

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
JANUARY 6, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 16 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, Town Attorney Bill Dale and Deputy Clerk Laurie Nordfors.

Moved by Councilor Benner, Seconded by Councilor Roullard and VOTED to approve the Town Council minutes from December 2, 2104. 7 yeas.

Open Public Communications

Michael Parker, President of the Presumpscot Regional Land Trust spoke on the conservation of Randall Orchards Farm and thanked the Town for their contribution to help fulfill their conservation of 500 acres.

Marla Stalk of Johnson road spoke about her concerns of the plans for the Mobile Station and the designs of the landscaping and traffic around the drive thru that is planned for that site. Would like to see a Code of Conduct for the Town Council.

Tabitha Swanson of the Westbrook/Gorham Community Chambers stated that the dates for the Founders Festival would be October 16-17, 2015.

Councilor Communications

Councilor Robinson stated that he would like the Town Council to be involved in the planning, along with the Westbrook/Gorham Community Chambers, for the Founders Festival.

Councilor Moulton reported that the Finance Committee meeting with the Auditors went well. The next Finance Committee meeting will be 1/22/15.

Councilor Roullard commented that the next meeting of the Historical Preservation Committee will be January 8, 2015 and the regular February meeting will include a Public Forum on what the Public feels about Historic Preservation for the Town of Gorham. He also thanked the Rec department, USM and all of the volunteers for their role in the New Year's Gorham event.

Town Manager Report

David Cole reported that the New Year's Gorham event went well and wanted to thank everyone involved. He reminded the Council of the upcoming USM Town of Gorham reception on February 10, 2015 and the upcoming meeting with the Gorham Economic Development committee on January 28, 2015.

School Committee Report

Dennis Libby reported that the School Department sent out a press release that read: As part of the Superintendent search process, the Gorham School Committee announces Heather Perry as its sole finalist. Heather is currently the Superintendent of Schools in RSU #3. The search process will continue with further reference checks, site visits and a public forum the public forum will be held on January 21, 2015, 6:00-7:30 in the Gorham Middle School auditorium. All are invited to attend. He also noted that Gorham High School students will be completing their mid-term exams during the week of January 19th-23rd. HE also reported that there were some much needed upgrades to the GHS cafeteria. The next School Committee regular meeting is scheduled for January 14, 2015.

Item #8534 Moved by Councilor Robinson, Seconded by Councilor Benner and Ordered, that the accept the bid of Mike Fowler for a parcel of land approximately 2.9 acres, off Deering Road (tax Map 14, Lot 6.101) in the amount of \$15,688. 0 years, 7 nays (all Councilors)

Chairman Phinney opened Public Hearing #1 to consider issuing a Special amusement Permit to Spire 29 located at 29 School Street. There were no comments from the public and the Hearing was closed.

Item #8854 Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to approve a Special Amusement permit for Spire 29 located at 29 School Street. 7 years

Chairman Phinney opened Public Hearing #2 on a proposal to amend Chapter 1 and Section II of the Land Use & Development Code to allow Airstrips, including runways and landing strips. There were no comments from the public and the Hearing was closed.

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

Item # 8855 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED, 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 ~~T~~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 t~~ Touch and go landings are prohibited on the airstrip.
- 8) ~~That t~~ 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 t~~ 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 t~~ 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 t~~ The airstrip shall receive all necessary Federal Aviation Administration approvals prior to final site plan approval by the Planning Board.
- 13) ~~That t~~ 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.

Moved by Councilor Shepard, Seconded by Councilor Moulton and VOTED to amend the Order and send to the Ordinance Committee. 5 years, 2 nays (Benner, Robinson)

Chairman Phinney opened Public Hearing #3 on a proposal to amend Chapter I, Section V Definitions, and add new language to Chapter II, 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. There were no public comments and the Hearing was closed.

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

Item # 8856 Moved by Councilor Robinson, seconded by Councilor Roullard , and ORDERED 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.

Moved by Councilor Benner, Seconded by Councilor Moulton and ORDERED to amend the order and send back to the Ordinance Committee and if the Ordinance Committee decides to make changes then it will go directly to the Planning Board for Public Hearing. 4 years, 3 nays (Shepard, Hartwell, Phinney)

Chairman Phinney opened Public Hearing #4 on a proposal for a contract zone at 99 School Street (tax map 101, lots 18 & 19) for Avesta Housing to develop 24 affordable rental housing units for the Elderly and Disabled. There were no Public comments 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 #8857 Moved by Councilor Moulton, Seconded by Councilor Shepard and ORDERED that the Town Council approve a proposal for a contract zone at 99 school Street (tax map 101, lots 18 & 19) for Avesta housing to develop 24 affordable rental housing units for the Elderly and Disabled as follows:

