

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
October 3, 2017

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 15 members of the Public in attendance at the start of the meeting.

Roll Call: Chairman Phinney, Councilors Benner, Shepard, Smith, Stelk, Hartwell and Hager. Also present, Town Manager Ephrem Paraschak and Town Clerk Laurie Nordfors.

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to accept the minutes of the September 5, 2017 Regular Town Council Meeting. 7 yeas.

Open Public Communications – None

Councilor Communications

Councilor Hartwell reported that the Ordinance Committee met last month and there are several items on the agenda tonight pertaining to that meeting.

Councilor Benner attended the Metro Steering Committee meeting last month. She reported that everyone is working together to begin the process of bringing Metro to Gorham. The anticipated date of roll out for the project is August of 2018.

Councilor Stelk attended the Gorham Village Alliance meeting and reported that they are waiting for approval to be accepted into the Downtown Network by the Maine Downtown Advisory Council. She also noted that there will be a meeting at the First Parish Church on October 16, 2017 at 6pm discussing how Gorham can become an Age Friendly Community. She encouraged all to attend.

Town Manager Report

Town Manager, Ephrem Paraschak again thanked the Council and Staff for helping him in his first month as Town Manager. He reported that he gave a 5 year service pin to Jeff Manzer of Public Works. He cited that our annual report for storm water is waiting on approval by DEP. Ephrem thanked Public Works, especially Jeff Grant, for heading up the Little Falls Field renovations and reported that they are complete. The Little Falls Bridge is expected to be open on October 7, 2017.

School Committee Report

Chairman Darryl Wright reported that October is anti-bullying month in Gorham. Enrollment numbers stand at 2,756 students, which is about 8 students more than what was projected. The Maine DOE is throwing out its original draft rules for Chapter 134, Proficiency Based Diploma and is starting fresh to try and work with school systems across the state to draft a new set. Darryl reported that Gorham is negotiating an agreement with an Architecture firm regarding the design process for GHS. The School

Committee will vote on the agreement at their next meeting. The K-5 configuration Committee and the School Day Committee continue to meet with plans to present their findings and recommendations to the School Committee in December. There is a survey that has gone out to parents/guardians regarding these issues. The Backpack program is a new program that was started using a small GEF grant and is run by Heather Whitaker at GMS. The program provides food to students and their families that may be experiencing food insecurity over weekends and school holidays. There are now 35 students enrolled in the program. If you are interested in learning more, please reach out to Heather directly at heather.whitaker@gorhamschools.org. The next School Committee meeting will be held on October 11, 2017.

Chairman Phinney opened Public Hearing #1.

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to waive the reading of Item # 9271. 7 yeas

Item # 9271 Moved by Councilor Stelk, seconded by Councilor Hager and ORDERED, that the Town Council approve the following amendments to the Land Use & Development Code to allow agricultural special event facilities in the rural zone:

Chapter 1, Zoning Regulations

Section 1-5 – Definitions

Agricultural Special Event Facilities

A facility or land area located on a parcel(s) with an ongoing viable agricultural use, consisting of one or more meeting or multi-purpose rooms, kitchen facilities, outdoor barbecue facilities, or temporary structures such as tents, that are available for use by private or public groups for such social activities as meetings, parties, weddings, receptions, and dances.

Section 1-8- Rural District

B. Permitted Uses:

23) Agricultural Special Event Facilities, subject to the requirements of Section 2-16.

Chapter 2, General Standards of Performance

Section 2- 2: Parking, Loading, and Traffic

A. 2)

Agricultural Special Event Facilities

1 space per 3 seats or 1 space for every 3 people based upon maximum building occupancy, whichever is greater.

