

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
APRIL 7, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 18 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 Clerk Laurie Nordfors.

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to approve the Town Council minutes form March 3, 2015. 7 yeas.

Open Public Communications

There was no one from the Public who spoke.

Councilor Communications

Councilor Hartwell spoke about his concern with the Public feeding grain to deer. It does more harm to them by doing this. He raised his concerns with the Ordinance Committees plan for home based business which was discussed at the Ordinance Committee meeting on 3/23/15.

Councilor Robinson talked about the Ordinance Committee meeting which was held on 3/23/15 and said they are working on a 3 tiered system for rural district landscaping. It is a long process which is going fine.

Councilor Moulton reported that the Finance Committee met and congratulated Public Works for doing a great job staying in budget during this past winter. The next Finance Committee meeting is 4/23/15.

Councilor Roullard reported that the Appointments committee met 3/31/15 and discussed the many applications they have for Boards and Committees. They will interview a few more in the near future. They are also working on updating the Personnel Manual for Council approval.

Councilor Phinney attended the Gorham Trade show and thanked all who participated. He also wanted to thank Gorham Sand and Gravel for donating their time and materials to the Town to begin work on the Little Falls Rec Athletic Fields.

Town Manager Report

David Cole thanked all of the people who stopped by the Gorham Trade Show and the Councilors who stopped by the booth as well. He issued service pins to the following; 20 year pin to Daniel Young and 15 year pin to Todd Gagne of the Police Department and 15 year pin to Daleleen Leighton and 20 year pin to Dean Belenger of the Fire Department.

He reported that the Planning Board gave its final approval for the Public safety project site. They should be able to break ground by mid-May. The Town's proposed 2015-2016 Budget was handed out to the Councilors for their review. Budget workshops are scheduled for April 14th and May 19th.

School Committee Report

Dennis Libby reported that Superintendent Sharp and Superintendent elect Perry have been working together to develop a transition plan. They will continue to work together to have the smoothest possible transition of leadership. He reported that the search is underway for the next Principal of Narragansett School and the School Committee is in the process of electing student representatives to serve together with them on the Committee. GHS Principal Chris Record has received the NEASC final report and will soon share it with the community by posting it on the GHS website. The next School Committee regular meeting is scheduled for April 8th, where they will take action on the proposed FY16 budget.

Chairman Phinney opened Public Hearing #1 to consider a proposal to amend Chapter I, Section X of the Land Use and Development Code to allow creative parking solutions in the Urban Commercial District. There were no comments from the Public 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 # 8896 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED,

Whereas, the Town has determined that additional parking in Gorham Village would benefit businesses and participating customers, and

Whereas, the Town Council had previously approved an amendment to the Land Use and Development Code to allow creative parking solutions in the Gorham Village Center District, and

Whereas, the Urban Commercial District and the Gorham Village Center District, are both in Gorham Village, and

Whereas, the Planning Board has recommended approval,

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

Chapter I, 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. 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.

Chairman Phinney opened Public Hearing #2 to consider a proposal Contract Zone requested by Barry King, on County Road, Tax Map 6, Lot 19 and 43.1. There were no comments from the Public 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 #8897 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED
Whereas, the Town has previously adopted Contract Zones on County Road, Route 22 in South Gorham, and
Whereas, Barry King has requested that his two properties be rezoned to a Contract Zone with similar conditions as the other Contract Zones in South Gorham.
Now Therefore Be It Ordered, that the Town Council approve the following Contract Zone:

**CONTRACT ZONING AGREEMENT
BETWEEN BARRY KING
AND THE TOWN OF GORHAM**

This Contract Zoning Agreement, made this _____ day of _____, 2015,
by and between the **TOWN OF GORHAM**, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter “the Town”) and **BARRY KING**, resident of the Town of Gorham, County of Cumberland and State of Maine, with a mailing address of 44 County Road, Gorham, Maine.

