

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
January 8, 2019

Chairman Hartwell opened the meeting with the Pledge of Allegiance to the Flag. There were 4 members of the public in attendance at the start of the meeting.

Roll Call: Chairman Hartwell, Councilors Phillips, Shepard, Hager, Smith, Pratt and Wilder Cross. Also in attendance were Town Manager Ephrem Paraschak and Town Clerk Laurie Nordfors.

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to accept the minutes of the December 4, 2018 regular Town Council meeting. **7 yeas**

Councilor Communications

Councilor Shepard reported that the Ordinance committee met on December 18th and there are a couple items that they brought to the Council on the agenda. He also disclosed that the Ordinance Committee will be meeting on the 3<sup>rd</sup> Tuesday of each month at 8:00am.

Councilor Phillips reported that the High School Building committee will have a joint meeting with the Town Council on January 15<sup>th</sup>. She also mentioned that she has received several calls from concerned citizens about the road conditions during the recent snow storms. She has brought this to the attention of the Town Manager.

Councilor Wilder Cross thanked the various entities that were part of the success of this year's New Year Gorham event. She reported that the event sold out of the 700 bands. She also thanked Town Manager Ephrem Paraschak and Administrative Assistant Jessica Hughes, who brought her into the world of social media by updating the Facebook page and by adding New Year Gorham to the Town of Gorham's website. Councilor Wilder Cross also attended a roundtable discussion with the Metro Regional Coalition, which is part of the Greater Portland Council of Governments. The topic was timely "Expanding Housing Choices" and the conversation was lively and informative. There was much discussion on how other municipalities are adjusting their Comprehensive Plans, their Ordinance and Planning efforts to make affordable housing available in their communities. She also thanked Bob Burns for a tour of the Public Works facilities and High School Principal Brian Jandreau and Superintendent Heather Perry for a tour of the High School.

Chairman Hartwell touched upon the Town roads and how Public Works treats the roads the same during each snowstorm. He specified that the last couple of storms were during the rush hour which is more difficult to keep up with the snow.

Councilor Hager asked the Town Manager if when there is a late start or closing of the Schools during a snow storm if Public Works treats the roads the same or do they change the way the roads are treated.

## Town Manager Report

Town Manger Paraschak responded to Councilor Hager's question and reported that Public Works absolutely treats the Town roads the same during every snow event. He thanked Finance Director Sharon LaFlamme for her hard work putting together the Town's financial report and noted that there will be a joint meeting between the School Committee and the Town Council on January 15<sup>th</sup> where the auditor will present the audit. There will be a second Planning Board meeting on Monday, January 14<sup>th</sup>. He reminded everyone that the Municipal offices will be closed on January 21<sup>st</sup> in observance of Martin Luther King Day. He also reminded residents to be more mindful of what is being put in the Silver Bullet recycling bins. The Town is being charged an extra fee for highly contaminated bins when they are emptied by Eco Maine. For a list of what and what cannot be put in the bins, go to the Town's Website. Town Manger Paraschak informed residents that the Appointments Committee is still accepting applications for various Town Boards and Committees through January 25<sup>th</sup>.

## School Committee Report

Darryl Wright, Chairman, presented the Council with the answers to the questions from last month's meeting about the historical look back at enrollment numbers for the Distract. He reported that the individual budget meetings with Building Principals and Program Directors will be wrapped up by this Friday and over the next few weeks, Superintendent Perry will be working to develop her first draft budget to review on February 13<sup>th</sup>. The Athletic Capital Campaign Committee has begun its "soft Launch" of the Capital Campaign which is geared mostly towards raising awareness and sharing information about the campaign. The information will be shared during several basketball games and is on the website. Darryl revealed that before winter break, GHS winter sports teams raised over \$500 for the Giving Tree to help Gorham families in need. Also, over 40 GHS students visited Great Falls School as part of their "Adopt-a-classroom" initiative that aims to build relationships between older students and younger students while encouraging younger students to start planning their own "future stories". The program is expanding to Village School next month. The GHS Spring Musical Cinderella is planned for two weekends in February. The next School Committee meeting is scheduled for January 9<sup>th</sup>.