Section 2-16 – Agricultural Special Events Facilities

- A. Purpose: The purpose of this section is to provide for the operation of special event facilities in conjunction with an agricultural use. The use may be allowed on a parcel with an ongoing viable agricultural use in the Rural District provided that the following standards under this section and all applicable standards under Chapter 2 Performance Standards are met to reduce the impacts to surrounding properties.
- B. Ordinance Conflicts: If there is a conflict between the provisions of this ordinance and another ordinance or law, the more stringent provisions shall apply.
- C. Permits: Prior to the start of the use on the site the owner of the lot shall follow and receive approval under the requirements of Chapter 4: Site Plan Review.

Prior to each event being held at the facility the owner/operator shall receive an approval of the Event Management Plan by the Site Plan Review Committee. The Site Plan Review Committee shall review the event plan to ensure compliance with Chapter 2: General Standards of Performance, Chapter 4: Site Plan Review, and any Site Plan Review Conditions of Approval placed on the use on the site. The Committee may deny or approve with conditions any Event Management Plan that is not compliant with the relevant Chapters of the Land Use Code or Site Plan Review Approval. The Committee may also deny any event at an Agricultural Special Event Facility should the facility frequently violate its Event Management Plan approvals, the Land Use and Development Code, and/or the Site Plan Review Approval.

A non-refundable application fee for each Event Management Plan review in an amount(s) established by the Town Council and amended from time to time in an amount(s) and for such purposes as the Town Council may from time to time establish by Council Order shall be paid by the applicant to the Town of Gorham at the time of filing the Event Management Plan.

- E. Agricultural Use Requirement: Any proposed Agricultural Special Event Facility shall provide evidence of agricultural production of at least \$10,000.00 per year in one of the 2, or 3 of the 5, calendar years preceding application for site plan review. Prior to the start of each year's event season the operator shall provide written documentation outlining the active agricultural activities occurring on the site, evidence that at least \$10,000.00 was earned in the prior year or in one of the 2, or 3 of the 5, calendar years from agricultural activities, not including the Agricultural Special Event Use, and a statement evidencing the potential to produce at least \$10,000.00 from on-site agricultural production during the next year or in one of the 2, or 3 of the 5, calendar years.
- D. Standards: Special event facilities are subject to the following operation and development standards:
 - 1. Event Management Plan: The owner/operator shall provide to the Planning Office for approval by the Site Plan Review Committee an event management plan for each event held on the site. The plan shall include all applicable conditions of approval and the approved site plan, a traffic management plan for the specific

event, the precise location of the event, and all other operational specifications. The Town Planner may request additional information if determined necessary due to the size or nature of a specific event. A copy of the approved event management plan shall be available for on-site inspections at all times.

2. Noise Control: Noise standards shall be regulated in accordance under Chapter 4, Section 4-9 – Approval Criteria and Standards, T. Noise.
3. Lighting: All lighting shall comply with the following requirements:
 - a. All lighting associated with the event shall be turned off by 11:00 pm. Parking lot lighting may remain on for a longer period if specified under the event management plan but only as long as necessary to facilitate safe travel from the parking area.
 - b. Outdoor lighting shall be reduced to limit light trespass and glare onto abutting properties. Outdoor lighting shall have full-cut off shielding and be located and directed such that no direct light falls outside the property line, or into the public right-of-way.
4. Traffic Management Plan: The traffic management plan shall demonstrate compliance with the following requirements:
 - a. Approved access meeting the driveway standards as identified under Chapter 2, Section 2-5 - Minimum Standards for the Design and Construction of Streets and Ways.
 - b. Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Gorham Fire Department and Public Works Director.
 - c. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not backup or block
 - d. private easements, public roads, intersections, or private driveways.
 - e. Parking attendant(s) shall direct traffic into the facility and towards available parking during arrival of guests. Attendants shall direct traffic leaving the facility at the conclusion of the event.
 - f. Temporary direction signs shall be located on any driveway entrance and within the parking lot to ensure orderly flow of traffic. The temporary signs shall be placed prior to all events and promptly removed at the conclusion of the event.

