

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
FEBRUARY 3, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 14 members of the Public in attendance at the start of the meeting.

Roll Call: Chairman Phinney, Councilors; Roullard, Benner, Robinson, Hartwell, Moulton, and Shepard. Also present; Town Manager David Cole and Deputy Town Clerk Laurie Nordfors.

Moved by Councilor Roullard, Seconded by Councilor Moulton and VOTED to approve the Town Council minutes from January 6, 2015.

Open Public Communications

Judy Hawkes, Scarborough commented on her concern that the property at 21 Main Street will be sold by the Town to Amatos and was hoping that a business would move in and take occupancy.

Councilor Communications

Councilor Robinson reported that the Ordinance Committee met on January 20, 2015 and will meet again on February 23, 2015.

Councilor Roullard stated that there will be a Public Forum with the Historic Preservation Committee on February 12, 2015 at 6pm.

Councilor Moulton thanked Public Works for all of their hard work in cleaning up from our recent storms. He also reported that the Finance Committee will meet on February 26, 2015.

Chairman Phinney thanked the Public Works, Police and Fire Departments for all of their hard work in keeping the Town safe during our recent bad weather.

Town Manager Report

David Cole thanked the Public Works, Police and Fire Departments for their hard work during the recent storms. He reminded the Citizens of Gorham to clean their driveways and shovel out around their vents to stay safe.

School Committee Report

Dennis Libby reported that the School Committee will have a consideration and action item for the Superintendent finalist Heather Perry at their regular meeting. The search process concluded with the Public forum on January 21, 2015. The School Committee has been considering all of the data compiled from thorough background/reference checks, site visits, feedback from the Public forum, etc. The School Committee will be deciding if Heather is the right fit for our District on their next regular meeting on February 11, 2015. He also reported that Superintendent Ted Sharp will roll out his proposed budget and the School committee will look at it at their next meeting.

Old Business

Moved by Councilor Moulton, Seconded by Councilor Robinson and VOTED to have Chairman Phinney abstain from the vote of Item #8861 due to a conflict of interest. 6 yeas

Item # 8861 Moved by Councilor Roullard, Seconded by Councilor Shepard and ORDERED that the Town Council approve AlliedCook Construction as the Construction Manager to work with the Town and Port City Architecture to develop the Public Safety Project. 6 yeas, 1 Abstention (Phinney)

Item #8425 Moved by Councilor Moulton, Seconded by Councilor Robinson and ORDERED that the Town Council approve retaining a 30 acre parcel of tax acquired property (Tax Map 47, Lot 3) off Libby Avenue and near the Little River, for current and future Public use. 6 yeas. 1 Abstention (Benner)

Moved by Councilor Roullard, Seconded by Councilor Moulton and VOTED to amend the Order to go to the Finance Committee at their February 26, 2015 meeting and put back on the Agenda in March. 6 yeas, 1 Abstention (Benner)

Possible

Reconsideration of

Order #8858 Moved by Councilor Robinson, Seconded by Councilor Shepard and ORDERD to reconsider

WHEREAS, The Town Land Use & Development Code currently defines patios as a structure that needs to meet the setback requirements within the zoning district that it is located in, and

WHEREAS, Patios are generally attractive and do not cause problems that many other structures may cause, and

WHEREAS, Defining Patios as a structure that must meet setback requirements is unreasonable,

Now Therefore Be It Ordered by the Town Council that the following amendment is approved:

CHAPTER 1: ZONING REGULATIONS

Street Frontage The width of the lot measured along a street line, provided that access to the lot is possible from that street. Limited access roads, which cannot be used for access onto abutting lots, shall not be used to meet street frontage requirements, including but not limited to the Bernard P. Rines Highway section of Route 112.¹

Structure Anything built for (i) use or occupancy by or (ii) support shelter or enclosure of persons, animal, goods or property of any kind. For the purpose of this ordinance, the term "structure" shall not include:²

¹ Amended February 1, 2011

² Amended January 7, 1997

7 yeas.

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to amend the order to adopt the amendment with language recommended by the Planning Board, as follows:

Patio An outdoor space located at ground level for dining or lounging that is constructed with bricks, paving stones, concrete, or similar materials.

