

AGENDA NOTES

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

1. Old Business – Item # 9113
Request from Tim Devine for a Contract Zone at 135 Dingley Spring Road.

At your last regular meeting on May 2, 2017, the Town Council considered a request from Tim Devine for a contract zone at 135 Dingley Spring Road. This property was formerly Charlies Auto, which was allowed as a legally nonconforming use. Most recently, a business run by D & K Auto operated on the property and created a lot of local neighborhood issues with the way that the business was operated. D & K Auto ceased operations on July 11, 2016. This property consists of two buildings and a use permit had been issued to Mr. Devine, allowing him to use one building. The other building is considered to have lost its legally allowed non-conforming use. Mr. Devine was seeking a contract zone to allow the second building to be used also.

During the discussions at the May 2nd meeting, there was considerable discussion about a legally nonconforming use and what was allowed and not allowed and I was asked to obtain additional information from the Town Attorney. A copy of the questions that I asked along with his responses is included in your packet.

As you might expect, the answer is complicated, but generally Mr. Dale indicated that both buildings can have separate nonconforming uses and one building could lose its nonconforming use, while the other building's nonconforming use could be retained depending on the particular circumstances. Mr. Dale also indicated that a nonconforming use could be converted to another nonconforming use so long as the Board of Appeals made a determination the new use was more conforming than the prior nonconforming use. With respect to the question of whether a nonconforming use loses its status if the use is discontinued for one year even though the owner was making an effort to sell the property, Mr. Dale answers that under Gorham's Ordinance, the nonconforming use would lose its status if it wasn't used in a year and points to 20-year old Maine Supreme Court opinion. With Mr. Dale's memo as background information, I am recommending that the Town Council not proceed with a contract zone for this property; however, I do believe that any decision made by the Code Enforcement Officer regarding whether or not a nonconforming use has been lost would be appealable to the Board of Appeals and maybe a more appropriate action for Mr. Devine to follow. I have asked the Code Enforcement Officer to issue a written decision so Mr. Devine can proceed to an appeal, if he wishes to do so.

2. Item # 9222
Designation of Sebago Brewing Company TIF.

In your packet is a memo from me to the Town Council dated May 26, 2017 providing information on TIFs in general, as well as background information on this proposed TIF. Please note that the TIF would be for 20 years and return 50% of the tax revenue to Sebago Brewing and the Town would retain the other 50% in its development fund for economic development purposes. The Town would use its share of the development funds to pay for the recent update in the Town's Comprehensive Plan, as well as our future growing costs of complying with Federal Stormwater Regulations, which could

adversely affect our Economic Development efforts. The State must approve the TIF in order for it to be finally approved.

3. Public Hearing #2 and Item # 9225
Municipal Budget

Public Hearing #2 would be on both the School Budget and the Town Budget and the Council would then vote on separate orders after that.

In your packet is a memo from me, dated May 26 with several adjustments in the proposed budget. Those adjustments result in a net reduction of **\$7,473.00**.

I also passed out information at your May 16th budget workshop with the School Board with several requests.

Currently, the estimated increase in the tax rate is:

Town:	0.06	(1.3%)
School:	0.85	(7.8%)
County:	<u>0.04</u>	(6.2%)
Total:	0.95	(5.6%)

4. Item # 9226
Proposed Cemetery Ordinance

The Town Council first considered a Cemetery Ordinance at your meeting on September 6, 2016. During that initial discussion, it was discovered that there were several cemeteries listed as being covered by the Ordinance, which should not have been included and the Council tabled the Ordinance and sent it back to the Ordinance Committee for additional review. The Ordinance Committee reviewed the latest draft during their meeting on May 9, 2017 and recommended 3-0 approval to the Town Council.

In your packet is a memo providing more background information on the proposed Cemetery Ordinance.

5. Item # 9227
Proposal to Rezone Land Owned by Shaw Brothers Family Foundation on Lower Main Street.

In your packet is a memo dated May 26, 2017 to the Town Council from myself with background information on this item.

6. Item # 9228
Endorsement of PACTS application.

The PACTS project would coordinate the three traffic signals in our downtown, modernize our traffic signals and mast heads at the Rt. 114/25 intersection and Mechanic Street, New Portland Road and Main Street intersection and improve the flow of traffic through Gorham Village. If PACTS approves the

project, a final design plan will need to be developed for Council approval. The total estimated cost of this project is \$710,600. Gorham local share is 25% or \$177,650.

