

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
April 4, 2017

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 10 members of the Public in attendance at the start of the meeting.

Roll Call: Chairman Phinney, Councilors Benner, Shepard, Smith, Hartwell, Hager and Stelk. Also present, Town Manager David Cole and Town Clerk Laurie Nordfors.

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to accept the minutes of the March 7, 2017 Regular Town Council Meeting and the March 20 and March 27, 2017 Special Town Council Meetings. 7 yeas

#### Councilor Communications

Councilor Hartwell reported that the Ordinance Committee met and had a very productive meeting. They discussed better ways to let the Public know of Town news and events, including the Town's website and Facebook page, advertising in the Gorham Times and American Journal, the new sign at the Public Safety Building and the Town's E-mail List Serve. You can sign up to be on the list serve by going to the Town Website then clicking on the "Subscribe" link on the Home Page.

Councilor Benner attended the Eco Maine Board of Directors meeting and noted that they are adding food waste to their recycling program. You can find out more about the program on their website.

Councilor Phinney noted that there will be a Public meeting on April 13, 2017 at 7pm in the Council Chambers with Eaton Peabody Consulting Group to discuss the hiring of the new Town Manager. He encourages the Citizens of Gorham to attend.

#### Town Manger Report

David Cole thanked everyone who came out to the Gorham Marketplace last weekend. This was his 20<sup>th</sup> year attending the Marketplace. David also reported that Julio Santiago from the Rec Department has submitted a presentation to the National Recreation and Parks Association that was accepted and will be presented this fall at the National Conference. He congratulated Julio on his presentation. The Town Budget was handed out to the Council tonight and there will be a Budget Hearing on Thursday, April 6, 2017 at 6pm.

#### School Committee Report

Darryl Wright reported that the State Champion Girls' Basketball Team will be honored by the State Legislature on Thursday, April 6, 2017. He congratulated Teacher Ryan Chicoine and his JMG students who competed against 61 other high Schools across the state in the categories of Public Speaking, Job Interview Skills and College Admissions among other events. The students received 4 trophies. He also reported that Twenty five GHS Teachers recently participated in a business tour sponsored by our

Business Roundtable Group. They will report what they learned at the next Business Roundtable meeting. The Scholl Budget process is still on-going and there will be a Public Forum April 4 from 6:30-7pm prior to the Budget meeting which will begin at 7pm. The next School Committee regular meeting is scheduled for April 12, 2017 at 7pm.

Chairman Phinney opened Public Hearing #1. Suzanne Robarge voiced her concerns and asked the Council if they could table the Item until it is looked at closer. There were no other comments and the Hearing was closed.

Moved by Councilor Stelk, seconded by Councilor Benner and VOTED to waive the reading of Item # 9203. 7 yeas

Item # 9203      Moved by Councilor Shepard, seconded by Councilor Hartwell and ORDERED,  
Whereas, the Towns' Land Use & Development Code currently does not allow  
Landscape Companies or Contractor Yards in the Rural Zone, and  
Whereas, the Town Council feels that the Rural Zone can accommodate these users  
provided there are reasonable regulations that reasonably protect abutting and nearby  
property owners, and  
Whereas, the proposed changes allow these activities while placing reasonable  
regulations on those activities,  
Now Therefore Be It Ordered, that Chapter 1, Section 8, Rural District, of the Land Use &  
Development Code is amended as follows:

## **SECTION VIII - RURAL DISTRICT**

### **A.      PURPOSE**

The Town of Gorham contains large amounts of land which are either in current agricultural use or which have soils which are suited for agricultural use. The Town recognizes that the continuation of agriculture within the Town is of economic, recreational, and scenic benefit to the residents of the Town as well as the greater region. Development within this district may occur in accordance with the cluster development provisions of Chapter II, Section IV of this Code.

### **B.      PERMITTED USES**

- 1)      One and two-family dwellings, exclusive of mobile homes.
- 2)      Permanent housing for agricultural workers as part of a farm.
- 3)      Agricultural buildings and uses.
- 4)      Roadside stands.
- 5)      Municipally owned parks and playgrounds.
- 6)      Accessory uses and buildings, including home occupations.
- 7)      Sawmill, piggery or the raising of poultry.