Chairman Hartwell opened public hearing #1. There were no comments from the public and the hearing was closed.

Chairman Hartwell asked the Council if he should be recused from the vote due to a conflict of interest of his farm selling beef to the applicant.

Moved by Councilor Hager, seconded by Councilor Phillips and VOTED, to allow Chairman Hartwell to vote on Item # 9405. **6 yeas**

<b>Item # 9405</b>	Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council approve a renewal liquor license for Sebago Brewing Company. <b>7 yeas</b>
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## **Old Business**

### **Item # 9402**

Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED that the Town Council, appoint Vincent Grassi to the Planning Board to fill the term of Lee Pratt, effective immediately. **7 yeas**

### **Item # 9400**

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and ORDERED, that the Town Council forward a proposal to amend the Land Use & Development Code regulating Adult-Use Marijuana Cultivation for Personal Use, to the Planning Board for a Public Hearing and their recommendation, as follows:

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to waive the reading of item #9400 due to length. **7 yeas**

## **TOWN OF GORHAM ADULT-USE MARIJUANA CULTIVATION FOR PERSONAL USE DRAFT**

### **ARTICLE 1**

#### **Adult-Use Marijuana Growing for Personal Use**

##### **Purpose**

The purpose and intent of this chapter is to regulate personal cultivation of marijuana for the growers use on the property where the grower's residence is located. The ordinance prohibits growing for any person not living on the property where the marijuana is being cultivated, all commercial cultivation for adult-use, and the sale of "adult-use" marijuana from a residential property.

This chapter is adopted by the Town Council pursuant to 28-B M.R.S.A. § 1502(3) and the home rule authority granted to municipalities by 30-A M.R.S.A. § 3001 and the Constitution of Maine, Article VIII, Part Second.

### **ARTICLE 2**

#### **Definitions**

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not defined in this chapter, the common and ordinary meaning of the word shall apply.

- A. Authorized Grower— a person twenty-one years of age or older who resides on the lot where the adult-use marijuana is being cultivated in compliance with state law.
- B. Cultivation — the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.
- C. Indoor Cultivation — the growing of marijuana plants inside a residence or inside an accessory residential structure that has the ability to be locked when grower is not attending to the marijuana plants.

D. Outdoor Cultivation — the growing of marijuana plants outside in a fenced in area. The fence shall be a minimum of 6' in height and shall be locked when the grower is not attending to the marijuana plants.

E. Lot— a single, legal parcel of property where the grower or growers' residence(s) is/ are located. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall not constitute a single "lot" for the purposes of this chapter.

F. Marijuana — the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" does not include industrial hemp as defined in 7 M.R.S.A. § 2231(1).

G. Residence —a home, abode, or place where the grower is actually living.

### ARTICLE 3

#### Standards

The growing of adult use marijuana shall conform to the below requirements:

A. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence, accessory structure, or fenced in area from the public right-of-way or abutting properties including but not limited to, any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.

B. The authorized grower's primary or full-time residency shall be on the lot where the marijuana is being cultivated. The residence shall include a fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for marijuana cultivation.

C. That each grower on a lot is limited to grow a maximum of 3 mature plants and 12 immature plants in an area of 50 square feet. If multiple authorized growers are located on a lot then the 50 square foot area for each grower shall be separate and lockable from the other growers located on the lot. The unlimited seedlings are not required to be located within the 50 square feet of grow area but are required to be in a lockable area.

D. That the outdoor cultivation is only allowed for lots with over 40,000 sq.ft. of lot area and has 1 single-family dwelling.

E. That the indoor cultivation is required for lots with multiple dwelling units.

F. Cultivation areas shall be set back a minimum of 25' from the property line and shall not be located within any front, side, or rear yard setbacks.