PACTS requires the Town Council to endorse the project before they make a decision on whether to fund the project. I anticipate a decision from PACTS on July 20, 2017.

7. Item # 9229
Cable TV Franchise Renewal.

In your packet is a memo from me to the Town Council dated May 30, 2017 with background information on this topic.

8. Item # 9230
Resignation from the Planning Board.

In your packet is a letter from Jim Anderson resigning from the Planning Board effective after the July 3rd meeting.

9. Item # 9231
Request to Amend the Land Use and Development Code to Allow Daycare in the Suburban Residential Zone.

In your packet is a letter from Andrew Kull representing Shmira Mohammed requesting the proposed amendment.

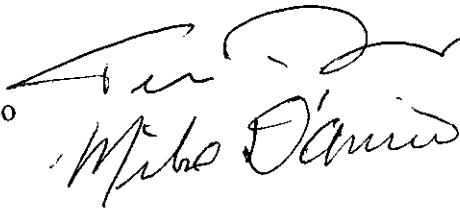
Please let me know if you have any questions.
Att.

Mr Cole -

My name is Tim Devine and I operate Ossipee Trail Motor Sales on route 25 in Gorham. I have been running that business for 18 years – also have run multiple other businesses in the Gorham area for the past 30 years. I've leased businesses and worked with Dana Lampron during this time. I am looking to buy a property from Mike D'Amico - The old Charlie's tire (135 dingly spring rd) and I would like to be able to utilize both buildings on the property. One of the buildings has been a body shop for decades and I would like to use it as a body shop. I currently rent a body shop on lower Main Street in Gorham – I've been there for the last 4 years. I only do my own body repair and touch up work for cars getting ready for resale at the car lot on Route 25. Dana Lampron and I recently had a meeting with the code office and they suggested that I write you a letter on behalf of myself and Mr. D'Amico. We are looking for a contract zone approval to use these buildings as they have been used in the past - for auto repair. I am looking to purchase this property from Mr. D'Amico as long as I can utilize the buildings. My intention is to improve the property and be an asset to the neighborhood and the Gorham business community.


We would appreciate your advice and consideration as to what we need to do to make this possible. I appreciate you taking a few minutes to read this letter and help us figure out a solution.


Sincerely
Tim Devine
Mike D'Amico

Handwritten signatures of Tim Devine and Mike D'Amico. The signature of Tim Devine is above the signature of Mike D'Amico.

3/28/17

3/28/17

From:  "William H. Dale" <WDale@JBGH.com>

Wed, May 03, 2017 6:55:30 PM 

Subject: RE: Legally non-conforming uses.

To:  **David Cole**

David:

This email is written in response to your inquiries below about “nonconformities” under both

State and local zoning law.

As an overview, under Maine law, zoning is not a local “home rule” power, but is subject to certain State law restrictions by statute; most municipalities seem to forget (or not know) that. Nonetheless, the decisions of the Maine Supreme Court have given municipalities a fair amount of flexibility in how the municipalities elect--on a local level--to deal with nonconformities. Please remember also that while most people think in terms of nonconforming uses, depending on how carefully the local zoning ordinances have been drafted, the term can also refer to nonconforming structures and nonconforming parcels of land.

For a long time, the law of Maine was that nonconformities were considered a “thorn in the side” of zoning and should be “encouraged” to die by attrition as quickly as possible; however, the practical effect of treating all nonconformities as bad was that certain properties and uses were allowed to survive because of their economic value, but with little or no maintenance or up-keep, so that they truly became an even a bigger “thorn in the side” of zoning. Consequently Maine municipalities began to take a more “nuanced” view toward their treatment of nonconformities, in effect, more realistically balancing the hope of elimination by attrition versus the reality of allowing valuable nonconforming uses to continue.

Gorham’s treatment of nonconformities in its Land Use Code reflects this more “mature” view of nonconformities. See Sec. 1-2 of the Code. This section reflects some basic features of nonconforming uses: they must have been legal in the first place, *i.e.*, they are “grandfathered;” and if they change to a permitted use, they cannot ever go back to the nonconforming use; and to a certain extent, no nonconforming structure may encroach any further in to any applicable side yard setbacks. Those considerations are designed to avoid a “taking” under the U.S. and Maine Constitutions. This is a relatively frequent finesse under the law: if you can characterize some action under a State or local law as a private property owner’s voluntary relinquishment of a valuable private property right, then the government can avoid a subsequent claim in court that it “took” a property right for which it would otherwise have to pay money damages under the 5th and 14th amendments to the U.S. Constitution, such as taking land by eminent domain for a new public park or school.

