The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.
- d. Closing of streets. When traffic conditions permit, the Public Works Department, with the approval of the police and fire departments of the Town, may by written approval (or by verbal approval in case of an emergency), permit the closing of streets to all traffic for a period of time prescribed by him or her, if in his or her opinion it is necessary. The written approval of the Public Works Department may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In case of emergency on week nights, weekends or holidays the utility company having such emergency shall contact the police and fire departments by phone before closing a street to traffic.
- e. Interference with arterial streets. The permittee is also informed that construction activities (unless an emergency condition exists) shall not interfere with the normal flow of traffic on arterial streets of the Town. The full inbound roadway lane width shall be maintained between the hours of 6:45 a.m. and 8:30 a.m. and the full outbound roadway lane width shall be maintained between the hours of 4:00 p.m. and 5:45 p.m.
- f. Shifting traffic to opposite side. The permittee may shift traffic to the opposite side of the roadway to maintain required lane width. The permittee may only make such shift with the approval of the Public Works Department following proper review of detour plans to insure adequate safe two-way traffic flow and proper number and placement of police officers.

7.3 Breaking through pavement in streets and sidewalks

- a. All excavations on paved street and sidewalk surfaces shall be pre-cut in a neat straight line with pavement breakers, saws, or asphalt cutters.
- b. Heavy duty pavement breakers may be prohibited by the Town when the use endangers existing substructures or other property.
- c. Cutouts of the trench lines must be normal or parallel to the trench line.
- d. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
- e. Unstable pavement shall be removed over cave-outs and over breaks and the sub grade shall be treated as the main trench.
- f. The permittee shall not be required to pay for repair of pavement damage existing prior to the excavation unless his or her cut results in small floating sections that

may be unstable, in which case, the permittee shall remove the unstable portion and the area shall be treated as part of the excavation.

- g. When three (3) or more street openings are made in sequence fifteen (15) feet or less, center to center, between each adjacent opening, the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.
- h. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on the other side of the excavation.

7.4 Care of Excavated material

- a. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the permittee haul the excavated material to a storage site and then re-haul it to the trench site at the time of backfilling.
- b. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.
- c. All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Town. Whenever necessary in order to expedite the flow of traffic or to abate the dirt or dust nuisance, the boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes.

7.5 Backfilling of excavation

Crushed stone or sand shall be used to bed all underground utilities and shall be thoroughly compacted under, around and to a minimum of 6 inches above the structure. After being properly bedded, the backfill material, if suitable, shall be the excavated material. If the excavation is not suitable, backfill shall be of a like material approved by the Town. All backfill materials shall be placed in eight (8) to ten (10) inch lifts and thoroughly compacted with approved mechanical compactors. Within eighteen (18) inches of the sub grade of the pavement, gravel shall be used as backfill material consisting of fifteen (15) inches of bank run and three (3) inches of crushed or screened gravel in accordance with the Town's specification. The Town may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in its opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the Town. All expense of such tests shall be borne by the permittee.

7.6 Trenches

The maximum length of open trench in an excavation permissible at any time shall be two hundred (200) feet, and no greater length shall be opened for pavement removal,

excavation, construction, backfilling, patching or any other operation without the written permission of the Town.

7.7 Prompt completion of work

After an excavation is commenced, the permittee shall prosecute with diligence and expedite all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified in this article. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel by foot or vehicle.

7.8 Excavation during winter

No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November first of each year to April fifteenth of the following year unless an emergency or special condition exists and permission is obtained in writing from the Town. Any person or utility wishing to obtain a street opening permit between these aforementioned dates shall first explain fully in writing the emergency situation existing to the Town before issuance is granted. If a hazardous condition, which could endanger life of property exists, excavation work shall not be delayed by this section, however, a written explanation shall be delivered to the Town as soon as possible and a street opening permit obtained for the opening made.

7.9 Manholes and/or catch basins

No person or utility shall remove, damage, haul away, or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the Town without first receiving written permission from the Town. Any manhole and/or catch basin castings, frames, and/or covers missing, damaged, or disturbed shall be repaired and/or replaced by the permittee in accordance with the specifications set forth by the Public Works Department.

7.10 Resurfacing of Streets and Sidewalks

- a. Permanent resurfacing by the Town. Permanent resurfacing of excavations in streets shall be made by the Town.
- b. Temporary resurfacing by the permittee. The top surface of backfill shall be covered with four (4) inches compacted depth of bituminous temporary resurfacing material, by the permittee. Such temporary paving material shall be cold mix, except that the permittee may use or the Town may require hot mix. All temporary paving material shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain the temporary paving and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving by the Town, except if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian and vehicular traffic, then the permittee shall maintain barriers and lights where required herein.
- c. Permanent resurfacing by the permittee. Upon completion of the backfilling and temporary resurfacing of an excavation within a public place for the installation of removal of a substructure, the Town, at its option, may allow the permittee to

permanently resurface that portion of the street surface damaged by the permittee's excavation. In such event, permanent resurfacing shall be done in a manner and under specifications prescribed by the Town and subject to inspection by the Town and shall be completed within a period of ninety (90) days after such authorization to complete final resurfacing. If such permanent resurfacing is satisfactory to the Town, all charges for resurfacing except for permit fees, long-term maintenance reserves and Town inspection charges, as herein set forth, will be canceled. The permittee shall, for a period of three (3) years thereafter, be fully liable for all defects in materials and workmanship relating to such resurfacing and shall promptly repair or replace the same upon notice of the public works authority and to the satisfaction thereof.

7.11. Inspections

The Town shall make such inspections as are reasonably necessary in the enforcement of this article. The Town shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

Section 8. Fees and Charges

- 8.1 Fee. A non-refundable fee of twenty five dollars (\$25.00) shall be paid for each issuance and for each renewal of an excavation permit. A non refundable fee of fifty dollars (\$50.00) shall be paid for each application and for each renewal of a major excavation permit.
- 8.2 Waiver of Fees. The Town Manager may waive all permit fees in streets, sidewalks, or driveway areas to contractors under contract to the Town (including the Portland Water District), the Maine Department of Transportation, or the Town of Gorham.
- 8.3 Cost of Replacement. Charges shall be established and updated from time to time by order of the Town Council to cover the cost of replacement of the street or sidewalk after openings under this article, which charges shall not be in excess of the reasonable cost of such replacement.
- 8.4 Major Excavation Projects.
- a. For major excavation projects (as defined in Section 2.10 of this ordinance), the application fee shall be fifty (\$50.00) dollars. Applicants must post a performance bond equal to 105% of the estimated excavation costs of the project (as determined by the Public Works Director or the Director's designee) or twenty thousand (\$20,000) dollars, whichever is more, for a minimum of twelve (12) months or the duration of the project, whichever is more.¹
 - b. Applicants must agree in writing to repair any excavation work to Town standards.
 - c. Applicants must agree in writing to warranty their work until the street, where the excavation work was done, is repaved.