**CONTRACT ZONING AGREEMENT
AMONG
AVESTA HOUSING DEVELOPMENT CORPORATION, AVESTA
SCHOOL STREET LP, AND TOWN OF GORHAM**

This Contract Zoning Agreement, made this _____ day of _____, 2015, by and among the TOWN OF GORHAM, a body corporate and politic, located in the County of Cumberland and State of Maine, with a mailing address of 75 South Street, Suite 1, Gorham, ME 04038 (hereinafter “the Town”), AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (“Avesta”) and AVESTA SCHOOL STREET LP, a Maine limited partnership with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the “Partnership”)

WITNESSETH:

WHEREAS, Avesta owns land and buildings at 99 School Street, identified in the Town tax maps as Map 101, Lots 18 and 19, pursuant to deeds recorded in the Cumberland County Registry of Deeds in Book 6286, Page 38 and Book 6574, Page 327 (collectively the “Property”); and

WHEREAS, Avesta intends to record herewith in said Registry of Deeds a Declaration of Condominium for Ridgewood Seniors Housing Condominium (the “Declaration”) providing for the further development and use of the Property and certain common amenities; and

WHEREAS, Avesta built a 20 unit affordable multifamily rental housing project on Map 101, Lot 18 of the Property (the “Ridgewood Project”), shown as Unit 1 on the Condominium Plat for Ridgewood Seniors Housing Condominium to be recorded herewith at said Registry of Deeds (the “Plat”); and

WHEREAS, the Partnership proposes to further develop Map 101, Lot 18 of the Property by construction of a 24 unit affordable multifamily rental housing project for the elderly and disabled (the “Ridgewood II Project”), shown as Unit 2 on the Plat; and

WHEREAS, Avesta intends to develop a service center for senior citizens, including residents of the Ridgewood Project and Ridgewood II Project, within Unit 3 as shown on the Plat (the “Service Center”), and Avesta may at a future date elect to develop additional affordable multifamily rental housing units on the undeveloped portion of Unit 3 (the “Future Housing”); and

WHEREAS, Unit 1 (the Ridgewood Project) and Unit 3 (the Service Center) are located within the same building and will share a common wall, as shown on the Plat; and

WHEREAS, certain areas of the Property are dedicated for common use by the Ridgewood Project, the Ridgewood II Project and the Service Center as provided in the

Declaration, including but not limited to parking, ingress and egress and utilities; such areas are labelled on the Plat as "Common Elements;" and

WHEREAS, the Property is located in Gorham Village in close proximity to services for the elderly; and

WHEREAS, the Code permits the use of the Property as multifamily housing; and

WHEREAS, the Property, if developed further, can offer comprehensive housing and other services not available in the community for low income elderly persons, and providing such services at the Property would reduce traffic due to the proximity of several housing projects including those existing and proposed on the Property; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property, pursuant to 30-A M.R.S.A. § 4352(8) and Chapter I, Section I, Subsection H, as amended, of the Gorham Land Use and Development Code (the "Code"); and

WHEREAS, after notice and hearing and due deliberation upon this rezoning proposal, the Gorham Planning Board recommended the rezoning of the Property; and

WHEREAS, Chapter V, Section A of the 2013 Gorham Comprehensive Plan ("the Comprehensive Plan") provides: "The Town should support efforts by the community groups and private developers to create additional affordable housing when there is a clear, demonstrated need for those units;" and

WHEREAS, Chapter I, Section A of the Comprehensive Plan provides that the goals of the town include: "Facilitating the availability of affordable housing including removing impediments in the Town's ordinances and providing density bonuses" and

WHEREAS, Chapter 5, Section A of the Comprehensive Plan provides that: "The Town should allow more intense utilization of the land in the areas of the community where public sewerage is or can be available while assuring that this higher density is balanced by protecting open space in rural areas." and

WHEREAS, the re-zoning would be consistent with the goals set forth in the Comprehensive Plan to provide additional subsidized housing units for very low income elderly, and consistent with both existing and permitted uses in the zoning district; and

WHEREAS, the Town, by and through its Town Council, has determined that said rezoning will be pursuant to and consistent with the Comprehensive Plan and has authorized the execution of this Contract Zoning Agreement on _____, 2015;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. Amendment of Zoning Map. The Town will amend the Zoning Map of the Town of Gorham, as amended, a copy of which is on file at the Gorham Municipal Offices and which is incorporated by reference in the Land Use and Development Code, Chapter I, Section I, Subsection C, by adopting the map change amendment shown on Attachment 1.

