

**AGENDA & PROPOSED ORDERS**  
**GORHAM TOWN COUNCIL**  
REGULAR MEETING  
May 4, 2010 – 7:00 p.m.  
Gorham Municipal Center – Council Chamber

**PLEASE NOTE: The proposed orders on this agenda are suggested orders only and may change without notice prior to the meeting.**

Pledge of Allegiance to the Flag

Roll Call of the Town Council

Acceptance of the minutes of the April 6, 2010 Regular Town Council Meeting

Open Public Communications

Councilor Communications

Chairman's Report

Town Manager's Report

School Committee Report

**New Business**

**Public Hearing #1** Public Hearing to renew the liquor license for Aramark Educational Services, LLC.

**Item #7837** Action to consider approval to renew the liquor license for Aramark Educational Services, LLC. (Adm. Spon.)

**Proposed Order #7837** **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of the liquor license for Aramark Educational Services, LLC.

**Public Hearing #2** Public Hearing on a proposal to amend the Land Use and Development Code Chapter I, Section XVIII (E) (5) to allow the setting aside of parcels that are smaller than a normal lot size in the Development Transfer Overlay District for formal recreation facilities.

**Item #7838** Action to consider a proposal to amend the Land Use and Development Code Chapter I, Section XVIII (E) (5) to allow the setting aside of parcels that are smaller than a normal lot size in the Development Transfer Overlay District for formal recreation facilities. (Adm. Spon.)

**Proposed Order #7838** **WHEREAS**, a portion of any new subdivision or project with more than ten lots or units, must be set aside within the development and protected as open space; and,

**WHEREAS**, the total combined area of the open space shall be a minimum of 10% of the gross area of the parcel; and,

**WHEREAS**, at least 50% of the required open space must be developed for formal spaces or recreation facilities; and,

**WHEREAS**, in many instances it is appropriate for the facilities to be placed on parcels that are less than normal size; and

**WHEREAS**, the current ordinance requires normal (full-sized) lots, unnecessarily burdening the developer and wasting useful land,

**NOW THEREFORE BE IT ORDAINED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the amendment to the Land Use and Development Code Chapter I, Section XVIII (E) (5) to allow the setting aside of parcels that are smaller than a normal lot size in the Development Transfer Overlay District for formal recreation facilities as follows:

(Note: Additions are underlined and deletions ~~struck-out~~.)

### **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, etc. 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.

**Public  
Hearing #3**

Public Hearing to provide information on the Gorham Special Referendum Question #1. No Town Council action is anticipated.

**Public  
Hearing #4**

Public Hearing to provide information on the Gorham Special Referendum Question #2. No Town Council action is anticipated.

- Public Hearing #5** Public Hearing to provide information on the Gorham Advisory Referendum Question #1. No Town Council action is anticipated.
- Item #7839** Action to consider approval for a temporary extension of privileges for Sebago Brewing Company's liquor license. (Adm. Spon.)
- Proposed Order #7839** **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a temporary extension of privileges for Sebago Brewing Company's liquor license to allow the sale of beer in a roped off area in their parking lot during the Classic Car Cruise Night events on 6/21/10, 6/28/10, 7/05/10, 7/12/10, 7/19/10, 7/26/10, 8/2/10, 8/16/10, 8/26/10, and 8/30/10.
- Item #7840** Action to consider minor amendments to the lease agreement between the First Parish Congregational Church and the Town of Gorham to place the Town Clock in the Church Building. (Adm. Spon.)
- Proposed Order #7840** **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the lease agreement approved by the Town Council in Order #7829 on April 6, 2010 with minor amendments that have been mutually developed between the Town and the Church and incorporated into the final lease agreement formally presented to the Town Council for this May 4, 2010 meeting; and,  
**BE IT FURTHER ORDERED** that the Town Council recognizes that the First Parish Congregational Church has formally approved the lease and authorizes the Town Manager to sign the lease on behalf of the town.
- Item #7841** Action to consider improving the capabilities of the Town's cable television system to provide "Streaming Video". (Adm. Spon.)
- Proposed Order #7841** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a proposal from Virtual Town Hall to provide "Streaming Video" capability for the Town's cable television system; and,  
**BE IT FURTHER ORDERED** that the Town Council appropriate \$7,500.00 from the Capital Reserve Fund for the initial cost of set up and hardware; and,  
**BE IT FURTHER ORDERED** that the Town Council adjust the proposed 2010-2011 budget for the Cable Television account by increasing line # 15181012 by \$3,400.00 and line #15182056 by \$3,000 and by increasing the Cable Franchise Fee Revenue line by \$6,400.00.
- Item #7842** Action to consider writing off personal property taxes that are no longer collectible. (Adm. Spon.)
- Proposed Order #7842** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize that \$528.00 in personal property taxes, assessed to Sierra's Restaurant for the 2007/2008 fiscal year, be written off because they have gone out of business and the taxes can