WHEREAS, Barry King (the “Property Owner”) is the owner of two parcels of real estate located at or near 46 and 41 County Road in Gorham, Maine, consisting of approximately 1.86 acres and 3.5 acres located near the intersection of Route 22/ Route 114 and Burnham Road (hereinafter “the Properties”); and

WHEREAS, the Property consists of two lots identified on the Town’s assessing records as Tax Map 6, Lot 19.001 and Tax Map 6, Lot 43.001, and

WHEREAS, the Property is currently located in the Suburban Residential District, as established by the Town’s Land Use and Development Code; and

WHEREAS, the Property is located in an area with significant motor vehicle traffic, especially at the nearby intersection of Route 22 and Route 114; and

WHEREAS, a greater flexibility of uses than is allowed in the underlying zoning district is appropriate in light of the unique nature of the site and its proximity to the major intersection; and

WHEREAS, the high volume of traffic, particularly at the intersection, makes it difficult to develop the Property for residential purposes; and

WHEREAS, certain non-residential uses have been determined to be appropriate for the site, subject to the restrictions set forth in this Agreement, in addition to the applicable requirements of the Land Use and Development Code; 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; 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, the rezoning will be consistent with the goals of the 1993 Gorham Comprehensive Plan, by promoting additional job opportunities and providing for development that is “carried out in a manner that is environmentally sound and which minimizes the impact on surrounding properties” (Chapter 3, Section 3.g); and

WHEREAS, a portion of the Property is located in an area shown on the Revised Land Use Plan in the Comprehensive Plan as “Neighborhood Center,” which calls for “a mix of land uses in these centers, including residential uses, services, small scale retail uses that primarily meet local needs, and specialty commercial uses that are appropriate to the area”; and

WHEREAS, the Town, by and through its Town Council, has determined that said rezoning will be pursuant to and consistent with the Town's 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.** The Property Owners are authorized to establish on the Property any of the following uses without additional Town Council authorization:

- a. Funeral home.
- b. Day Care Centers, as defined in Chapter I, Section V of the Land Use and Development Code.
- c. Business, Personal and Repair Service Establishments as defined in Chapter I, Section V of the Land Use and Development Code.
- d. Sit-down restaurants.
- e. Retail stores that are 7,000 square feet or less in total footprint.
- f. Professional offices, including real estate offices, medical offices, attorneys' offices, and similar offices that are not high generators of traffic.
- g. Banks.
- h. Any residential uses in existence on the Property on the date of this Agreement.
- i. Distilling and brewing.

- j. Residential dwelling units above the first floor as part of a mixed use building.
- k. Garden Center
- l. Motor vehicle repair garage

No drive-through or drive-up facilities shall be allowed with any of the above-listed permitted uses, unless the Planning Board finds as part of site plan review, based upon a traffic study to be provided by the applicant, that the proposed use will not result in vehicles queuing in front of the proposed building or on the roadway serving the lot. The applicant for a use shall be responsible for all required traffic mitigation costs identified by the traffic study and/or the Public Works Director and those required by the Planning Board. The applicant shall acquire any permits required by the Maine Department of Transportation.

3. **Additional uses allowed with Town Council approval.** The following uses may be established if specifically authorized by the Town Council:

Light industrial uses of 10,000 square feet or less in total floor area. Such uses shall include the assembly of materials but shall exclude basic processes such as smelting, refining, forging, and similar processes involving converting raw materials to a finished or semi-finished product. Examples of light industrial uses are bakeries, laboratories, and businesses that assemble materials into a finished product.

4. **Performance standards.** All development and uses shall be subject to all applicable performance standards set forth in Chapter II of the Land Use and Development Code.

5. **Dimensional requirements.** All development on the Property shall comply with the following dimensional requirements:

- a. Minimum lot size: None.
- b. Minimum street frontage: None.
- c. Minimum side and rear setbacks: 10 feet, unless the side or rear of a lot is located on Route 22/114.

- d. Minimum front setback: 10 feet, unless the lot has frontage on Route 22/114. For a lot without frontage, the front setback shall be measured from the property line parallel with the major access to the property.
- e. Minimum setback from Route 22/114: 40 feet for all uses.
- f. Maximum building height: None.
- g. Minimum setbacks from residential properties: 20 feet, measured from the property line.

6. **Other requirements.** All development on the property shall comply with the following requirements:

- a. The required minimum landscape buffer along Rt. 22/114 shall be 40 feet of plants and materials as required by the Planning Board for all uses.
- b. The site shall be designed to minimize the number of entrances and exits.
- c. As needed, the hours of operation will be established by the Planning Board.
- d. To the extent possible, parking shall be behind the building. The Planning Board may consider parking at the side of the building if an applicant can show a hardship, but under no circumstances shall parking be allowed in the front yard or in the required buffer area as stated in paragraph 6(a). For purposes of this section, the front yard for a lot without street frontage shall be considered to be the area between the property line parallel with the principal access to the property and the front of the building on the lot.
- e. All property 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 business was subjected to the property tax.
- f. The application fee for the contract zone normally due at the time the application is submitted shall be deferred. The applicant shall pay a \$3,500 application fee as a final condition for the completion of any required site plan review, or, if more than one lot is subject to this Contract Zoning Agreement, shall pay the deferred application fee for the contract zone in the amount of \$3,500 divided by the subject number of lots, up to the first 7 lots, with the first payment due at the completion of any required site plan review and the per lot payment for the remaining lots due at the closing for each of the respective lots.