2. Permitted Uses. Avesta is authorized to continue the use of the Ridgewood Project within Unit 1 as shown on the Plat as 20 units of affordable multifamily rental housing for the elderly. The Partnership is authorized to establish on the Property the Ridgewood II Project within Unit 2 as shown on the Plat as 24 units of affordable multifamily rental housing for the elderly and disabled. Avesta is authorized to establish on the Property within Unit 3 as shown on the Plat a service center for senior citizens, including professional offices, Personal Services as defined in the Code, and related accessory uses allowed under the Code, as well as the Future Housing.

3. Performance Standards. All development and uses shall be subject to all applicable performance standards set forth in Chapter II of the Code, except as follows:

- a. The Planning Board may approve a site plan with a smaller number of parking spaces than would otherwise be required under the Code, if the Board finds that such reduction will not detract from neighborhood values, inconvenience the public or increase congestion in the streets. Such reduction in number of parking spaces shall not require or be construed as the granting of a variance.
- b. The development proposal shall include plans for all proposed exterior lighting. The style of the light and light standard shall be consistent with the architectural style of the principal buildings. Where lights along the property lines will be visible to adjacent residents, the lights shall be appropriately shielded. Parking and lighting shall be shielded and located and maintained so as not to create or constitute a hazard or nuisance to the traveling public or neighbors.
- c. The development shall not be required to meet the performance standards for multifamily housing set forth in Chapter II, Section IV.B of the Code but will instead comply with the specific standards established by this Agreement.
- d. Existing and future development on the Property will provide parking at a ratio of .70 parking spaces per dwelling unit unless the Planning Board reduces the required parking based on supporting data which demonstrates a reduction in resident vehicles.

4. Dimensional Requirements. All development on the Property shall comply with the following dimensional requirements, which shall apply to the Property as a whole (as if the Property were a single lot) and not to individual buildings on each condominium unit:

- a. Minimum lot size: 15,000 square feet on public water and sewer.
- b. Minimum lot area per dwelling unit: 3,000 square feet.
- c. Minimum street frontage: 80 feet.

- d. Minimum side and rear setbacks from adjoining properties not part of the condominium: 15 feet, except none between Unit 1 and Unit 3 as shown on the Plat.
- e. Minimum front setback from adjoining properties not part of the condominium: 15 feet.
- f. Minimum setback from School Street: 15 feet.
- g. Maximum building height: None, except that buildings higher than 40 feet shall have side and rear yards not less than 50% of building height.
- h. Maximum Building Coverage: 25%.

5. Other Requirements. All development on the Property shall comply with the following requirements:

- a. There shall be no material amendment of the Declaration or the Plat without Planning Board approval.

6. Agreement to Be Recorded. Avesta and/or the Partnership shall record this Contract Zoning Agreement in the Cumberland County Registry of Deeds and shall submit proof of recording to the Gorham Code Enforcement Officer and the Town Planner before any site work is undertaken or any building permits are issued.

7. Amendments to Agreement. The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the property and shall be amended only upon further written agreement of the Town of Gorham, the Partnership and Avesta and their respective successors in interest to the Property.

8. Site Plan and Subdivision Review. Approval of this Agreement will not serve as a waiver of site plan or subdivision review if otherwise required under the Code.

9. Property Taxes or Payment in Lieu of Property Taxes. The owner(s) of the portion(s) of the property subject to this Agreement identified on the Ridgewood Condominium Plan as Units 2 and 3 shall pay normally assessed property taxes or, if the property is otherwise exempt from property taxes, shall make a payment in lieu of property taxes that is equal to 100% of the amount that would have been paid if the property was not exempt from property taxes. The owner(s) of property in Unit 3 shall only be subject to this payment obligation if Unit 3 is developed.

The above stated restrictions, provisions, and conditions, are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Partnership and Avesta, any entity affiliated with either of them that takes title to the Property, their successors and assigns, and any party in possession or occupancy of the Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives. The provisions of this Agreement, including the permitted uses listed in Sections 2 and 3 and the dimensional requirements in Section 4, are intended to replace the uses and dimensional requirements of the existing Urban Residential District. If any of the restrictions, provisions, conditions, or portions of this Agreement is for any reason held invalid or

unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Code. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and the Code. Following any determination of a zoning violation by the Court or the Code Enforcement Officer, the Town Council, after recommendation of the Planning Board, may amend, modify or rescind its conditional rezoning of the site.

In the event that the Partnership fails to develop the Ridgewood II Project in accordance with this Agreement, or in the event of any other breach of any condition set forth in this Agreement, the Town Council shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to develop or operate. The resolution may include a termination of the Agreement by the Town Council and a rezoning of the Property to the prior or any successor zoning districts. In such an event, the Property shall then be used only for such other uses as are otherwise allowed by law; provided however, that no such enforcement action shall result in a disallowance of the use of the Ridgewood Project as affordable multifamily rental housing for the elderly as it has been used prior to the date of this Agreement.