With that background, here are the answers to your questions in the order presented:

1. under most Maine zoning ordinances, the long-time answer for the physical expansion of structures had been no; however, under the more mature ordinances, such as Gorham’s, the answer is yes, but only under the specific restrictions laid out in Ord. Sec. 1-2(4), such as structures may not intrude any further in to ordinance setback restrictions.
2. same as above; used to be that such conversions of nonconforming uses were prohibited, but now most ordinances, including Gorham’s, allow such use conversions, but only subject to certain showings and findings by the ZBA under Ord. Sec. 1-2(5); in essence, the ZBA must make a finding that the new use is “more conforming” than the old nonconforming use.
3. yes, under Gorham’s ordinance, unless such an arrangement is somehow found by the ZBA to be prohibited by Ord. Sec. 1-2.
4. probably, under Gorham’s ordinance, Ord. Sec. 1-2(2), a nonconforming use not used in fact for a year loses its grandfathered status; as mentioned in the background information above, the ordinance “deems,” (*i.e.*, pretends) that the owner of the private property right has voluntarily relinquished that grandfathered right; there is a 20 year old Maine Supreme Court opinion right on point from Old Orchard Beach sustaining the Town’s interpretation that the grandfathered use right had been abandoned by its owner, but I wonder if that property owner had been able to make a

better factual showing of his intention not to voluntarily give up the valuable property right, *i.e.*, actions speak louder than words, the answer might well be different; stay tuned on that one.

5. yes, same as above; the law "deems" the private property owner voluntarily gave up the grandfathered right in one, but not the other.

Any questions, please call me. Thanks.

Bill Dale

William H. Dale
Jensen Baird Gardner & Henry
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Portland, ME 04112
wdale@jbggh.com
(207) 775-7271
(207) 775-7935 (Fax)



From: David Cole [mailto:dcole@gorham.me.us]
Sent: Wednesday, May 03, 2017 8:03 AM
To: William H. Dale
Cc: David Cole; David Galbraith; Tom Poirier; Freeman Abbott
Subject: Legally non-conforming uses.

Bill:

Last night an item came before the Town Council resulting in the Council asking me to follow up with several questions. Generally we have a situation of 2 building on a property in a residential zone with a legally non-conforming use on 1 building and the 2nd building having lost its allowed non-conforming use. The applicant was before the Council asking for a contract zone to allow the 2nd building to be restored for used for the non-conforming use. This generated discussion about that non-conforming uses and led the Council to ask me to get an opinion from you on the following questions.

1. Can a legally allowed non-conforming use be expanded?
2. Can a non-conforming use be converted to a different non-conforming use?
3. Can a 2nd non-conforming use be allowed, ie in this case the 1st building continue with its non-conforming use

while the 2nd building be allowed to perform a different non-conforming use?

4. How does a non-conforming use lose its legally allowed status? If the use has been discontinued, but the owner is actively attempting to sell the property or rent the property with the intent of continuing the legally allowed non-conforming use, but is unable to sell or rent the property in time to preserve the use, is the non-conforming use lost?

5. Can the non-conforming use be lost in 1 building if the non-conforming use is still going on the the 2nd building?

Dave

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

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



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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MEMO

To: Town Council
From: David Cole
Date: May 26, 2017

Re: Tax Increment Financing (TIFs) Districts and the Sebago TIF.

Sebago Brewing Company TIF.

The Sebago Brewing Company currently is located in a small building in the Gorham Industrial Park. They need to expand and are currently under construction on an approximate 24,360 sf building for a destination brewery including tasting room and events/function center and Corporate Offices at 616 Main Street on property owned by the Shaw Brothers Family Foundation. The project is estimated to cost approximately \$5.3 million and create up to 35 new jobs. The Town Council gave preliminary approval to a TIF for this project on July 5, 2016.

This proposed TIF would be for 20 years and return 50% of the tax revenue to Sebago Brewing Company and the Town would retain the other 50% in its development fund for economic development purposes.

What are TIFs?

