

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
March 3, 2015
Burleigh H Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the February 3, 2015 Town Council Regular Meeting

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public

Hearing #1

on

Item # 8879 Public Hearing on a renewal of a Liquor License in the name of Gorham Country Club, located at 93 McLellan Road. (Admin Spon.)

Proposed

Order #8879 Ordered, that the Town Council approve a renewal Liquor License in the name of Gorham Country Club, located at 93 McLellan Road.

Public

Hearing #2

on

Item #8880 Public Hearing on a renewal Liquor License in the name of 91 South Street, LLC. located at 91 South Street. (Admin Spon.)

Proposed

Order #8880 Ordered, that the Town Council approve a renewal Liquor License for 91 South Street, LLC, located at 91 South Street.

Public

Hearing #3

on

Item #8881 Public Hearing on a renewal Liquor License in the name of The Blue Pig, located at 29A School Street. (Admin. Spon.)

Proposed

Order # 8881 Ordered, that the Town Council approve a renewal Liquor License for the Blue Pig, located at 29A School Street.

Public

Hearing #4

on

Item #8882 Public Hearing on a proposal to amend Chapter II, Section V (F) (5) of the Land Use and Development Code to amend the sight distance requirements by making them consistent with the sight distance requirements of the State.(Admin Spon.)

Proposed

Order #8882 Whereas, the Town has a Land Use and Development Code that establishes standards for the construction of roads and driveways, including standards for sight distance, and Whereas, the Towns sight distance requirements are similar to those required by the State but not the same, and Whereas, the State requirements are generally, less stringent than the Towns, except at higher speeds where the State requires a greater sight distance, and Whereas, the Town wants its Land Use and Development Code to be consistent and reduce the potential for any confusion. Now Therefore Be It Ordered, that the Town Council approve the following amendment:

Chapter II: Performance Standards, Section V – Minimum Standards for the Design and Construction of Streets and Ways, F. Street Design Standards – Public Ways,

- 5) Sight Distance - Any intersecting street or road shall be so designed in profile and grading to provide minimum sight distances measured in each direction. Measurement shall be from the driver's seat of a vehicle that is 10 feet behind the curb (or edge of shoulder) line with the height of eye three and one half (3 1/2) feet above the pavement and a height of object of four and one quarter (4 1/4)feet.

Allowable Speed	Minimum Sight Distance*
(miles per hour)	(in feet)
25	250
30	300

Allowable Speed (miles per hour)	Minimum Sight Distance* (in feet)
35	350
40	400
45	450
50	500
55	550

* Based on MDOT standards for low and medium volume drives. High volume streets and drives may require a greater sight distance as demonstrated necessary for safety purposes by the Public Works Director or the Director's designee.[†]

The minimum allowable sight distances for all accesses onto all streets and private ways are set forth in Table 1. The Town of Gorham may require up to 50% greater sight distances when at least 30% of the traffic using the driveway will be by larger vehicles.

Table 1 – Sight Distance

<u>Posted Speed</u> <u>(MPH)</u>	<u>Sight Distance</u> <u>(Feet)</u>
<u>20</u>	<u>155</u>
<u>25</u>	<u>200</u>
<u>30</u>	<u>250</u>
<u>35</u>	<u>305</u>
<u>40</u>	<u>360</u>
<u>45</u>	<u>425</u>
<u>50</u>	<u>495</u>
<u>55</u>	<u>570</u>
<u>60</u>	<u>645</u>



Public
Hearing #5
on

Item #8883 Public Hearing on a proposal to amend Chapter I, Section V Definitions, and add new language to Chapter II, Section II and Section XIV, to the Land Use & Development Code to allow Dog Kennels as a permitted use in the Rural District and to add Performance standards for Dog Kennels. (Ordinance Com. Spon. 3-0)