- g. The applicant shall make a contribution of \$10,000 per lot or business unit for each lot sold towards the future extension of public sewer. The contribution shall be due at closing for each individual lot or business unit.
- h. The building and lot design shall be consistent with a traditional New England Village Character.
- i. Vehicular and pedestrian connections shall be required between parking lots located on the Property and parking lots located in any adjoining contract zones, with the location and design to be approved by the Planning Board during site plan review.
 - 1. The Planning Board may delay the construction of interconnected vehicular parking lots until a specific land use is being proposed at the site. The vehicular parking lot connection shall be designed on the plans approved by the Planning Board, along with a condition identifying which uses will require the vehicular connection.
 - 2. The required vehicular parking lot connection shall be made prior to the use permit being granted by the Code Enforcement Office for the land use specified by the Planning Board.
 - 3. The determination for deciding whether a specific land use requires the construction of interconnected vehicular parking lots shall be made by the Town Planner. An applicant may appeal the Town Planner's determination to the Planning Board. The appeal will require the applicant to pay a site plan amendment fee and provide all necessary documentation in order for the Planning Board to make a determination regarding the land use in question.
- j. Sidewalks shall be required along any roads created on the Property.
- k. Signage on the Property shall be governed by the Roadside Environment requirements of Chapter II, Section III of the Land Use and Development Code.

7. **Agreement to be recorded.** The Property Owners 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.

8. **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 and the Property Owners or their successors in interest to the Property.

9. **Site plan and subdivision review.** Approval of this Agreement will not serve as a waiver of site plan or subdivision review if otherwise required by the Land Use and Development Code.

The above stated restrictions, provisions, and conditions, are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Property Owners, any entity affiliated with the Property Owners 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 paragraph 2 and 3 and the dimensional requirements, are intended to replace the uses and dimensional requirements of the existing Rural District. The above restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind the Property Owners, their successors in interest and any assigns of said Property or any part thereof or interest therein, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town of Gorham.

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 subject premises shall be governed by and comply with the provisions of the Land Use and Development Code of the Town of Gorham and any applicable amendments thereto or replacement thereof.

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 Land Use and Development 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 Property Owners or their successors or assigns fail to develop and operate the 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.

WITNESS:

TOWN OF GORHAM

David O. Cole
Its Town Manager
(duly authorized by vote of the Gorham
Town Council on _____, 2015)

Barry King

STATE OF MAINE
CUMBERLAND, ss

_____, 2015

Personally appeared the above-named David O. Cole, in his capacity as Town Manager for the Town of Gorham, and made oath that the foregoing instrument is his free act and deed in his said capacity and the free act and deed of the Town of Gorham.

Notary Public/Attorney at Law

Print Name

STATE OF MAINE
CUMBERLAND, ss

_____, 2015

Personally appeared the above-named Barry King and made oath that the foregoing instrument is his free act and deed.

Notary Public/Attorney at Law

Print Name

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to amend the Order to remove Section 2 L Auto Repair Business from the Contract Agreement. 5 yeas, 2 nays (Moulton and Hartwell)

5 yeas 2 nays (Hartwell and Benner)

Chairman Phinney opened Public Hearing #3 on a proposed Contract Zone on County Road, requested by Christopher Brassbridge and Terra Plaisted, Tax Map 6, lot 43. There were no comments from the Public 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 # 8898 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED,

Whereas, the Town has previously adopted Contract Zone on County Road (Route 22) in South Gorham, and

Whereas, Christopher Brassbridge and Terra Plaisted have requested that their property be rezoned to a Contract Zone with similar conditions as the other Contract Zones in South Gorham,

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

**CONTRACT ZONING AGREEMENT
BETWEEN CHRISTOPHER BRASSBRIDGE AND TERRA PLAISTED
AND THE TOWN OF GORHAM**

This Contract Zoning Agreement, made this _____ day of _____, 2015, by and between the **TOWN OF GORHAM**, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter “the Town”), **CHRISTOPHER BRASSBRIDGE**, and **TERRA PLAISTED**, resident of the New Gloucester, County of Cumberland and State of Maine, with a mailing address of 21 Targett Road, New Gloucester, Maine.