¹ Amended July 7, 2009

8.5 Special Conditions.

- a Where three (3) or more street openings are made in sequence (fifteen (15) feet or less, center to center, between each adjacent opening), the permittee shall be charged for one opening measured from the first opening to the last opening.
- b The Town of Gorham reserves the right, after due notice:
 1. To provide such supervision and inspection as the Town may deem necessary.
 2. To re-excavate and backfill as may be necessary.
 3. If the area is improperly and unsatisfactorily cleaned up, to clean up the area.
 4. To charge the holder of the permit the cost of all work performed under reservations (1,2, and 3 above); which charge will be in addition to the normal fee for street openings and will be included in the final bill to permit holder.
- c In streets where the Town has installed new sanitary sewer or storm drain and the pavement on such streets is in need of major repair, the Town may waive up to fifty (50) percent of the total street opening repair charge to utilities and individuals having work to do on such streets.

Section 9. Billing Procedures

- 9.1 Upon completion of the excavation work and after settlement has stabilized, a measurement shall be made by the Town of the size of the opening and a bill will be mailed to the permittee depending upon the costs of the opening to be repaired. Cost of repair of the opening will be a factor of the total number of square yards multiplied by the appropriate rate as set forth herein. Bills rendered in accordance with this section shall be due and payable by the permittee immediately upon receipt thereof. If a permittee does not pay any such bill within thirty (30) days after receipt, the Town shall issue no further permits to any such permittee until it receives payment of such outstanding bill.

Section 10. Penalty

- 10.1 Any person, firm or corporation who violates any of the provisions of Chapter 2 of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than One thousand dollars (\$1 ,000.00) for the first offense and not less than Two thousand (\$2,000) dollars for the second and subsequent violation and shall be subject to any legal and equitable remedies as may be available to the Town. Each day such violations continue shall constitute a separate offense.

If the work or any part thereof mentioned in the preceding sections of repairing or backfilling the trenches or excavations aforesaid shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done, and shall pay the Town an amount equal to the whole of said expense incurred by said Town with an additional amount of fifty (50) percent. Thereafter, upon completion of the work and the determination of the costs thereof, the Town shall issue no further or new permits to any person or utility until it shall receive payment of said costs.

Any person or utility who continues to violate any section of this article shall receive no further permits until such time as the Town is satisfied that the person or utility shall comply with the terms of this article.

Section 11. Liability of Town

- 11.1 This article shall not be construed as imposing on the Town or any official or employee any liability or responsibility for damages to any person injured by the performance of an excavation work for which an excavation permit is issued hereunder; nor shall the Town or any official or employee of the Town be deemed to have assumed any such liability or responsibility by reason of inspections authorized by this ordinance, the issue of any permits, or the approval of any excavation work.

Section 12. Validity and Severability

- 12.1 If any section or provision of this ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

Section 13. Conflicts with Other Ordinances

- 13.1 This ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw or provision of law. If this ordinance conflicts with any other ordinance, regulation, bylaw, or provision of law, the greater restriction shall prevail.

CHAPTER 3 – RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

Section 1. Purpose and Authority

- 1.1 The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Gorham which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of Town ways and bridges, and to reduce the public expense of their maintenance and repair.

Section 2. Definitions

- 2.1 The definitions contained in Title 29 M.R.S.A. shall govern the construction of words contained in this ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

- 3.1 The municipal officers, the Town Manager or the Town Manager's designee may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the Town ways and bridges to which the restrictions shall apply.
- 3.2 Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.
- 3.3 The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the appropriate municipal officials.
- 3.4 The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travelway. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.
- 3.5 No person may remove, obscure or otherwise tamper with any notice so posted except as provide herein.

Section 4. Exemptions

- 4.1 The following vehicles are exempt from this ordinance;
 - (a) any two-axle vehicle while delivering home heating fuels;
 - (b) any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
 - (c) any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;

- (d) any school transportation vehicle while transporting students;
- (e) any public utility vehicle while providing emergency service or repairs;
- (f) any vehicle making regular delivery or pickup of agricultural products such as feed delivery and milk pickup vehicle serving dairy farms;
- (g) any vehicle making regular pickups of normal household solid waste. (This exemption does not include demolition debris, metal goods, bulky waste, etc.); and,
- (h) any vehicle whose owner or operator holds a valid permit from the municipal officers, the Town Manager or the Town Manager's designee, as provided herein.

Section 5. Permits

- 5.1 The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Town Manager or the Town Manager's designee for a permit to operate on a posted way or bridge notwithstanding the restriction. The Town Manager or the Town Manager's designee may issue a permit only upon all of the following findings:
- (a) no other route is reasonably available to the applicant;
 - (b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and,
 - (c) the applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same. Applicants are still responsible for any damage which occurs in excess of the bond amount and must provide sufficient funds within sixty (60) days of receiving written notice to pay for all damages.
- 5.2 Even if the Town Manager or the Town Manager's designee makes the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways.
- 5.3 In determining whether to issue a permit, the Town Manager or the Town Manager's designee shall consider the following factors:
- (a) the gross registered weight of the vehicle;
 - (b) the current and anticipated condition of the way or bridge;
 - (c) the number and frequency of vehicle trips proposed;
 - (d) the cost and availability of materials and equipment for repairs;
 - (e) the extent of use by other exempt vehicles; and,
 - (f) such other circumstances as may, in their judgment, be relevant.

- 5.4 The Town Manager or Town Manager's designee may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number of frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Permit Fees

- 6.1 There shall be a fee of fifteen dollars (\$15) for any permit that runs for less than eight (8) consecutive days. There shall be a fee of twenty-five dollars (\$25) for any permit that runs for eight (8) consecutive days or longer. No permit may be issued for more than four (4) months.

Section 7. Administration and Enforcement

- 7.1 This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as the Public Works Director, Code Enforcement Officer, Police or other Law Enforcement Officer).

Section 8. Penalties

- 8.1 Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$25.00 nor more than \$5,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs.
- 8.2 Prosecution shall be in the name of the Town of Gorham and shall be brought in the Maine District Court.

Section 9. Severability; Effective Date

- 9.1 In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

Section 10. Amendment

- 10.1 This ordinance may be amended by the municipal officers at any properly noticed meeting.



Town of Gorham Community Development

Thomas M. Poirier, *Director of Community Development*
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GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038 Tel: 207-222-1620 / Fax: 207-839-4793

TO: Ordinance Committee

FROM: Thomas M. Poirier, Director of Community Development

SUBJECT: Mixed-Use Density in the Village Centers and Urban Commercial Districts

DATE: APRIL 16, 2020

IMP

Community Development staff has completed the proposed amendments to the Mixed-Use District in the Village Centers and Urban Commercial District as required by the Ordinance Committee at the February 18, 2020 meeting. The proposed changes center around waivers to parking standards for structures within a certain distance of a transit stop, removing height restrictions, removing the open space requirement and replacing it with an impervious area requirement, and additional landscape provisions for when parking space are to be located within side and rear setbacks. See attached revised draft for review.

CHAPTER 1: ZONING REGULATIONS

SECTION 1-5 DEFINITIONS

Mixed-Use Developments

The development or redevelopment of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

SECTION 1-6 – URBAN RESIDENTIAL DISTRICT

D. SPACE STANDARDS

	<u>Watered & Sewered</u>	<u>Unsewered</u>
Minimum lot size	105,000 sq.ft.**	20,000 sq.ft.
Minimum area per dwelling unit	10,000 sq.ft.	20,000 sq.ft.
Minimum street frontage	80 ft.	80 ft.
Minimum front yard	25 ft.	25 ft.
Minimum rear and side yards	15 ft.*	15 ft.*

*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

SECTION 1-9 - VILLAGE CENTERS DISTRICT

SUBSECTION 1. LITTLE FALLS VILLAGE CENTER DISTRICT

A. PURPOSE

To provide space within Little Falls Village for small, local, retail sales, commercial service, and office uses which are in keeping with the scale and character of the Village while minimizing the traffic problems and interruptions created by such development. In addition, the rehabilitation and reuse of existing structures is encouraged.

