

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
October 4, 2016
6:30PM
Burleigh H Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the September 6, 2016 Regular Town Council Meeting.
Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Greg Jordan from METRO bus will make a presentation about a possible expansion of services to Gorham.

Public Hearing #1

On Item # 9123

Public Hearing on a proposed Historic Presentation Ordinance. (Ordinance Committee spon. 3-0)

Proposed

Order # 9123

Whereas, on May 14, 2014, the Town Council appointed a Historic Preservation Committee and asked the Committee to evaluate the need for and to make a recommendation about whether the Town should adopt a Historic Preservation Ordinance, and

Whereas, on January 5, 2016, the Town Council authorized the Committee to develop a Historic Preservation Ordinance for the Council to consider, and
Whereas, the Town of Gorham has 3 Historic Districts and 5 Historic Landmarks designated in the National Register of Historic Places, and

Whereas the Committee believes the items designated in the National Register of Historic Places are assets of high value to the Gorham Community and worthy of preservation, and

Whereas, over time, other Historic buildings or landmarks may become important enough to be designated for preservation,

Now, Therefore Be it Ordered, that the Town Council approve the following Historic Preservation Ordinance:

TOWN OF GORHAM
HISTORIC PRESERVATION ORDINANCE
August 2, 2016 –Proposed adjustments 8/9/16

Section 1. PURPOSE

1.1 The purpose of this Ordinance is to preserve, protect, and enhance historic resources within Gorham by providing a legal framework within which the residents of the town can protect the architectural heritage of its historically significant neighborhoods, landmarks, and sites while also encouraging compatible new construction and fostering proper maintenance and repair of existing resources. The heritage and economic well-being of the town will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of Gorham.

Section 2. DEFINITIONS

2.1 Archaeological Site: A geographic location of the remains of prehistoric life or historic human beings. These include, but are not limited to, structures, artifacts, terrain features, graphics and evidence of plants or animals.

2.2 Architectural Feature: Any feature that helps give a structure its distinctive architectural character. Such character defining features include but are not limited to columns, pilasters, cornice boards, brackets, balustrades, quoins, fanlights, corner boards, window and door frames and transoms.

2.3 Demolition: The complete or substantial removal of any building, structure, or site located in a historic district.

2.4 Historic District: A geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the Town Council as a Historic District pursuant to the criteria established in Section 5 of this Ordinance.

2.5 Historic landmark: Any building or monument of historic value.

2.6 Historic Preservation Certificate: A document issued by the Historic Preservation Commission that signifies approval of an application to make a material or significant change in the exterior appearance of a designated historic property, landmark or historic site.

2.7 Historic site: means any parcel of land which is of historic value, or upon which is positioned any historic landmark.

2.8 National Register of Historic Places: A register assigned by The National Historic Preservation Act of 1966, as amended, that recognizes building, sites, districts, structures and objects significant in American history, archaeology, architecture, engineering or culture and identifies them as worthy of preservation.

2.9 Structure: A work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

Section 3. USES PERMITTED

3.1 The uses permitted in historic districts and individual historic properties and at historic sites or historic landmarks shall be those set forth in the Land Use and Development Code of the Town of Gorham, Maine for the zone in which such a district, site, property or landmark is located.

Section 4. HISTORIC PRESERVATION COMMISSION

4.1 This ordinance establishes the Gorham Historic Preservation Commission. The members of the Commission shall be appointed by the Town Council. Members appointed shall be residents or property owners of Gorham and have a combination of interest, knowledge, and experience in the Town, its history and historic preservation. The members of the Commission shall serve without compensation.

4.2 The Commission shall consist of seven (7) members who serve staggered 3-year terms. For the initial appointments, 2 members shall be appointed for 1-year terms, 2 members shall be appointed for 2-years terms and 3 members shall be appointed for 3-year terms.

4.3 All meetings of the Historic Preservation Commission are public meetings and governed in accordance with Title 1 MRSA Sections 401-414, as amended.

