

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
March 10, 2020

Chairperson Phillips opened the meeting with the Pledge of Allegiance to the Flag. There were 48 members of the public in attendance at the start of the meeting.

Town Clerk Laurie Nordfors administered the Oath of Office to newly elected Councilor Janet Kuech.

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

Moved by Councilor Hartwell, seconded by Councilor Pratt and VOTED to accept the minutes of the February 4, 2020 Regular Town Council Meeting and the February 11, 2020 Special Town Council Meeting. **7 yeas**

Open Public Communications

Susan Duchaine, Design Dwellings, expressed her concerns over the South Street re-zoning project and was happy to see a Comprehensive Plan Committee has been formed to deal with the issues. She is also concerned about the Building Inspector being able to inspect underground power lines. She also voiced her concerns about the bidding process for the new Industrial Park.

Paul Smith, Phinney Street discussed the difference in the valuation of property and encouraged Staff to be fair evaluating property on private ways.

David Alexander, Wilson Road, had many questions about the decision to fill the 7th seat on the Council over the last four months.

Councilor Communications

Councilor Pratt reported that the Joint Facility Committee met on February 27th and discussed a plan for a Town wide facilities study. The next steps will be the Town Manager and the Superintendent coming up with a proposal which will be discussed at the next meeting in April.

Councilor Shepard reported that the Ordinance Committee met on February 18th and discussed developing an amendment to the Land Use & Development Code to allow varied density in the Village and Urban districts. They are still working on this. They also discussed a marijuana cultivation or manufacturing licensing ordinance, which is on the agenda tonight. The next meeting will be March 24th.

Councilor Hartwell clarified the State Statue that says if a Town or Municipality wants to require electrical inspections on single family homes, there needs to be an ordinance or resolution that authorizes the town to do so.

Councilor Wilder Cross reported that the Appointments Committee interviewed several candidates for the many openings on the Town's boards and committees and thanked all that are willing to volunteer their time to serve. She also revealed that as of April 1st, the Metro Bus rates will increase and paper tickets will no longer be accepted. Cash is still accepted, but she urged people to purchase the new Smart card or use the Mobile App to take advantage of reduced rates. More information can be found on their website at www.GPMETRO.org.

Councilor Kuech thanked the people who supported her in her candidacy and looks forward to working together as a team moving forward.

Councilor Hager reported that Eco Maine met February 6th for an executive committee meeting. He also announced the Maine Eco-Excellent awards were presented to two Gorham individuals, David Chidsey and Chris Petitpierre. He reported that the next Finance Committee meeting will be March 23d.

Chairperson Phillips announced that the Gorham Business Exchange will be held on March 21st at the USM Fieldhouse with over 50 booths and urged citizens to come out and enjoy. She also revealed that the Gorham Founders Festival Committee will roll out their new website next week where you can find all the latest information about the festival. The website is www.Gorham2020.com.

Chairperson Phillips presented a plaque to former Town Councilor Paul Smith and thanked him for his service to the Town.

Town Manager Report

Town Manager Paraschak reported that Town Staff is working diligently behind the scenes to assure the Citizens of Gorham are safe and educated about the current coronavirus outbreak. He asked everyone to take common sense precautions and stay tuned as events unfold. He also reported that April 4th will be the Council's budget hearing in Conference Room A and also the Council is looking at companies to do a Town wide property assessment revaluation to assure that all tax assessments are fair and equitable.

School Committee Report

School Committee Chairman Stewart McCallister congratulated the GHS one act students on their 1st place finish in the region for their performance of Macbeth. They earned many recognitions. He also congratulated Amy Cousins, an art teacher at GMS for being named the 2020 Art Teacher of the Year by the National Association of Art Educators. He reported that the School Department announced a new partnership with USM that will allow GHS students to graduate from high school with up to 30 credits in three different pathways, including Medical/Medical Occupations, Law & Liberal Arts and Engineering. Students who stick with one pathway will not only receive these credits, but they will also be accepted into USM in the program selected or can transfer to any UMaine System College. This will help reduce the costs of college by \$23,000 or more dollars. Chairman McCallister also reported that the School Department has been working with other school districts that send students to the WRCC and PATHS to try and re-envision what career and technical education programs look like for students. He also reported that the Gorham Schools has invited Dr. Mark Publicker to the High School to speak to parents and community members about the effects of marijuana on the developing adolescent brain. This