Proposed
Order #8883

WHEREAS, at the request of Amy Beckwith, the Town Council reviewed the language in the Land Use and Development Code regarding dog kennels and concluded that the language needed to be clarified with more appropriate performance standards, and WHEREAS, after a proposal was developed by the Town Councils Ordinance Committee, the Council forwarded it to the Planning board, and WHEREAS, after having the Planning Board recommend approval with some changes to the proposed language which was approved by the Town Council on May 6, 2014, sent the proposal back to the Ordinance Committee who unanimously recommended that the Town Council approve the amendment with the changes recommended by the Planning Board.
Now, therefore be it ordered by the Town Council assembled that the following amendment is approved:

CHAPTER I – ZONING REGULATIONS
SECTION V - DEFINITIONS

Dog Kennels A facility for the boarding and / or daycare of dogs including accessory activities such as grooming or training.

SECTION VIII - RURAL DISTRICT

B. PERMITTED USES

22) Dog Kennels

CHAPTER II – GENERAL STANDARDS OF PERFORMANCE
SECTION XIV – DOG KENNEL STANDARDS

The purpose of this section is to provide standards to ensure that Dog Kennels are safe and maintained in a clean and sanitary manner and do not create a nuisance to surrounding properties. The Dog Kennel owner shall submit a fully dimensioned and detailed plan illustrating all structures and areas that will be used in the operation of the Dog Kennel showing compliance with the Town’s Land Use and Development Code. The Code Enforcement Officer may conduct an inspection as needed to verify that the Dog Kennel is operating as approved and in conformance with this Land Use and Development Code. A Dog Kennel shall meet the following standards:

1) Shall be located on lots not less than three (3) acres in area.

- 2) Shall not have more than ten (10) dogs at any given time.
- 3) Dogs shall be housed within a permanent structure / outbuilding between the hours of 7:00 p.m. and 7:00 a.m.
- 4) Any structure used for housing the dogs and/or containment area shall be:
 - a) Designed, constructed and located on the lot in a manner that will minimize the negative impact upon abutting properties.
 - b) Set back a minimum of one hundred (100) feet from all property lines. The Town's Planning Board or Administrative Review Committee may grant a waiver from this setback requirement provided the structure or containment area is adjacent to a dedicated open space or conservation area which may be used towards meeting the minimum one hundred (100) foot setback requirement based upon a finding that a negative impact to abutting properties will not be created.
 - c) Structurally sound and maintained in good repair at all times.
 - d) Well ventilated so as to provide constant fresh air.
 - e) Maintained at a comfortable temperature.
 - f) Maintained in a clean and sanitary condition at all times. Any animal excrement shall be removed at least twice daily from the dog pens and runs. Each pen shall be washed down with water and disinfectant cleaner as often as necessary to maintain a safe and sanitary condition for the dogs, but in no event less than once each day.
- 5) Any structure used for housing the dogs shall have its floor constructed of cement, asphalt or a similar material.
- 6) Outside containment areas shall be enclosed with fencing with a height of no less than eight (8) feet.
- 7) All dog pens shall provide sufficient room for the dogs housed therein to turn about freely, to stand erect, and to lie down in a natural position.
- 8) Any storage container used for holding waste that includes animal excrement shall be kept tightly covered at all times and emptied at least once every two (2) days. Such container shall be located in accordance with the setback requirements for structures as stated in this section.
- 9) All dogs shall have access to shelter to protect them from the weather.
- 10) The dogs shall be provided with sufficient fresh water and wholesome food so as to maintain their health. Food and water containers shall be kept clean and sanitized.

Public Hearing #6

on

Item #8884 Action on a proposal to amend Chapter 1 and Section II of the Land Use & Development Code to allow Airstrips, including runways and landing strips. (Admin Spon.)

