

AGENDA & PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
January 5, 2010 – 7:00 p.m.
Gorham Municipal Center – Council Chamber

Pledge of Allegiance to the Flag

Roll Call of the Town Council

Acceptance of the minutes of the December 1, 2009 Regular Town Council Meeting

Open Public Communications

Councilor Communications

Chairman's Report

Town Manager's Report

School Committee Report

There will be a presentation by Dr. Mark Publicker, Medical Director of Mercy Hospital Rehab Center, regarding the recently approved citizen initiative to create a regulated system of distribution for medical marijuana.

New Business

Public Hearing #1 Public Hearing to consider approval to renew a liquor license for PineCrest Bed & Breakfast Inn, LLC.

Item #7788 Action to consider approval to renew a liquor license for PineCrest Bed & Breakfast Inn, LLC.. (Adm. Spon.)

Proposed Order #7788 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of a liquor license for PineCrest Bed & Breakfast Inn, LLC.

Public Hearing #2 Public Hearing on a proposal to amend the Land Use and Development Code, Chapter I, Section V; Chapter II, Section III, Paragraph C, D, E and G; and, add a new paragraph M, regulating signs.

Item #7789 Action to consider a proposal to amend the Land Use and Development Code, Chapter I, Section V; Chapter II, Section III, Paragraph C, D, E and G; and, add a new paragraph M, regulating signs. (Adm. Spon.)

Proposed Order #7789 Whereas, the Town recently approved a significant update to the sign ordinance, and

Whereas, after initial applications, it has been concluded that some adjustments need to be made to address issues and clarify the ordinance,

Now Therefore, be it **ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Land Use and Development Code, Chapter I, Section V; Chapter II, Section III, Paragraph C, D, E and G; and, add a new paragraph M, regulating signs as proposed.

PROPOSED AMENDMENTS (NOTE: additions are underlined and deletions are struck through.)

Amend CHAPTER II, SECTION III, SIGNS, D. PROHIBITED SIGNS, DISPLAYS, AND RELATED MATERIALS by adding a new item o) Off-Premises Signs to read:

o) Off-Premises Signs: All signs must be located on the same lot as the use or occupant that is the subject of the sign or where the goods or services are available except as specifically provided for in this section. Off-premises signs are allowed only for Exempt Signs in accordance with subsection C, Official Business Directional Signs in accordance with subsection H. and Business Park Identification Signs in accordance with subsection I.

Amend CHAPTER I, SECTION V – DEFINITIONS by adding a definition of an “Information/Direction Sign” in proper alphabetical order to read:

Sign, Information/Direction An on-site freestanding or building sign that provides information or direction to users of a property about the location of entrances and exits, parking, traffic flow, hours of operation or other noncommercial messages.

Amend CHAPTER II, SECTION III, SIGNS, E. PERFORMANCE STANDARDS by adding a new item 12) Information/Direction Signs to read:

12) Information/Direction Signs: An information/direction sign shall only provide information or directions that relate to the use of the property and may not include any advertising such as prices or product information, but may include the name and/or logo of the occupant or the project. The area of the name and/or log may not exceed forty percent (40%) of the area of the sign. The sign may not be illuminated. The sign must be located in relationship to the information provided.

Amend CHAPTER II, SECTION III, SIGNS, G. PERMITTED NON-RESIDENTIAL SIGNS, Subsection 1) Village Environment, a) Single Occupant Property by adding anew item (4) Allowed Information/Direction Signs to read:

(4) Allowed Information/Direction Signs
Any number of information/direction signs each having not more than four (4) SF of sign area.

Amend CHAPTER II, SECTION III, SIGNS, G. PERMITTED NON-RESIDENTIAL SIGNS, Subsection 1) Village Environment, b) Multi-Occupant Property by adding a new item (4) Allowed Information/Direction Signs to read:

(4) Allowed Information/Direction Signs
(a) Any number of information/direction signs each having not more than four (4) SF of sign area.