WHEREAS, Christopher Brassbridge and Terra Plaisted (the “Property Owner”) is the owner of a parcel of real estate located at or near 35 County Road in Gorham, Maine, consisting of approximately 1.84 acres located near the intersection of Route 22/ Route 114 and Burnham Road (hereinafter “the Properties”); and

WHEREAS, the Property consists of one lot identified on the Town’s assessing records as Tax Map 6, Lot 43, and

WHEREAS, the Property is currently located in the Suburban Residential District, as established by the Town’s Land Use and Development Code; and

WHEREAS, the Property is located in an area with significant motor vehicle traffic, especially at the nearby intersection of Route 22 and Route 114; and

WHEREAS, a greater flexibility of uses than is allowed in the underlying zoning district is appropriate in light of the unique nature of the site and its proximity to the major intersection; and

WHEREAS, the high volume of traffic, particularly at the intersection, makes it difficult to develop the Property for residential purposes; and

WHEREAS, certain non-residential uses have been determined to be appropriate for the site, subject to the restrictions set forth in this Agreement, in addition to the applicable requirements of the Land Use and Development Code; 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; 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, the rezoning will be consistent with the goals of the 1993 Gorham Comprehensive Plan, by promoting additional job opportunities and providing for development that is “carried out in a manner that is environmentally sound and which minimizes the impact on surrounding properties” (Chapter 3, Section 3.g); and

WHEREAS, a portion of the Property is located in an area shown on the Revised Land Use Plan in the Comprehensive Plan as “Neighborhood Center,” which calls for “a mix of land uses in these centers, including residential uses, services, small scale retail uses that primarily meet local needs, and specialty commercial uses that are appropriate to the area”; and

WHEREAS, the Town, by and through its Town Council, has determined that said rezoning will be pursuant to and consistent with the Town’s 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.** The Property Owners are authorized to establish on the Property any of the following uses without additional Town Council authorization:

- a. Funeral home.
- b. Day Care Centers, as defined in Chapter I, Section V of the Land Use and Development Code.
- c. Business, Personal and Repair Service Establishments as defined in Chapter I, Section V of the Land Use and Development Code.
- d. Sit-down restaurants.
- e. Retail stores that are 7,000 square feet or less in total footprint.
- f. Professional offices, including real estate offices, medical offices, attorneys' offices, and similar offices that are not high generators of traffic.
- g. Banks.
- h. Any residential uses in existence on the Property on the date of this Agreement.
- i. Distilling and brewing.
- j. Residential dwelling units above the first floor as part of a mixed use building.
- k. Garden Center
- l. Motor vehicle repair garage

No drive-through or drive-up facilities shall be allowed with any of the above-listed permitted uses, unless the Planning Board finds as part of site plan review, based upon a traffic

study to be provided by the applicant, that the proposed use will not result in vehicles queuing in front of the proposed building or on the roadway serving the lot. The applicant for a use shall be responsible for all required traffic mitigation costs identified by the traffic study and/or the Public Works Director and those required by the Planning Board. The applicant shall acquire any permits required by the Maine Department of Transportation.

3. **Additional uses allowed with Town Council approval.** The following uses may be established if specifically authorized by the Town Council:

Light industrial uses of 10,000 square feet or less in total floor area. Such uses shall include the assembly of materials but shall exclude basic processes such as smelting, refining, forging, and similar processes involving converting raw materials to a finished or semi-finished product. Examples of light industrial uses are bakeries, laboratories, and businesses that assemble materials into a finished product.

4. **Performance standards.** All development and uses shall be subject to all applicable performance standards set forth in Chapter II of the Land Use and Development Code.

5. **Dimensional requirements.** All development on the Property shall comply with the following dimensional requirements:

- a. Minimum lot size: None.
- b. Minimum street frontage: None.
- c. Minimum side and rear setbacks: 10 feet, unless the side or rear of a lot is located on Route 22/114.
- d. Minimum front setback: 10 feet, unless the lot has frontage on Route 22/114. For a lot without frontage, the front setback shall be measured from the property line parallel with the major access to the property.
- e. Minimum setback from Route 22/114: 40 feet for all uses.
- f. Maximum building height: None.

- g. Minimum setbacks from residential properties: 20 feet, measured from the property line.