5. Operation Limitations: The following operation limitations apply to all Special Event Facilities:
- a. Special Event Facilities shall not be operated unless accessory to an agricultural permitted use on the lot property and where residential use exists on the property. **Property can include multiple lots as long as the lots are abutting one another and are all under the same ownership.**
 - b. No Special Event Facility shall be allowed to exceed an attendance level of 250 people per event.
 - c. The special event duration including set up/take down time shall not exceed 12 hours per day. The event shall be limited to the hours of 7:00 am to 10:00 pm, except on Saturdays and Sundays, which are limited to an 8:00 am start time.
 - d. Each event shall have potable domestic water supply and adequate treatment for sewage.
 - 1) For sites with fewer than 6 events per year, temporary use of portable toilet units are allowed for special events. Prior to each event, the location and number of portable toilet units shall be approved by the Code Enforcement Officer.
 - 2) For sites with 6 or more events per year, permanent on-site bathroom facilities to accommodate the maximum number of people to attend special events are required. The bathroom facilities are required to be connected to a private sewage disposal system or a public sewer service connection meeting the requirements of local and state plumbing codes.
 - e. The Special Event Facility shall be limited to a maximum number of twenty-five (25) events per calendar year. A single event cannot occur on multiple days without the additional days being counted against the number of events allowed per calendar year **except that wedding rehearsal, rehearsal dinner, practices or similar ceremonies of the same couple shall be considered a single event as long as they occur during the same 3-day period.**
6. Minimum Lot Size and Setbacks: The following setbacks shall be maintained at all times:
- a. Notwithstanding the minimum lot size requirement of Chapter 1, Section 1-8, Rural District, Subsection D, Space Standards, the Special Event Facility use shall be permitted only on a lot with an area of at least five (5) acres. If the lot contains another principal use(s), the lot must have at least

five (5) acres for the Special Event Facility use in addition to the area required for the other principal use(s).

- b. No portion of the event facilities shall be located closer than 100 feet from a property line. A greater distance may be identified as being necessary to ensure compliance with other standards.
 - c. All temporary structures such as tents, stages, and dance floors shall abide by all required setbacks, and locations must be identified on the plot plan and event management plan.
- 7. Signage: Any event signage shall meet the requirements of Chapter 2, Section 2-3 - Signs.
 - 8. Dust Control: Dust impacts to abutting properties shall be minimized by reducing vehicle speeds on driveways and parking areas and during dry conditions with the application of water or other approved methods.
 - 9. Parking: On-site parking shall be provided in accordance with Chapter 2, Section 2-2 - Parking, Loading and Traffic, A. 2).
 - 10. Neighbor Notification: Facilities shall post a schedule of future events on their website. At least 2 weeks prior to the start of every month the operator/owner shall mail a notice to abutting properties and the Town of Gorham's Planning & Code Enforcement Office which lists events to be held that month. The notice shall show days planned for events, hours of operation, and include a phone number and contact person for inquiries. The notice shall also identify the date for each event management plan submission to the Planning Office and shall state that the plans are available for review and comments for 2 weeks after submission to the Planning Office.

Charlie Pearson, Mighty Street spoke against the Ordinance. He voiced his opinion on the proposed changes to the ordinance and asked Council to vote against them.

Eddie Benson, Plummer Road spoke for the Ordinance. He said that it will allow Farms to profit from the events. He also stated that he supports the local farmers in Gorham.

Linda Pearson, Mighty Street voiced her opinion against the ordinance.

Norm Justice, Wood Road asked Council to approve the amendments in the Ordinance. He noted that his family has been farming in Gorham for over 48 years and this would help his farm business.

Pam Nicely, Mighty Street voiced her concern for neighboring homes of small farms that could potentially pose a worst case scenario and asked Council to look further into the Ordinance and changes.