B. PERMITTED USES

- 1) Local retail stores (individual stores shall not have more than seven thousand [7,000] square feet of gross floor area).
- 2) Personal, business, and repair services.
- 3) Business and professional offices.
- 4) Residential uses including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing but excluding mobile homes and trailers, except fraternity housing.
- 5) Municipal building or use.
- 6) Park or playground.

- 7) Accessory building or use including home occupations.
- 8) Rooming house.
- 9) Funeral home.
- 10) Place of public assembly, including indoor theater.
- 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 which generates less than two hundred (200) vehicle trips during any twenty-four hour period.
- 12) Public utility facilities including substations, pumping stations, and exchange buildings.
- 13) Drive-through service, as defined in Section 1-5 of this Chapter, when accessory to financial institutions.
- 14) Bed and Breakfast Establishment
- 15) Bed and Breakfast Establishment with public dining as an accessory use.
- 16) Inn
- 17) Residential dwelling units part of a mixed use developments.

C. SPECIAL EXCEPTIONS

- 1) Day Care Center.
- 2) School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential occupancy and has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.

D. SPACE STANDARDS

Minimum lot size:	None*
Minimum area per dwelling unit:	<u>10,000 sq.ft.**</u>
Minimum street frontage	None*
Building setback:	New buildings constructed in the Village Center District shall be located in such a manner as to maintain the established relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an existing building is being demolished, than the pre-existing setback, whichever is greater.
Minimum side and rear yards:	10 feet± except as otherwise required by the buffer provisions of this Code.
Maximum building height:	35 feet <u>None</u>
Maximum building coverage:	None*

*These space standards for residential uses and properties shall be the same as those in the Urban Residential District. The Urban Residential District space standards do not apply to mixed-use buildings.

**Minimum area per dwelling unit for existing buildings being converted to mixed-use buildings may utilize the space standards under Chapter 2, Section: 2-4 Residential, D. Mixed-Use Developments.

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

E. PERFORMANCE STANDARDS: SITE DEVELOPMENT

The performance standards contained in Chapter 2 of this Code shall apply and the following additional requirements shall be placed on uses within this district:

- 1) No portion of the lot in front of the front building line shall be used for accessory structures off-street parking, service or loading.
- 2) The Planning Board may waive or reduce the off-street parking requirements if:
 - a) An existing building is being converted to another permitted use, or
 - b) Adequate off-street parking is available in public cooperative off-street parking facilities within 300 feet of the site.
- 3) The Planning Board ~~may~~ shall require that entrances to uses in this district be combined to the maximum extent possible. Provisions shall be made for the interconnection of non-residential parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a "short-cut" by traffic.
- 4) Each building shall be limited to a maximum of one entrance and exit to Main Street Gray Road at a point determined by the Planning Board.
- 5) Parking shall be designed to reinforce the "village character." No off-street parking shall be located within any required front, ~~side, or rear yard or setback.~~ No portion of the lot in front of the front building line shall be used for off-street parking.

Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking an/or cross access with adjacent properties. When allowing parking spaces within any side or rear setback the Planning Board shall review a landscaped plan provided by a licensed landscaped architect detailing how the proposed parking spaces visual impacts shall be minimized to the abutters and from public right-of-ways through the use of plantings, stonewalls, hardscape features, berms, and/ or fencing.
- 6) Buildings shall be compatible with the "village character". The exterior surface of all facades that are visible from a public street shall use traditional New England

materials or materials which replicate traditional materials such as vinyl clapboard siding, masonry units that replicate shake or clapboard siding, or metal or plastic roofing that simulates shake or shingle roofing. The use of flat concrete block, corrugated or flat metal, fiberglass, or plastic panels, reflective materials, stucco, or products such as T-111 or plywood on facades visible from public streets is not permitted. The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

Roofs shall be designed to maintain the "village character". All new buildings and additions shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false building fronts shall be used to imitate pitched roofs. Accessory buildings, canopies, and other structures shall have roof lines that are visually compatible with the roof line of the principal building.

SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT

A. PURPOSE

To provide space within Gorham Village for small, local, retail sales, commercial service, and office uses which are in keeping with the scale and character of the Village while minimizing the traffic problems and interruptions created by such development. In addition, the rehabilitation and reuse of existing structures is encouraged.

B. PERMITTED USES

- 1) Retail stores having less than seven thousand (7,000) square feet of floor area on any floor.
- 2) Personal, business, and repair services.
- 3) Business and professional offices.
- 4) Residential uses including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing but excluding mobile homes, trailers, and fraternity housing.
- 5) Municipal building or use.
- 6) Park or playground.
- 7) Accessory building or use including home occupations.
- 8) Rooming house.
- 9) Funeral home.
- 10) Place of public assembly, including indoor theater.
- 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 which generates less than two hundred (200) vehicle trips during any twenty-four hour period.

- 12) Public utility facilities including substations, pumping stations, and exchange buildings.
- 13) Drive-through service, as defined in Section 5 of this Chapter, when accessory to financial institutions.
- 14) Bed and Breakfast Establishment
- 15) Bed and Breakfast Establishment with public dining as an accessory use
- 16) Inn
- 17) Residential dwelling units part of a mixed-use developments.

C. SPECIAL EXCEPTIONS

- 1) Day Care Center.
- 2) School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential occupancy and has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.

D. SPACE STANDARDS

Minimum lot size:	None*
Minimum area per dwelling unit:	<u>10,000 sq.ft.**</u>
Minimum street frontage	None*
Building Setback:	New buildings constructed in the Village Centers District shall be located in such a manner as to maintain the “village character” with respect to the relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an existing building is being demolished, than the preexisting setback, whichever is less subject to the performance standards of Subsection E.
Minimum side and rear yards:	10 feet* except as otherwise required by the buffer provisions of this Code.
Maximum building height:	35 feet None
Maximum building coverage:	None*

*These space standards for residential uses and properties shall be the same as those in the Urban Residential District. These Urban Residential District space standards do not apply to mixed-use buildings.

**Minimum area per dwelling unit for existing buildings being converted to mixed-use buildings may utilize the space standards under Chapter 2, Section: 2-4 Residential, D. Mixed-Use Developments.

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size and street frontage requirements of this district.

Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

E. PERFORMANCE STANDARDS

All buildings, structures, and uses shall conform to the following additional performance standards:

The general performance standards of Chapter 2,
The Site Plan approval criteria and standards of Chapter 4, Section 4-9 where applicable, and
The following additional performance standards.

If there is conflict between the various standards of performance, the more restrictive provision shall apply.