TIF's refer to Tax Increment Financing and Development Districts and are authorized by State Law (Title 30-A MRSA Section 5221-5235). Without getting too technical, a TIF is a way to assist a business with a project that creates new assessed value. The new value created within the TIF district is sheltered from the Town's State valuation. The business is helped by returning some of the property tax revenue, that is derived from the new assessed value, back to the business to help them pay for the costs of developing their project. It is one of the few Economic Development tools a municipality in Maine has available. In effect, the new assessed value from a project is placed within the TIF district and not counted in our State valuation figure. Although the Town Council approves a TIF, **the TIF must also receive approval from the State for it to become effective.**

What happens when some of our assessed value is not counted in our State valuation?

1. **State Revenue Sharing:** State Revenue Sharing is distributed to Towns based, in part, on a municipality's State Valuation. In essence, the higher your State Valuation, the less State Revenue

Sharing a Town will receive. Therefore, if new value is not included in the State Valuation, a municipality will receive more (or not lose) revenue sharing funds.

2. State Aid to Education: These funds are also distributed, in part, based on a Town's State Valuation. The higher your State Valuation, the less Education funding a municipality receives from the State.

3. Cumberland County property taxes. The Town pays its share of County taxes based on our State Valuation figure. If our State Valuation figure increases more than the State Valuation of the other municipalities in Cumberland County, our share of County taxes increases.

What has the Town Council approved in the past?

The Town of Gorham has a number of TIF's that were implemented up through 2007. Then as the recession began, business development activity dried up along with requests for TIFs. On September 3, 2013 the Town Council approved a new TIF for the Martin's Point Health Care project located near the intersection of Mosher Road and Rt. 25.

Generally, the Town has placed 100% of the new assessed value, within the TIF district, and approved a TIF for 15 years and returned 50% of the taxes from the new assessed value to the business. However, in 2006, the Council approved a TIF for NAPI for 20 years that returned 52% of new tax revenue. In 2007, the Council approved a 20 year TIF for the development of Olde Canal Business Park that returned 48% of new tax revenue.

What happens to the revenue the Town retains from the TIF District?

The TIF revenues that the Town receives are restricted funds and may not be used as general revenues. They must be placed in a development fund and used for specific purposes that are approved by the State for economic development purposes.

The Towns development funds from the Sebago TIF would be used to pay for the recent update of the Town's Comprehensive Plan and to pay for the growing cost of complying with Federal Storm Water regulations.

What are the estimated costs and savings for the Sebago Brewing Co. TIF?

1. The estimated amount of tax revenue that would be returned to the developer over the 20 years of the TIF is **\$850,000**.
2. The estimated amount of money saved by the Town from avoided loss of Education funds (\$830,000), State Revenue Sharing funds (\$67,289) and County Taxes (\$107,063) is **\$1,004,351**. So in addition to an attractive new development, it provides an estimated net savings to the Town over the 20 year life of the TIF of **\$154,351**.

MEMO

To: Town Council
 From: David Cole
 Date: May 26, 2017

Re: Adjustments to proposed 2017/18 budget.

On June 6, the proposed municipal budget should be adjusted as follows:

1. Assessing budget should be increased from \$140,973 to \$167,000, a net increase of **\$26,027**. This change reflects the contract with the County's Regional Assessing Center of \$138,500, retains the Administrative Assistant position and any other anticipated adjustments as we transition to the County.
2. The increase in the Assessing budget is off-set by reductions in the Employee Benefits budget of \$37,000 for a net reduction of **\$10,973.00**.
3. Public Utilities: We have recalculated our Hydrant Rental cost and the budget should be \$83,000 instead of \$80,000 for a net increase of **\$3,000**.
4. The Town Council previously asked me to budget for the replacement of American Flags for the Lions Club. I didn't include that item in the initial proposed budget. Net cost is **\$500**.
5. This will result in an overall reduction as follows:

Assessing:		\$26,027
Hydrant rental:		+ \$ 3,000
Lions Club Flags:		+ <u>\$ 500</u>
Subtotal	=	\$29,527
Employee Benefits:	less	- <u>\$37,000</u>
Net Reduction =		\$7,473.00

CC: Sharon Laflamme, Finance Director

MEMO

To: Town Council
From: David Cole
Date: May 26, 2017

Re: Updated Cemetery Ordinance.

Most of the cemeteries in Town were originally managed by separate Cemetery Associations. Over many years, those associations went through periods of time when records were accurate and well while at other times records may have been poorly kept or not clear. When the Cemeteries are turned over to the Town we inherit all of it; the good records and the not as good records along with the problems that go with it.