G. That a property owners' written consent to cultivate marijuana is required for growers located on lots not owned by them. Nothing in this ordinance shall prohibit an owner of a residential structure, accessory structure, or lot from prohibiting the cultivation of marijuana on his or her property.

H. That all cultivation areas shall meet all applicable local, state, and federal building, electrical, and fire codes.

I. That the outside or inside cultivation areas shall be locked when not being attended to by the grower of the marijuana.

J. Marijuana cultivation permit is required prior to commencing any marijuana cultivation by any grower(s) owning, leasing, occupying, or having charge or possession of any legal lot or premises where marijuana is proposed to occur must obtain a marijuana cultivation permit from the Code Enforcement Officer or his or her designee, to ensure compliance with the requirements of this chapter.

#### ARTICLE 4

Permit requirements: The following information will be required with the initial permit application and subsequent permit extensions.

A. Physical site address of where the marijuana will be cultivated.

B. The name of each person owning, leasing, occupying, or having charge of any legal parcel or premises where marijuana will be cultivated.

C. Proof of a growers' residency on the lot where the marijuana cultivation will be conducted.

D. Property owners written consent to the cultivation of marijuana at the premises, if different from the grower.

E. Plan showing the location of where the cultivation area will be located in the residents, accessory structure, and/or the lot.

F. Detailed explanation of how the grower will meet all the required performance standards.

G. Permit Duration: The permit shall be valid for 1 year and may be renewed every year upon determination that the standards and conditions set forth under these standards are met. That the permit may be denied or not renewed that does not demonstrate satisfaction of the minimum requirements of this chapter.

H. Enforcement: Violations of this chapter shall constitute a public nuisance and may be enforced to the provisions of this chapter or any other applicable law. Violations of this ordinance shall be subject to fines and penalties contained in 30A MRSA Section 4452.

#### ARTICLE 5

Prohibited: The following is prohibited as part of the adult-use marijuana growing for personal use.

A. The home extractions of marijuana concentrate using hazardous substances.

B. The cultivation, manufacturing, testing, retail sale, gifting, and/ or growing of marijuana for adult-use by someone not a resident of the lot.

**Item #9400 was VOTED 7 yeas**

**Item # 9343** Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council start the process of amending the Comprehensive Plan to require larger minimum lot sizes in the Rural Zone and  
Be It Further Ordered that the Council instruct staff to bring back recommendations on forming an amendment committee.

Mark Curtis, Dow Road voiced his concerns about why only the Rural Zone is being targeted.  
Norm Justice, Wood Road encouraged the Council to vote no on item #9343.

**Item # 9343 was VOTED 0 yeas, 7 nays (All Councilors)**

**Item #9343 Fails**

#### **New Business**

**Item # 9406** Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED, that the Town Council, pursuant to Title 21-A MRSA Section 101 (2) re-appoint Laurie Nordfors as the Registrar of Voters. **7 yeas**

**Item # 9407** Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, that the Town Council approve the transfer of \$1,000 to the Town of Gorham pursuant to Title 15 MRSA Section 15824 (3) and 5826 (6) seized in a criminal case (Docket No. CR-17-5960) and Be it further ordered that the Town Manager is authorized to sign the approval form on behalf of the Town of Gorham.

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to amend the item to strike the number 1 from 15824 and have it read Section 5824 (3). **7 yeas**

**Item #9407 was VOTED: 7 yeas**

**Item # 9408** Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council forward a proposal to amend Pheasant Knoll Contract Zoning Agreement between Kasprzak Landholdings, Inc. and the Town of Gorham as drafted December 20, 2018, to the Planning Board for a Public Hearing and their recommendation. **7 yeas**

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

Time of adjournment: 7:45pm

A True Record of Meeting  
01/08/2019

ATTEST \_\_\_\_\_  
Laurie Nordfors, Town Clerk