Moved by Councilor Stelk, seconded by Councilor Hager and VOTED to amend the order and accept the Planning Boards recommendations. 6 yeas, 1 nay (Smith)

Moved by Councilor Stelk, seconded by Councilor Hager and VOTED to postpone the Item until Council holds a workshop. 7 yeas

Chairman Phinney opened Public Hearing #2.

Moved by Councilor Benner, seconded by Councilor Shepard and VOTED to waive the reading of Item # 9272. 7 yeas

Item # 9272 Moved by Councilor Shepard, seconded by Councilor Stelk and ORDERED, that the Town Council approve the following amendments to Chapter 1: Zoning Regulations,:

Proposed Ordinance Language

Chapter 1, Zoning Regulations

SECTION 1-22- AGRICULTURAL/ INDUSTRIAL DISTRICT

CHAPTER 1

SECTION 1-21- AGRICULTURAL / INDUSTRIAL DISTRICT

A. PURPOSE

To provide areas within the Town of Gorham for agricultural uses to occur in close proximity to manufacturing, processing, treatment, research, warehousing and distribution and to which end all the performance standards set forth in this Code shall apply.

B. PERMITTED USES

- 1) Manufacturing, processing and treatment.
- 2) Warehousing and outdoor storage.
- 3) Road and rail distribution facilities.
- 4) Research facilities.
- 5) Wholesale businesses and wholesale business establishments, but excluding junk yards.

- 6) Accessory uses and buildings, including retail and service uses accessory to another permitted use and also including a caretaker unit for residential use provided that there shall be no more than one residential unit on a property and such unit shall be resided in by an owner of the property, an employee of the industrial operation, or a person who serves as a security person. In the event that the principal industrial use or other permitted use terminates, than the accessory residential use shall also terminate.
- 7) Municipal and governmental uses.
- 8) Public utility facilities including substations, pumping stations and sewage treatment plants.
- 9) Agricultural buildings and uses.
- 10) Facilities for the processing of agriculture products.
- 11) Agriculturally related business uses, including machinery sales and service, seed and fertilizer sales, and similar uses.
- 12) Mineral Extraction
- 13) Food Processing, including bakeries with or without cafe, less than 12,000 sq. feet.
- 14) Retail Stores less than 12,000 sq. feet.
- 15) Recreational uses

C. SPECIAL EXCEPTIONS

- 1) (Reserved)

D. SPACE STANDARDS

Minimum area of lot	None*
Minimum area per dwelling unit	*
Minimum street frontage	None*
Minimum front yards	30 feet except where the front yard abuts a residential use or district, in which case a minimum of 50 feet shall be provided.
Minimum side and rear yards	20 ft.* except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential use or district in which case a minimum of 30 ft. or

Maximum building height
Maximum building coverage

50% of the building or outdoor stored material height, whichever is greater, shall be required.

None
None*

*Except that space standards for residential uses shall be the same as for the Suburban Residential and Rural Districts.

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

E. PERFORMANCE STANDARDS

The general performance standards contained in Chapter 2 of this Code shall be fully observed.
Be It Further Ordered, that the Town Zoning Map, dated November 2017, be adopted as the Towns Zoning Map.

Moved by Councilor Shepard, seconded by Councilor Benner and VOTED to accept the changes that the Planning Board recommended on order # 9272. 7 yeas

Item # 9272 was voted as amended. 7 yeas

Chairman Phinney opened Public Hearing #3. There were no comments from the public and the hearing was closed.

Item # 9273 Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council approve renewal applications for the following Automobile Graveyard/ Junkyard Permits for 2018;

MANAGER	LKQ CORP/GORHAM AUTO	192 NARRAGANSETT STREET
JIM STONE	CASCO FEDERAL CREDIT UNION	375 MAIN STREET
GARY NELSON	CHET'S AUTO SALES	475 OSSIPEE TRAIL
GORDON REICHERT	REICHERT'S AUTO BODY	112 SHAWS MILL ROAD
SHAWN MOODY	MOODYS/INSURANCE AUTO AUCTION	200 NARRAGASSETT STREET
JOHN DUMBROCYO	DUMBO ENTERPRISES	86 LONGFELLOW ROAD

Item # 9273 was VOTED, 7 yeas

Chairman Phinney opened Public Hearing #4. There were no comments from the public and the hearing was closed.