Amend CHAPTER II, SECTION III, SIGNS, G PERMITTED NON-RESIDENTIAL SIGNS, Subsection 2) Roadside Environment a) Single-Occupant Property by adding a new item(4) Allowed Information/Direction Signs to read:

(4) Allowed Information/Direction Signs
(a) Any number of information/direction signs each having not more than six (6) SF of sign area.

Amend CHAPTER II, SECTION III, SIGNS, G. PERMITTED NON-RESIDENTIAL SIGNS, Subsection 2, Roadside Environment b) Multi-Occupant Property by adding a new item (4) Allowed Information/Direction

Signs to read:

- (4) Allowed Information/Direction Signs
- (a) Any number of information/direction signs each having not more than six
- (6) SF of sign area.

Amend CHAPTER II, SECTION III, SIGNS, G. PERMITTED NON-RESIDENTIAL SIGNS, Subsection 3) Industrial/Business Park Environment,

a) Single-Occupant Property by adding a new item (3) Allowed Information/Direction Signs to read:

- (3) Allowed Information/Direction Signs
- (a) Any number of information/direction signs each having not more than eight (8) SF of sign area.

Amend CHAPTER II, SECTION III, SIGNS, G. PERMITTED NON-RESIDENTIAL SIGNS, Subsection 3) Industrial/Business Park Environment,

b) Multi-Occupant Property within an Industrial/Business Park by adding a new item (3) Allowed Information/Direction Signs to read:

- (3) Allowed Information/Direction Signs
- (a) Any number of information/direction signs each having not more than eight (8) SF of sign area.

Amend CHAPTER II, SECTION III, SIGNS, G. PERMITTED NON-RESIDENTIAL SIGNS, Subsection 4) Residential Environment, b) Single

Occupant Non-Residential Property by adding a new item (3) Allowed Information/Direction Signs to read:

- (3) Allowed Information/Direction Signs
- (a) Any number of information/direction signs each having not more than two
- (2) SF of sign area.

Amend CHAPTER II, SECTION III, SIGNS, G. PERMITTED NON-RESIDENTIAL SIGNS, Subsection 4) Residential Environment, b) Multi-

Occupant Non-Residential or Mixed-Use Property by adding a new item (3) Allowed Information/Direction Signs to read:

- (3) Allowed Information/Direction Signs
- (a) Any number of information/direction signs each having not more than two
- (2) SF of sign area.

Amend CHAPTER II, SECTION III, SIGNS, C. EXEMPT SIGNS to read:

The provisions of this section shall not apply to the following types of non-illuminated signs: public safety and information; political, traffic control and directional that contain no advertising; no trespassing; real estate development or site signs during the period of construction; real estate sale and rental signs except as limited in this section; building markers; signs required by law or court order; gasoline price signs attached to or part of a pump for the dispensing of gasoline or other fuels having less than one square foot of sign area; signs displaying only the address of the property; and temporary signs in conjunction with a yard sale or community or other special event with a limited duration.

Amend CHAPTER II, SECTION III, SIGNS, by adding a new subsection M. ALLOWANCE OF ADDITIONAL FREE STANDING SIGNS FOR CORNER LOTS to read:

M. ALLOWANCE TO ADDITIONAL FREESTANDING SIGNS FOR CORNER LOTS

The Planning Board may permit an additional freestanding sign for a property that fronts on two or more streets but that has vehicular access only from one street upon the written request of the property owner if the Planning Board finds that

- 1) The building faces or is primarily oriented to a street from which the parcel does not have vehicular access.
- 2) The additional sign is needed to provide appropriate visibility for occupant(s) of the property or to safely direct vehicles to the access into the property.
- 3) The additional sign will be located so that there is only one sign of any type on each frontage.
- 4) The sign will be of an appropriate scale for the location of the project, and
- 5) If the project is located in the Village Centers or Urban Commercial Districts, the sign is compatible with the village character.

The applicant shall be responsible for demonstrating to the Planning Board' satisfaction that all of these conditions are met.

