



TOWN OF GRAY
GRAY TOWN COUNCIL
AGENDA • JULY 18, 2023

**Gray Town
Council Workshop**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/87386224993>
Phone 646-558-8656 / Meeting ID: 87386224993

6:00 PM

CALL to ORDER

Roll Call

WORKSHOP 6:00-6:55 PM

- Discuss Self Storage Ordinance
- Review Town Council Rules

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

MEMO

July 11, 2023

TO: Town Council, Town Manager Nate Rudy

FROM: Community Development

RE: Potential edits to proposed self-storage development ordinance changes

The council, at the April 18, 2023 regular meeting, tabled approve of the proposed 402.8.11 Self-Storage Facility Standards in response to community feedback and asked staff to revisit the proposed self-storage ordinance language/ performance standards.

Herein is an updated version of the proposed ordinance, 402.8.11 Self-Storage Facility Standards for council discussion and review. Of particular note are the updates to Section E. General Standards; Section F. Perimeter Buffer Requirements; and the addition of Section H. Lot Frontage Development Standards.

Also included for your review is an amendment to the Village Design Standards, to add a requirement for locating parking spaces in the rear of the building. This amendment was proposed during the June 12, 2023 workshop and is submitted for review.

Next Steps

If the council agrees with the language in the updated self-storage ordinance amendment, inclusive of any changes per the July 18 workshop discussion, staff can proceed with posting the updated language for first reading at the August 15, 2023 town council meeting. The Village Design Standards amendment can follow a similar timeline for approval.

As the council has extended the moratorium on self-storage developments for an additional 180 days, through Dec. 27, 2023, the self-storage ordinance amendment process would ideally be completed and the new ordinance effective prior to the end of that period.

New Section

402.8.11: Self-storage facility standards:

A. Purpose: The purpose of these standards for Self-Storage is to maximize the use and value of commercial uses for road frontage properties and minimize adverse aesthetic impacts of self-storage facilities on abutting and neighboring properties.

B. Applicability

1. In addition to applicable review standards established in Article 10 (Site Plan Review), all self-storage facilities proposed after the adoption of these standards (March 1, 2023) are required to comply with requirements in this section and the associated design standards. This includes any self-storage facility that was previously approved but did not meet the Time Limit on Approval requirements of the zoning ordinance, and is thus considered a new application.
2. Expansion: Any self-storage facility that is proposed to be expanded after the adoption of these standards shall be required to obtain Planning Board approval and shall be subject to all practically achievable self-storage performance standards and design standards as determined by the Planning Board for the expanded portion of the development and associated infrastructure. No expansion or additional buildings will be permitted within the 300' setback from the edge of a road or right-of-way (ROW), whichever is greater, that is either publicly owned or has a public easement for winter maintenance.
3. Repairs/Replacement/Rebuilding: The Code Enforcement Officer shall have the authority to issue building permit(s) for the repair, replacement or rebuilding of one or more building(s) in a Self-Storage Facility for the same size, height and location as the original structure(s). Such repair, replacement or rebuilding shall be subject to all practically achievable self-storage performance standards and design standards, as determined by the Code Enforcement Officer in consultation with the Town Planner.
4. Outdoor storage is not permitted as a standalone use and must be integral to a self-storage facility and comply with all standards established in this section and in Article 10.
5. Any outdoor storage, including if added to an existing facility, must comply with all outdoor storage standards as specified in this section and as required in Article 10.

C. Minimum Setbacks

1. Any portion of any element of a self-storage facility must be at least three-hundred (300) feet from the edge of a road or right-of-way (ROW), whichever is greater, that is either publicly owned or has a public easement for winter maintenance. No component of a self-storage facility other than one access/driveway may be located within this three-hundred (300) foot setback. All other components of any self-storage facility must respect this minimum three-hundred (300) foot setback specifically including all fill extensions, buildings, outdoor

storage areas, drainage ditches, stormwater infrastructure, and perimeter buffer as specified in section “F” entitled “Perimeter Buffer Requirements.”

2. A perimeter buffer in accordance with standards specified below in section “F” below entitled “Perimeter Buffer Requirements,” is required around the entirety of the facility. Stormwater infrastructure is specifically prohibited from this buffer.
3. Any outdoor storage shall be located at least one-hundred (100) feet from any property line and shall be subject to additional standards as detailed in this section.
4. Neither the Zoning Board of Appeals nor the Planning Board shall have the authority to reduce any of the minimum setbacks established above in this section “C” entitled “Minimum Setbacks” except for the perimeter buffer as established in this subsection “F,” entitled “Perimeter Buffer Requirements.”

D. Building Requirements

1. One-story self-storage building standards:
 - a. Maximum length: two-hundred (200) feet
 - b. Maximum width: forty (40) feet.
 - c. Maximum height: twenty-five (25) feet.
2. Two-story self-storage building standards:
 - a. Maximum footprint of any one structure: seventy-five hundred (7,500) square feet
 - b. Maximum height: thirty (30) feet
3. Minimum separation between buildings/minimum drive aisle width: twenty-five (25) feet
4. All buildings/structures utilized for self-storage purposes that face the perimeter buffer shall be completely enclosed with permanent sides/siding. In no event shall such buildings/structures have one or more open sides. Seasonal installation and/or removal of temporary sides, such as fabric or similar, shall not be permitted and shall not be considered permanent sides/siding.
5. All buildings/structures shall comply with Town of Gray Design Standards for self-storage facilities (attached). The applicant shall submit scaled color renderings of all proposed buildings/structures as part of the submittal and the planning board will review these as an integral part of their review. The Planning Board shall have the authority to interpret the design standards and require changes consistent with the purpose and intent of the design standards and these performance standards.
6. Buildings existing as of March 1, 2023 shall be eligible for re-use as a self-storage facility subject to all of the following standards:

- a. The building for re-use must have a footprint no greater than ten thousand (10,000) square feet and be located on the same parcel or a directly abutting parcel containing a self-storage facility existing as of March 1, 2023, and
- b. The building for re-use must be within one-hundred-and-fifty (150) feet, irrespective of any property line, of a building in a self-storage facility existing as of March 1, 2023, as measured from building to building, and
- c. Any building proposed for re-use shall require Planning Board review and approval. The Planning Board shall have the authority to require non-structural changes to the building in accordance with design standards as practicable, and
- d. Any increases in the volume and/or footprint of a building for re-use, including overhangs, shall require Planning Board review and approval. Such increases shall conform to design standards, as practicable, and
- e. In no event shall any increase in volume and/or footprint of a building for re-use purposes be extended to utilize or occupy any additional frontage on a road or right-of-way that is either publicly owned or has a public easement for winter maintenance, other than the portion of frontage occupied by the building that existed as of March 1, 2023, and
- f. Increases in volume and/or footprint of a building for re-use, including overhangs that extend towards/closer to a road or right-of-way that is either publicly owned or has a public easement for winter maintenance, shall not be allowed unless the entirety of the building, including the increased volume and/or footprint of the building is at least three hundred (300) feet from the edge of the road or right-of-way, whichever is greater.