4.4 Duties of the Commission:

a. The Commission shall receive all applications for the establishment of Historic Districts Historic Sites, Individual Historic Properties and Historic Landmarks and requests for Historic Preservation Certificates. Upon receipt of an application the Commission shall schedule a public hearing and after hearing, make a written recommendation to the Town Council.

b. The Commission shall assist, advise and educate residents, property owners and officials of the Town concerning the physical and financial aspects of preservation, renovation, rehabilitation and re-use of historic and archaeological sites, structures, buildings and landmarks.

c. Serve as an advisor to the Town regarding historical and cultural resources.

d. Establish and maintain a detailed inventory of property within historic districts and of landmarks and historic sites in Gorham.

e. Compile resources that may be useful to individual property owners who wish to construct or maintain historic property.

Section 5. HISTORIC DISTRICTS, HISTORIC SITES, HISTORIC LANDMARKS AND INDIVIDUAL PROPERTIERS

5.1 In considering applications for designating structures or districts as significant, the Commission shall be guided by the following criteria and shall make specific findings with respect to how the application conforms to the following criteria.

5.2 In addition to Section 7, one or more of the following characteristics shall serve to qualify a historic district, historic site, historic landmark or individual historic property:

a. Structures or sites listed on or eligible for listing on the National Register of Historic Places and structures or sites listed as or eligible for listing as a National Historic Landmark.

b. Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military or social history of Gorham or of larger patterns of the North American heritage.

c. Structures or sites importantly associated with historic personages.

d. Structures or remains and sites, not significantly altered, embodying examples of architectural types valuable for study or representing a period, style or method of building construction or community living.

Section 6. DESIGNATION OF DISTRICTS AND STRUCTURES FOR PRESERVATION

6.1 The following described lands, buildings, structures or areas of the Town of Gorham are currently designated as historic districts or historic landmarks by the National Register of Historic Places and recognized for the purposes of this Ordinance:

a. Historic Districts:

1. South Street Historic District located on South Street.
2. Gorham Campus Historic District on the campus of the University of Southern Maine.
3. Gorham Historic District located along College Avenue, State Street and School Street.

b. Landmarks listed on the National Register of Historic Places:

1. Art Gallery at the University of Southern Maine.
2. Gorham Academy Building at the University of Southern Maine.
3. Isaac Dyer Estate at 180 Fort Hill Road.
4. Baxter House Museum on South Street.
5. McLellan House on the University of Southern Maine campus.

6.2 Significant structures and districts, except for districts established prior to the passage of this ordinance, shall be designated in accordance with this ordinance. Such designations may be initiated by written notification of the Historic Preservation Commission by any one of the following:

- a. Reference from the Town Council;
- b. A petition signed by ten (10) or more residents or property owners of Gorham, eighteen (18) years of age or older;
- c. The Planning Board;
- d. The Gorham Historic Preservation Commission;
- e. Maine Historic Preservation Commission;
- f. The Greater Portland Landmarks.

6.3 Any application for the designation of structures and districts for historic preservation shall be in writing and shall include the following:

a. Structures:

1. A concise description of the physical elements, qualities, architectural style and period represented by the structure, including a consideration of scale, materials, workmanship and special qualities;
2. A concise statement of how the structure meets the review criteria;
3. Exterior photographs of the structure, illustrating significant details.

b. Districts:

1. A concise statement of the physical elements that make this area a historic district and a description of building types and architectural styles and periods represented;
2. A concise statement of how the district meets the review criteria;
3. A justification of the boundaries of the district;
4. A definition of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of noncontributing structures;
5. A map showing all district structures with the identification of contributing structures.

6.4 The Historic Preservation Commission shall hold a public hearing on any written application **within a reasonable period of time.**

- ~~a. The public hearing shall be held within thirty (30) days of receipt of the application.~~
- b. The Commission shall provide written notice of the public hearing to all applicants and to all owners of property within a proposed district and a public notice must be provided at least 7 days before the public hearing by posting at the Municipal Center and on the Town's Web Site.
- c. Failure of any petitioner to receive the notice of the public hearing shall not necessitate another hearing nor shall it constitute grounds for objections by such petitioner and shall not invalidate any recommendation by the Commission on such matter.
- d. The Commission, **after holding a public hearing,** shall make its report and recommendation, including the identification of contributing structures, when applicable, to the Town **Council who shall make a final decision on the designation of any new districts or structures.** ~~Manager within thirty (30) days after the public hearing has been closed. Failure of the Commission to issue its report constitutes a denial of the designation of the proposed historic structure or district.~~