Structure Anything built for (i) use or occupancy by or (ii) support shelter or enclosure of persons, animal, goods or property of any kind. For the purpose of this ordinance, the term "structure" shall not include:

1. boundary walls, fences;
2. retractable awnings;
3. patios, paving of driveways, and/ or sidewalks, except in the Shoreland Overlay District;
4. doghouses (pet shelters) provided the foot print does not exceed twelve sq. ft. and the height is less than five feet; and
5. mailboxes and lamp posts.

For the purposes of this ordinance, the term "structure" shall include, without limitation:

1. swimming pools; and
2. patios, terraces and decks; and
3. patios, paving of driveways, and/ or sidewalks within the Shoreland Zone

7 yeas.

Chairman Phinney opened Public Hearing #1 to consider issuing a Renewal Liquor License to Thatcher's Restaurant. There were no comments from the Public and the Hearing was closed.

Item # 8866 Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to approve a Liquor License for Thatcher's Restaurant. 7 years.

Chairman Phinney opened Public Hearing #2 to consider issuing a Liquor License to MK Kitchen LLC. There were no comments from the Public and the Hearing was closed.

Item #8867 Moved by Councilor Robinson, Seconded by Councilor Shepard and VOTED to approve a Liquor License for MK Kitchen LLC. 7 years.

Chairman Phinney opened Public Hearing #3 to consider a request from Shaw Brothers to rezone six parcels of land off Mosher Road (Tax Map 31, Lots 9, 10, 11, 12, 13 and 14) from the Suburban Residential zone to the Industrial zone. There were no comments from the Public and the Hearing was closed.

Item #8868 Moved by Councilor Robinson, Seconded by Councilor Roullard and ORDERED

WHEREAS, the Town received a request from Shaw Brothers to rezone six parcels of land, that they own, from Suburban Residential to the Industrial zone, and
WHEREAS, all of their lots are surrounded on two sides by other industrial land also owned by Shaw Brothers and abuts Mosher Road, and
WHEREAS, rezoning these lots to Industrial would create a more continuous industrial zone, and
WHEREAS, the Town needs additional land zoned for Industrial purposes for future economic development,
Now therefore Be It Ordered, that the Town Council approves rezoning the lots identified as Tax Map 31, Lots 9, 10, 11, 12, 13 and 14 from the Suburban Residential zone to the Industrial zone, and
Be It Further Ordered,
that the Town Council amends the Town Zoning Maps to incorporate this rezoning. 7 years.

Chairman Phinney opened Public Hearing #4 to consider a proposal to amend Chapter II, Section III of the Land Use & Development Code to allow the keeping of Farm Animals as a permitted use instead of a special exception and allowing them for commercial use. There were no comments from the Public and the Hearing was closed.

Moved by Councilor Robinson, Seconded by Councilor Shepard and VOTED to waive the reading of the Order. 7 years.

Item #8869 Moved by Councilor Shepard, Seconded by Councilor Benner and ORDERED WHEREAS, the Town's current Land Use & Development Code allows the keeping of farm animals as a special exception, and solely for personal, noncommercial use, and WHEREAS, with reasonable regulations, the keeping of farm animals in the Suburban Residential zone and Urban Residential zone is compatible with those zones, and WHEREAS, allowing farm animals for commercial use is consistent with the keeping of farm animals, provided that the commercial activity is otherwise consistent with the requirements of those zones, Now Therefore, Be it Ordered, that the Town Council approve the following amendment:

Chapter I: Zoning Regulations

Section VI – Urban Residential District:

B. PERMITTED USES

6) Any agricultural building or use except a sawmill. **Keeping of animals other than household pets shall conform to the requirements of Chapter II, Section XII: Keeping of Urban Farm Animals. , and except the keeping of animals other than household pets.**

C. SPECIAL EXCEPTIONS

2) The keeping of farm animals, including poultry, provided that a minimum lot area of six (6) acres in one parcel is owned or leased by the applicant as evidenced by a written instrument on record at the Cumberland County Registry of Deeds.

Notwithstanding the provisions of this Subsection C, keeping of farm animals is exempt from special exception review and minimum lot area if kept meeting the requirements under Chapter II, Section XII – Keeping of Urban Farm Animals.

3) 2) School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential purposes and has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.

4) 3) Bed and Breakfast Establishment with public dining as an accessory use.

5) 4) Inn

Section VII – Suburban Residential District:

B. PERMITTED USES

5) Agricultural buildings and uses except a sawmill. Keeping of animals other than household pets shall conform to the requirements of Chapter II, Section XII: Keeping of Urban Farm Animals. ~~piggery, and the raising of poultry.~~

C. SPECIAL EXCEPTIONS

3) Sawmill. , piggery or the keeping of poultry.