E. General Standards

- 1. Review and approval by the Planning Board is required for any new or expanded self-storage facility. The Planning Board shall review the proposed development under Site Plan Review and design standards, as applicable, and shall ensure that the performance standards in this section are met.
- 2. Any self-storage facility may consist of one or more combined developed footprint area(s).
- 3. Each combined developed footprint area shall not exceed three (3) acres/ 130,680 sf. This combined development footprint area shall include all buildings, outdoor storage areas, all stormwater infrastructure, fill extensions, all vehicular accessways, all non-vegetated areas, and similar such areas that are not in their natural state. This calculation shall not include the perimeter buffer and/or buffer areas complying with standards herein.
- 4. Within a lot with a self-storage facility, site-internal buffers are required to separate each combined developed footprint area. These site-internal buffers shall be a minimum depth of fifty (50) feet and shall conform to the perimeter buffer requirements of Section F, Perimeter Buffer Requirements. As determined by the Planning Board, limited portions of such internal fifty (50)-foot buffers may contain stormwater infrastructure provided that the aesthetic separation between the two areas is maximized.
- 5. All standards for the self-storage facility, excluding the perimeter buffer, as detailed below herein, must be met and maintained on a parcel owned in fee by one (1) owner/party/entity.

In no event shall the ownership of one or more buildings be transferred to separate parties/entities.

6. No maintenance and/or repair work of any type shall be allowed on any vehicle and/or equipment that contains any type of fluid that potentially contaminates soil and/or groundwater if leaked. The operator of the facility shall be required to disclose this information to all parties utilizing the self-storage facility and report any instances of fluid leaks to Gray Public Safety.
7. All self-storage facilities shall be gated with security provisions sufficient to ensure access to the site only by patrons, owners, and those persons needing to access for operations and/or maintenance.
8. The entire perimeter, except the gated entry, of all self-storage facilities areas shall have a sufficient fence, as determined by the Planning Board as part of their review, to discourage/prevent access. Fence details shall be shown on planning board submittals. Chain-link fencing is not permissible in areas of the site that are visible from the road.
9. One office area to provide administrative services solely serving the self-storage facility may be permitted provided that the cumulative area devoted to this use does not exceed two hundred (200) square feet. In the event that such space is part of a facility, a minimum of two (2) dedicated parking spaces shall be required that do not block access to any accessway or self-storage unit(s).
10. In addition to applicable lighting requirements established in Article 10, Site Plan Review, all self-storage facilities shall be required to comply with standards in the USA Pattern Lighting Code in the International Dark Sky Association Outdoor Lighting Code Handbook version 1.14.2002 dated December 2000/September 2002 or subsequent update. The Planning Board shall review compliance with such standards, with peer review as necessary at applicant expense, as an integral part of reviewing a proposed facility.
11. In no event shall any repair, replacement or reconstruction of a building in self-storage use utilize or occupy any additional frontage on a road or right-of-way that is either publicly owned or has a public easement for winter maintenance, other than the portion of frontage occupied by the building that existed as of March 1, 2023.

F. Perimeter Buffer Requirements

1. All new, or expanded, self-storage facilities shall comply with all of the following perimeter buffer requirements. Any building(s) existing as of March 1, 2023 that is proposed for re-use as a self-storage facility shall comply with the perimeter buffer requirements to the maximum extend practicable as determined by the Planning Board.
2. The entirety of the perimeter buffer shall consist of dense, mature, natural vegetation meeting and maintaining standards as established in this section.

3. Any of the following site components shall not be located or considered part of the minimum perimeter buffer: driveways, buildings, parking areas, fencing, vehicular accessways, outdoor storage areas, retaining walls, fill extensions for vehicular accessways and/or buildings, drainage ditches, stormwater infrastructure.
4. Only one vehicular accessway shall be allowed in this perimeter buffer unless the planning board determines that through-traffic is necessary to allow a second accessway. Multiple accessways through the buffer are specifically prohibited. The width of any such accessway through the perimeter buffer shall be limited to the practical functionality necessary as determined by the planning board.
5. In the event that applicable standards for the perimeter buffer are met and maintained via an easement, all applicable perimeter buffer standards shall be included in the description of easement language, as determined by the Code Enforcement Officer with input from the Planner, that is recorded at the Registry of Deeds prior to the issuance of a building permit for the project. A condition of approval memorializing this requirement shall be part of the Planning Board final decision.
6. The full depth of the perimeter buffer shall consist of dense mature natural vegetation as determined by the Planning Board. In order for the Planning Board to determine the specifications for the dense mature natural vegetation, the Board shall require applying the point system standards as the minimum standards for any 25 foot by 50 foot for the first one-hundred (100) feet established for a "Shoreland Buffer Strip" contained in Section 15 of the Gray Shoreland Zoning Ordinance (Chapter 403) entitled "Clearing or Removal of Vegetation for Development Activities other than Timber Harvesting" be met and maintained. In accordance with the purpose of maintaining the perimeter buffer, all standards for the "Shoreland Buffer Strip" in Section 15 of Chapter 403 that allow for the removal of vegetation, pruning of branches on the lower one-third of a tree, clearing of vegetation for development, and existing cleared openings shall not be applicable for this Section 402.8.11, Self-Storage Facility Standards.
7. In the event that existing conditions do not meet ~~this requirement~~ the requirements of this section at the time the application is before the Planning Board, the Board shall have the authority to require the applicant to plant native species trees (predominantly evergreens) and other appropriate native vegetation to establish a buffer meeting standards established in this section within a reasonable time period as determined by the Planning Board. Ideally, a sufficient buffer should be achieved within five (5) years.
8. In order to ensure that the perimeter buffer meets and maintains standards, the Planning Board shall have the authority for a peer review, at the applicant's expense, and shall also have the authority to require that the applicant post a sufficient financial performance bond for any necessary replanting per Section 402.10.17 in accordance with professionally accepted practices such as an eighty (80) percent survival rate for a five (5) year period.
9. The Planning Board shall be authorized to require additional buffering and screening, including additional plantings, to maximize the density of the mature natural vegetation,

emphasizing the use of evergreen species, for any portion of a proposed self-storage facility located within one or more viewshed(s) from a public road(s), including road(s) that have a public easement for winter maintenance. The Planning Board shall have the authority to require the applicant to submit photographs of existing conditions from various vantages and accurate renderings of the anticipated proposed buffer at periodic time intervals, including at maturity.

10. The Planning Board will have the authority to reduce the depth or alter the nature of the vegetated perimeter buffer, except as it applies to outdoor storage as established below, taking into consideration all of the following:

- a. The Planning Board, when considering reductions to the depth of the perimeter buffer, shall have the authority to adjust buffer requirements as herein at different depths for each of the different buffer areas (front, side, rear) as well as different depths along one or more such buffers, taking into account existing conditions, the essential character and proximity of other uses on adjacent properties along the perimeter buffer.
- b. For self-storage buildings on a parcel(s) located wholly within a Commercial/Industrial zoning district, that do not directly abut any properties outside of a Commercial/Industrial zoning district, the Planning Board will have the authority to approve a reduced buffer in accordance with section F entitled Perimeter Buffer Requirements.
- c. The Planning Board shall have the authority to reduce only the depth of those portions of the proposed Self Storage Facility perimeter buffer that directly abut property owned by the Maine Turnpike Authority, provided that the intent of this ordinance and applicable standards, specifically including but not limited to buffering, are met and maintained.
- d. In considering whether to approve a perimeter buffer reduction or alteration, the Planning Board should consider the treatment of the area and adhere to the following standards:
 - i. In no case shall any portion of the perimeter buffer be less than twenty-five (25) feet in width.
 - ii. In the event that a different non-residential use is proposed for the front portion of a parcel and self-storage facility use is proposed for the rear portion, the minimum separation between such structures shall be designed to meet currently applicable setbacks to allow for each use to be located on a separate parcel.
 - iii. Structures in self-storage facilities that do not exceed twenty (20) feet in height and buildings converted to self-storage facilities, per Section D above entitled Building Requirements, may be permitted to use solid

fencing (not chain-link) with a reduced vegetated buffer to meet the perimeter buffer requirements.