Item # 9274 Moved by Councilor Hager, seconded by Councilor Stelk and Ordered, that the Town Council approve a renewal liquor license for Sebago Brewing Company, 29 Elm Street. 7 years

Item # 9275 Moved by Councilor Shepard, seconded by Councilor Stelk and Ordered, that the Town Council accepts the recommendation of the Ordinance Committee that no action be taken to amend the sprinkler ordinance.

Nick Mesires, 48 Jordan Drive voiced his opinion on the Sprinkler Ordinance.

Moved by Councilor Hager, seconded by Councilor Benner and VOTED to postpone the Item until the January meeting after Council has the chance to have a workshop. 7 years

Item # 9276 Moved by Councilor Hager, seconded by Councilor Benner and ORDERED, Ordered, that the Town Council forward a proposal to amend the Land Use & Development Code Minimum Standards for the Design and Construction of Streets and Ways, Sidewalks, to the Planning Board for a Public Hearing and their recommendation, as follows:

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-5 - MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS

F. STREET DESIGN STANDARDS - PUBLIC WAYS

- 11) Sidewalks - Sidewalks shall be provided within all subdivisions in the Village Center, Urban Commercial, Commercial Office, Office Residential, and Urban Residential Districts, and for all subdivisions located within the Development Transfer Overlay District that conform to the overlay district requirements, with connection to the existing sidewalk network provided for the safety and convenience of the residents, per the standards in Table 1 and Figures 1, 2, 3 and 5. The sidewalk location in figures 1, 2, 3 and 5 is preferred; however, it may, at the discretion of the Planning Board, be positioned at curb line with zero esplanade. Sidewalks may also be required in subdivisions which abut any of the above Districts.

The requirement for off-site sidewalk extension in the Urban Residential District shall be modified by the Planning Board provided the following

conditions are met:

- a. The cost for off-site sidewalks exceeds a cost of \$5,000 per dwelling unit. The number of dwelling units used in the calculation shall be based on the maximum number of dwelling units allowed on the parcel as identified under the Urban Residential District space standards.
- b. In place of a full sidewalk extension as required in subsection 11, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development:
 - (1) For roads with existing closed drainage systems and curbing the applicant shall extend the sidewalk 200' for each proposed dwelling unit in the development.
 - (2) For roads without existing closed drainage systems and curbing the applicant shall extend the sidewalk 100' and close in the drainage system for each proposed dwelling unit in the development.
 - (3) For existing public roads with sidewalks in poor condition as determined by the Public Works Director or his designee, an applicant can request that half of the required extension be utilized to repair the existing sidewalk network on a foot by foot exchange.

Sidewalks may also be required, for the safety and convenience of the public, by the Planning Board or Site Plan Review Committee for major and minor developments located along arterial and collector streets and which are within reasonable distance of the existing sidewalk network.

Sidewalks, when required, shall be a minimum of five (5) feet in width, unless site conditions dictate a different width.

Item # 9276 was VOTED 7 yeas.

Moved by Councilor Stelk, seconded by Councilor Benner and VOTED to waive the reading of Item # 9277. 7 yeas

Item # 9277 Moved by Councilor Benner, seconded by Councilor Shepard and ORDERED,
Whereas, the Town of Gorham, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 63 percent of net new jobs created over the past 20 years; and

Whereas, small businesses employ 48 percent of the employees in the private sector in the United States; and

Whereas, on average, 33 percent of consumers' holiday shopping will be done at small, independently-owned retailers and restaurants; and

Whereas, 91 percent of all consumers believe that supporting small, independently-owned restaurants and bars is important; and

Whereas, 76 percent of all consumers plan to go to one or more small businesses as part of their holiday shopping; and

Whereas, the Town of Gorham supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

Whereas, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now therefore be it resolved that that this Council proclaims, November 25, 2017, as SMALL BUSINESS SATURDAY and urges the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Item # 9277 was VOTED 7 yeas.