not be collected, as recommended by the Finance Committee.

**Item #7843** Action to consider an adjustment in Rescue User Fees. (Adm. Spon.)

**Proposed Order #7843** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an increase in Rescue User Fees as proposed, effective June 1, 2010.

Proposed Adjustments

1. Increase the mileage rate from \$9.00 per mile to \$10.00 per mile.
2. Increase the BLS rate from \$350 to \$368
3. Increase the ALS rate from \$625 to \$633
4. Increase the IV rate from \$90 to \$100
5. Intraosseous infusion IV procedure -- \$150 (new)
6. CPAP (constant positive airway pressure) \$100 (new)
7. Glucose Scan \$25 (new)

**Item #7844** Action regarding additional appointments to Town Boards and Committees. (Adm. Spon.)

**Proposed Order #7844** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint additional board and committee members as recommended by the Town Council Appointments Committee at their meeting on May 4, 2010.

**Item #7845** Action regarding the June 8, 2010 Special Referendum and School Budget Validation Referendum Election. (Adm. Spon.)

**Proposed Order #7845** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Clerk to issue the warrant for the June 8, 2010 Special Referendum and School Budget Validation Referendum Election; and,

**BE IT FURTHER ORDERED** that the Town Council appoint the following persons as Wardens and Ward Clerks for the designated voting districts for the June 8, 2010 Election and if any of the following should fail to serve the Town Council hereby gives the Town Clerk the authority to appoint substitutes:

District 1 - Linda Deering, Warden and Laurel Smith, Ward Clerk  
District 2 - Pat Clay, Warden and Nancy Kenty, Ward Clerk  
Central - Connie Loughran, Warden and Christina Silberman, Ward Clerk

**BE IT FURTHER ORDERED** that the Registrar of Voters be in session during regular office hours on Tuesday, June 1, 2010, Wednesday, June 2, 2010, Thursday, June 3, 2010, Friday June 4, 2010, and Monday, June 7, 2010 and,

**BE IT FURTHER ORDERED** that the Town Clerk be authorized to process absentee ballots at the Gorham Municipal Center on Monday, June 7, 2010 starting at 10:00 am and on Tuesday June 8, 2010 at 9:00 am, 11:00 am, 1:00 pm, 3:00 pm, 5:00 pm, 7:00 pm and at 8:00 pm.

**Item #7846**

Action to consider a proposal to amend the Land Use Development Code Chapter I, Section VI (C)(2) to allow the keeping of farm animals on lots smaller than six acres. (Adm. Spon.)

**Proposed  
Order #7846**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Land Use Development Code Chapter I, Section VI (C)(2) to allow the keeping of farm animals on lots smaller than six acres to the Planning Board for public hearing and their recommendation.

Proposed amendments to Chapter 1

NOTE: Additions are underlined and deletions are struck through

**SECTION VI - URBAN RESIDENTIAL DISTRICT**

**A. PURPOSE**

To preserve the physical, aesthetic and social quality of Gorham's urban area and, consistent with this stated goal, to provide therein for the location of a variety of residential and service uses in accordance with the standards of this chapter. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV, of this Code.