- e. In considering whether to approve a perimeter buffer reduction or alteration, the Planning Board should consider the treatment of the area and adhere to the following principles:
 - i. Within areas that are densely developed with non-residential uses when the application for a self-storage facility is submitted, a buffer with dense plantings fencing, and or changes in grade may be a minimum of twenty-five (25) feet.
 - ii. A buffer with moderate levels of vegetative screening should be thirty (30) to forty (40) feet in width.
 - iii. In suburban and rural settings, the minimum width of the densely vegetated buffer should be twenty-five (25) feet. Plantings should be predominantly evergreen shrubs and trees designed to provide year round screening.
 - iv. For areas adjacent to service, loading, or outdoor storage areas, a minimum buffer width of fifty (50) feet screened by a combination of berms, fencing, and dense plantings (preferably evergreens).

G. Outdoor Self-Storage Standards

1. If an outdoor storage area is located adjacent to the perimeter of the facility abutting a property line(s), the minimum depth of the perimeter buffer, in accordance with standards specified below in this section, must be seventy-five (75) feet.
2. All outdoor storage areas that are storing any vehicles and/or equipment that use or contain any type of petroleum-based fluid, or any fluid that potentially contaminates soil if leaked, shall be impervious with pavement or concrete. Stormwater sheet-flow from such areas shall be directed in water-tight drainage piping to oil/water separators in accordance with professionally accepted practices. Stormwater discharge from the separators shall be daylighted to a readily accessible location that allows for the soil adjacent to stormwater daylighting to be tested in the event of leaks from such vehicles and/or equipment.
3. As part of the Planning Board's review, with input from qualified consultants at applicants' expense, the Board shall determine an appropriate stormwater maintenance schedule including periodic testing of soil at the stormwater daylight location and/or where the stormwater from the outdoor storage is absorbed into the ground.

4. As part of the final approval of the project, the Planning Board shall impose a condition of approval that requires the owner and/or operator (as appropriate) of the facility to submit an annual report containing information that summarizes the condition of the stormwater measures, testing results, and any corrective measures that have been completed for the previous year to verify that the stormwater from the outdoor storage is not contaminating the soil and/or adversely affecting groundwater in the vicinity of the facility. This report should be due by January 31st of each year.
5. The maximum cumulative footprint of all area(s) utilized for outdoor self-storage shall not exceed twenty-five (25) percent of the developed portion of the self-storage facility consisting of buildings, accessways, etc. Based on the three (3) acre maximum footprint of the developed portion of the facility specified in "E" in this section entitled "General Standards," the maximum size of an outdoor storage area is .75 of an acre/32,670 sq. ft.

H. Lot Frontage Development Standards

Lot frontage is the portion of a lot directly abutting the main road. Development of the lot frontage within the three-hundred (300) foot road or right-of-way (ROW) setback of a self-storage facility parcel, for a separate permitted or conditionally permitted use in the zoning district, is subject to the following conditions:

1. The setback between the structure in the lot frontage development area and the nearest self-storage facility structure, measured building to building, shall be double the applicable rear setback for the zoning district, to allow for conformance in the case of future lot division. Otherwise, applicable setbacks for the zoning district will apply.
2. Development on the lot frontage of a self-storage facility will be subject to performance standards and design standards, as applicable.
3. The Planning Board shall have the authority to reduce the perimeter buffer between the lot frontage development and the self-storage facility, per Section F above, entitled Perimeter Buffer Requirements.
4. Parking areas for the lot frontage development must be located in the rear of the building(s) and shall not be directly visible from a public street.
5. The lot frontage development must be designed to provide for the safe movement of pedestrians and vehicles both internally and in connection with the self-storage development.

402.6.2 D

D. Only One Principal Building per Lot

No more than one (1) principal structure and its accessory buildings as regulated in this Ordinance may be located on any one lot, except in the case of a multi-building Self-Storage Facility, lot frontage development on a lot with a self-storage facility, Planned Unit Development and Multi-Family Housing, unless all applicable space and dimensional standards are met separately for each principal structure or use on the lot, subject to the following:

1. Where a lot has more than one existing principal structure or use, any new principal structure or use proposed for the lot, or any proposed division of the lot, shall meet all applicable space and dimensional standards for the new lot or principal structure or use; provided, however, before creation of a new principal structure or use on the lot or division of the lot, the property owner shall provide the Code Enforcement Officer with a sketch plan, drawn to scale, in sufficient detail to satisfy the Code Enforcement Officer that it accurately represents the current conditions in the field; and
2. The creation of a new lot or new principal use or structure must satisfy current space or dimensional standards established for the zone in which the lot is located. Where an existing principal structure is legally nonconforming as to any applicable space or dimensional standard, the creation of a new lot or principal use or structure shall not increase the degree of such nonconformity.
3. For lots located in the Business Development 2 Zoning District, the number of uses per principal structure shall be determined by standards established in Section 402.8.8 of this Ordinance.
4. No variances are allowed from the provisions of the preceding paragraphs of this section.

**GRAY VILLAGE CENTER
AND VILLAGE CENTER PROPER DESIGN STANDARDS
TOWN OF GRAY MAINE**

*Amendment to Zoning Ordinance, 402.8.3, adopted by Town Council 9/21/21, Effective Oct. 23, 2021
Amended 5-16-23/Effective 6-15-23 (Updates Re: Accessory Dwelling Units)*

INTRODUCTION

The Town of Gray has established Village Center (VC) and Village Center Proper zoning districts to promote economic development and revitalization of the Gray Village as set forth in the Gray Village Master Plan.

The purpose of the Village Center and Village Center Proper Design Standards is to establish well-planned non-residential development that promotes economic diversification, employment opportunities, and pedestrian activity; create functional and visual diversity as well as a pleasant working and shopping environment; and maintain significant features of the natural environment while allowing maximum flexibility in the design of new non-residential development.

Non-residential development projects will consider the following criteria:

- A. Preservation and/or treatment of natural features;
- B. Compatibility with surrounding uses;
- C. Relationship to transit corridors;
- D. Proportional size, mix and arrangement of buildings;
- E. Placement and orientation of parking;
- F. Provision for amenities such as landscaping, plazas, and pedestrian friendly environment; and
- G. Overall site circulation of vehicles and pedestrians.

The Town has enacted these Design Standards as a tool to supplement the performance standards contained in the Gray land use ordinances. Although there is greater flexibility allowed in meeting the Design Standards than in other regulations, they are to be interpreted as being mandatory requirements for all projects within the districts.

There are many ways to meet each standard. The Design Standard bullets in bold print set the standards that must be met for each project. The text following the bullets provides more specific direction for interpreting the standards and analyzing development applications. The Standards help the Planning Board determine that the project design meets the design goals and ordinance requirements.

Implementation of the Design Standards relies heavily on the services of architects and landscape architects working as consultants for developers and peer reviewers for the Town. The Design Standards provide a context for coordinated discussions of design issues in advance of formal site plan review procedures. This collaborative process ensures that site plans in the Village Center and Village Center Proper Districts produce high quality development that contributes to the area's downtown role.

