

**AGENDA & PROPOSED ORDERS**  
**GORHAM TOWN COUNCIL**  
REGULAR MEETING  
September 7, 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 August 3, 2010 Regular Town Council Meeting and the August 25, 2010 Special Town Council Meeting

Open Public Communications

Councilor Communications

Chairman's Report

Town Manager's Report

School Committee Report

**Old Business** - Possible reconsideration of Order #7884, approved by the Town Council (6-0) on August 3, 2010, authorizing the solicitation of bids and establishing conditions for the sale of property at 27 Preble Street may be heard after Item #7891.

**New Business**

**Public Hearing #1** Public Hearing on a proposal to amend the Town's Shoreland Zoning Ordinance.

**Item #7890** Action on a proposal to amend the Town's Shoreland Zoning Ordinance. (Adm. Spon.)

**Proposed Order #7890** **WHEREAS**, the State Legislature recently adopted changes to laws that apply to land use on State Shoreland areas; and,

**WHEREAS**, the Town of Gorham has a Shoreland Zoning Ordinance that must be consistent with State law; and,

**WHEREAS**, the Town adopted changes to its Shoreland Zoning Ordinance of February 2, 2010 and forwarded the ordinance to the State for review; and,

**WHEREAS**, the State determined that several additional modifications need to be made to make the Town's ordinance consistent with the State law; and,

**WHEREAS**, these changes have been made and forwarded to the Planning Board and the Planning Board recommended approval at their meeting on August 2, 2010,

**NOW THEREFORE BE IT ORDAINED**, that the Town Council of the

Town of Gorham, Maine, in Town Council assembled approve the amendments to the Shoreland Zoning Ordinance as proposed.

Note: additions to the Code are underlined and deletions are ~~struck through~~.

**CHAPTER 1 – ZONING REGULATIONS – SECTION IV – BOARD OF APPEALS – D. APPEAL PROCEDURE**

**D. APPEAL PROCEDURE**

14) In the case of variance applications within a shoreland area, a copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

**CHAPTER I, SECTION IV - DEFINITIONS**

Dwelling Unit In shoreland areas, this term shall mean a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rental. Recreational vehicles are not dwelling units.

Foundation The supporting structure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Height of Structure In shoreland areas, the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**CHAPTER II – GENERAL STANDARDS OF PERFORMANCE – SECTION I – ENVIRONMENTAL – E. SHORELAND AREA PROTECTION**  
**SHORELAND AREA PROTECTION**

6) Non-conformance Within the Shoreland Overlay District

c) Non-conforming Lots within a Shoreland Area

(1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above-referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

(3) Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or

amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the Registry of Deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

9) Land Use Performance Standards

a) Minimum Lot Standards

(4) In shoreland areas, if more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

d) Roads and Driveways

(7) Where underground storm water drainage is not required, ditch relief (crossing drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Read Grade (percent) Spacing (feet)”

**Public Hearing #2**

Public Hearing on a proposal to amend the Land Use and Development Code to allow streets to be constructed to a maximum length of 2,500 feet if dwelling units are served by a sprinkler system.

**Item #7891**

Action on a proposal to amend the Land Use and Development Code to allow streets to be constructed to a maximum length of 2,500 feet if dwelling units are served by a sprinkler system. (Adm. Spon.)

**Proposed Order #7891**

**WHEREAS**, the Town’s Land Use and Development Code currently allows streets to be constructed to a maximum length of 1,500 feet because of safety concerns related to fire and emergency response; and,

**WHEREAS**, allowing longer roads usually allows public services like water and sewer, trash collection, plowing, sanding and general road maintenance to be provided more cost effectively; and,

**WHEREAS**, dwelling units that are served by sprinkler systems have been proven to be highly effective at reducing loss of property and lives and moderating public safety issues; and,

**WHEREAS**, the Planning Board recommended approval at their meeting of August 2, 2010,

**NOW THEREFORE BE IT ORDAINED**, that the Town Council of the

Town of Gorham, Maine, in Town Council assembled approve an amendment to the Land Use and Development Code, Chapter II, Section V to allow a maximum length of dead end streets to 2,500 feet if the dwelling units are served by a sprinkler system, as proposed.

Note: additions to the Code are underlined and deletions are ~~struck through~~.

F. STREET DESIGN STANDARDS – PUBLIC WAYS

4) Dead End Streets and Streets Providing Sole Vehicular Access

b) ~~Dead end streets, whether public or private, paved private ways and streets, except for those built to an industrial, commercial, or service street standard that serves as the sole vehicular access, shall not exceed in length a cumulative distance of fifteen hundred (1500) feet, as measured along the proposed streets' centerlines, from the ROW line of the intersecting town way, to the furthest centerline point of a turning circle or loop road or the terminus of the hammerhead.~~

The Planning Board may extend the 1,500' maximum dead end length requirements to a maximum cumulative length of 2,500' if it finds that the proposed street satisfies the following criteria and is the best road design for the site:

All dwelling units served by the proposed street are sprinkled per the Town of Gorham's Sprinkler System Ordinance. An extension to an existing dead end street requires that only those dwellings units served by said extension are required to be sprinkled per the Town of Gorham's Sprinkler System Ordinance; and Road connections are not required per Chapter II, Section V, C. Access to Adjoining Land, 1) - 4).