**B. PERMITTED USES**

- 1) One or two-family dwellings, exclusive of mobile homes and exclusive of trailers.
- 2) Nursing home, home for the aged.
- 3) Municipal building or use.
- 4) Municipally owned parks and playgrounds.
- 5) Telephone exchange, without business office.
- 6) Any agricultural building or use except a sawmill, and except the keeping of animals other than household pets.
- 7) Accessory residential uses, including home occupations.
- 8) Manufactured housing units on single-family residential lots in designated manufactured housing sub-districts.
- 9) Rooming house, apartment building or multifamily housing.
- 10) Announcement sign or bulletin board for the use of a public, charitable or religious institution, occupying the premises for which the sign or board is located.
- 11) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- 12) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal, 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) Accessory Apartments
- 14) Bed and Breakfast Establishments
- 15) **The keeping of Livestock, as defined by Title 17, MRSA Section 1011 (18-A),**

**subject to the following conditions:**

**a. All livestock must be secured on the property of the owner of the livestock. The owner shall be any person, firm, partnership, association for corporation owning, keeping or harboring livestock.**

**1. Any structure must comply with the setbacks of the zone where the animals are located.**

**b. All livestock must be kept in a safe and humane environment pursuant to Title 17, MRSA, Section 1011-1046.**

**c. Livestock shall not cause a nuisance to neighbors or the Town.**

**C. SPECIAL EXCEPTIONS**

- 1) Day Care Center.

~~2) The keeping of farm animals, including poultry, provided that a minimum lot area of six (6) acres in one parcel is owned or leased by the applicant as evidenced by a written instrument on record at the Cumberland County Registry of Deeds.~~

2) School, hospital, church or any other institution of education, religious, philanthropic, fraternal or social nature which is not used for residential purposes 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.

3) Bed and Breakfast Establishment with public dining as an accessory use.

4) Inn

**D. SPACE STANDARDS**

	Watered & Sewered	Unsewered
Minimum lot size	15,000 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.

\*\*The June 3, 1997 amendment to the minimum lot size shall apply prospectively only, from that date forward, and only to (1) lots newly created after that date as evidenced by a deed on record in the Cumberland County Registry of Deeds on or before that date or (2) lots not part of a subdivision plan approved on or before that date or lots in a proposed subdivision plan grand fathered by law on or before that date.

Maximum building height	None	None
Maximum building coverage	25%	25%

**E. PERFORMANCE STANDARDS**

The performance standards contained in Chapter II of this Code shall be fully observed.

**Item #7847**

Action to consider an update of the Mission Statement for Baxter Memorial Library. (Adm. Spon.)

**Proposed Order #7847**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an updated Mission Statement for Baxter Memorial Library, as recommended by the Baxter Memorial Library Board of Trustees and as recommended by the Ordinance Committee.

**Item #7848**

Action to consider a resolution for the Sebago to Sea Trail

**Proposed Order #7848**

**WHEREAS**, citizens, land trusts, conservations groups and municipalities in the Presumpscot River Watershed are working together to create a contiguous trail connecting Sebago Lake to the Sea at Casco Bay; and

**WHEREAS**, members of these groups have formed the “Sebago to the Sea Coalition” to advance the planning and construction of the trail; and

**WHEREAS**, a trail linking these destinations would benefit the residents of and visitors to the region; and

**WHEREAS**, a trail linking these destinations would serve as a regional transportation and recreational corridor; and

**WHEREAS**, along existing rail corridors, trails and rails are compatible; and in such corridors the trail will be located as to preserve the option of

future rail service; and

**WHEREAS**, the Town of Gorham seeks more regional connectivity; and

**WHEREAS**, the Town of Gorham supports trail use as a healthy and desirable activity;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Gorham, in collaboration with the Sebago to the Sea Coalition, supports the planning and development for the Sebago to the Sea Trail.

**Item #7849**

Action to go into executive session, pursuant to Title 36 M.R.S.A., Section 841 (2) for the purpose of considering an application to abate taxes based on poverty. (Adm. Spon.)

**Proposed  
Order #7849**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled go into executive session, pursuant to Title 36 M.R.S.A., Section 841 (2) for the purpose of considering an application to abate taxes based on poverty.

**ADJOURN**