Notwithstanding the provisions of this subsection C, piggery and keeping of poultry is exempt from special exception review if kept meeting the requirements under Chapter II, Section XII – Keeping of Urban Farm Animals.

CHAPTER II, SECTION XII: Keeping of Urban Farm Animals

The purpose of this section is to provide for the keeping of domestic farm animals and livestock in the Suburban Residential and Urban Residential Zoning Districts solely for the personal, non-commercial use of the occupants of the premises. This use may be allowed as a ~~an accessory permitted~~ use to a single family use on a lot that has no more than one dwelling unit on it in the Urban Residential (UR) and Suburban Residential (SR) Districts, provided that the following standards are met:

1) Number of Farm Animals allowed:

a. Chickens

(1) Six (6) chickens may be kept on a lot with a lot area less than 20,000 square feet.

(2) Up to ten (10) chickens may be kept on a lot with a lot area between 20,000 square feet and 40,000 square feet.

(3) Twenty-five (25) chickens may be kept on a lot with a lot area greater than 40,000 square feet.

(4) On lots with a lot area less than 6 acres no roosters shall be kept.

(5) On lots with a lot area less than 40,000 square feet, all chickens must be kept in an enclosure or fenced area at all times. This requirement can be met through the use of a mobile enclosure.

- b. Small animals and fowl (such as sheep, goats, pot-belly pigs, ducks, that typically weigh not more than 100 pounds at maturity, geese and turkeys, other than domestic pets and chickens).
 - (1) Up to two (2) animals may be kept on a lot with a lot area of a minimum of 40,000 square feet.
 - (2) For each additional 20,000 square feet in addition to 40,000 square feet, one (1) additional small animal may be kept.
- c. Large Animals (such as horses, cows, hogs, or llamas that typically weigh more than 100 pounds at maturity).
 - (1) Up to two (2) animals may be kept on a lot with a lot area of 100,000 square feet.
 - (2) For each additional 50,000 square feet in addition to 100,000 square feet, one (1) additional large animal may be kept.

When calculating the number of permitted animals on a given lot, the lot area utilized to determine the number of animals allowed for one animal category may not be utilized when calculating the number of permitted animals allowed for a different animal category. Structures and pen or pasture fencing erected for the housing of farm animals other than domestic pets must meet the following requirements:

- a. Structures **and pen or pasture fencing** shall meet the setback requirements for the zone in which it is located.
 - b. Structures and pens shall not be located in the front yard.
 - c. The types of roofing and siding must take into account existing conditions in the neighborhood.
 - d. Fencing shall be erected to confine the animals to an established area of the property.
 - e. Structures and pen or pasture fencing shall be constructed and maintained as to prevent the escape of the animals and provide appropriate protection from the elements.
 - f. All structures and pen or pasture fencing shall be of sufficient size to provide adequate and proper housing for those animals kept therein.
- 3) Keeping of animals: Each animal shall be maintained in a good healthy condition in a manner not causing injury to the health of any animal or the health and safety of any person.

- 4) Waste storage and removal: All animal wastes shall be properly disposed of so as not to jeopardize the public health, safety, or welfare, or create detrimental effect of the environment or on neighboring properties and must meet the following requirements:
- a. All manure and other waste must be stored in a fully enclosed structure or in covered airtight containers and must be periodically removed from the property or composted so there is no accumulation of waste material. No more than three (3) cubic yards of manure or waste shall be stored on site.
 - b. Structures, pens, and pastures shall be kept clean and dry, and waste shall be treated and handled in such a manner to control flies, odor, and rodents.
 - c. Odors from the keeping of farm animals, including but not limited to waste storage, shall not be perceptible at the property boundaries.

7 yeas.

Chairman Phinney opened Public Hearing #5 on a proposal to rezone 10 Preble Street to a Conditional zone from the Urban Residential zone. There were no comments from the Public and the Hearing was closed.

Moved by Councilor Robinson, Seconded by Councilor Shepard and VOTED to waive the reading of the Order. 7 yeas.