PART 1 – SITE PLANNING

SITE CHARACTER

- A. **Preserve Historic Structures** – Structures of historic significance or which are listed on a municipal, county, state or national historical register shall comply with said municipal, county, state or national guidelines for historic structures.

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- B. Carefully Orient & Screen Rear & Loading Areas – Rear or loading areas of buildings shall not face existing or planned amenities such as parks, open space, water features or public rights-of-way unless visually screened or architecturally articulated.
- C. Maintain Existing Topography – Development of sloped properties shall be designed in such a way as to maintain the natural contours of the land. Methods such as terraced parking lots, stepped building pads, and greater setbacks shall be employed to minimize grade differentials.

LAND USE BUFFERING

- A. Carefully Locate Objectionable Activities – Noise, traffic, odorous, or hazardous activities shall be located adjacent to areas of similar activities on adjacent properties whenever practical. Such activities shall not be located in close proximity to residential or other incompatible areas such as schools or offices.
- B. Carefully Locate and Screen Service Areas & Equipment – Loading areas, access and circulation driveways, trash and storage areas, and rooftop equipment shall be visually screened and located as far as practical from adjacent residential areas.
- C. Carefully Orient & Screen for Abutting Residential Uses – Non-residential uses that are incompatible with adjacent residential property shall be separated by masonry walls, landscaping, building orientation, and activity limitations. Buildings shall be designed to prevent a direct line of sight from within the building into adjacent residential property by employing design features such as screen walls, landscaping, window placement, building positioning or any combination thereof. A visual barrier of evergreen trees at least six (6) feet in height shall screen non-residential building walls and parking lots from adjacent residential property.
- D. Connect Compatible Uses – Non-residential uses compatible with adjacent residential areas may be connected by features that include, but are not limited to, driveways, parking areas, walkways and common landscaped areas, or enhanced by building orientation and unfenced property lines.

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BUILDING PLACEMENT

- A. Build to the Street – Commercial and office building frontage shall be located as near as practical to the front setback line, or if a corner building, as near as practical to the setback lines of both streets. In the case of corner buildings, this may be accomplished using angled or sculpted building corners or an open plaza at the corner.
- B. Face Buildings to the Street – Active building elevations with public access or windows shall face public streets wherever practical.
- C. Coordinate Building Designs – Multiple buildings in a single project must demonstrate a positive functional relationship with one another. This creates opportunities for plazas and pedestrian areas while preventing long “barrack-like” rows of buildings. When clustering is impractical, a visual link shall be established between buildings. This link shall be accomplished through the

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use of an arcade system, trellis, colonnade or other open structures.

- D. Provide Useable Open Spaces – Wherever practical, open space areas shall be grouped into useable, prominent landscaped areas so as to provide useable open space within a complex of buildings or project; however, this provision does not require that every building or project or all areas surrounding buildings to provide useable open space.
- E. Provide Outdoor Seating Areas – Buildings shall be placed in a manner that allows space for outdoor seating areas. Spaces between buildings that offer clear, useable shapes may be used for this purpose; however, this does not require that all spaces between buildings be designed for use as outdoor seating areas.

COLOR STANDARDS

- A. Use Compatible Colors – Colors used on buildings shall be compatible with colors of the surrounding area.

TRASH LOADING/STORAGE/PARKING AREAS

- A. Enclose Dumpsters in Attractive & Durable Enclosures – Trash and garbage containers shall be stored in an enclosure that is architecturally compatible with the project or building and which includes concrete pads or appropriately designed asphalt surfaces. Trash enclosure gates shall be constructed of durable materials that obscure view by a minimum of eighty (80) percent.

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~~E.B.~~ Locate Such Service Areas Away from Abutting Residences – Non-residential buildings adjacent to residential properties shall be designed or positioned so that loading and delivery activities occur on the side of a building opposite the side facing residential property, and shall not be located within the required setback.

~~F.C.~~ Provide Loading Areas for Restaurants – Every free-standing restaurant site shall include a loading area or arrangement for other accommodations.

~~G.D.~~ Loading Docks not to be Visible from the Street – Loading docks shall not be directly visible from a public street. Complete screening matching the building design or a landscape buffer achieving eighty (80) percent screening within three (3) years shall be installed where necessary to meet this requirement.

~~H.E.~~ No Standing & Idling Trucks – Trucks are prohibited from parking and idling in maneuvering or circulation areas that are adjacent to residential properties, except for approved loading or dock areas.

~~I.F.~~ Carefully Locate & Screen Outdoor Storage Areas – Outdoor storage shall be located within approved storage areas that are permanently screened from view. Outdoor storage shall not be allowed in required parking or loading areas.

~~J.G.~~ Parking areas are to be located in rear – Parking areas are to be located in the rear of the building(s) and shall not be directly visible from a public street.

PART 2 – LANDSCAPING STANDARDS

STANDARD DESIGN CONCEPTS

- A. Use Trees to Accent Site Features – Specimen trees, deciduous trees a minimum of two (2) inches DBH or evergreen trees a minimum of two (2) feet in height, shall be used in informal groupings and rows at major focal points such as project entrances.
- B. Use Shrubs & Ornamental Plantings to Accent Site Features – Non-residential projects shall include at least one of the following:
1. Herbaceous perennials and ornamental grasses in informal groupings at major focal points such as project entrances.
 2. Groundcovers in lieu of turf in areas that receive minimal pedestrian traffic, such as along walkways and in medians.

LANDSCAPING REQUIREMENTS FOR PARKING LOTS GREATER THAN 50 SPACES

- A. Provide Landscaping in Parking Lot Islands – Planting islands at the ends of parking rows shall meet the following standards:
- A minimum of three hundred (300) square feet with double loaded parking;
 - A minimum of one hundred fifty (150) square feet with single loaded parking;
 - A minimum interior width of nine (9) feet;
 - Curbing six (6) inches high on all sides; and
 - Shade trees, low shrubs, groundcover, or any combination thereof.
- B. Use Landscaping to Accent & Organize Parking Areas & Pedestrian Paths – Landscaping that accents driveway entrances, frames major circulation aisles, and highlights pedestrian pathways.

PART 3 – LIGHTING STANDARDS

PARKING LOT LIGHTING

- A. Appropriately Direct & Shield Parking Lot Lights – Parking lots shall require lighting, positioned or hooded in such a way that prevents the direct beam of the lights from projecting directly onto adjoining property or streets.
- B. Limit Light Pole Heights – Parking lot lights shall not exceed a height of twenty seven (27) feet from the parking lot surface or the height of the tallest building on the site, whichever is less.
- C. Use Attractively Designed Light Poles – Parking lot light poles shall be decorative, complementary and consistent with the architecture of the project.

PART 4 – RESIDENTIAL DESIGN STANDARDS AND ADMINISTRATIVE PROCEDURES

I. PURPOSE

The purpose of these Design Standards for the construction of single-family residential buildings, two-family residential buildings, three-family residential buildings, accessory dwelling units, and all detached accessory structures in the Village Center (VC) and Village Center Proper (VCP) Districts is to promote the construction of such buildings in a manner that is calculated to allow for adaptive re-use of the site for either commercial or residential purposes in the future. The objective is to grant the Town of Gray increased flexibility in meeting its current goals under the Comprehensive Plan, including promoting growth in the VC and VCP districts.