**Item #7884**

Action to consider authorizing the sale of tax acquired property at 27 Preble Street. (Adm. Spon.)

**Proposed Order #7884**

**ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager and Finance Director to solicit sealed bids for the purpose of selling tax acquired property located at 27 Preble Street subject to the following conditions:

1. Minimum bid required will be \$35,000.
2. Bidders must provide a check, payable to the Town of Gorham, equal to 5% of the amount of the bid that will be applied to the final purchase price. Unsuccessful bidders will have their checks returned to them.
3. The Town will issue a quit-claim deed with restrictions that prohibit this property from being owned or used by a fraternity or sorority.
4. The property will be sold "as-is" and the purchaser will be responsible for any clean up and improvements.
5. The Town shall reserve the right to accept or reject any bid, to negotiate with any bidder, or prospective purchasers, and to waive technicalities as solely determined by the Town to be in the Town's best interest.

**BE IT FURTHER ORDERED** that the Town Council is providing notice to prospective purchasers that this building has identified code violations that must be corrected before the building can be occupied; and,

**BE IT FURTHER ORDERED** that the use of the building must fully

comply with any applicable Federal, State, or local laws or regulations.

**Item #7892**

Action to consider amending the Land Use and Development Code to modify off-street parking, buffer areas and screening. (Adm. Spon.)

**Proposed  
Order #7892**

**ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Land Use and Development Code, Chapter II, Sections II and VIII to modify off-street parking, buffer areas and screening to the Planning Board for public hearing and their recommendation.

**Item #7893**

Action to consider an updated Capital Improvements Planning Program. (Adm. Spon.)

**Proposed  
Order #7893**

**ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the Capital Improvements Planning Document, dated July 30, 2010, to be used as a guide for Capital Improvement Projects.

**Item #7894**

Action to consider authorizing tax acquired property to be sold. (Adm. Spon.)

**Proposed  
Order #7894**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize staff to solicit sealed bids for properties acquired by foreclosed tax liens that have not made any payments since January 1, 2008 (over two and a half years) after first providing one final opportunity of at least 30 days for property owners to pay all outstanding taxes and costs, as recommended by the Finance Committee.

**Item #7895**

Action to consider a request to construct a sidewalk over Town land to connect the Wagner Farm Subdivision and Gateway Commons Subdivision with a walking path. (Adm. Spon.)

**Proposed  
Order #7895**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled grant permission to Risbara Brothers Construction Co. to construct a gravel base and sidewalk over Town land to connect Wagner Farm Subdivision and Gateway Commons Subdivision with a walking path, consistent with the Planning Board approval of the Wagner Farm Subdivision project.

**Item #7896**

Action to consider purchasing a replacement vehicle for the Deputy Fire Chief. (Adm. Spon.)

**Proposed  
Order #7896**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request to purchase a replacement vehicle for the Deputy Fire Chief to the Finance Committee for their review and recommendation.

**Item #7897**

Action to consider authorizing a Discharge of Mortgage to Gordon's Sand & Gravel Inc. (Adm. Spon.)

**Proposed  
Order #7897**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager, on behalf of the

Town of Gorham, to sign a Discharge of Mortgage to Gordon's Sand & Gravel Inc. that had been used as a performance guarantee because a new performance guarantee has been accepted by the Town.

**Item #7898** Action to consider a proposal to amend the Land Use and Development Code, Chapter I, Section V, definitions.

**Proposed Order #7898** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Land Use and Development Code, Chapter I, Section V, definitions, to the Planning Board for public hearing and their recommendation.

**Note:** Additions are underlined, deletions are struck through.

Street Frontage The width of a lot measured along ~~the~~ a street line, provided that access to the lot is possible from that street. Limited access roads, including but not limited to the Bernard P. Rines Highway section of Route 112, that cannot be used for access onto abutting lots, shall not be used to meet street frontage requirements. When a lot abuts more than one street that is not a limited access road, any one of them, but only one, may be designated by the owner as the street that will meet the street frontage requirements, provided that the lot meets the street frontage requirements on that street, the lot meets the front, side and rear yard setback requirements and that the principal building is numbered on that street.

Applicability Date: Notwithstanding the provisions of 1 MRSA, Section 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any building permit application that has not received all required Town approvals prior to September 7, 2010.

**Item #7899** Action to consider going into Executive Session pursuant to Title 1, M.R.S.A., section 405 (6)(D) to discuss labor negotiations with the Police Union. (Adm. Spon.)

**Proposed Order #7899** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled go into Executive Session pursuant to Title 1, M.R.S.A., section 405 (6)(D) to discuss labor negotiations with the Police Union.

**ADJOURN**