Item #8870 Moved by Councilor Roullard, Seconded by Councilor Robinson and ORDERD
 WHEREAS, the property at 10 Preble Street was a legally non-conforming 2-unit building at the time the Town purchased the property in 2012 but has since lost its grandfathered status, and
 WHEREAS, the Town intends to sell the property and believes its best use is for 3-units of residential, Light business or professional office use that is compatible with the neighborhood and the Village,
 Now, Therefore Be it Ordered, that the Town Council approves the following:

10 Preble Street Conditional Zone

SECTION XIV – 10 PREBLE STREET CONDITIONAL ZONE

A. PURPOSE

To preserve the physical, aesthetic and social quality of Gorham's urban area and, consistent with this stated goal, to provide therein 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>Minimum street frontage</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,
Be it Further Ordered that the Town Council amend the Town’s Zoning Map in accordance with the draft dated February 15, 2015.

7 yeas.

Item #8871 Moved by Councilor Roullard, Seconded by Councilor Benner and ORDERED that the Town Council extend the appointment of Chris Sanborn as the Action Police Chief until such time as a new Police Chief is appointed. 7 yeas.

Item #8872 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED that the Town Council authorize the Town Manager to accept a proposal from Dacri Associates to conduct a needs assessment to assist in the process of selecting the next Police Chief and

Be it Further Ordered, that the Town Council appropriates \$10,000 from the Police Departments Reserve Account and \$5000.00 from the administration Reserve Account for this work.

Moved by Councilor Shepard, Seconded by Councilor Moulton and VOTED to amend the Order to allow the Town Manager to come up with another funding source for the \$15,000. 6 yeas, 1 nay (Phinney)

The amended order was VOTED. 5 yeas, 2 nays (Robinson, Shepard)

Item #8873 Moved by Councilor Moulton, Seconded by Councilor Robinson and ORDERED, that the Town Council appropriate \$4335.66 from the contingency account as the Town's share of the Little Falls Beautification project jointly completed with the Town of Windham, that was funded with a community Development Block Grant. The appropriation of \$4335.66 is the Town's share to close out the project. 7 yeas.

Item #8874 Moved by Councilor Roullard, Seconded by Councilor Moulton and ORDERED, that the Town Council appropriate \$6158.48 from the Rt 25/114 Sidewalk account to close out the recent repairs made to the South Street sidewalk. 7 yeas.

Item # 8875 Moved by Councilor Shepard, Seconded by Councilor Moulton and ORDERED, that the Town Council authorize the Town to solicit proposals to sell or dispose of the McLellan/Sampson House located at 77 South Street pursuant to the following guidelines:

1. Proposals would need to include a plan to restore the building consistent with the historical integrity of the building. The Plan should include an anticipated date to start restoration work and an anticipated date for finishing the restoration work.
2. Proposals would be considered that use the building for residential or commercial purposes, including proposals that are structured to allow the use of Federal and State Tax Credits.
3. Proposals should include the price offered for the property.
4. The Town would consider proposals that may require the use of Contract Zoning or conditional zoning provided the proposed use and plan was consistent with restoring the historical integrity of the building and,
5. The Town will reserve the right to accept or reject any proposal and to further negotiate with any party as it determines to be in the Communities best interest.

7 yeas.

Item # 8876 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED, that the Town Council refer a proposal to amend the Land Use & Development Code to allow parking in the side and rear setbacks in the Urban Commercial District, to the Planning Board for their Public Hearing and recommendation with the proposal as follows:

CHAPTER I: ZONING REGULATIONS

SECTION X – URBAN COMMERCIAL DISTRICT

E. PERFORMANCE STANDARDS

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 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 building.

Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking and/or cross access with adjacent properties.

7 yeas.

Item # 8877 Moved by Councilor Moulton, Seconded by Councilor Roullard and 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.

Moved by Councilor Moulton, Seconded by Councilor Benner and VOTED to amend the order to review Two Applications for abatement of taxes based on poverty. 7 yeas

The amended order was VOTED. 7 yeas

Moved by Councilor Moulton, Seconded by Councilor Benner and VOTED to come out of Executive Session. 7 yeas.

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to not grant an abatement of taxes based on poverty to applicant A-14-4. 7 yeas

Moved by Councilor Moulton, Seconded by Councilor Benner and VOTED to recuse Councilor Shepard from participating in the next item. 6 yeas.

Moved by Councilor Hartwell, Seconded by Councilor Robinson and VOTED to table application A-14-2 for an abatement of taxes, pending the receipt of more information. 6 yeas.

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to adjourn. 7 yeas. Time of Adjournment 8:57pm

A True Record of Meeting

ATTEST: _____
Laurie Nordfors, Deputy Town Clerk