II. APPLICABILITY

These Design Standards apply to all single-family residential buildings, two-family residential buildings, three-family residential buildings, accessory dwelling units, and all detached accessory structures newly constructed or reconstructed in the VC or VCP Districts, as well as those that have been substantially altered, repaired, or moved.

For the purposes of applicability of these standards, “substantially altered, repaired, or moved” shall mean any one or more of the following:

- 1. requires a building permit for construction that affects greater than fifty percent (50%) of the floor area of the existing structure
- 2. requires a building permit for exterior renovations which involve structural alterations to the building.

III. AESTHETIC STANDARDS

Newly constructed or reconstructed single-family residential buildings, two-family residential buildings, three-family residential buildings, accessory dwelling units, and all detached accessory structures in the VC or VCP Districts, as well as existing buildings (used for that purpose) and their appurtenances, which have been substantially altered, repaired or moved, shall be visually compatible with the buildings and terrain to which they are visually related and specifically with nearby and/or adjacent buildings in terms of the following factors:

A. Overall Style: The building’s architectural style shall be consistent throughout, with all sides matching or complementing the style of those with the greatest visibility from the public street(s).

- 1. To prevent long, visually monotonous building façades, design features shall be added to the building, such as but not limited to, wall plane projections, recesses, widows, roof elevation variations, and variations in siding materials and orientations.
- 2. Accessory or auxiliary structures, including garages



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and sheds, shall be architecturally consistent with the primary structures in the use of color, material, and detailing.

B. Relationship of Façade Materials: The façades of a building, particularly the front façade, should be visually compatible with surrounding buildings.

1. Use of traditional wood clapboard or cedar shake siding is the basic standard. Synthetic, composite, or other siding materials are acceptable if they are substantially identical in appearance to natural materials and of equal or greater durability.



2. Brick or stone masonry is also acceptable.

a. Brick material shall be of New England character, normally red to reddish brown in color, and shall be laid with three courses in eight inches. Normal brick size shall be 2 3/8 x 3 5/8 x 7 5/8.



b. Use of economy shape, square, or elongated brick is not permitted.

c. Multi-color brick products or patterns composed of different colors of bricks are prohibited, and any pattern in the brick masonry shall be muted with all patterns composed of brick of the same color. Alternatively, bricks may be painted, provided they are painted a single, solid color.

3. Concrete block, split face block, multicolored brick, asphalt shingles, T-111, plywood, diagonal siding, industrial metal siding, standing seam metal siding, synthetic brick, and synthetic stone are prohibited; however, use of stucco is permissible.

4. Concrete block chimneys and exposed metal chimney flues on the side of the house facing the street are prohibited. Exposed metal chimney flues on the sides of houses shall be enclosed and sided with the same or similar siding as the house.

5. Full height walls surrounding porches are not permitted. Screens in the warmer months and storm windows in the cold months are permitted, this does not include installation of combination storm and screen windows.



C. Roof Shapes and Materials: The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of

neighboring buildings. Flat roofs are discouraged.

1. Roof forms such as gable, hipped, or slight variations are acceptable.
2. Buildings shall have a roof pitch in the ranges of 6:12 to 12:12. Porch roofs are permitted to have a pitch of 4:12 provided that the porch does not exceed 20% of the building's cumulative footprint.



3. Preferred materials are asphalt shingle, fire-treated wood shingles, natural slate, rubber, composite material made to resemble slate, and/or metal.

4. Buildings that are more than forty feet (40') in length, face a public street, and have a symmetrical gabled pitched roof are encouraged to break up the roof with multiple dormers proportioned and coordinated with the overall façade design.



5. Roof colors shall be those commonly found on residential buildings within the VC and VCP Districts, including but not limited to brown, black, grey, and green, and shall be of a dark hue.
6. Roof dormers with pitched or shed roof forms are permitted, and skylights within the roof plane are acceptable. Shed roofs that are integrated with the building form are also acceptable.
7. Exposed roof vents such as turbines or power roof ventilators are discouraged.

D. Proportionality and Placement: The building's overall size; mass in relationship to the open space around it; and door, window, porch, and balcony sizes shall be visually compatible with its site and with its neighborhood.

1. The height of the building shall be visually compatible with the heights of buildings in the neighborhood, with particular attention paid to the height of principal structures on adjacent lots, so as not to dramatically change the street's appearance or to unduly shade neighbors and/or the street.

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Compliant:



Noncompliant:



2. The rhythm of open spaces around buildings to the buildings themselves should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setbacks).

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Compliant:



Noncompliant:



3. The size and spacing of the building's windows and doors shall be proportional and visually compatible with those of its neighbors.

Compliant:



Noncompliant:



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E. Access Features: The features of a building that allow for access to the interior shall meet certain minimal design standards that ensure both their functionality and visual compatibility with others in the neighborhood.

1. The incorporation of one, and not more than one, recognizable front door facing the street is required.

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2. Buildings shall not have more than one exterior stairway leading to a second or higher story, and the design of such exterior stairway shall be visually compatible with the design of the building as a whole and with any exterior stairways on neighboring buildings.

F. Site Features: The size, placement, and materials of walls, fences, driveways, and landscaping features should be visually compatible with the building, the property's terrain, neighboring buildings, and the terrain of abutting properties, as well as provide adequate privacy between lots.

1. Fences, if installed, shall be post-and-rail type with wood, wood composite, stone, or masonry posts with wood top and bottom rails. Infill between rails shall be vertical pickets or other patterns consistent with older residences within the district. Fences shall not exceed forty-two (42) inches in height.



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2. Preservation of existing mature trees and planting or preservation of masses of shrubs in the setback is encouraged. Landscaping should include planting of new trees and shrubs if none presently exist.



a. An effort shall be made to use indigenous species that are insect and disease resistant. Invasive species of plants are prohibited.

b. Any trees that are planted shall be a minimum of five (5') feet from the edge of the right-of-way (ROW). The mature form and height of plant materials shall be considered so they will not create unsafe conditions, such as protrusion into power lines, or blockage of pedestrians, bicyclists, or motorists' sight lines on the road.

3. The front, side, and rear yards abutting residential properties shall maintain the district boundary in its natural state to provide a buffer of at least 10 feet. When natural features (i.e., slopes, gullies, trees, shrubs, rocks) do not exist or are insufficient to provide a buffer, the developer is encouraged to landscape, or where not feasible, provide fencing or screening. The buffer shall not be expected to completely hide the building from abutting properties.



4. Site walls (retaining walls), if installed, should be a natural stone, pre-cast concrete made to resemble stone, or brick masonry. The use of other modular concrete material is not permitted for the wall face. Site walls shall not exceed forty-two (42") inches in height unless functionally necessary due to the grades existing on the property, shall be located no closer than two (2') feet from the sidewalk, and shall be constructed to allow for proper drainage.



5. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained or added in order to reduce runoff and encourage infiltration of storm waters. All storm water must be treated underground.