The Town's current Cemetery Rules and Regulations were approved back on October 1, 1985 and amended in 1992 (approximately 26 years ago). That document lists 9 cemeteries that fall under those rules and it appears that they are only a set of rules and not an actual Ordinance. While the material covered in those rules is mostly relevant, the rules are at best minimal and do not cover other topics that should be addressed.

We currently have 12 Cemeteries to manage including 3 additional cemeteries that have been formally added since 2007 (Hillside, Saplin Hill and Easton Cemeteries).

The proposed updated Cemetery Ordinance is intended to clarify and put in place 1 set of rules to govern all of the cemeteries. It also addresses many additional topics not covered in the current 1985 set of rules.

The proposed Ordinance, like the existing set of Cemetery rules, makes clear that Cemetery monuments are owned by individuals and that the Town is not responsible for the maintenance and repair of their monuments. In essence, the Monument is private property owned by the purchaser, not public property. Many of the monuments are very old and have important sentimental value to the families of the family members buried in those lots. So the Town may not, on its own, proceed to make repairs regardless of how well intended those actions might be. In 2015, Town Attorney, Bill Dale provided an opinion that, if deteriorating markers becomes a big maintenance problem, we could go back to the living relatives and provide a notice and give them a lengthy period of time to make the repairs themselves. If they failed to act the Town could then go forward and make repairs.

While at first glance this appears to be an option, if needed, I am concerned about how the Town would be able to keep track of the "living relatives" who would have the legal authority to authorize the Town to make repairs and how we would come to an agreement about the degree or extent of the repair. Considering that family members often disagree among themselves, I am not sure how the Town would practicably be able to administer these kinds of repairs without putting the Town in the middle of family disputes and exposing the Town to litigation.

MEMO

To: Town Council
From: David Cole
Date: May 26, 2017

Re: Rezoning of Shaw Brothers Family Foundation Land on lower Main St.



As Council members are aware, Shaw Brothers Family Foundation, Inc. purchased the land formerly owned by Ecomaine on lower Main St. They have previously indicated to the Council their intent to develop the land and provide public access to the Presumscot River with parking, Construct walking trails, revitalize the hay fields, develop a local farmers market and use the bulk of the property for farming.

Many of the uses that they intend to develop are agricultural in nature. This land is currently zoned industrial and agricultural use is not a permitted use. Because it isn't an allowed use as currently zoned, it could be an impediment to the plans as they go forward.




The proposed rezoning of this land would do 2 things;



1. It would separate this parcel from the other land in the industrial zone and create it as a new zone called Industrial/Agricultural.
2. It would add Agricultural as a permitted use. All other current uses would still be allowed.

The staff believes this change would facilitate the development of this property consistent with the plans previously discussed with Shaw Brothers.

From:  Tom Biegel <tbiegel@shawbrothers.com> Fri, May 26, 2017 9:33:52 AM 

Subject: RE: Adjust the zoning on lower Main St.

To:  **David Cole**  Jon Shaw <jshaw@shawbrothers.com>
 "Dan Shaw" <dshaw@shawbrothers.com>

Cc:  tpoirier@gorham.me.us  Parker Brown <pbrown@shawbrothers.com>

Dave,
Yes we are in agreement. That makes a lot of sense so please add us to your agenda. We will plan to be there but will it be an administrative sponsor? Let me know what you need from us. Thanks.

Tom

Tom Biegel, CFO
Shaw Brothers Construction, Inc
Direct 207-222-8108
Office 207-839-2552 x113
Cell 207-671-2552

From: David Cole [mailto:dcole@gorham.me.us]
Sent: Wednesday, May 24, 2017 10:27 AM
To: Jon Shaw <jshaw@shawbrothers.com>; Dan Shaw <dshaw@shawbrothers.com>
Cc: Tom Biegel <tbiegel@shawbrothers.com>; Tom Poirier <tpoirier@gorham.me.us>; David Cole <dcole@gorham.me.us>
Subject: Adjust the zoning on lower Main St.

Jon & Dan:

I am reviewing things that make sense (at least to me) to get done before I leave at the end of August. One of the items involves the current industrial zone on the property that you purchased from Ecomaine. The current zoning technically doesn't allow agricultural use so as you develop your plans on the property, there will be an increasing risk of violating the Town's zoning. I think there is a simple way to fix this.