1. Access into the Site

In addition to being safe and convenient, vehicular access into the site shall be designed to minimize traffic delays on the streets providing access to the site and shall meet the following requirements:

- a. Entrances to uses in this district shall be combined to the maximum extent possible.
- b. Each parcel having frontage on Main Street shall be limited to a maximum of one entrance from Main Street at a location determined by the Planning Board to be consistent with the purposes of this zoning district. The Planning Board may further restrict access from Main Street when alternative access is available.
- c. A parcel that does not have frontage on Main Street shall not be granted vehicular access from Main Street except in cases where:
 - 1) Access will be provided through a combined entrance with another parcel, and
 - 2) The Planning Board determines that the increased use will not have a negative impact on Main Street traffic flow.

2. Egress from the Site

Vehicular egress from the site shall be designed to minimize the impact on Main Street traffic and the degradation of the character of the village and shall meet the following requirements:

- a. Exits from uses in this district shall be combined to the maximum extent possible.
- b. The creation of new vehicle exits onto Main Street shall be permitted only if the Planning Board finds that no other reasonable alternative exists. In this case, each parcel shall be limited to a maximum of one exit onto Main Street at a location determined by the Planning Board to be consistent with the purposes of this zoning district.
- c. A parcel that does not have frontage on Main Street shall not be granted vehicular egress to Main Street except in cases where:

- 1) Egress will be provided through a combined exit with another parcel, and
- 2) The Planning Board determines that the increased use will not have a negative impact on Main Street traffic flow.

3. Vehicular Circulation Between Parking Lots

Provisions shall be made for the interconnection of non-residential parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a “short-cut” by traffic.

4. Parking Locations

Parking shall be designed to reinforce the “village character”. No off-street parking shall be located within any required front, ~~side, or rear yard or~~ setback. No portion of the lot in front of the front building line shall be used for off-street parking.

Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking and/or cross access with adjacent properties. When allowing parking spaces within any side or rear setback the Planning Board shall review a landscaped plan provided by a licensed landscaped architect detailing how the proposed parking spaces visual impacts shall be minimized to the abutters and from public right-of-ways through the use of plantings, stonewalls, hardscape features, berms, and/ or fencing.

5. Reduction in Off-street Parking

The amount of off-street parking required by Chapter 2, Section 2-2 may be reduced for uses in this district in accordance with the provisions of that section.

6. Relationship of the Building to the Street

Buildings shall be located on the lot in a manner that reinforces the “village character”. Where an established village scale setback relationship exists, a new building shall maintain the established relationship. The area between the front wall of the building and street shall be used for pedestrian amenities, walkways, and landscaping. For buildings on corner lots, the setback relationship of both streets shall be maintained where possible to avoid the creation of “empty lots.” In no event shall any accessory structure be located closer than any principal structure to a street abutting the lot.

7. Pedestrian Relationships and Facilities

Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives. The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood. If a sidewalk is interrupted or crossed by a proposed driveway, access road, or

other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.

8. Motor Vehicle Facilities and Services

The locations and design of facilities for motor vehicles including driveways, access roads, drive through facilities, and service areas shall be compatible with the “village character”. Vehicular and service facilities shall not be located between the building and the street. Access drives, driveways, and entrances or exits to drive through services shall not pass between the building and the sidewalk where a sidewalk exists or will be created. Overhead doors and service areas shall be located on the side or rear of the building and shall be screened from view from a public street. Drive through services shall be designed to keep vehicular activity to the side and/or rear of the building and shall prevent the queuing of vehicles between the building and the street or in other areas where it is visually intrusive.

9. Street Facades

All buildings shall be designed so that the front wall of the building and any wall facing Main Street that is not a front wall have the visual appearance of a front facade. The façade shall incorporate pedestrian scale design features such as doors and windows to create a “village character”. Windows or architectural treatments designed to simulate windows shall comprise no less than twenty (20) percent of the exterior wall surface. The façade shall be designed to avoid large areas of blank wall space.

10. Signs

In addition to the requirements of Chapter 2, Section 2-3, all signs shall maintain the “village character”, be of a pedestrian scale, and shall be located to be visually compatible with the site and the building. All signs shall also comply with the following standards:

- a) Freestanding signs shall be limited to a maximum height of eight (8) feet.
- b) Signs shall not be located on roofs.
- c) Attached or projecting signs shall not extend above the roofline for flat roofs or the ridge line of pitched roofs.
- d) Internally illuminated signs shall be prohibited.

11. Roof Lines

Roofs shall be designed to maintain the “village character”. All new buildings and additions shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false building fronts shall be used to imitate pitched roofs. Accessory buildings, canopies, and other structures shall have roof lines that are visually compatible with the roof line of the principal building.

12. Building Materials

Buildings shall be compatible with the “village character”. The exterior surface of all facades that are visible from a public street shall use traditional New England materials or materials which replicate traditional materials such as vinyl clapboard siding, masonry units that replicate shake or clapboard siding, or metal or plastic roofing that simulates shake or shingle roofing. The use of flat concrete block, corrugated or flat metal, fiberglass, or plastic panels, reflective materials, stucco, or products such as T-111 or plywood on facades visible from public streets is not permitted. The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

13. Lighting

Exterior lighting shall be compatible with the “village character”. Exterior lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking and service areas and to not cause glare beyond the limits of the property boundaries. Lighting shall also conform to the following standards:

- a) At a minimum, light fixtures shall have a total cutoff of light at no more than ninety (90) degrees and a beam cutoff of no more than seventy-five (75) degrees.
- b) The illumination of parking lots shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance) to provide for an even distribution of light.
- c) The maximum illumination level within parking lots shall be not more than 6.0 footcandles measured at the ground surface.
- d) The maximum illumination level at the property line with abutting properties in a residential district shall be not more than 0.2 footcandles.
- e) The illumination of other areas and facilities may be greater than the level established for parking lots provided that the lighting level and design are consistent with the guidelines of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- f) Building mounted or wall pack lighting fixtures that have lamps or reflectors that are exposed to angles greater than forty-five (45) degrees above nadir are prohibited.
- g) The maximum light fixture height shall be twenty (20) feet.
- h) Awnings shall not be illuminated in a manner that results in light being emitted through the awning material or that results in the awning appearing to be illuminated.
- i) The color of light fixtures and poles shall be compatible with the “village character”. No colors intended to accent the fixtures or poles shall be permitted.
- j) Lamps in exterior light fixtures shall be incandescent, metal halide, or high pressure sodium. Low pressure sodium lamps are prohibited.
- k) The use of exterior string lighting shall be prohibited except as part of seasonal holiday displays.
- l) Lighting that outlines the building or building features shall be prohibited.
- m) Period or historical fixtures that do not meet these requirements may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors and the mounting height shall not exceed fifteen (15) feet above the adjacent ground.
- n) A photometric point by point analysis, on a grid no larger than 20

feet, shall be submitted to the Planning Board for review for all major developments requiring site plan review, applications involving increased security risks such as banks and ATM's, and applications for uses regularly open after 9:00 PM. The grid shall extend to all project property boundaries.

SECTION 1-10 URBAN COMMERCIAL DISTRICT

A. PURPOSE

To provide general sales, services and business space in the Town of Gorham. Within this district, the redevelopment of parcels in a manner that is consistent with the "village character" is encouraged.

