

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

Pledge of Allegiance to the Flag

Roll Call of the 2014-2015 Council

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

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Old Business

Item #8861 Action to consider hiring a Construction Manager to work with Port City Architecture and the Town to develop the Public Safety Project and become the General Contractor. (Admin Spon.)

Proposed

Order #8861 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.

Item #8425 Action to consider a recommendation from the Finance Committee to retain tax acquired property (Tax Map 47, Lot 3) off Libby Avenue, for public use. (Finance Committee spon. 2-0)

Proposed

Order #8425 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.

Possible
Reconsideration of
Order #8858 Approved on January 6, 2015.(Admin spon.)

Approved
Order #8858 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. boundary walls, fences;
2. retractable awnings;
3. paving of driveways 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.
6. patios except in the Shoreland Zone

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

1. swimming pools; and
2. ~~patios~~, terraces and decks
3. patios within the Shoreland Zone

¹ Amended February 1, 2011

² Amended January 7, 1997

New Business

Public

Hearing #1

On

Item #8866 A Public Hearing on a renewal Liquor License in the name of Thatcher's Restaurant.
(Admin Spon.)

Proposed

Order #8866 Ordered, that the Town Council approve a renewal Liquor License in the name of Thatcher's Restaurant.

Public

Hearing #2

On

Item #8867 A Public Hearing on an application for a Liquor License in the name of MK Kitchen LLC.
(Admin Spon.)

Proposed

Order #8867 Ordered, that the Town Council approve a Liquor License in the name of MK Kitchen LLC.

Public

Hearing #3

On

Item #8868 A Public Hearing on a request from Shaw Brothers to rezone a parcel of land off Mosher Road (Tax Map 31, Lot 9,10,11,12,13 and 14) from the Suburban Residential zone to the Industrial zone. (Admin Spon.)

Proposed

Order #8868 Whereas, the Town received a request form 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 approve 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 amend the Town Zoning Maps to incorporate this rezoning.

Public
Hearing #4
On

Item #8869 A Public Hearing on 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. (Admin Spon.)

Proposed

Order #8869 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 ~~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.

Public

Hearing #5

On

Item #8870 A Public Hearing on a proposal to rezone 10 Preble Street to a Conditional zone from the Urban Residential zone. (Admin Spon.)

Proposed

Order #8870 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.

Item #8871 Action to extend the appointment of Chris Sanborn as the Acting Police Chief.

Proposed

Order #8871 Ordered, that the Town Council extend the appointment of Chris Sanborn as the Acting Police Chief until such time as a new Police Chief is appointed.

Item #8872 Action to consider accepting a proposal to do a needs assessment to assist in the process of selecting the next Police Chief.

Proposed

Order #8872 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 appropriate \$10,000 from Police Departments Reserve Account and \$5000.00 from the Administration Reserve Account for this work.

Item #8873 Action to consider appropriating funds for the Town's share of a CDBG grant for project.(Admin Spon.)

Proposed

Order #8873 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.

Item #8874 Action to appropriate funds from a sidewalk reserve account to close out the project to repair the South Street sidewalk.(Admin Spon.)

Proposed

Order #8874 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.

Order #8875 Action to consider authorizing the Town to solicit proposals for the sale or disposition of the McLellan/Sampson House located at 77 South Street that would restore the building and retain the historical integrity of the building.(Admin Spon.)

Proposed

Order #8875 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.

Item # 8876 Action to consider amending the Land Use & Development Code to allow parking in the side and rear setbacks in the Urban Commercial zone. (Admin Spon.)

Proposed

Order #8876 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.**

Item #8877 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.(Admin Spon.)

Proposed

Order #8877 Ordered, that the Town Council 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.

ADJOURN