Section 7. STANDARDS FOR DESIGNATION

In considering applications for designating structures or districts as significant, the Commission shall be guided by the following criteria. In making a recommendation to the Town Council for the designation of a structure or district, the Commission shall make specific findings with respect to how the application conforms to the following standards:

7.1 Historic Importance:

- a. The structure, district or site:
 1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the Town, State or Nation;
 2. Is the site of a historic event with an effect upon society;
 3. Is identified with a person or group of persons who had some influence on society; or
 4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

7.2 Architectural Importance:

a. The structure or district:

1. Portrays the environment of a group of people in an area of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural type specimen;
3. Is the work of an architect or master builder whose individual work has influenced the development of the Town; or
4. Contains elements of architectural design, detail, materials, or craftsmanship that represent a significant innovation.

7.3 Geographic Importance:

a. The structure or district:

1. Because of being part of, or related to, a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif;
2. Due to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Town.

7.4 Archaeological Importance:

- ### **a. The site has yielded or may be likely to yield, information important in prehistory or history.**

Section 8: ACTIVITIES REQUIRING A HISTORIC PRESERVATION CERTIFICATE

8.1 A property owner shall obtain a Historic Preservation Certificate for any of the following activities within any historic district or activities at any historic site, landmark, or individual historic property listed on the National Register of Historic property.

a. Demolition of a historic landmark, individual historic property of any contributing structure in a historic district.

b. Moving a historic landmark, individual historic property or any contributing structure in a historic district.

c. Construction of a residential unit; but not including additions to existing structures or routine maintenance.

8.2 A historic landmark, or any structure in a historic district or any attached structure, whether residential or commercial, shall not be demolished, moved or constructed without a Historic Preservation Certificate. A Historic Preservation Certificate shall not be issued unless one of the following conditions is met:

a. The structure has been identified by the Commission as non-contributing or incompatible with the historic district in which it is located, or

b. The property owner can demonstrate that it cannot be renovated or constructed so as to earn an economic return on its value in its present location as determined by a qualified real estate appraiser. If a home is demolished or moved and another home is to be constructed, the building plans must be approved by the Historic Preservation Commission

Section 9: APPEAL

9.1 A decision of the Historic Preservation Commission to issue or not issue a Historic Preservation Certificate may be appealed to the Town Council within thirty (30) day of receipt of the Commission's written notice.

Public Hearing #2
On Item # 9124

Public Hearing on a proposal to amend the Town's General Assistance Ordinance by updating the maximum levels of assistance as required by the State. (Admin. Spon.)

Proposed
Order # 9124

Whereas, the Town has an ordinance regulating General Assistance, and
Whereas, the State annually provides an update maximum level of assistance that must be adopted,
Now Therefore Be It Ordered by the Town Council, that the Town's General Assistance Ordinance is amended to incorporate the updated maximum levels of assistance as required by the State.

Public Hearing #3
On Item # 9125

Public Hearing on a proposal to amend the Land Use and Development Code to allow the rezoning of properties on the right side of Shaws Mill Road from Suburban Residential to Commercial. The properties are located on Tax Map 77, Lots 14 through 14.004. (Admin. Spon.)

Proposed
Order # 9125

Whereas, the Town received a request from Mark Faulkner to rezone the right side of Shaws Mill Road from Suburban Residential to Roadside Commercial, and,
Whereas, the Town has surveyed other property owners in the area and asked them if they would like to have their properties rezoned, and
Whereas, most property owners responded favorable, and
Whereas, the Planning Board held their Public Hearing on this request and recommended approval,
Now Therefore Be It Ordered, that the Town Council rezone properties located on Tax Map 77, Lots 14 through 14.004 from Suburban Residential to the Commercial zone, and
Be It Further Ordered, that the Town Council approve the new zoning map dated October 2016.

Public
Hearing #4
On Item # 9126

Public Hearing on renewal applications for Automobile Graveyards/Junkyard Permits for 2016. (Admin. Spon.)