B. PERMITTED USES

- 1) Any building or use listed under Section 1-9, Subsection B, Village Centers District.
- 2) Retail businesses and service establishments.
- 3) Accessory uses and buildings including a caretaker unit.
- 4) Municipal building or use.
- 5) Rooming house, excluding fraternity housing.
- 6) Funeral home.
- 7) Place of public assembly, including indoor theater.
- 8) 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 less than two thousand (2,000) square feet of floor area and which generates less than two hundred (200) vehicle trips during any twenty-four hour period.
- 9) Public utility facilities including substations, pumping stations, and exchange buildings.
- 10) Drive-through service which is accessory to a permitted use.
- 11) Bed and Breakfast Establishment
- 12) Bed and Breakfast Establishment with public dining as an accessory use

- 13) Inn
- 14) Residential dwelling units part of a mixed-use developments.

C. SPECIAL EXCEPTIONS

- 1) Day Care Center.
- 2) School, hospital, church or any other institution of education, 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.

D. SPACE STANDARDS

- 1) Urban Commercial District:

Minimum lot size:	None*
Minimum area per dwelling unit:	10,000 sq.ft.**
Minimum street frontage:	None*
Minimum front yard:	25 feet*
	Minimum side and rear yards:10 feet* except as otherwise required by the buffer provisions of this Code
Maximum building height:	35 feet* <u>None</u>
Minimum open space:	25% of lot area.
<u>Maximum Impervious Coverage Ratio</u>	<u>0.75</u>

*The space standards for residential uses and properties shall be the same as those in the Urban Residential District. The Urban Residential District space standards do not apply to mixed-use buildings.

**Minimum area per dwelling unit for existing buildings being converted to mixed-use buildings may utilize the space standards under Chapter 2, Section: 2-4 Residential, D. Mixed-Use Developments.

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size, street frontage requirements, and open space requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

E. PERFORMANCE STANDARDS

All buildings, structures, and uses shall conform to the following additional performance standards:

- The general performance standards of Chapter 2,
- The Site Plan approval criteria and standards of Chapter 4, Section 4-9 where applicable, and
- The following additional performance standards

If there is conflict between the various standards of performance, the more restrictive provision shall apply.

1. Access into the Site

In addition to being safe and convenient, vehicular access into the site shall be designed to minimize traffic delays on the streets providing access to the site and shall meet the following requirements:

- a. Entrances to uses in this district shall be combined to the maximum extent possible.
- b. Each parcel having frontage on Main Street shall be limited to a maximum of one entrance from Main Street at a location determined by the Planning Board to be consistent with the purposes of this zoning district. The Planning Board may further restrict access from Main Street when alternative access is available.
- c. A parcel that does not have frontage on Main Street shall not be granted vehicular access from Main Street except in cases where:
 - 1) Access will be provided through a combined entrance with another parcel, and
 - 2) The Planning Board determines that the increased use will not have a negative impact on Main Street traffic flow.

2. Egress from the Site

Vehicular egress from the site shall be designed to minimize the impact on Main Street traffic and the degradation of the character of the village and shall meet the following requirements:

- a. Exits from uses in this district shall be combined to the maximum extent possible.
- b. The creation of new vehicle exits onto Main Street shall be permitted only if the Planning Board finds that no other reasonable alternative exists. In this case, each parcel shall be limited to a maximum of one exit onto Main Street at a location determined by the Planning Board to be consistent with the purposes of this zoning district.
- c. A parcel that does not have frontage on Main Street shall not be granted vehicular egress to Main Street except in cases where:
 - 1) Egress will be provided through a combined exit with another parcel, and
 - 2) The Planning Board determines that the increased use will not have a negative impact on Main Street traffic flow.

3. Vehicular Circulation Between Parking Lots

Provisions shall be made for the interconnection of non-residential parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a "short cut" by traffic.

4. Parking Locations

Parking shall be designed to reinforce the "village character." No off-street parking shall be located within any required front, ~~side, or rear yard or~~ setback. No portion of the lot in front of the front building line shall be used for off-street parking.

Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking an/or cross access with adjacent properties. When allowing parking spaces within any side or rear setback the Planning Board shall review a landscaped plan provided by a licensed landscaped architect detailing how the proposed parking spaces visual impacts shall be minimized to the abutters and from public right-of-ways through the use of plantings, stonewalls, hardscape features, berms, and/ or fencing.

5. Reduction in Off-street Parking

The amount of off-street parking required by Chapter 2, Section 2-2 may be reduced for uses in this district in accordance with the provisions of that section.

6. Relationship of the Building to the Street

Buildings shall be located on the lot in a manner that reinforces the “village character”. Where an established village scale setback relationship exists, a new building shall maintain the established relationship. If an established setback relationship does not exist, the building shall be located so that the front wall of the building is either:

- a. Within thirty feet of the front property line, or
- b. More than one hundred feet from the front property line

If the front wall of a building is located within thirty (30) feet of the property line, the area between the building and street shall be used for pedestrian amenities, walkways, and landscaping. No accessory buildings are permitted within this area.

If the front wall of a building is located more than thirty feet from the property line, the front yard shall be treated with structural elements, accessory buildings, and/or landscaping to establish a visual sense of a village scale setback. In no event shall any accessory structure be located closer than any principal structure to a street abutting the lot.

For new buildings on corner lots, the setback relationship of both streets shall be maintained where possible to avoid the creation of “empty corners.”

7. Pedestrian Relationships and Facilities

Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives if the front wall of the building is located within one hundred (100) feet of the property line. The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood. If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.

Provisions shall be made for pedestrian circulation between buildings and uses within a site or on adjacent parcels if the buildings do not have a direct relationship to the sidewalk or if the front wall of the building is located more than one hundred (100) feet from the property line.

8. Motor Vehicle Facilities and Services

The locations and design of facilities for motor vehicles including driveways, access roads, drive through facilities, and service and fueling areas shall be compatible with the “village character”. Service facilities shall not be located between the front wall of the building and the street or between the building and Main Street. Access drives, driveways, and entrances or exits to drive through services shall not pass between the front wall of the building and the sidewalk where a sidewalk exists or will be created if the building is located within one hundred (100) feet of the street. Overhead doors and service areas shall be located on the side or rear of the building and shall be screened from view from a public street. Facilities for the dispensing of fuel shall be located at the side of the principal building. Drive through services shall be designed to keep vehicular activity to the side and/or rear of the building and shall prevent the queuing of vehicles between the front wall of the building and the street or in other areas where it is visually intrusive or creates traffic problems.

9. Street Facades

All buildings shall be designed so that the front wall of the building and any wall facing Main Street that is not a front wall have the visual appearance of a front facade. The facade shall incorporate pedestrian scale design features such as doors and windows to create a “village character”. Windows or architectural treatments designed to simulate windows shall comprise no less than twenty (20) percent of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.

10. Signs

In addition to the requirements of Chapter 2, Section 2-3, all signs shall maintain the “village character”, be of a pedestrian scale, and shall be located to be visually compatible with the site and the building. All signs shall comply with the following standards:

- a) Freestanding signs shall be limited to a maximum height of eight (8) feet.
- b) Signs shall not be located on roofs.
- c) Attached or projecting signs shall not extend above the roofline for flat roofs or the ridge line of pitched roofs.
- d) Internally illuminated signs shall be prohibited.

11. Roof Lines

Roofs shall be designed to maintain the “village character”. All new buildings and additions shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false building fronts shall be used to imitate pitched roofs. Accessory buildings, canopies, and other structures shall have rooflines that are visually compatible with the roofline of the principal building.