6. All parking for new construction and development shall be located behind the building, not visible from the street.

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IV. SITE LAYOUT STANDARDS

A. The location of structures and site improvements on the parcel shall be designed and built to accommodate either residential or commercial uses. The applicant/developer shall provide a conceptual scaled plan of the parcel depicting all site components necessary to practically allow the parcel to be utilized for commercial purposes including:

1. Vehicular access (ingress and egress);
2. On-site vehicular circulation;
3. Pedestrian access and internal circulation;
4. Parking layout and design;
5. ADA parking and access;

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- 6. Stormwater direction, collection, and management;
- 7. Location of subsurface wastewater disposal system; and
- 8. Buffering and screening to the road and abutting properties

V. STRUCTURAL AND FUNCTIONAL BUILDING STANDARDS

- A. To facilitate adaptive reuse of the structure, developers are encouraged to use floor and/or roof trusses and to avoid use of load bearing walls in the interior of any structure to which these design standards are applicable.
- B. Building ingress/egress; access to the structure shall be appropriately located and sized with particular attention paid to both the main front and rear entrances of the structure. Even if a smaller (or no) door is proposed, installation of a header designed to accommodate a sufficient commercial width door should be designed/installed.
- C. Grading and first floor elevation; the final site grading and finished floor elevation proposed structure’s first floor shall be designed to accommodate the needs of a future commercial use, including ADA access.

VI. ADMINISTRATIVE PROCEDURE

A. Application and Approval Process

1. No application for a building permit for a property that is subject to this part 4 of the Gray VC & VCP Design Standards shall be finally approved by the reviewing authority until the applicant has received a Design Standard Certificate under these Design Standards.

2. In the event that an individual submits a subdivision application involving the intent to build any of the structures to which these standards apply, the Planning Board shall administer these standards, including the Design Standard Certificate, as an integral part of its subdivision review.

3. In all other situations not specified in VI.A.2. above, review under these VC/VCP Residential Design Standards shall be undertaken simultaneously with the processing of the application for a building permit.

- a. If an applicant’s application for a Design Standard Certificate proposes construction of a single building to which these standards apply on a parcel not part of a Planning Board approved subdivision, then it shall be the duty of the Town of Gray’s Code Enforcement Officer to administer and enforce Part 4 of these VC/VCP Residential Design Standards, as well as issue the Design Standard Certificate when deemed appropriate.

4. The application for a Design Standard Certificate shall be made in the Town Office on forms provided therefore. Each application shall be accompanied by such sketches, drawings, photographs, descriptions,

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or other information showing the proposed alterations, additions, reconstruction, changes, or new construction as may be required for the reviewing authority to make a decision, including but not limited to:

a. Site Plan – a plan of the site, at a scale of no greater than 1" = 50', that illustrates the location of lot boundaries, any easements, ROW or other legal limitations set on the property, existing structures and roads, any existing trees over 6" in caliper, the location of the proposed building or renovation, any proposed landscaping, walkways, drives, walls, fences, lighting, signage, service areas, transformers, propane tanks and other utility requirements – as well as significant existing site elements including shrubs and planting beds. The Plan shall also indicate the current zoning district(s), applicable setbacks, and size of lot.

b. Elevations – elevations, at a minimum scale of 1" = 16' - 0", of all exposed sides of the proposed building or renovations. The elevations shall indicate proposed materials, colors, roof pitches, finished grade and building height.

c. Photographs – For projects that involve the addition to, or reconstruction of a structure, photographs of the existing façades shall be submitted, in order to evaluate the existing conditions against the proposed elevations.

5. The applicant shall transmit the application for a Design Standard Certificate, together with the supporting information and material, to the reviewing authority for review and approval.

a. The Code Enforcement Officer has thirty (30) days after submittal of an application to determine whether the application is complete. The Code Enforcement Officer shall act within 60 days from the date the applicant files a completed application, and the applicant shall pay all required application fees and outside professional assistance deemed necessary in accordance with provisions established in Section 402.10.9 of the Zoning Ordinance. If the Code Enforcement Officer does not make a determination within 60 days, the application is deemed to be approved and a Design Standard Certificate shall be issued.

b. The Planning Board has 60 days after submittal of an application to determine both its completeness and whether the Planning Board believes the proposed development meets the applicable VC/VCP Residential Design Standards. The applicant shall pay all required application fees and outside professional assistance deemed necessary in accordance with provisions established in Section 402.10.9 of the Zoning Ordinance. If the Planning Board does not make a determination within 60 days, the application is deemed to be approved and a Design Standard Certificate shall be issued.

6. Nothing herein shall prohibit an extension of time, by a formal action for a specific period of time, for review and approval of the application if the parties have mutually agreed that more information and/or discussion is required. Unless the Code Enforcement Officer or Planning Board disapproves an application, a Design Standard Certificate shall be issued with or without conditions, as deemed appropriate by the Code Enforcement Officer or the Planning Board. When the Code Enforcement Officer or Planning Board disapproves an application, the reviewing authority shall issue a document containing its findings and reasoning for the denial,

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in written form, to the applicant.

B. Appeals Process

1. Appeals from a decision of the Code Enforcement Officer under these Design Standards may be taken to the Planning Board.
 - a. Any applicant for a Design Standard Certificate reviewed by the Code Enforcement Officer who can demonstrate particularized injury may appeal the final decision of the Code Enforcement Officer on an application for a Design Certificate to the Planning Board within thirty (30) days after the Code Enforcement Officer has issued their written decision. The appeal must be in writing and must be accompanied by a filing fee, which shall be established by the Town Council.
 - b. The Planning Board shall consider the appeal at a meeting held within sixty (60) days of receipt of the written request for an appeal. The Planning Board shall follow the same procedures established in Article 10 of Chapter 402 (Zoning Ordinance) for Site Plan Review.
 - c. The Planning Board shall conduct a de novo hearing, and shall also review the record of the proceeding before the Code Enforcement Officer. If the Planning Board finds the Code Enforcement Officer's record to be insufficient, the Planning Board may remand the matter to the Code Enforcement Officer for either re-application or further proceedings, findings, and conclusions.
 - d. The Planning Board may allow persons to present their positions orally or in writing, based on the record of the proceedings. The Planning Board shall review new evidence and documentation, including testimony or exhibits, that are not part of the submittals reviewed by the Code Enforcement Officer.
 - e. The Planning Board may reverse the decision of the Code Enforcement Officer, in whole or in part, upon finding that the decision is contrary to the provisions of these Design Standards or unsupported by substantial evidence in the record. The Planning Board shall have the right to attach conditions to their decisions for the purposes of meeting applicable standards.
 - f. The decision of the Planning Board shall be in writing and shall contain findings and conclusions that clearly state, on all relevant factual and legal issues, the action taken by the Board and the reasons for such action. The Planning Board shall adopt its written decision within forty-five (45) days of the meeting at which the appeal is heard, unless the Board makes a finding that it is unable to do so, or unless an extension has been agreed upon amongst the parties.
2. Appeals of decisions of the Planning Board under these Design Standards, whether as the primary reviewing authority or in its appellate capacity, shall be to a Superior Court according to the provisions of the Maine Rules of Civil Procedure 80B.