6. **Other requirements.** All development on the property shall comply with the following requirements:

- c. The required minimum landscape buffer along Rt. 22/114 shall be 40 feet of plants and materials as required by the Planning Board for all uses.
- d. The site shall be designed to minimize the number of entrances and exits.
- c. As needed, the hours of operation will be established by the Planning Board.
- d. To the extent possible, parking shall be behind the building. The Planning Board may consider parking at the side of the building if an applicant can show a hardship, but under no circumstances shall parking be allowed in the front yard or in the required buffer area as stated in paragraph 6(a). For purposes of this section, the front yard for a lot without street frontage shall be considered to be the area between the property line parallel with the principal access to the property and the front of the building on the lot.
- e. All property 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 business was subjected to the property tax.
- f. The application fee for the contract zone normally due at the time the application is submitted shall be deferred. The applicant shall pay a \$3,500 application fee as a final condition for the completion of any required site plan review, or, if more than one lot is subject to this Contract Zoning Agreement, shall pay the deferred application fee for the contract zone in the amount of \$3,500 divided by the subject number of lots, up to the first 7 lots, with the first payment due at the completion of any required site plan review and the per lot payment for the remaining lots due at the closing for each of the respective lots.
- g. The applicant shall make a contribution of \$10,000 per lot or business unit for each lot sold towards the future extension of public sewer. The contribution shall be due at closing for each individual lot or business unit.
- h. The building and lot design shall be consistent with a traditional New England Village Character.

- i. Vehicular and pedestrian connections shall be required between parking lots located on the Property and parking lots located in any adjoining contract zones, with the location and design to be approved by the Planning Board during site plan review.
 - 4. The Planning Board may delay the construction of interconnected vehicular parking lots until a specific land use is being proposed at the site. The vehicular parking lot connection shall be designed on the plans approved by the Planning Board, along with a condition identifying which uses will require the vehicular connection.
 - 5. The required vehicular parking lot connection shall be made prior to the use permit being granted by the Code Enforcement Office for the land use specified by the Planning Board.
 - 6. The determination for deciding whether a specific land use requires the construction of interconnected vehicular parking lots shall be made by the Town Planner. An applicant may appeal the Town Planner's determination to the Planning Board. The appeal will require the applicant to pay a site plan amendment fee and provide all necessary documentation in order for the Planning Board to make a determination regarding the land use in question.
- j. Sidewalks shall be required along any roads created on the Property.
- k. Signage on the Property shall be governed by the Roadside Environment requirements of Chapter II, Section III of the Land Use and Development Code.

7. **Agreement to be recorded.** The Property Owners 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.

8. **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 and the Property Owners or their successors in interest to the Property.

9. **Site plan and subdivision review.** Approval of this Agreement will not serve as a waiver of site plan or subdivision review if otherwise required by the Land Use and Development Code.

The above stated restrictions, provisions, and conditions, are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Property Owners, any entity affiliated with the Property Owners 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 paragraph 2 and 3 and the dimensional requirements, are intended to replace the uses and dimensional requirements of the existing Suburban Residential District. The above restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind the Property Owners, their successors in interest and any assigns of said Property or any part thereof or interest therein, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town of Gorham.

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 subject premises shall be governed by and comply with the provisions of the Land Use and Development Code of the Town of Gorham and any applicable amendments thereto or replacement thereof.

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 Land Use and Development 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 Property Owners or their successors or assigns fail to develop and operate the 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.

WITNESS:

TOWN OF GORHAM

David O. Cole
Its Town Manager
(duly authorized by vote of the Gorham
Town Council on _____, 2015)

Christopher Brassbridge

Terra Plaisted

STATE OF MAINE
CUMBERLAND, ss

_____, 2015

Personally appeared the above-named David O. Cole, in his capacity as Town Manager for the Town of Gorham, and made oath that the foregoing instrument is his free act and deed in his said capacity and the free act and deed of the Town of Gorham.

Notary Public/Attorney at Law

Print Name

STATE OF MAINE
CUMBERLAND, ss

_____, 2015

Personally appeared the above-named Christopher Brassbridge and made oath that the foregoing instrument is his free act and deed.

Notary Public/Attorney at Law

Print Name

STATE OF MAINE
CUMBERLAND, ss

_____, 2015

Personally appeared the above-named Terra Plaisted and made oath that the foregoing instrument is his free act and deed.

Notary Public/Attorney at Law

Print Name

Moved by Councilor Robinson, Seconded by Councilor Roullard and VOTED to amend the Order to remove Section 2 L Motor Vehicle Repair Shop from the Contract Agreement. 5 yeas, 2 nays (Moulton and Hartwell)

5 yeas, 2 nays (Benner and Hartwell)

Chairman Phinney opened Public Hearing #4 to consider issuing a Special Amusement Permit for the year 2015 to Spire 29, located at 29 School Street. There were no comments from the Public and the Hearing was closed.