- 8) Manufactured housing units on single-family residential lots in designated manufactured housing sub-districts.
- 9) Municipal buildings or uses.
- 10) Apartment buildings or multifamily housing, except fraternity housing.
- 11) Public and private utility facilities, including substations, pumping stations, and treatment facilities, but excluding business offices.
- 12) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization, or social nature which is not used for residential purposes, which has less than two thousand (2,000) square feet of floor area and generates less than two hundred (200) vehicle trips during any twenty-four hour period.
- 13) Mineral extraction.
- 14) Agriculturally related business uses, including machinery sales and service, seed and fertilizer sales, and similar uses.
- 15) Golf courses and country clubs.
- 16) Facilities for the processing of agriculture products.
- 17) Funeral Home
- 18) Accessory Apartments
- 19) Reuse of an existing agricultural building for a non-residential use that meets the Performance Standards of Subsection E
- 20) Rural Entrepreneurial Use that meets the Performance Standards of Subsection E
- 21) Bed and Breakfast Establishment
- 22) Dog Kennel
- 23) Landscape Companies, Contractor's Yards and similar and compatible uses that meet the Performance Standards of Subsection F

**C. SPECIAL EXCEPTIONS**

- 1) Day Care Center.
- 2) Cemeteries.
- 3) Communication and transmission facilities, including relay stations, transmission towers, and antennas.
- 4) School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which 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.
- 5) Bed and Breakfast Establishment with public dining as an accessory use.

- 6) Inn

**D. SPACE STANDARDS**

Minimum lot size for residential lots which are not a part of a subdivision	60,000 sq.ft. per dwelling unit
Minimum lot area per dwelling unit for residential subdivisions or multi-family housing	60,000 sq.ft.
Minimum lot size for non-residential lots	60,000 sq.ft.**
Minimum street frontage	200 ft.*
Minimum front yard	
*local street	50 ft.
*collector or arterial street	70 ft.
Minimum side and rear yard	
*residential	20 ft.
*non-residential	50 ft.
Maximum building height	None

\*May be reduced up to 50% for lots fronting on turning circles provided that the lot width at the front setback line is equal to or greater than the minimum street frontage required.

\*\*The minimum lot area per dwelling unit shall be used to calculate the net residential density or the maximum number of dwelling units that can be placed on a parcel. Individual lots in a subdivision may vary in size as long as the subdivision conforms to the overall net residential density of the parcel, no lot for a single-family home is smaller than 40,000 square feet in area, and the individual lots are laid out to reflect the development suitability of the parcel.

Notwithstanding the provisions of this subsection D,

1. A lot listed on the National Register of Historic Places need not meet the minimum lot size or street frontage requirements so long as the lot is subject to either a conservation easement or deed restriction limiting its use or development solely to non-commercial conservation or historic purposes.
2. 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**

- 1) The performance standards contained in Chapter II of the Code shall be fully observed.
- 2) Rural Entrepreneurial Uses Including the Reuse of Existing Agricultural Buildings

In addition to the performance standards of Chapter II, any Rural Entrepreneurial Use or the Reuse of an Existing Agricultural Building for a Non-Residential Use shall meet the following standards:

- a) Notwithstanding the minimum lot size requirement of Subsection D, a Rural Entrepreneurial Use or the Reuse of An Existing Agricultural Building shall be permitted only on a lot with an area of at least five (5) acres. If the lot contains another principal use(s), the lot must have at least five (5) acres for the Rural Entrepreneurial Use or Reuse of an Existing Agricultural Building in addition to the area required for the other principal use(s).
- b) The total floor area for all buildings and structures used as part of the Rural Entrepreneurial Use(s), but not including any part of a basement that is used only for storage or mechanical uses, shall be not more than one (1) percent of the area of the lot on which it is located or five thousand (5,000) square feet whichever is less. The five thousand (5,000) square foot limitation shall not apply to the Reuse of an Existing Agricultural Building provided the total floor area for all buildings and structures used for such Reuse, excluding any part of a basement that is used only for storage or mechanical uses, shall be not be more than one (1) percent of the area of the lot on which it is located.
- c) Vehicular access to the lot on which the use is located shall be from a public street that is classified by the Town as an arterial street, collector street, industrial or commercial street, or service road. In addition, the Reuse of an Existing Agricultural Buildings may get its vehicular access from a sub-collector if the lot on which it will be located is at least five (5) acres in area.
- d) The total number of peak hour trip ends generated by the use based upon the ITE Trip Generation Manual shall not exceed one (1) trip end per two hundred (200) square feet of gross floor area occupied by the non-residential use.
- e) The use of the building shall be limited to low-impact non-residential activities such as, but not limited to, personal, business, and repair services, business and professional offices, light industrial uses, research facilities, and warehousing and storage, and shall not involve the retail sale of goods except as accessory to another principal use. Any use that is listed as a special exception in the Rural District shall not be allowed as a Rural Entrepreneurial Use or the Reuse of an Existing Agricultural Building and shall be allowed only with approval of a special exception for that use.
- f) The non-residential activity shall occur completely within the building and there shall be no outside storage of materials, equipment, or products. No equipment or machinery associated with the use other than normal heating and ventilation units shall be located or operated outside of the building.
- g) The Reuse of an Existing Agricultural Building shall maintain the architectural character of the existing building and changes to the exterior of the structure shall be limited to minor changes and/or additions needed to provide access or light or to comply with code requirements. The design of any new, expanded, or reused building other than an Existing Agricultural Building shall be residential or rural/agricultural in character with a pitched roof with a minimum roof pitch of 5:12. Exterior materials shall be similar to those used on existing residential or agricultural buildings in the district.
- h) Parking associated with the use shall not be located in any required setback. If the building is located within one hundred feet of the front lot line, no parking shall be permitted between the front lot line and the front wall of the building extending the full width of the lot. Parking shall be screened from

view from public streets or abutting properties in residential use through landscaping, fencing, or topography.

- i) The use shall not produce noise, odors, fumes, vibrations, or electrical interference at the boundaries of the parcel that exceed the levels produced by typical single-family residential uses.
- j) The hours of operation of the use shall be compatible with surrounding uses and may be limited by the Planning Board as part of the approval of the site plan to assure compatibility.
- k) Notwithstanding the provisions of Chapter II, Section III – Signs, the non-residential activity may have one (1) non-illuminated, double-sided sign with an area of not more than thirty-two (32) square feet per side. If there is more than one business entity occupying the building, there shall be a single, non-illuminated, double-sided sign with an area of not more than forty-eight (48) square feet per side for all of the businesses.

#### **F. PERFORMANCE STANDARDS**

- 1) The performance standards contained in Chapter II of the Code shall be fully observed.
- 2) Landscape companies, contractor's yards and similar and compatible uses as determined by the Town's Code Enforcement Officer, Zoning Administrator and / or Town Planner.

In addition to the performance standards of Chapter II uses shall meet the following standards:

- a) Notwithstanding the minimum lot size requirement of Subsection D, uses shall be permitted only on a lot with an area of at least five (5) acres. If the lot contains another principal use(s), the lot must have at least five (5) acres for the use in addition to the area required for the other principal use(s).
- b) The proposed use shall be reviewed and approved under the Chapter IV site plan review.
- c) Vehicular access to the lot on which the use is located shall be from a public street that is classified by the Town as an arterial street, collector street, industrial or commercial street, or service road. If located on a private way the private way shall be directly connected to arterial street, collector street, industrial or commercial street, or service road.
- d) Parking associated with the use shall not be located in any required setback. If the building is located within one hundred feet of the front lot line, no parking shall be permitted between the front lot line and the front wall of the building extending the full width of the lot. Parking shall be screened from view from public streets or abutting properties in residential use through landscaping, fencing, or topography.
- e) The use shall not produce noise, odors, smoke, dust, heat, glare, fumes, or vibrations, at the boundaries of the parcel that exceed the levels produced by typical single-family residential uses.