12. Building Materials

Buildings shall be compatible with the “village character.” The exterior surface of all facades that are visible from a public street shall use traditional New England materials or materials which replicate traditional materials such as vinyl clapboard siding, masonry units that replicate shake or clapboard siding, or metal or plastic roofing that simulates shake or shingle roofing. The use of flat concrete block, corrugated or flat metal, fiberglass, or plastic panels, reflective materials, stucco, or products such as T-111 or plywood on facades visible from public streets is not permitted. The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

13. Lighting

Exterior lighting shall be compatible with the “village character”. Exterior lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking areas and to not cause glare beyond the limits of the property boundaries. Lighting shall also conform to the following standards:

- a) At a minimum, light fixtures shall have a total cutoff of light at no more than ninety (90) degrees and a beam cutoff of no more than seventy-five (75) degrees.
- b) The illumination of parking lots shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance) to provide for an even distribution of light.
- c) The maximum illumination level within parking lots shall be not more than 6.0 footcandles measured at the ground surface.
- d) The maximum illumination level at the property line with abutting properties in a residential district shall be not more than 0.2 footcandles.
- e) The lighting of canopies shall not be used to attract attention to the business. Areas under canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 3:1 with an average illumination level of not more than 30 foot candles.
- f) Light fixtures located on canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.
- g) The illumination of other areas and facilities may be greater than the level established for parking lots provided that the lighting level and design are consistent with the guidelines of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- h) Building mounted or wall pack lighting fixtures that have lamps or reflectors that are exposed to angles greater than forty-five (45) degrees above nadir are prohibited.
- i) The maximum light fixture height shall be twenty (20) feet for parking lots with less than twenty thousand (20,000) square feet of area, twenty-five (25) feet for parking lots with twenty thousand (20,000) to eighty thousand (80,000) square feet of area and thirty (30) feet for lots larger than eighty thousand (80,000) square feet.
- j) Awnings shall not be illuminated in a manner that results in light being emitted through the awning material or that results in the awning appearing to be illuminated.
- k) The color of light fixtures and poles shall be compatible with the “village character”. No colors intended to accent the fixtures or poles shall be permitted.

- l) Lamps in exterior light fixtures shall be incandescent, metal halide, or high pressure sodium. Low pressure sodium lamps are prohibited.
- m) The use of exterior string lighting shall be prohibited except as part of seasonal holiday displays.
- n) Lighting that outlines the building or building features shall be prohibited.
- o) Period or historical fixtures that do not meet these requirements may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors and the mounting height shall not exceed fifteen (15) feet above the adjacent ground.
- p) A photometric point by point analysis, on a grid no larger than 20 feet, shall be submitted to the Planning Board for review for all major developments requiring site plan review, applications involving increased security risks such as banks and ATM's, and applications for uses regularly open after 9:00 PM. The grid shall extend to all project property boundaries.

SECTION 1-18 – DEVELOPMENT TRANSFER OVERLAY DISTRICT

A, PURPOSE

The purpose of the Development Transfer Overlay District is to create livable, walkable neighborhoods in areas of the community where public sewerage is available or planned while minimizing development in other areas of the community where intensive development is not desired. This will be accomplished by allowing well-planned, higher density residential development in designated areas with public sewerage in exchange for the payment of a development transfer fee. The development transfer fee will be used by the Town to purchase conservation land and/or easements and open space.

B. APPLICABILITY

The provisions of this overlay district are optional. A land owner within the overlay district may choose to develop in accordance with the provisions of this overlay district or the provisions of the underlying zoning district. If the owner chooses to develop in accordance with these provisions, all subsequent development on the parcel shall then be subject to these requirements.

The provisions of this overlay district may only be utilized by new residential subdivisions or projects that are subject to site plan review and that meet all of the following provisions:

- 1) The development is located within the Development Transfer Overlay District as shown on map of the Development Transfer Overlay District adopted by the Town Council as part of the Official Zoning Map;
- 2) The development will be served by public water and by the public sewerage system of the Town of Gorham and all buildings with plumbing facilities within the development will be connected to the sewer system; and
- 3) The owner or developer will pay a development transfer fee in accordance with the provisions of E.1.

The provisions of this district supplement and modify the provisions of the underlying zoning district. Where the provisions of the overlay district differ from or conflict with the provisions of the underlying district, these provisions shall govern if the property owner has chosen to develop in accordance with the overlay district provisions. The plan of any development approved in accordance with the overlay district must include a plan note stating that the plan was approved in accordance with the Development Transfer Overlay District, that a development transfer fee will be required to be paid prior to the issuance of the building permit for each dwelling unit in the development, and that all future development of the original parcel or lots created as part of the approval must be done in accordance with the provisions of the overlay district.

The provisions of the overlay district only apply to subdivisions and other developments approved in accordance with the overlay district and may not be applied to a lot(s) that is not located within a subdivision that was approved and developed in accordance with the provisions of the overlay district including the following:

- 1) lots within a subdivision that was approved prior to the effective date of this section,
- 2) lots in a subdivision that was approved and developed in accordance with the provisions of the underlying zoning district, or
- 3) lots that are not part of a subdivision.

C. PERMITTED USES

Only uses allowed in the underlying zoning district shall be permitted in the overlay district. Uses that are permitted uses in the underlying zoning district remain permitted use and uses that are special exceptions in the underlying zoning district remain special exception uses.

D. SPACE STANDARDS

The following space standards apply to the subdivision or project and to the lots within the subdivision based upon the underlying zoning district.

<u>Standard</u>	<u>If the underlying zone is any district other than Rural</u>	<u>If the underlying zone is Rural</u>
Minimum net acreage per dwelling unit	6 <u>5</u> ,000 sq. ft.	9,000 sq. ft.
Minimum lot size:		
One-family dwelling	8,500 sq. ft.	12,750 sq. ft.
Two-family dwelling	15,000 sq. ft.	22,500 sq. ft.
Multi-family dwelling or apartment	20,000 sq. ft.	30,000 sq. ft.
Non-residential <u>mixed-use</u>	15,000 sq. ft.	15,000 sq. ft.
Minimum street frontage:		
One-family dwelling	75 <u>60</u> feet	75 feet
Two-family dwelling	100 <u>75</u> feet	125 feet
Multi-family dwelling or apartment	120 <u>100</u> feet	150 feet
Non-residential <u>mixed-use</u>	100 feet	100 feet
Minimum front yard for one and two-family dwellings:		
Access or sub-collector street or private way	15 feet	15 feet

Collector street or service road	30 feet	30 feet
Arterial street	70 feet	70 feet
Maximum front yard for one and two-family dwellings:		
Access or sub-collector street or private way	25 feet*	25 feet*
Collector street or service road	none	none
Arterial street	none	none
Minimum front yard for multi-family dwellings, apartments and non-residential mixed-uses:		
Access or sub-collector street or private way	20 feet**	20 feet**
Collector street or service road	30 feet**	30 feet**
Arterial street	70 feet**	70 feet**
Minimum side and rear yards:		
One-family dwelling	10 feet	10 feet
Two-family dwelling	15 feet	15 feet
Multi-family dwelling, apartment, or non-residential mixed-use	30 feet or height of building whichever is greater***	30 feet or height of building whichever is greater***
Maximum building height	None	None

* Not more than ten percent (10%) of single and two-family dwellings within a subdivision may have a front yard or setback of more than twenty-five (25) feet provided that:

- 1) any lot with a front yard greater than twenty-five (25) feet may not abut another lot with a front setback of more than twenty-five feet, and
- 2) any lot with a front yard greater than twenty-five feet must be identified on the approved subdivision plan and the maximum front yard for the lot specified on the plan.