TOWN COUNCIL RULES

TOWN OF GRAY
RULES OF THE GRAY TOWN COUNCIL
CHAPTER 602
ADOPTED ON MARCH 19, 1981

Amendments to the Rules of the Gray Town Council

March 15, 1983	April 7, 2009
April 1, 1986	September 1, 2009
May 19, 1987	September 15, 2009
August 2, 1988	December 1, 2009
February 20, 1990	August 3, 2010
March 20, 1990	February 1, 2011
May 4, 1993	May 17, 2011
June 20, 1995	November 1, 2011
August 1995	July 3, 2012
August 6, 1996	October 16, 2012
October 1, 1996	November 13, 2012
September 15, 1998	December 4, 2012
July 6, 1999	September 17, 2013
December 5, 2000	January 7, 2014
April 17, 2001	September 1, 2015
February 19, 2002	December 6, 2016
February 18, 2003	August 1, 2017
July 1, 2003	October 3, 2017
December 20, 2005	October 1, 2019
June 05, 2007	November 12, 2019
June 17, 2008	December 3, 2019
August 19, 2008	August 4, 2020
March 17, 2009	December 6, 2022

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Section 602.17 – Councilor Requests for Staff Time & Legal Opinions

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***** ***SEPARATE DOCUMENT - Re-classified as a separate document***

Section 602.20 – Town Council, Committees & Affiliations Policy

Section 602.42 to Section 602.49 - **(Reserved)**

Section 602.50 - Severance Clause

OPERATIONAL RULES

SECTION 602.01 - REGULAR MEETING

A. The regular meetings of the Town Council:

1. Shall be held at Henry Pennell Municipal Complex at 7:00 p.m., current time,
2. On the first and third Tuesday of each month, except that in July, August and November, the Town Council shall meet only once during each month on a date of their choosing.
3. When said days falls on a holiday or on an election day, the regular meeting shall be held on the following Tuesday, at the same time and place.
4. The date of any regular meeting may be changed by an order or resolve passed with at least four (4) affirmative votes at a previous meeting of the Council provided, however, that said change in date will still provide for two regular meetings in each month provided, there are enough days left in the month to do so.
5. In case of inclement weather or other public hazard, the Chair may decide, on the day of any regular Council meeting, to postpone that meeting seven days later at the same time and place and with notification to the public by the most expedient means.

SECTION 602.02 - COUNCIL WORKSHOPS AND SPECIAL MEETINGS

A. Workshops:

1. Workshop meetings, where Town business is discussed, but not to be voted on, shall be held from time to time as determined necessary by the Town Council.

B. Special meetings:

1. May be called by the Chair.
2. In case of their absence, disability or refusal may be called by three (3) or more members of the Town Council.
3. Notice of such meeting shall be served in person or left at the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding said special meeting, unless all members of the Council sign a waiver of said notice.
4. The call for said special meeting shall set forth the matter(s) to be acted upon at said meeting, and nothing else shall be considered at such special meeting.
5. All special meetings shall comply with the Maine Freedom of Access law, 1 M.R.S.A. Sec. 406, as amended.

SECTION 602.03 - COUNCIL MEETINGS AND WORKSHOP AGENDAS

A. Regular Meetings Agendas:

1. Requests to add an item to a Council meeting agenda for consideration or action shall be forwarded to the Chair or the Town Manager, at least nine (9) work-days in advance of the meeting, to allow for sufficient time to amend the agenda for public notice. Holidays/Elections may impact the cut off dates.
2. No ordinance, order or resolve, unless of an emergency nature that is expressly identified in the ordinance, order or resolve, shall be in order for action at any regular or special meeting of the Town Council unless such ordinance, order or resolve shall be filed in the office of the Town Clerk at least nine (9) work-days prior to the meeting
3. When it is anticipated there will be an unusually large volume of background materials to be submitted by proponents, or opponents of an issue, the Chairperson may require submissions to be made at least two weeks, or more in advance.

B. Workshop Meeting Agendas:

1. No item shall be put on a workshop agenda unless at least two Councilors request it.

SECTION 602.04 - QUORUM

A. Quorum:

1. As per Article II, Section 13, of the Town Charter, a majority of the Council shall constitute a quorum for the transaction of business.
2. The quorum and participants consist solely of those members physically present together in the assembly.
3. At least three (3) votes shall be required for passage of any ordinance, order or resolution.

4. A smaller number may adjourn from time to time or may compel attendance of absent members.
5. At least twenty-four (24) hours-notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

SECTION 602.05 – ENACTMENT FORM

A. Enactments:

1. The Town Council shall act only by ordinance, order or resolve.
2. All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title and shall be put in writing on forms designed for that purpose in advance of the Council meeting.
3. Ordinances, orders and resolves shall each be separately numbered, consecutively, by date of introduction.

SECTION 602.06 – ORDINANCE STYLE

A. The enacting style for an ordinance shall be:

1. “Be it ordained by the Town Council of the Town of Gray, Maine in Town Council assembled,” followed by the proposed ordinance.

SECTION 602.07 – ORDER AND RESOLVE STYLE

A. In all votes of command:

1. The form of expression shall be “Ordered”.

B. All votes regarding opinions, principles, factors or purposes:

1. The form shall be “Resolved”.

SECTION 602.08 – FULL READING

A. As per Article II, Section 14.B of the Town Charter:

1. After passage on first reading, every proposed ordinance or a summary there of shall be posted in the municipal building and on the Town’s electronic website for at least seven (7) days prior to the next regular meeting of the Council.
2. At least one public hearing shall be held by the Council before any ordinance shall be passed, but nothing herein shall be deemed to require publication of the ordinance itself.
3. Every ordinance shall be in order for public hearing and the first reading of same but all ordinances may, at the discretion of said Council, be tabled from time to time.

SECTION 602.09 - YEAS AND NAYS TAKEN: WHEN

A. The yeas and nays shall be taken upon the passage of all ordinances and entered into the record of the proceedings of the Town Council by the Clerk:

1. These yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council.
2. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of at least three (3) members of the Town Council.

SECTION 602.10 - ORDINANCES EFFECTIVE: WHEN

A. No ordinance shall take effect and be in full force (except for emergencies):

1. Until thirty (30) days from and after it shall have been enacted as required by Article II, Section 14.C of the Charter.

SECTION 602.11 - ORDERS & RESOLVES: EFFECTIVE

A. Unless a later date is expressly provided for:

1. All orders and resolves shall take effect immediately, upon passage.

SECTION 602.12 - CHAIR AND VICE-CHAIR DUTIES

Beyond those outlined here, the Chair and Vice-Chair have no more authority or responsibility than any other Town Councilor. The Chair and/or Town Manager shall meet with the Vice Chair to review planned meeting agendas, as necessary, to ensure continuity of Town business.

A. The Chair is to be Presiding Officer:

1. The Chair shall take the Chair at the time appointed for the meeting,
2. Call the members to order,
3. Caused the roll to be called and,
4. If a quorum be present, call for the approval of the minutes of the preceding meeting as presented and proceed to business.
5. Shall conduct the meetings in a manner as described below and shall be the arbiter in all matters of meeting protocols, subject to a vote of the full Council.

B. The Chair shall preserve decorum and order. The Chair may;

1. Speak to points of order in performances of other members and shall decide all questions or order subject to appeal of the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.
2. Rule any person out of order and require a speaker to take their seat
3. Eject any person from the meeting place who, after being ruled out of order, remains disorderly.
4. In case of disorder, declare the meeting recessed until order is restored. In the event of serious disorder or emergency, declare the assembly adjourned to some other time (and place if necessary,) if it is impracticable to take a vote, or in his or her opinion, dangerous to delay for a vote.

C. Declaration of Votes:

1. The Chairperson shall declare all votes, but if any member questions a vote, the Chairperson shall cause a recount of the members voting in the affirmative and in the negative without debate.

D. Vice-Chair Responsibilities:

1. The Vice Chair will assume the role and responsibilities of the Chair whenever the Chair is absent or unable to fulfill their role.