- f) On site business operations shall be limited from 7:00 AM to 6:00 PM Monday through Friday and 8:00 AM to 12:00 PM on Saturday. These limited hours of operation are waived for snow plow contractors during snow events.
- g) Signs shall comply with Chapter II, Section III – Signs and shall not be internally illuminated.
- h) Outside storage of equipment, materials, and / or commercial vehicles, may be permitted providing they are fully screened from public view by fencing and / or a solid screen of landscaping or terrain. Outside storage of equipment and / or materials shall be limited to a maximum of ten percent (10%) of the lot area and shall be stored on a gravel pad and shall be screened from public view. When adjacent to a residential use or zone a one hundred (100) foot screen buffer shall be provided. The Planning Board or Site Plan Review Committee may reduce the required buffer to fifty (50) feet providing the abutting property owner/s provide the Town signed letters agreeing to the reduced setback. When located adjacent to a commercial use or zone a fifty (50) foot buffer shall be provided. Landscape buffers shall conform to the following standards:
  - i. No portion of the “perimeter setback” shall be used for storage of equipment or inventory, service and loading, parking or any buildings or structures.
  - ii. A detailed landscaping plan, prepared by a landscape architect, shall be prepared for the landscaped buffer area and submitted as part of Site Plan Review, for all lots, with a perimeter setback. The landscaped buffer area shall be designed to provide effective visual and auditory buffering from abutting residential properties, create an attractive appearance for the proposed new development and maintain an attractive gateway to Gorham consistent with the goals and objectives of the Town of Gorham Comprehensive Plan. Existing natural features and vegetation or fencing may be incorporated into the plan for the buffer area if they are found to create an effective visual and auditory buffer by the Planning Board or Site Plan Review Committee. All such buffer areas shall be maintained for the life of the project.
- i) No more than five (5) people not residing on the premises shall be employed in the business use. There shall be only minimal retail sales or wholesale sales taking place from the premises and the items for sale shall be directly related to the approved business use.
- j) Service of equipment / vehicles shall be limited to minor repairs such as oil changes, fueling, and tire changes. No major vehicle repairs (painting, body work, etc.) shall be permitted on site. On-site service of equipment / vehicles shall be limited to the vehicles or equipment associated with the approved business use.

Moved by Councilor Benner, seconded by Councilor Stelk and VOTED to amend the Order to proceed with the Planning Boards Recommendations. 7 yeas

Item # 9203 VOTED as amended. 7 yeas

Chairman Phinney opened Public Hearing #2. There were no comments from the Public and the Hearing was closed.

Item # 9204      Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council accept a renewal liquor license for Gorham Country Club, Inc., 93 McLellan Road.  
7 yeas

Chairman Phinney opened Public Hearing #3. There were no comments from the Public and the Hearing was closed.

Item # 9205      Moved by Councilor Smith, seconded by Councilor Benner and ORDERED, that the Town Council accept a renewal liquor license for Spire 29 on the Square, LLC, 29 School Street.  
7yeas

Chairman Phinney opened Public Hearing #4. There were no comments from the Public and the Hearing was closed.

Item # 9206      Moved by Councilor Shepard, seconded by Councilor Stelk and Ordered, that the Town Council accept a renewal special amusement license for Spire 29 on the Square, LLC. 7 yeas

Moved by Councilor Shepard, seconded by Councilor Benner and VOTED to waive the reading of Item #9207. 7 yeas

Item # 9207      Moved by Councilor Shepard, seconded by Councilor Hartwell and ORDERED,

Whereas, the Town of Gorham has an open space impact fee to help preserve open space in the community, and

Whereas, the Town has a transfer development overlay district intended to encourage growth in the District while reducing development in other areas of the Community, and