Item # 8899 Moved by Councilor Roullard, Seconded by Councilor Moulton and VOTED to approve a Special Amusement Permit for the year 2015 to Spire 29, located at 29 School Street. 7 years.

Chairman Phinney opened Public Hearing #5 to consider issuing a Liquor License to Spire 29, located at 29 School Street. There were no comments from the Public and the Hearing was closed.

Item # 8900 Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to approve a Liquor License for Spire 29, located at 29 School Street. 7 years.

Item #8901 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED that the Town Council accept the Police Needs Assessment report provide by Dacri Associates. Prior to the vote, Mr. Dacri gave an overview of the report. 7 years

Item # 8902 Moved by Councilor Robinson, Seconded by Councilor Shepard and ORDERED that the Town Council extend the closing date on the Purchase and Sale agreement with Dominic Reali Realty, LLC from March 31, 2015 to July 31, 2015 to provide more time for the purchaser to obtain Site Plan approval from the Planning Board.

Moved by Councilor Robinson, Seconded by Councilor Shepard to MOVE the Question. 4 years, 3 nays. Motion Failed.

5 years, 2 nays (Benner and Roullard)

Item # 8903 Moved by Councilor Moulton, Seconded by Councilor Shepard and ORDERED that the Town Council approve a 5 year extension of the contract with R.W. Herrick to collect waste and recycling materials for the Town of Gorham as follows:

Year 1 starting July 1, 2015: \$479,000
Year 2 starting July 1, 2016: \$500,000
Year 3 starting July 1, 2017: \$515,000
Year 4 starting July 1, 2018: increased by CPI-U
Year 5 starting July 1, 2019: increased by CPI-U

7 yeas.

Item # 8904 Moved by Councilor Roullard, Seconded by Councilor Robinson and ORDERED that the Town Council accept a proposal from Alan Reed to purchase the McLellan/Sampson House at 77 South Street. 6 yeas, 1 nay (Hartwell)

Item #8905 After discussion by the Council, there was no Motion on this Item and the Item Dies.

Item #8906 Moved by Councilor Hartwell, Seconded by Councilor Moulton and ORDERED that the Town Council ask the members of Gorham's Legislative Delegation to sponsor legislation for a law that would allow Governments to create an Internet message board for Public Officials to deliberate away from Public meetings similar to SB 1297, a bill in Texas. 1 yea, 6 nays(Robinson, Benner, Phinney, Shepard, Moulton and Roullard)

Item #8907 Moved by Councilor Hartwell, Seconded by Councilor Shepard and ORDERED that the Town Council ask Gorham's Legislative Delegation to sponsor legislation for a law that would allow Government Officials, who are unable to be physically present at a publicly called meeting, to attend meetings and vote by video conferencing, similar to HB 24145, a bill in Texas. 7 nays (All Councilors)

Item #8908 Moved by Councilor Robinson, Seconded by Councilor Roullard and ORDERED that the Town Council make appointments to various Town Boards and Committees as recommended by the Appointments Committee, as presented.

Planning Board
Edward Zelmanow

Gorham Economic Development Corp
Robert Petit
Kathy Garrard

Baxter Memorial Library Trustees
Linda Frinsko
Nancy Kenty

Board of Appeals
Mark Curtis
Alton Shurtleff
Tom Hughes

Fair Hearing Board
Dede Perkins

Conservation Committee
Katie O'Brien
Angela Gospodarek

Board of Health
Lori Willis Rumery

7 yeas

Item # 8809 Moved by Councilor Moulton, Seconded by Councilor Shepard and ORDERED that the Town Council go into Executive Session pursuant to Title I, MRSA Section 405 (6) (D) to discuss negotiations on a new labor contract with employees in the Police Department, and discuss the process of selection a new Police Chief, 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 Shepard, Seconded by Councilor Benner and VOTED to come out of Executive Session. 7 yeas.

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to deny application A14-3 for an abatement of taxes based on poverty because this applicant did not provide sufficient information to determine he was unable to contribute to the Public Charge. 7 yeas.

Moved by Councilor Roullard, Seconded by Councilor Robinson and VOTED to Adjourn. 7 yeas. Time of Adjournment 10:05pm

A True Record of Meeting

ATTEST: _____
Laurie Nordfors, Deputy Town Clerk