WITNESS:

TOWN OF GORHAM

7 yeas.

Chairman Phinney opened Public Hearing #5 on a proposal to amend Chapter 1, Section V of the Land Use and Development Code to remove Patios from the definition of structure. There were no Public comments and the Hearing was closed.

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

Item #8858 Moved by Councilor Robinson, Seconded by Councilor Shepard and ORDERED, 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

Subdivision

The division of a tract or parcel of land into three (3) or more lots as defined by the Maine Revised Statutes Annotated, Title 30, Sec. 4956, as amended, within any five (5) year period.

7 yeas.

¹ Amended February 1, 2011

² Amended January 7, 1997

Chairman Phinney opened Public Hearing #6 on a proposal to amend Chapter 1, Section IX of the Land Use and Development Code to allow creative parking solutions in the Village center's District. There were no comments from the Public and the Hearing was closed.

Item #8859 Moved by Councilor Moulton, Seconded by Councilor Benner and ORDERED that, WHEREAS, parking in the Village Center District is currently not allowed in any front, side or rear yard setback, and

WHEREAS, adequate parking is needed to support business activity and reinforce the Village character, and

WHEREAS, in some instances, parking in side and rear yard setback areas, could be done to support businesses while reinforcing the Village Character.

Now Therefore Be It Ordered, that the Town Council approve the following amendment:

Section IX – Village Centers District

Subsection 2- Gorham Village Center 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. No portion of the lot in front of the front building line shall be used for off-street parking. **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 #8860 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED that the Town Manager's approval to resolve the Smith v Town Litigation over Phinney Street Extension be, and hereby is, ratified; and

Be It Further Ordered, that the Chair of the Gorham Town Council be, and hereby is, authorized and directed to execute and deliver such further documents as are necessary to implement the same. 7 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.

Moved by Councilor Robinson, seconded by Councilor Benner and VOTED to make an amendment to the Order to schedule a second interview with the Town Council and the three finalist.

7 yeas

Item #8862 Moved by Councilor Moulton, Seconded by Councilor Robinson and ORDERED that the Town Council accept an offer from Dominic Reali realty, LLC (DBA Amatos) to purchase property owned by the Town at 21 Main Street for \$155,000 subject to the following conditions:

1. That Dominic Reali Realty can develop a right-turn exit from the property onto Main Street, provided that a suitable design can be developed by a Traffic Engineer and that the Right-turn exit from the property can be done safely.
2. That should Dominic Reali realty, LLC decide to demolish the building at 21 Main Street, before demolishing the building, Dominic Reali Realty, LLC would advise the Town of Gorham in writing and first provide a reasonable period of time, at a minimum a 90 day period of time, for someone to obtain the building for free and relocate the building to a new location. Relocating the building would be at the expense of the person or party who acquired the building and not at the expense of Donimic Reali realty, LLC. 5 yeas, 2 nays (Benner, Roullard)

Moved by Councilor Roullard, Seconded by Councilor Benner to amend the Order to remove the ability for Dominic Reali Realty LLC to tear down or move the building. 3 yeas, 4 nays (Phinney, Robinson, Moulton, Hartwell)
Amendment failed.

Item #8863 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED, that the Town Council refer a recommendation from the Presumpscot Regional land Trust, to convert the McLellan/Sampson House on south Street, to income producing, taxable property to allow the owner to use State and Federal tax incentives to renovate the property to a Town Council workshop. 7 yeas.

Item #8864 Moved by Councilor Moulton, Seconded by Councilor Robinson and ORDERED, that the Town Council accept a donation of \$5000 to Baxter Memorial Library from the Smith Family Charitable Trust, and
Be It Further Ordered, that the Town Council, on behalf of the Gorham Community, expresses its sincere appreciation for the donation. 7yeas.

Item #8865 Moved by Councilor Moulton, Seconded by Councilor Shepard and ORDERED that the Town Council go into executive session, pursuant to Title 1 MRSA, Section 405(6) (A) to discuss the District Attorney's decision to not file a complaint regarding allegations of a forged signature on the

Certificate of Taking Document from the Eminent Domain proceeding for Phinney Street Extension and pursuant to Title 36 MRSA, Section 841 (2) to review an application for an abatement of taxes based on poverty. 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 Benner and VOTED to table an application for an abatement of taxes to the February Council Meeting. 7 yeas.

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

A True Record of Meeting

ATTEST: _____
Laurie Nordfors, Deputy Town Clerk