Proposed

Order #8884 WHEREAS, the Town of Gorham has a Land Use Ordinance that does not define airstrips, and
WHEREAS, the Towns Staff has relied on a prior interpretation made by the Code Enforcement Office to determine airstrips are allowed as an ancillary use, and
WHEREAS, the Town Council has not established a policy on this subject, and
WHEREAS, it is in the best intent of the community for a clear policy to be established by the Town Council, now
Therefore Be It Ordered that the Town Council approve the following amendment:

Chapter I: Zoning Regulations, Section V – Definitions:

Airstrip (includes Runways and Landing Strips): An area of land ~~prepared or used that is used or intended to be used~~ for the landing and takeoff of aircraft. ~~Airstrips, Runways, and Landing Strips~~ shall not be allowed or considered an accessory use to ~~any permitted or special exception~~ other use and shall only be allowed in those zoning districts where they are listed as a permitted or special exception use and shall be subject to the performance standards in Chapter II, Section XIV.

Runways: See Airstrips.

Amend Chapter I, Section VII – Suburban Residential District, B. Permitted Uses

17) Airstrip

Amend Chapter I, Section VIII – Rural District, B. Permitted Uses

22) Airstrip

Chapter II: General Standards of Performance, Section XIV – Airstrip: ~~Any A~~ airstrip ~~for personal~~ use shall meet the following standards and limitations:

1) Site plan ~~review~~ approval by the Planning Board is required prior to the construction

- of an airstrip and start of the airstrip use.
- 2) Only one airstrip is permitted per lot and ~~The~~ airstrip surface shall be limited to grass only and there shall be no exposed gravel or paving.
 - 3) The maximum length shall be a minimum of 500' and a maximum of ~~1,500~~ 2,000'.
 - 4) The edges of the airstrip shall ~~be located at least 1,000' from any abutting property line.~~ meet the following setbacks from abutting property lines:
 - a. The ends of the airstrip shall be set back at least 250' from the property line.
 - b. The sides of the airstrip shall be set back at least 50' from the property line.
 - 5) Planes using the airstrip shall be limited to visual flight operations and shall only operate between 7 a.m. and 8 p.m.
 - 6) There shall be no lighting of the airstrip or any control tower, except for low intensity landscape lighting utilized to identify the perimeter of the airstrip, and which is activated only for approach and take-off.
 - 7) ~~That~~ Touch and go landings are prohibited on the airstrip.
 - 8) ~~That~~ The use of the airstrip is ~~for~~ limited to personal use by the owner of the property and shall not be used for any commercial uses including but not limited to, sky-diving, flying lessons, rental of aircraft or landing rights, or commercial maintenance or repair of aircraft.
 - 9) There shall be no more than one airstrip per property. The airstrip may not serve more than one lot or owner nor shall deeded rights be granted in the airstrip to ~~others~~ non-property owners.
 - 10) ~~That~~ Only the lot owner's aircrafts are allowed to be stored on the lot for longer than 72 hours. ~~That a~~ A maximum of three (3) aircraft can be stored on a lot at any one time. The storage of aircraft can either be outdoors or in an airplane hanger.
 - 11) ~~That~~ The aircraft storage area shall be adequately buffered from abutting residential properties meeting the requirements of the Planning Board. (Note: you will need to establish some standards for the Planning Board to apply as to the buffer requirements.)
 - 12) ~~That~~ The airstrip shall receive all necessary Federal Aviation Administration approvals prior to final site plan approval by the Planning Board.
 - 13) ~~That~~ The storage of airplane fuel shall be limited to not more than 500 gallons and the applicant shall receive all required State and Federal permits prior to final site plan approval by the Planning Board.

Chapter IV: SITE PLAN REVIEW

SECTION II – APPLICABILITY

- 11) The establishment of an airstrip use.

SECTION III – CLASSIFICATION OF PROJECTS

- 2) Major Development –
 - a. The establishment of an airstrip use.

Item #8885 Action to accept a deed for a turn-around on Davis Annex. (Admin. Spon.)

Proposed

Order #8885 Ordered, that the Town Council accept a warranty deed from Justin and Kelly Dearborn for a turn-around on Davis Annex.