Amend CHAPTER II, SECTION III, SIGNS, Subsection C. EXEMPT SIGNS to read:

C. EXEMPT SIGNS

The provisions of this section shall not apply to the following types of non-illuminated signs: public safety and information; political, traffic control and directional that contain no advertising; no trespassing; real estate development or site signs during the period of construction; project identification signs with the name of a municipal or community building or facility or residential subdivision or development that is located at the entrance to the site; real estate sale and rental signs except as limited in this section; building markers; signs required by law or court order; gasoline rice signs attached to or part of a pump for the dispensing of gasoline or other fuels having less than one square foot of sign area; signs displaying only the address of the property; and temporary signs in conjunction with a yard sale or community or other special event with a limited duration.

Public Hearing #3

Public Hearing on a proposal to amend Chapter I, Section IX of the Land Use and Development Code to require that the principal building meet the "build to" requirement of the Code.

Item #7790

Action to consider a proposal to amend Chapter I, Section IX of the Land Use and Development Code to require that the principal building meet the "build to" requirement of the Code. (Admin. Spon.)

Proposed Order #7790

Whereas, the Town Land Use and Development Code is intended to require the principal building to front the street, and

Whereas, in some instances, secondary or ancillary structures have fronted a street with the principal structure set farther away, and

Whereas, the Land Use and Development Code needs to be clarified to ensure that the intended principal building fronts the street,

Now therefore be it **ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an amendment to Chapter 1, Section IX of the Land Use and Development Code to require the principal building to meet the "build to" requirement of the Code, as proposed.

PROPOSED AMENDMENT (NOTE: additions are underlined and deletions are ~~struck through~~).

CHAPTER I: ZONING REGULATIONS

SECTION V - DEFINITIONS

Building, principal means the primary building on a lot or a building that shelters or encloses the principal use on a lot.

Structure, principal (see Principal Building)

Principal Use means the primary or predominant use. An activity that is conducted in conjunction with another principal use and such activity that either: (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, is regarded as accessory to the principal use.

A use is regarded as "incidental or insubstantial" if it is both incidental or insubstantial in and of itself and in relation to the principal use. Quantitative measures for consideration in this determination include the percentage and total amount of square footage attributed to the second use and sales or income derived from the second use.

SECTION IX - VILLAGE CENTERS DISTRICT¹

SUBSECTION 1. LITTLE FALLS VILLAGE CENTER DISTRICT

E. PERFORMANCE STANDARDS

The performance standards contained in Chapter II 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 **principal** 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 require that entrances to uses in this district be combined to the maximum extent possible.
- 4) Each building shall be limited to a maximum of one entrance and exit to Main Street at a point determined by the Planning Board.

SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT

E. PERFORMANCE STANDARDS

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

- The general performance standards of Chapter II,
- The Site Plan approval criteria and standards of Chapter IV, Section IX where applicable, and
- The following additional performance standards

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

4. Parking Locations

Parking shall be designed to reinforce the "village character". No off-street

¹ Amended April 6, 1999

parking shall be located within any required front, side, or rear yard or setback. No portion of the lot in front of the front **principal** building line shall be used for off-street parking.

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 **principal** 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 In no event, shall any accessory structure be located closer than any principal structure to a street abutting the lot, where possible to avoid the creation of “empty corners.

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.

SECTION X URBAN COMMERCIAL DISTRICT²

E. PERFORMANCE STANDARDS

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

- The general performance standards of Chapter II,
- The Site Plan approval criteria and standards of Chapter IV, Section IX where applicable, and
- The following additional performance standards

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

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. Along Main Street, no parking shall be located between the sidewalk and the wall of any **principal** building that is located within one hundred (100) feet of the Main Street property line. Along other streets, no parking shall be located between the sidewalk and the front wall of any

² Amended April 6, 1999

principal building.