We would like to amend the zoning for this property to allow agricultural use as a new permitted use. In effect, we would call this property a new "Industrial/Agricultural" zone and make 1 change. That 1 change would be to add agricultural use as a new permitted use and not change any use that is currently allowed.

I believe the Town Council is very supportive of your plans for this property, which are generally agricultural in nature, and would approve the change which would then eliminate one potential future problem for you folks. If this is to happen while I am still here, it needs to start at the June 6 Council meeting. Then go to the Planning Board for their July meeting and back to the Council for their August meeting for final approval.

Please let me know if you folks are in agreement with this or call if you have questions. **I need to get the**

MEMO

To: Town Council
From: David Cole
Date: May 30, 2017

Re: Cable TV Franchise renewal process.

Gorham's current cable TV franchise agreement began on February 2, 1993. The initial term was for 15 years but had an automatic 11 year extension bringing the expiration date to **February 2, 2019**.

On May 2, 2016 the Town received a formal notice from Time Warner that it is seeking renewal of the franchise and on March 22, 2017 I sent a formal letter, on behalf of the Town requesting to begin the franchise renewal process.

Federal law is generally not favorable to municipalities regarding Cable TV Franchises. In addition, the technology has changed considerably in the past 23 years and the technology changes we can expect in the future will be considerable.

In the proposed 2017/18 budget are funds to assist with the renewal process. I plan to retain Tony Vigue as the consultant. Mr. Vigue managed the City of South Portland Community Television system for 21 years and has done consulting work on franchise renewals. He was recommended by our law firm of Jensen Baird. In addition to Mr. Vigue the Town will use our Town Attorney on an as needed basis.

Some of the work of the consultant would include:

1. Developing a plan for the franchise renewal process and strategies to implement the plan.
2. Conducting a technical audit of our cable system.
3. Evaluating the past performance of the cable company.
4. Identifying future community cable-related needs and interests.
5. Review and recommend updates to the Town's 1977 (and amended in 1992) Cable TV Ordinance.
6. Participate in negotiations for the renewal of the franchise.

It is also recommended that a special committee be appointed for the renewal process. I am recommending that 1 member from the Town Council, 1 member from the School Board and 1-3 public members be appointed to serve on the Committee. The Committee will be advisory and terminated upon the renewal of the Franchise. In addition to the Consultant, the Town Manager and Cable TV Studio Manager would also provide assistance.

It typically takes 18 months to go through the renewal process, if negotiations go well, but could take longer if difficult issues come up.

From:  Jim Anderson <jimanderson1968@yahoo.com> Wed, May 17, 2017 6:52:25 AM 
 Jim Anderson <jimanderson1968@yahoo.com>

Subject: Planning Board

To:  **David Cole**

Cc:  tpoirier@gorham.me.us  Jim Anderson <jimanderson1968@yahoo.com>

Good morning David,

Due to my increasingly demanding work schedule, I am resigning from my position on the Planning Board. My last meeting will be July 3rd.

Thank you,

Jim Anderson

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May 18, 2017

David Cole, Gorham Town Manager
75 South Street
Gorham, Maine 04092

**Re: Request for Agenda item, Town Council meeting on June 6
Ordinance amendment to allow Adult Day Care in Suburban Residential Zone**

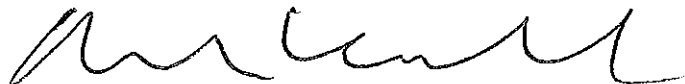
Dear Mr. Cole,

I represent Samira Mohammed, who owns property at 209 Mosher Road in Gorham. This property is in a Suburban Residential zone, and my client would like to open an adult day care business at the property. We have discussed the matter with David Galbraith, who believes that this is not currently a permitted use under the Gorham Zoning Regulations. David suggested we seek an amendment to the ordinance to allow it.

Therefore, Ms. Mohammed would like "Adult Day Care Business" added as a permitted use under Section 1-7(B) of the Zoning Regulation. We are, of course, flexible with regard to the format of the ordinance amendment and would welcome the opportunity to work with the Ordinance Committee on appropriate language. My client respectfully requests that this ordinance amendment be added as an agenda item during the June meeting of the Town Council.

Thank you for your consideration, and please contact me if you have questions or concerns

Sincerely,



Andrew J. Kull, Esq.
Email: akull@mittelasen.com

AJK/jss

cc: Samira Mohammed