**new buildings constructed on existing roads shall be located in such a manner as to maintain the established relationship of buildings to the street. No building shall be setback further than the average of the existing neighboring structures setbacks in the block in which the building is located or if an existing building is being demolished, than the pre-existing setback. Where no such relationship exists, the minimum setback shall be as identified per street classification.

*** new buildings constructed in existing neighborhoods shall be located in such a manner as to maintain the established relationship of existing neighboring structures to the side setbacks. Where no such relationship exists, the minimum setback shall be as identified per use type.

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

E. PERFORMANCE STANDARDS

In addition to the performance standards of Chapter 2, all new subdivisions and developments that are approved in accordance with the provisions of the Development Transfer Overlay District must conform to the following performance standards. If these standards conflict with the performance standards of the underlying zone, these standards apply.

1. Development Transfer Fee and Calculations

- a) Calculation of the Fee – The development transfer fee that must be paid by a subdivision or development shall be based upon the number of “bonus units” included in the approved subdivision or development plan. “Bonus units” are approved dwelling units in excess of the number of dwelling units that could be built on the site in accordance with the provisions of the underlying zone.

The number of “bonus units” shall be determined by the Planning Board as part of the approval of the subdivision or site plan. The number of bonus units shall be calculated by determining the maximum number of dwelling units that could be developed on the site based on the underlying zoning, site conditions, and allowable density bonuses and subtracting those units from the number of approved dwelling units.

The maximum number of dwelling units allowed in the underlying zone shall be calculated as follows:

- 1) If the underlying zone has a maximum density provision based upon net residential density or net acreage per dwelling unit, the maximum number of units allowed under the underlying zoning shall be calculated based upon this requirement and calculated by dividing the net acreage of the area proposed to be subdivided by the per unit factor, plus any additional units allowed in the underlying district for the use of public sewerage and/or public water.
- 2) If the underlying zone does not have a maximum density requirement based upon net residential density or net acreage per dwelling unit, the maximum number of units allowed under the underlying zoning shall be determined by multiplying the gross acreage of the area proposed to be subdivided by sixty-five percent (65%) to allow for access and unusable land and then dividing the resulting net area by the minimum lot size for one family dwellings or the minimum lot area per dwelling unit for two-family dwellings, ~~or~~ multifamily housing, or residential units part of a mixed-use development plus any additional units allowed in the underlying district for the use of public sewerage and/or public water.

The total development transfer fee for a subdivision or project shall be calculated by multiplying the number of “bonus units” determined by the Planning Board times the per unit Development Transfer Fee established by the Town Council.

- b) Payment of the Fee – The total development transfer fee for the subdivision or project shall be divided by the total number of approved dwelling units in the subdivision or project to determine the development transfer fee for each dwelling unit. The per dwelling unit development transfer fee shall be paid to Town at the time of the issuance of the building permit for each dwelling unit in the project.

- c) Use of the Fee – Development transfer fees collected by the Town shall be deposited into a separate account and must be used only for acquiring the fee in or conservation easements on potentially developable land in areas where the Town desires to discourage growth in accordance with the priorities set forth below.

Any land acquired with development transfer fees must be permanently restricted from development and be used for conservation, passive and/or active recreation, and open space purposes. Development transfer fee revenue may be used in conjunction with other Town funds, impact fee revenue, or other private or government funding to acquire land or easements provided that the intent of this section is met.

The Town Council shall be guided by the following priorities in acquiring land or development rights/conservation easements with the development transfer fees:

- land that is adjacent to Town-owned recreational facilities or open space that is consistent with that use
- land that is adjacent to the Presumpscot or Little Rivers
- land that is currently in agricultural or silvicultural use and will remain in agricultural or silvicultural use
- land that is adjacent to land that is in agricultural or silvicultural use and that is permanently protected from development
- land with significant historical or archeological value
- land that has significant natural resource value but that is developable
- land within the viewshed from the top of Fort Hill toward Mount Washington with a priority for those parcels closest to the top of the hill
- land adjacent to or visible from arterial and rural collector roads in areas that are zoned Rural or a future low-density equivalent
- land that maintains the integrity of unfragmented habitat blocks
- other land that is identified as open space or conservation land in the Town's Comprehensive Plan including land adjacent to the principal approaches to Gorham

2. Design Standards

All subdivisions and other developments are subject to the provisions of A. 6) of Chapter 2. Section 2-4 – Residential and the plan shall show how these criteria will be addressed.

a) Mixed-Use and Commercial Use Building Design Standards

- 1) Projects are required to be designed by a multidisciplinary design team comprising at a minimum of a landscape architect, architect, surveyor, and professional engineer.
- 2) Plans sets are required to include at a minimum photometric plans, architectural renderings, landscaped plans, stormwater treatment plans and details, and any plans or information required under Chapter 3 and/or 4. A visual plan and written assessment are also required which identify how the proposed development fits with existing neighboring structures, maintains the character of the overall neighborhood, and incorporates the required design criteria under this section and any underlying zoning district's design standards.

3) New buildings and structures shall be designed to meet any underlying district's architectural requirements. Buildings design shall also:

- A. Orient service entrances, exterior fire escapes, exterior generators, waste disposal areas and other similar uses toward service lanes and away from the view of streets and public areas.
- B. Position service areas to minimize conflicts with abutting uses.
- C. Minimize the visual impacts of mechanical and HVAC equipment on the public way and surrounding neighborhood.
- D. Minimize the visual impacts of utility connections.
- E. Maintain the average perceived size of buildings at the sidewalk.
- F. Traditional spacing patterns created by the repetition of uniform building widths along the street should be maintained.
- G. New Buildings should incorporate a base, middle, and a cap in the design.
- H. Position taller portions of a structure away from neighboring buildings of lower scale.
- I. Establish a sense of human scale in the building design.

3. Additional Standard for One and Two-Family Lots

If a subdivision approved in accordance with these overlay provisions contains individual lots that will be developed with one or two-family dwellings, the layout of those lots should be deeper than they are wide to provide a suitable, private rear yard. At least eighty percent (80%) of lots within the subdivision that will contain single-family or two-family dwellings must have an average lot depth that is at least one hundred forty percent (140%) of the lot width as measured between the side lot lines of the lot at the rear of the required minimum front yard.

4. Access Limitations

Access to subdivisions or developments shall be designed to minimize the number of entrances onto arterial or collector roads. Direct vehicular access to individual lots or uses from existing roads classified as arterials, collectors or sub-collectors shall not be allowed unless the Planning Board finds that there is no reasonable alternative access.

5. Open Space

A portion of any new subdivision or project with more than ten lots or units must be set aside within the development and permanently protected as open space to serve the residents of the project. This requirement is in addition to any requirement for the payment of a recreational facilities or open space impact fee. The total combined area of the open space set aside within the subdivision shall be a minimum of ten percent (10%) of the gross area of the parcel. This open space must include an area of usable land as defined by the net acreage

provision that is at least five percent (5%) of the total net acreage of the parcel (For example, if the net acreage of the parcel is twenty acres then at least 5% or one acre of the open space must be usable land).