Item #8886 Action to consider a proposal to have the Town adopt the latest NFPA 101 Life Safety Code used by the State of Maine and have it automatically update whenever the State updates its Life Safety Code. (Councilor Moulton Spon.)

Proposed

Order #8886 Ordered, that the Town Council ask the Ordinance Committee to bring forward the proposal to adopt the current NFPA 101 Life Safety Code used by the State, as the Town's Life Safety Code, and include language that future Life Safety Codes adopted by the State would automatically become the Town's Life Safety Code, for the Council to consider at their May 5, 2015 Council Meeting.

Item #8887 Action to consider asking staff to prepare an amendment to the Policy for Disposal of Tax Acquired Property, that would require the Town Council to approve or not approve any proposal to dispose of tax acquired property without further negotiation with the prior owner of the property. (Councilor Robinson Spon.)

Proposed

Order #8887 Ordered, that the Town Council ask staff to prepare an amendment to the Policy for Disposal of Tax Acquired Property, adopted by the Town Council on August 6, 2013, that would require the Town Council to vote to approve or not approve any proposal, to dispose of tax acquired property, without further negotiations with the prior owners of the property.

Item #8888 Action to consider amending the Land Use and Development Code to allow Accessory Apartments up to 1,000 square feet. (Councilor Phinney Spon.)

Proposed

Order #8888 Ordered, that the Town Council refer a proposal to amend Chapter II, Section IV, (C) (C) of the Land Use and Development Code, by allowing Accessory Apartments to contain up to a maximum of 1,000 square feet instead of a maximum of 660 square feet as is currently allowed, to the Planning Board for their public hearing and recommendation.

Item #8889 Action to consider providing dedicated space at the Little Falls Activity Center for the Lake Region Senior Center. (Councilors Benner and Roullard Spon.)

Proposed

Order #8889 Ordered, that the Town Council approve providing a dedicated “classroom” at the Little Falls Activity Center for the Lake Region Senior Center.

Item #8890 Action to consider asking the Ordinance Committee to develop a proposal to standardize the Public record and notification process to define how Public notification is done and to increase the records available on the Town Website including but not limited to, the Town Manager’s agenda comments and weekly report. (Councilor Hartwell Spon.)

Proposed

Order #8890 Ordered that the Town council refer a proposal to standardize the Public Record and notification process to define how public notification is done and to include the records available on the Town website including but not limited to, the Town Manger’s agenda comments and weekly report.

Item #8891 Action to consider supporting the Governor’s proposed budget which includes a reduction in State income taxes and the elimination of Municipal revenue sharing. (Councilor Hartwell Spon.)

Proposed

Order #8891 Ordered, that the Town Council go on record in support of the Governors recently proposed budget, which includes a reduction in the State income tax, and the elimination of revenue sharing in the second year.

Item #8892 Action to consider adjusting the Town’s representation to the PACTS Policy Committee. (Admin Spon.)

Proposed

Order #8892 Ordered, that the Town Council accept the resignation of David Cole as the Town’s representative to the PACTS Policy Committee, and
Be It Further Ordered, that the Town Council appoint Bob Burns as the Town’s Representative to the PACTS Policy Committee and appoint David Cole as the Towns alternate representative.

Item #8893 Action to consider joining the Metro Regional Coalition and appointing representatives.
(Admin. Spon.)