Whereas, the Town has developed a set of criteria that are important attributes to consider for the open space and transfer development properties that would be acquired and develop a scoring mechanism for those criteria to help identify a parcel value to the Community,

Now Therefore Be It Ordered, that the Town Council adopt the following policy:

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

### **Section 1: Introduction**

In 2003, the Town passed the Recreational Facilities and Open Space Impact Fee. The in 2006, the Town of Gorham adopted the Development Transfer Overlay District. Both the Development Transfer Overlay District and the Open Space portion of the impact fee identifies



the conservation of land by either acquiring the land or conservation easement to protect significant natural resources, conserve scenic values, preserve the community's agricultural heritage, conserve the remaining supply of viable farmland and working forest, provide for low intensity recreational activities such as walking, bird-watching, fishing, biking, cross country skiing, hunting, and similar activities that are consistent with the primary use of the property as open space or farmland.

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

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

### **Section 2: Purpose**

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

### **Section 3: Application Process**

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

### **Section 4: Land Ranking System**

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

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

Each Category is assigned the following scores:

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

Site Assessment Categories

- Farmland Value (Parcel is located within Prime Farmland or Farmland of Statewide Importance)
 

Less than quarter of the parcel	1
Less than half of the parcel	2
Less than three quarters of the parcel	3
Less than the entire parcel but more than three quarters	4
The entire parcel is located in	5
- Tree Growth Value
 

Parcel has an active forest management plan by licensed forester	2
Liquidation harvesting has not occurred within the past 10 years	2
- Any portion of the parcel is located in any Shore land Overlay District      4
- High Value Wildlife Habitat as determined by the Maine Depart IF&W      2 (for each high value habitat identified.)
- Size of the parcel (acres)
 

0-10	1
11-25	2
26-50	3
51-100	4
100+	5
- The Development Potential (Number of dwelling units based on Net Residential Density for Rural District)
 

5-10	2
11-25	4
26-50	8
50+	12
- Proximity to Conserved Lands

The parcel abuts other preserved land	2
The parcel abuts land that has the potential to be preserved	1

- Type of Preservation
 

Fee Ownership	3
Conservation Easement	1
- Scenic Character (with public access to scenic view) 1
- Accessibility to the general public 1
- Town's Post-Construction Storm water Management

Any portion of the parcel is located in the Town's Urbanized Area	1
Any portion of the parcel is located in the highest priority watershed	1

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to postpone Item # 9207 until Staff reviews it and is ready to bring it back to the Council. 7 years

Item # 9208      Moved by Councilor Hartwell, seconded by Councilor Shepard and ORDERED, that the Town Council appropriate five hundred dollars (\$500) from the contingency account to purchase a Town sponsorship to encourage Municipal Officials and Staff to attend the next "Build Maine Conference". 7 years

Item # 9209      Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council re-appropriate \$32,000 from the following reserve accounts to purchase a replacement Air Handler at the Municipal Center;  
 Mobile lift (410-43-50711-15) - \$13,412.81  
 Automotive Diagnostic Unit (503-51-50350-03) - \$221.00  
 Security Camera –BML (603-61-50718-09) \$0.56  
 Municipal Center Roof (201-02-50700-07) - \$18,356.63  
 7 years

Item # 9210      Moved by Councilor Shepard, seconded by Councilor Stelk and ORDERED, that the Town Council refer a proposal to rezone the Olde Canal Industrial Park from the Industrial Zone to a new, similar, Olde Canal Industrial Zone, to the Planning Board for their Public Hearing and recommendations. 7 years

Item # 9211      Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council approve the transfer of \$1420 US currency , in a criminal Action (Doct. No. CR-16-344) to the Town of Gorham, pursuant to Title 15 MRSA Section 5824 (3) and Section 5826 (6), because the Gorham Police Department made a substantial contribution to the investigation in this or a related criminal case. 7 yeas

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to adjourn. 7 yeas  
Time of Adjournment, 7:40pm

A True Record of Meeting

ATTEST \_\_\_\_\_  
Laurie Nordfors, Town Clerk