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 **principal** building shall maintain the established relationship. If an established setback relationship does not exist, the **principal** 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 **principal** 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 **principal** building is located more than thirty feet from the property line, the **street frontage 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 **principal** buildings on corner lots, the setback relationship of both streets shall be maintained where possible to avoid the creation of “empty corners.”

Item #7791

Action to consider a request from Paul Gore, to rezone land on Bartlett Road that abuts the Industrial Zone from Rural/Manufactured Housing to Industrial. (Adm. Spon.)

Proposed Order #7791

ORDERED, that the Town Council of the Town of Gorham, Maine, in Town Council assembled pursuant to a request from Paul Gore, refer his request to rezone two (2) parcels of land on Bartlett Road (Tax Map 12, lots 7 & 10) that abut the Industrial Zone from Rural/Manufactured Housing Zone to the Industrial Zone, to the Planning Board for Public Hearing and their recommendation.

Item #7792

Action to consider a request from Mark Faunce, as Moderator of First Parish Congregational Church, to amend the Town Clock agreement between the Town and the First Parish Congregational Church by having the Town assume responsibility for maintaining the Clock instead of the Church. (Adm. Spon.)

Proposed Order #7792

ORDERED that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request from the First Parish Congregational Church, to amend the agreement between the Town and the First Parish Congregational Church, found in Town Council Order #7399, approved March 6, 2007 and the March 26, 2007 letter from the First Parish Congregational Church that collectively details the agreement, by changing the party responsible for the annual maintenance of the Clock from the Church to the Town, to the _____ Committee for their review

and recommendation.

Item #7793 Action to consider authorizing an application for a Community Development Block Grant for sidewalk improvements at the intersection of Routes 114 & 25. (Adm. Spon.)

Proposed Order #7793 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize an application for a Community Development Block Grant for sidewalk improvements at the intersection of Routes 114 & 25 with a 30% local match and,

Be It Further **ORDERED** that the Town Council appropriate \$100,900 from the Capitol Reserve Account for the Town's 30% local match specifically for this project and contingent on the grant being approved and with the funds being returned to the Capital Reserve Account if the grant is not approved, and

Be It Further **ORDERED**, that the Town Council authorizes the Town Manager to execute any documents necessary for the grant and,

Be It Further **ORDERED** that the Town Council endorse an application to PACTS to make improvements to the sidewalk at the intersection of Routes 114 & Route 25.

Item #7794 Action to consider endorsing an application to PACTS to make improvements to the sidewalks at the intersection of Routes 114 and 25. (Adm. Spon.)

Proposed Order #7794 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled endorse an application to PACTS to make improvements to the sidewalks at the intersection of Routes 114 and 25.

Item #7795 Action to consider asking the Portland Water District to prepare a Request for Proposal for engineering services to design a sewer line, and pump station if necessary, to serve South Gorham via Route 114. (Adm. Spon.)

Proposed Order #7795 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Portland Water District to prepare a Request for Proposal for engineering services to design a sewer line, and a pump station if necessary, to serve South Gorham via Route 114, between Route 22 and Gorham Village.

Item #7796 Action to consider a procurement card holder agreement. (Adm. Spon.)

Proposed Order #7796 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled pursuant to the approved labor agreement with the Maine Association of Police authorize the Town to enter into an agreement with US Bank for a procurement card system.

Item #7797 Action to consider authorizing Police Officers to represent the Town in District Court in prosecution of alleged violations of local Ordinances that the Police Department is empowered to enforce. (Adm. Spon.)

Proposed Order #7797 **ORDERED** that the Town Council, pursuant to Title 30-A, M.R.S.A., Section 2761 (3) authorize Police Officers; Lawrence M. Maxfield-Fearon, Sears E. Edwards and Wayne E. Coffin, to represent the Town of Gorham

in District Court in the prosecution of alleged violations of those local Ordinances that the Police Department is empowered to enforce, if duly certified in accordance with Title 25, M.R.S.A. 2308, A (8) or successor statutes.

Item #7798 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 #7798 **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