Moved by Councilor Shepard, seconded by Councilor Stelk and VOTED to waive the reading of Item # 9278. 7 yeas

Item # 9278 Moved by Councilor Stelk, seconded by Councilor Hager and ORDERED,
Whereas, the Presumpscot River is a joint and valued regional resource of the people of the State of Maine and the citizenry of the abutting towns and cities of Falmouth, Gorham, Portland, Westbrook and Windham in the County of Cumberland.

Whereas, the five-mile section between Mallison Falls and Saccarappa Falls is unique and remarkable in the Greater Portland metropolitan area, due to being nearly entirely undeveloped. With few structures visible and little road noise it bears a tranquility of wildness all the while being in the most populated section of the state.

Whereas, there is pronounced historic value in this five-mile stretch, including the unique attributes of remnants of the Cumberland and Oxford canal running along the Gorham Side and the Mountain Division rail and trail on the Windham side, as well as historic stone arched culverts.

Whereas, Historical records demonstrate that the Presumpscot River had an abundant native fishery of American shad, Atlantic salmon, alewives, blue back herring, striped bass, brook trout as well as both landlocked and sea run Atlantic salmon.

Whereas, the removal of the dams at Saccarappa and establishment of effective and robust fish passage will enhance the rivers fishery and thus entire ecosystem, allowing the river to be far better habitat for, and resulting in a growth of the population of river mammals and birds of prey such as eagles osprey, hawks and herons.

Whereas, with the removal of the impoundments there will be a return to a river condition not seen for 250 years, allowing for enhanced recreational paddling, fishing and birding, and a far greater scenic value with long stretches of flat water, enhanced rapids and falls, and the return of cliffs along sections of the river corridor.

Whereas, the river had a history of flooding this will be greatly mitigated by the lowering of the water level from its artificially high levels due to the dams.

Whereas, the towns of Gorham and Windham and the City of Westbrook will benefit from the enhanced recreational use and the accompanying potential for economic growth to the villages of South Windham and Little Falls and downtown Westbrook.

Whereas, the agreement between Sappi, the Maine Department of Marine Resources, the US Fish and Wildlife Service, Friends of the Presumpscot River and Conservation Law Foundation is an historic and crucial step toward the ongoing restoration of Presumpscot River and its native fishery.

Now therefore be it resolved that the Presumpscot River and its native fishery warrant this section of the river be official designation as a Presumpscot Historic and Natural River Corridor.

Michael Shaughnessy, President of the Friends of the Presumpscot River thanked Council for considering the item and hoped that they will vote in favor.

Stephen Rines, Gray Road voiced his opinion on the disadvantages that this would have on the residents that lived along the River and asked Council to not support the item.

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to postpone the item to a later date. 7 yeas

Item # 9279 Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council appoints Town Manager Ephrem Paraschak to MMA's Legislative Policy Committee.

Item # 9280 Moved by Councilor Benner, Seconded by Councilor Stelk and ORDERED, that the Town Council appropriate \$9,900 from reserve account #401-43-50639-11 for the purpose of installing a water filtration system at the West Gorham Fire Station. 7 yeas

Item # 9281 Moved by Councilor Stelk, seconded by Councilor Smith and ORDERED, that the Town Council approve rescheduling the regular Town Council meeting of November 7, 2017 to November 14, 2017. 7 yeas

Moved by Councilor Stelk, seconded by Councilor Hager and VOTED to adjourn. 7 yeas

Time of adjournment 8:10 pm

A True Record of Meeting

ATTEST _____
Laurie Nordfors, Town Clerk