Proposed

Order #8893 Ordered, that the Town Council join the Metro Regional Coalition by adopting the following resolution:

RESOLUTION ENDORSING METRO REGIONAL COALITION

WHEREAS, Maine citizens and taxpayers expect quality municipal services from their Towns and Cities; and

WHEREAS, the cost of providing basic municipal services continues to increase as the overall cost of living increases; and

WHEREAS, the local property taxes are the predominant funding source for these basic municipal services, and

WHEREAS, Maine citizens and taxpayers expect their elected representatives and officials to diligently explore the potential benefits, cost savings and efficiencies to be gained through collaborative relationships within and among municipalities and other units of government; and

WHEREAS, the communities of the Greater Portland region have a long history of collaborating in the provision of municipal services, including collaboration on solid waste management and recycling, transportation planning and funding, public bus service, municipal water service, cooperative purchasing alliances, as well as other examples, and

WHEREAS, representatives from the elected leadership and staff of the Cities of Portland, South Portland, and Westbrook together with the Towns of Cape Elizabeth, Falmouth and Scarborough have been meeting regularly on an informal basis since March 2006 for the purpose of expanding opportunities to collaborate in the provision of municipal services, including the identification of areas of common interest and the evaluation of new collaborative initiatives;

NOW, THEREFORE, BE IT ORDERED:

1. The Town of Gorham join the Metro Regional Coalition that include the above-referenced municipalities and working with staff of the Greater Portland Council of Governments and with the participation of the County of Cumberland, will meet on a regular basis as the Metro Regional Coalition for the purpose of finding, exploring, and implementing opportunities for regional cooperation in the provision of municipal services and infrastructure; and
2. That the Town of Gorham will designate as representatives to the Coalition an elected official and the Town Manager, and
3. That the representatives designated to the Coalition will select a rotating chair for a one year period who is responsible for calling and running meetings of the Coalition; and
4. That the representatives to the Coalition, from time to time, may designate subcommittees of the Coalition for the purpose of specific issues of regional cooperation.

AND BE IT FURTHER RESOLVED, that the Metro Regional Coalition shall adopt the following guiding principles:

1. Each participating municipality shall individually determine the extent to which it chooses to participate in the deliberations and initiatives of the Coalition; and

2. Participation in any projects, studies or initiatives developed through the Coalition will be voluntary by the municipal and county participants and other non-member municipalities and government organizations; and
3. Regional or collaborative efforts among any members of the Coalition should be pursued only if they either lower costs and/or improve services for the participating members; and
4. Successful regional or collaborative initiatives among members of the Coalition must offer a mutual benefit to all the participants; and
5. Members of the Coalition recognize that there is value in maintaining local community or neighborhood connections or identities; and
6. Members of the Coalition recognize that, by participating through a collaborative or regional process, each member can benefit through the sharing of information to achieve "best practices" developed in one or more of the communities; and
7. Membership in the Metro Regional Coalition is not limited to existing participating members, but may be broadened to include other communities upon mutual agreement of member and prospective member municipalities or government organizations. And

Be It Further Ordered, that the Town Council designate David Cole as one of the Town's representatives, and designate the Chair of the Town Council as the other representative, with the Vice Chair as the alternate representative.

Item #8894 Action to consider writing-off taxes for the 2010 fiscal year for Northern New England Telephone Operations LLC, d/b/a Fair Point Communications because of an inability to collect because the taxes were discharged by the United States Bankruptcy Court for the Southern District of New York. (Admin Spon.)

Proposed

Order #8894 Ordered, that the Town Council write-off all taxes and costs for the 2010 fiscal year for Northern New England Telephone Operation, d/b/a Fair Point Communications because of an inability to collect because the taxes were discharged by the United States Bankruptcy Court for the Southern District of New York.

Item #8895 Action to go into Executive Session pursuant to Title 36 MRSA Section 841 (2) to review one application for an abatement of taxes based on poverty and pursuant to Title 1 MRSA, Section 405 (6) (D) to discuss a proposed labor contract with the Employees in the Fire and Rescue Department.(Admin Spon.)

Proposed

Order #8895 Ordered, that the Town Council go into Executive Session pursuant to Title 36 MRSA Section 841 (2) to review one application for an abatement of taxes based on poverty and pursuant to Title 1 MRSA, Section 405 (6) (D) to discuss a proposed labor contract with the Employees in the Fire and Rescue Department.

Adjourn