Proposed
Order #9126

Ordered, that the Town Council approve renewal applications for the following Automobile Graveyard/ Junkyard Permits for 2017;

STEVE LUCE	LKQ CORP/GORHAM AUTO	192 NARRAGANSETT STREET
JIM STONE	CASCO FEDERAL CREDIT UNION	375 MAIN STREET
GARY NELSON	CHET'S AUTO SALES	475 OSSIPEE TRAIL
GORDON REICHERT	REICHERT'S AUTO BODY	112 SHAWS MILL ROAD
SHAWN MOODY	MOODYS/INSURANCE AUTO AUCTION	200 NARRAGASSETT STREET
JOHN DUMBROCYO	DUMBO ENTERPRISES	86 LONGFELLOW ROAD

Item # 9127 Action to accept a resignation from the Planning Board. (Admin. Spon.)

Proposed
Ordered # 9127 Ordered, that the Town Council accept the resignation of Rachel Sunnell from the Planning Board, and
Be It Further Ordered, that the Town Council expresses its appreciation for her service to the Town of Gorham.

Item # 9128 Action to authorize Councilor Robinson to work with the Recreation Director and other staff to do preliminary planning for a future celebration in Gorham. (Councilor Robinson spon.)

Proposed
Order # 9128 Ordered, that the Town Council authorize Councilor Robinson to work with the Recreation Director and other Staff to do preliminary planning for a future celebration in Gorham and bring the plans back to the Town Council for their consideration.

Item # 9129 Action to consider appropriating funds to increase annual pay for Town Councilors. (Councilor Robinson spon.)

Proposed
Order #9129 Ordered, that the Town Council appropriate \$3500 from the contingency account to fund a \$500 increase in the annual pay for each Town Councilor.

Item # 9130 Action to consider developing an amendment to Chapter II, Section V (11) (F) Sidewalks, to allow alternatives to constructing sidewalks, when appropriate. (Councilor Phinney spon.)

Proposed
Order # 9130 Ordered, that the Town Council ask staff to draft a proposal to amend Chapter II, Section V, (11) (F) Sidewalks, to allow alternatives to constructing sidewalks, when the Planning Board considers an alternative to be in the Town’s best interest, and for the Ordinance Committee to review and refine the proposal with the proposal then sent back to the Town Council for their consideration.

Item # 9131 Action to consider a proposal to amend the Land Use & Development Code by changing from a Roman Numeral System to a less confusing conventional numbering system. (Admin. Spon.)

Proposed
Order # 9131 Ordered, that the Town Council refer a proposal to amend the Land Use & Development Code, by changing from a Roman Numerical System to a less confusing conventional number system, to the Planning Board for their Public Hearing and recommendations.

Item # 9132 Action to consider changing the date for the regular monthly meeting of the Town Council from November 1, 2016 to November 15, 2016. (Admin. Spon.)

Proposed
Order # 9132 Ordered, that the Town Council change the date for the regular monthly meeting of the Town Council from November 1, 2016 to November 15, 2016.

Item # 9133 Action to consider allowing the Ordinance Committee to review the permitted uses for the Industrial and Commercial zones and recommend changes, if appropriate. (Councilor Phinney spon.)

Proposed
Order # 9133 Ordered, that the Town Council authorize the Ordinance Committee to review the permitted uses in the Industrial and commercial zone and recommend changes, if appropriate.

Item # 9134 Action to consider a request from Scott Guimond to develop a contract zone on a parcel of land (Tax map 57, lot 1) off Route 25 in West Gorham. (Ordinance Committee spon.)

Proposed
Order # 9134 Ordered, that the Town Council accept the recommendation of the Ordinance Committee to not proceed with a request to develop a contract zone on a parcel of land (Tax Map 57, lot 1) off Route 25 in West Gorham.

Item # 9135

Action to go into Executive Session pursuant to Title 1 MRSA Section 405 (6) (D) to discuss a proposed labor contract and pursuant to Title 1 MRSA Section 406 (6) (A) to conduct the annual evaluation of the Town Manager.(Admin. Spon.)

Proposed
Order # 9135

Ordered, that the Town Council go into Executive Session pursuant to Title 1 MRSA, Section 405 (6) (D) to discuss a proposed labor contract and pursuant to Title 1 MRSA Section 406 (6) (A) to conduct the annual evaluation of the Town Manager.

Adjourn