SECTION 602.13 RULES OF DEBATE

All Town Councilors shall conduct themselves such as to serve as role models of leadership and civility to the community, as well as acting in such ways as to inspire public confidence in the municipal government they represent. Councilors shall accord the utmost courtesy to each other, Town employees, and to Public members appearing before the Town Council. Councilors shall refrain at all times from rude and derogatory remarks, reflections as to integrity of others, abusive comments, and statements regarding motives and personalities.

Members of the Public and Town Staff attending Town Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council.

A. To make a motion:

1. The Chairperson shall request from Council members a motion to place a topic on the floor for discussion and subsequent action (any ordinances, orders, or resolves).
2. Any ordinance, order, or resolve must be moved and seconded to be discussed or acted upon.
3. If the Chairperson receives no motion or second from a member, the Chairperson may make the motion or second the motion, provided that no member of the Council may second their own motion.
4. The Chairperson shall consider a motion to adjourn as always in order except on immediate repetition.
5. A motion to adjourn, lay on the table, or to take from the table, shall be decided without debate.
6. Any member voting in the majority, or in the negative in a tie vote, may make a motion to reconsider, provided that

the motion is made at the same, or the next scheduled meeting.

7. Motions for the Previous Question (to close debate) shall be handled according to Robert’s Rules of Order, most recent edition.
8. Any motion shall be reduced to writing if directed by the Chairperson.
9. For the purposes of interpreting rules of order, a Council “session” lasts from the first Council meeting after each June election through the last Council meeting before the next June election. The general rule of order against renewal of motion during the same session applies to this period.

B. When a question is under debate:

1. The Chairperson shall receive no motion but:
 - (a) To adjourn.
 - (b) To lay on the table.
 - (c) For the previous question.
 - (d) To postpone to a date certain.
 - (e) To refer to committee, administrative official, or legal representative.
 - (f) To amend
 - (g) To divide the question in wording for separate debate.
2. Every Councilor shall have the opportunity to speak to an issue once, prior to any one Councilor being allowed to contribute a second time.
3. Public members wishing to address the Council shall raise their hand:
 - (a) and wait to be recognized by the Chairperson,
 - (b) give their name and address,
 - (c) sign in on a roster provided for that purpose. **
4. No person speaking may be interrupted, except by the Chair, or to raise a point of order, or to correct an error.

**** The Council strongly recommends that all Town standing or special committees adopt a similar, sign-in rule.**

D. Voting:

1. A simple majority vote shall approve all motions for orders, ordinances, and resolves.
2. All members present shall be required to vote on all questions put forth, except that any member may ask to be excused from voting, for good cause shown, by notifying the Chairperson prior to the vote.
3. No Council Rule may be amended or repealed unless at least seven (7) days prior notice is given, and the proposed changes as they will appear in the amended document shall be made available for public review, and approved by at least four fifths (4/5) of the members voting in the affirmative.
4. Council Rules may not be dispensed with or suspended unless at least four fifths (4/5) of the members consent thereto.

E. Parliamentary procedure:

1. if a question or situation arises that is not addressed in the Town Charter or ordinances, or these Rules, the Chairperson shall refer to Robert’s Rules of Order, most recent edition, to resolve the matter, subject to a vote of the full Town Council then present and voting.

SECTION 602.14 – BREACH OF COUNCIL RULES OR ORDERS

A. When any member shall be guilty of a breach of any of the rules or orders of the Council:

1. On a motion passed by the rest of the Council, they be required to make satisfaction therefor and shall not be allowed to vote, or speak, except by way of excuse, until they have done so.

SECTION 602.15 – STANDING AND SPECIAL COMMITTEES

A. The Council shall create standing committees required by law and may create committees deemed necessary:

1. A separate list of both types of committees shall be maintained by the Town Manager, or their designee, separate from the Town Council rules, and kept up to date by him/her.
2. Amendments to such list may be made by the Town Council, from time to time, and any such amendment(s) to the list shall only require a majority vote.

SECTION 602.16 – SOCIAL MEDIA PLATFORMS

Recognizing that citizens and the public increasingly gather information through social media sites, Councilors may find it beneficial to use such platforms to enhance their communication with constituents. If Councilors choose to use social media platforms for communication, it should be noted the Maine Freedom of Access Act (“FOAA”) requirements would apply to content involving the conduct of government (i.e., Town) business on those platforms.

A. To ensure compliance and clarify communications, Councilors agree to the following:

1. Councilors who choose to use social media for the purpose of communicating with constituents as a Councilor will create a Council-specific account to segregate Town Business content from personal communications and will label the account as such.
2. Councilor social media accounts shall be used for purposes of disseminating information and engaging with residents. The content of such accounts and pages shall be limited to general communication regarding Town business and may either report Town Council votes and actions as reflected in the minutes of Town Council meetings or may communicate items that are included on the Town Council agenda. In no event shall social media accounts be utilized for official actions, decisions or meetings, all of which shall occur at Town Council meetings as required by the FOAA.
3. When posting content to Council specific accounts, Councilors should take care to identify when stating a personal opinion versus an opinion that is reflective of the Council as a whole. All content on the Council account should be limited to Council-related duties and activities and Town business and shall not include personal content.
4. The following disclaimer should be posted on the Council specific account:
The content on this account including comments and replies to comments, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine’s Freedom of Access Act (Title 1, Sections 401-521 of the Maine Revised Statutes).
5. Council accounts shall be limited to posting content on the Councilor’s page or responding to content on that page and shall not be used to “like” or comment on other users’ posts or comments outside of the Council specific page.
6. Councilors shall be required to preserve access to accounts such that a copy of all content remains available for inspection or copying upon request as required under FOAA and shall comply with any request from the Town’s public access officer to provide the same within a timely manner.
7. Councilors are responsible to understand what information is considered confidential under the FOAA and shall not post any such confidential information on social media.

Councilors shall not engage with one another on social media in a manner that would be considered a public meeting without notice, i.e., the discussion of Town business by three or more Councilors without advanced notice and opportunity for the public to attend.

SECTION 602.17 – COUNCILOR REQUESTS FOR STAFF TIME AND LEGAL OPINIONS

Councilor requests for information may require significant involvement from Town Staff or the Town’s legal team in order to be resolved.

A. When it will involve more than one (1) hour, requests will be resolved as follows:

1. The Town Manager will determine if requests for staff or legal team time to research questions, generate reports or gather data will make it difficult or expensive to complete current assignments.
2. If the Manager declines a Councilor’s request, the Councilor may ask the Chair to determine if the majority of Councilors support their request.
3. The Chair must allow enough discussion to clarify a request. If there is not enough time in the agenda for a discussion and vote, the Chair will schedule the discussion and vote for the next available meeting.
4. The Chair will conduct a poll to determine the Council’s support.
5. If the majority of Councilors do not support the request, the request fails.

B. A request that fails may be brought up at a future meeting and discussed again if the Chair agrees new information has become available making reconsideration appropriate.

II. COMMITTEES

Section II. Committees has been removed from the Town of Gray Council Rules.

602.42 TO SECTION 602.49 - (RESERVED)

SECTION 602.50 - SEVERANCE CLAUSE

- A. Whenever there is a conflict between the language contained in these Rules and that of the State statutes, the Town Charter or Ordinances, the Town Charter or Ordinance shall prevail except where the State statute is intended to control.