

AMENDED AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
NOVEMBER 10, 2015
Burleigh H Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call of the 2014-2015 Town Council

Acceptance of the minutes of the October 6, 2015 Regular Town Council Meeting

Acceptance of the minutes of the October 26, 2015 Special Town Council Meeting

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Election Report

Swearing in of Newly Elected Town Councilors

Roll Call of the 2015-2016 Town Council

Item # 8978 Action regarding the election of a Council Chair for the 2015-2016 year. (Admin. Spon.)

Proposed

Order # 8978 Ordered, that the Town Council elect _____ as the Chair for 2015-2016.

Item # 8979 Action regarding the election of a Council Vice Chair for the 2015-2016 year. (Admin. Spon.)

Proposed

Order # 8979 Ordered, that the Town Council elect _____ as the Vice Chair for 2015-2016.

Item # 8980 Action regarding appointment of members to various Council Committees. (Admin. Spon.)

Proposed

Order # 8980 Ordered, that the Town Council appoint the following people to the:

1. Finance Committee_____
2. Ordinance Committee_____
3. Appointments/Personnel Committee_____
4. Economic Development/Capital Improvements Committee_____
5. Representative to Greater Portland Council of Governments_____
6. Representative to Ecomaine_____
7. Representative to Jetport Noise Abatement_____
8. Representative to PACTS Policy Committee_____
9. Representative to METRO Regional Coalition_____

Item # 8981 Action to consider adopting Council Rules for 2015-2016. (Admin Spon.)

Proposed

Order # 8981 Ordered, that the Town Council adopt the same rules for 2015-2016 as for 2014-2015.

Public

Hearing #1

on

Item # 8982 Public Hearing on a proposal to amend the Land Use & Development Code to adopt a Conditional Zone for the McLellan/Sampson House located on 77 South Street. (Admin. Spon.)

Proposed

Order # 8982 Whereas the Town has a building located at 77 South Street, commonly known as the McLellan/Sampson House, and
Whereas, the Town would like to sell the property to increase the tax base of the community, allow the building to be more intensely used than its current use and potentially be a building that generates more opportunities for employment or housing and reduce the Towns future maintenance expense, and
Whereas, the Town would like to have the building developed while maintaining the historical integrity of the building,
Now Be It Ordered that the Town Council approve the following Conditional Zone:

McLellan House Conditional Zone

SECTION XV – MCLELLAN HOUSE CONDITIONAL ZONE

A. PURPOSE

To preserve the historic importance of the McLellan House and maintain the physical, aesthetic and social quality of Gorham's urban area and to provide 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, two, or three-family dwellings, exclusive of mobile homes and exclusive of trailers.
- 2) Municipal building or use.
- 3) Municipal or private parking lots
- 4) Municipally owned parks and playgrounds.
- 5) Accessory residential uses, including home occupations.
- 6) Accessory Apartments
- 7) Business and professional offices.

C. SPECIAL EXCEPTIONS

- 1) Reserved

D. SPACE STANDARDS

	<u>Watered & Sewered</u>
<u>Minimum lot size</u>	<u>None</u>
<u>Minimum area per dwelling unit</u>	<u>1,000 sq.ft.</u>

<u>frontage</u>	<u>Minimum street</u>	<u>None</u>
<u>Minimum front yard</u>		<u>5 ft.</u>
<u>Minimum rear and side yards</u>		<u>5 ft</u>

Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

<u>Maximum building height</u>	<u>None</u>
<u>Maximum building coverage</u>	<u>None</u>

E. PERFORMANCE STANDARDS

The performance standards contained in Chapter II of this Code shall be fully observed and that any building renovations shall be consistent with the below Historic Preservation Review Standards as determined by the **Planning Board**.

1. Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All sites, structures and objects shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development such as adding conjectural features or elements from other properties shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment. Changes that have acquired significance in their own right, shall not be destroyed.
5. Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall be treated with sensitivity.
6. Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture and other visual qualities and,

where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.

7. The surface cleaning of structures and objects, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired

and,

Be it Further Ordered, that the Town Council adopt the updated zoning map dated November 2015 for the Town of Gorham.

Public
Hearing #2
on

Item # 8983

Public Hearing on a proposal to amend Article X, Health Department, of the Administrative Code. (Admin. Spon.)

Proposed

Order # 8983

Whereas, the Town's Administrative Code requires the Health Officer to be a Physician, and
Whereas, State Law recognizes that many professions and people are qualified to be Health Officers and allows for any qualified person to be a Health Officer, and
Whereas, the Town wants to be able to consider any qualified person,
Now Therefore Be it Ordered, that the Town Council adopt the following amendment to the Administrative Code:

HEALTH OFFICER

ARTICLE X

HEALTH DEPARTMENT OFFICER

Section 1001. Establishment

~~There shall be a Department of Public Health, the head of which shall be the Health Officer, who shall be a physician appointed by the~~ The Town Manager **shall appoint a Health Officer for a period of 2-years and until that officer's successor is appointed,** as provided under Section 306 of the Town charter. **The Health Officer shall meet the education, training or field experience requirements as currently provided in Title 22 MRSA Section 2251, or a combination thereof or meet those requirements within 6-months after appointment.** ~~There shall be one or more Plumbing Inspectors appointed by the Health Officer, to be under the direction of the Health Officer.~~

Section 1002. Duties of the Health Officer

The Health Officer shall ~~have charge and control of all functions involved in protecting and preserving the public health; he shall~~ have all power provided by State law **and** Town ordinance relative thereto.