The required open space within the subdivision or project may be used for the following types of uses:

- formal open spaces such as greens, commons, and parks
- passive recreation areas
- natural resource or conservation areas

At least fifty percent (50%) of the required usable land within the open space shall be developed for formal spaces or recreation facilities. The Planning Board may waive or reduce this requirement if it finds that, due to the scale of the development, compliance with this requirement will not result in usable open space.

The setting aside of less-than-lot-sized pieces of land for specific formal spaces or recreation facilities is only permitted in a Development Transfer Overlay District approved subdivision. These areas can be aggregated to meet the 50% of the required usable open space and shall be developed for formal recreation facilities use. Formal recreation facilities shall include, but not be limited to, school bus stops with waiting shelters and/or benches or structures of any type, public monuments, small parks or gardens with structures such as benches or fountains, playground sets, basketball courts, trail heads with amenities, picnic tables, etc., and may occupy less-than-lot sized areas within the development.

Where appropriate the Planning Board may require buffering or screening from adjoining residential properties.

No parcels less than required lot size may be set aside for any other open space requirements prescribed in the Development Transfer Overlay District standards such as passive recreation areas, or natural resource or conservation areas.

6. Parking Lot Locations

Parking lots for five or more vehicles to serve multi-family housing, apartments, and non-residential uses shall be located to the side or rear of the building where feasible. No parking lots for these uses shall be permitted in the required front yard area.

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-2 – PARKING, LOADING, AND TRAFFIC

A. OFF – STREET PARKING STANDARDS

2)

Mixed – Use Developments:

<u>Residential</u> -	<u>studio/ 1 bedroom</u>	<u>1 parking space</u>
	<u>units with more bedrooms</u>	<u>.5 parking space per extra bedroom*</u>
<u>Commercial</u> -	<u>1 unit per 250 sq.ft. of gross floor area</u>	

*For projects within .25 miles, or 1,340' of a public transit stop the .5 parking space per extra bedroom shall be waived by the Planning Board.

- 9) The Planning Board ~~may~~ shall approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said shared parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

SECTION 2-4 – RESIDENTIAL

D. MIXED -USE DEVELOPMENTS:

- 1) PERFORMANCE STANDARDS FOR GORHAM AND LITTLE FALLS VILLAGES, & URBAN COMMERCIAL DISTRICTS
- a) The residential density for existing buildings being converted to mixed-use developments constructed prior to 1925 shall be exempt from a base density standard identified under each districts' D. Space Standards provided the below standards c) through h) below are met.
 - b) The residential density for new buildings shall meet the requirements of the zoning district which the parcel is located or the provisions for mixed-use residential density in Development Transfer Overlay District.
 - c) 90% of the building's first floor shall be utilized for commercial, institutional, or land use other than residential or accessory residential space.
 - d) Residential Dwelling Units Minimum Sizes: The total floor area of an residential dwelling unit shall meet the following minimum standards.

1.	Studio	400 square feet
2.	1 bedroom	550 square feet
3.	2 bedrooms	700 square feet
4.	3 bedrooms	850 square feet
5.	4 bedrooms	1,000 square feet
 - e) Parking Requirements: To the greatest extent possible parking shall be located to the rear of the building. The Planning Board may allow parking to the side of the building provided that a plan provided by a licensed landscape architect shows the view from the street and abutting properties has been buffered through use of landscaping both plants and hardscape features.
 - f) Developments shall be served by public water and sewer.
 - g) That the development shall meet all applicable sections of underlying zoning standards outlined under Chapter 1: ZONING REGULATIONS, 2: GENERAL STANDARDS OF PERFORMANCE, 3: SUBDIVISION, and 4: SITE PLAN REVIEW.
 - h) Mixed-use developments are exempt from Chapter 2, Section 2-4, B. Performance Standards for Multi-family Housing.

Title 30-A: MUNICIPALITIES AND COUNTIES
Part 2: MUNICIPALITIES
 Subpart 6: REGULATION, LICENSES AND PERMITS
Chapter 185: REGULATION OF CONSTRUCTION AND IMPROVEMENTS
 Subchapter 2: REGULATION AND INSPECTION OF ELECTRICAL INSTALLATIONS
Article 3: INSPECTIONS AND PERMITS

§4171. Local inspectors

A municipality may provide by resolution or ordinance under its home rule authority for the inspection of electrical installations within the municipality and may appoint an electrical inspector who shall enforce this subchapter and any applicable resolution or ordinance within the inspector's jurisdiction. Any municipality may join with one or more other municipalities in paying for the services of an electrical inspector, provided the municipalities have authorized the appointment of the inspector. Any ordinance or resolution must state whether the electrical inspection in the municipality applies to all or any of the following: [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Original installations. Original installations of electrical equipment;

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Alterations or additions. Alteration or addition to existing electrical equipment; and

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Area of municipality. All the territory of the municipality, or only the section or sections of the municipality that are described in the ordinance or resolution.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
 If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov); 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

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Chapter 1 – ZONING REGULATIONS

Section 1-5 - Definitions

Agritourism Activity: Any activity carried out on an active farm, ranch, or other agricultural land attracting visitors to a site to attend events or activities that are accessory uses to the primary agricultural operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, active involvement in the activities of the farm, or social events such as but not limited to weddings, corporate retreats, and banquets.

Section 1-8 – RURAL DISTRICT

B. PERMITTED USES

24) Agritourism Activity

G. Agritourism Activity Performance Standards: The purpose of this section is to provide for the operation of special events 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 are met to reduce the impacts to surrounding properties.

(1) Permits: Events under this section are exempt from site plan review. The applicants, vendors, and/ or owners are required to obtain all required local, state, and federal permits for each agritourism activity.

(2) The attendance at any such event will is limited to two hundred and fifty [250] people.

(3) Portable toilets will be provided to accommodate the attendees.

(4) Any service, sale or consumption of any alcoholic beverages shall be in compliance with State law.

(5) Such events may include the provision of goods and services by third-party vendors, including but not limited to catered food preparation and serving and musical

performances or other entertainment. Third-party vendors are required to obtain all required, local, state, and federal permits for the events they are participating in.

(6) Agritourism activities are required to meet the Town's noise standards under Chapter 2 Performance Standards, Section 2-1 Environmental, H. Noise Abatement.

(7) Agritourism activities will be layout to provide for the safe and convenient access and conducted to avoid hazardous conflicts with existing turning movements and traffic flows. The movement of vehicles through the site will be set-up with clear routes of access being provided with appropriate signage and designed to prohibit vehicles from backing out onto a street.

(8) That the use of any structure used for agritourism activities are required to meet all local, state, and/or federal codes including but not limited to Building and Fire Codes.

(8) Social Events are limited to be held only between May 1 and November 1 and shall be held on no more than ten (14) days during any calendar year.

(9) Social Events are required to meet these additional performance standards:

a. No portion of the social event shall be located closer than 100 feet from a property line.

b. Entrainment such as live or played music, microphones, or other amplified noises are limited to the hours of 8:00 am and 10 pm.