~~Section 1003. License Inspections.~~

~~Shall inspect promptly all premises for any license which requires certification by the Health Officer, and either deliver to the Town Clerk promptly a certificate to the effect that health laws are complied with and that proper sanitary conditions exist, or promptly advise the Town Clerk of his refusal to so certify and of the reasons for such refusal.~~

Section 1004. Complaints.

Shall receive and investigate all complaints made by any of the inhabitants of Gorham concerning nuisances dangerous to health within the limits of the Town and take such action as may be authorized by law.

Section 1005. Action in case of law violation.

Subject to the approval of the **Town Manager, the Health Officer** shall institute or cause to be instituted civil or criminal action for violation of any health law or ordinance and shall stand

ready to appear as complainant and/or witness in all legal proceedings against all alleged violation of said law or ordinance.

~~Section 1006. Plumbing Inspector~~

~~The Plumbing Inspector or Inspectors shall perform such duties as may be required by state law and by any ordinance of the Town.~~

~~1006.01 Cooperate with the department heads of the Town Government in the best interest of public safety.~~

Public
Hearing # 4
on

Item #8984 Public Hearing on a renewal of a Restaurant Liquor License for the Gorham House of Pizza. (Admin. Spon.)

Proposed
Order #8984

Ordered, that the Town Council approve a Renewal Restaurant Liquor License for Angelo Sotiropoulos d/b/a Gorham House of Pizza located at 2 State Street.

Public
Hearing #5
On

Item # 8985 Public Hearing on a renewal of a Restaurant Liquor License for Sebago Brewing Company. (Admin. Spon.)

Proposed
Order # 8985

Ordered, that the Town Council approve a renewal Liquor License of Sebago Brewing Company located at 29 Elm Street.

Item # 8986 Action to consider a petition from Dick Pratt asking to ban thru trucks on Files Road.

Proposed
Order # 8986

Ordered, that the Town Council refer a petition from Dick Pratt, asking to ban thru trucks on Files Road, to the Ordinance Committee for their review and recommendation.

Item # 8987 Action to consider a request from Mark Faulkner to re-zone the right side of Shaws Mill Road from Suburban Residential-Manufactured Housing to Roadside Commercial. (Admin. Spon.)

Proposed

Order # 8987 Ordered, that the Town council refer a request from Mark Faulkner, to re-zone the right side of Shaws Mill Road from Suburban Residential-Manufactured Housing to Roadside Commercial, to the Ordinance Committee for their review and recommendation.

Item # 8988 Action to consider accepting a proposal to study options for removing utility lines in Gorham Village. (Admin. Spon.)

Proposed

Order # 8988 Ordered, that the Town Council accept a proposal from Milone & MacBroom to conduct a study of the options for removing utility lines in Gorham Village, and Be It Further Ordered that the Town Council appropriate \$45,614, received from Ecomaine as a recycling dividend towards this study and related work.

Item # 8989 Action to consider making an appointment to the Baxter Memorial Library Board of Trustees. (Appointments Committee Spon. 3-0)

Proposed

Order # 8989 Ordered that the Town Council appoint Hilary Hamilton to serve on the Baxter Memorial Library Board of Trustees for a term to expire in 2018.

Item # 8990 Action to consider selecting a Real Estate Broker to work with the Town for a 2-year period when disposing of Town property. (Finance Committee Spon. 3-0)

Proposed

Order # 8990 Ordered that the Town Council select Peter Mason as the Real Estate Broker to assist the Town for a 2-year period from January 1, 2016 to January 1, 2018 in accordance with the proposal submitted by him.

Item # 8991 Action to consider amending the Streets and Sidewalk Ordinance to restrict parking on State Street and College Avenue to 2-hours. **(Councilor Roullard Spon.)**

Proposed

Order # 8991 Ordered that the Town Council ask Staff to draft an amendment to the Streets and Sidewalks Ordinance to restrict parking on State Street and College Avenue to 2-hours for the Council to consider at their next regular meeting.

Item # 8993 Action to consider authorizing an application to PACTS and MDOT for a road project on South Street. (Admin. Spon.)

Proposed

Order # 8993 Ordered, that the Town Council authorize the Town Manager and Public Works Director to submit a Project Identification Form to PACTS and MDOT for a project to pave South Street, replace traffic signal loop detectors where needed, widen shoulders where appropriate and repair structural lane pavement where needed, with an estimated cost of \$1,628,148 (federal share \$1,221,111 and local Town match \$407,037) with a requested project in 2018.

Item # 8994 Action to consider correcting the approved minutes of the August 4, 2015 regular meeting of the Town Council. (Councilor Hartwell Spon.)

Proposed

Order # 8994 Ordered that the Town council correct the minutes of the August 4, 2015 regular meeting of the Gorham Town Council by correcting the vote on Order 8856 to reflect a 5-2 (Hartwell and Moulton) vote instead of the current minutes which reflects vote of 7-0.

Adjourn