presentation is open to the public and will be held on March 17th. Lastly, Chairman McCallister revealed that the Gorham Schools has been working on their Pandemic Planning in response to recent outbreaks of the COVID-19 in the US. The superintendent has met with community agencies and internal planning groups to ensure the pandemic plan is in full operation. The focus is on the “pre-pandemic” planning which works to educate students, staff and the public at large on the importance of handwashing and proper coughing etiquette. Also the plan focuses on making sure to have appropriate supplies on hand, making sure to have scheduled cleanings conducted of buildings and busses and making sure to train all staff on proper techniques and expectations. The next part of the planning will be focused around what happens if the worst-case occurs and schools have to close down for 6-8 weeks at a time. The pandemic plan can be found online on the schools website under “about us” and then “district documents”. The next School Committee meeting will be held on March 11th.

Chairperson Phillips opened public hearing #1.

Kathy Garrard, Gorham Village Alliance spoke in favor of the TIF.

The hearing was closed.

Moved by Councilor Pratt, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #20-028 due to length. **7 yeas**

Order #20-028 Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council designate the Town of Gorham Downtown Tax Increment Financing District #11 (the “Gorham Village District”) and adopt the Development Program for said District as presented to the Council on March 10, 2020 and as follows:

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the Town has identified certain property within its Gorham Village Center District, Urban Commercial District, Office-Residential District, and Urban Residential District zoning districts that are centrally located, underutilized and in need of redevelopment; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the Town and new employment opportunities for residents of the Town and surrounding communities, and will improve and broaden the tax base of the Town and improve the general economy of the Town, the region and the State of Maine; and

WHEREAS, the Town has held a public hearing on the proposed Town of Gorham Downtown Tax Increment Financing District #11 (the “District”) in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk’s Office at Town Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the Town Council hereby Orders as follows:

Section 1. The Town Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the proposed Town of Gorham Downtown Tax Increment Financing District #11, as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the District in the form presented to the Town Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Gorham, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such

technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

This Order shall take effect immediately upon adoption.

Order #20-028 was VOTED 7 yeas

Chairperson Phillips opened public hearing #2. There were no comments from the public and the hearing was closed.

Order # 20-029 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council issue a renewal liquor license to Blue Pig, LLC, 19 State Street. **7 yeas**

Chairperson Phillips opened public hearing #3. There were no comments from the public and the hearing was closed.

Order # 20-030 Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, that the Town Council issue a renewal Massage License to Natalie Poulin, Skin and Body of Gorham, Walter Selens, Gorham Muscular Therapy, Christina McGuire, The 510 Group LLC, Heather Theriault, Theriault Chiropractic & Massage, Elizabeth Berks, Liz Berks Massage Therapist, Chelsea Jackson, Theriault Chiropractic & Massage and a new Massage License to Adam Schoff, Theriault Chiropractic & Massage. **7 yeas**

Order #20-031 Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council accept the resignation of Kari Beaulieu from the Board of Appeals, and Be it Further Ordered that the Town Council expresses their appreciation for her service on this board and to the Gorham Community. **7 yeas**

Order #20-032

Moved by Councilor Wilder Cross, seconded by Councilor Hager and ORDERED, that the Town Council make appointments to various Town Boards and Committees as recommended by the Appointments Committee, as presented;

NAME	BOARD OR COMMITTEE
TOM HUGHES	PLANNING BOARD
SUSAN DURST	PLANNING BOARD
DAN NICHOLS	GEDC
TODD CHASE	GEDC
ETHAN JOHNSON	GEDC
PATRICK PALERMO - 2021	BOARD OF APPEALS
COURTNEY BARNETT	BOARD OF APPEALS
MARK CURTIS	BOARD OF APPEALS
STEPHEN SOULE	FAIR HEARING BOARD
LYNN LEAVITT - 2021	CONSERVATION COMMISSION
BRIAN RANCOURT - 2022	CONSERVATION COMMISSION
JODIE KEENE	CONSERVATION COMMISSION
JOSHUA HAISS	CONSERVATION COMMISSION
JEREMY LESTAGE	CONSERVATION COMMISSION ASSOCIATE MEMBER
DENISE QUINT	BOARD OF VOTER REGISTRATION APPEALS
RICHARD DAVIS	BOARD OF VOTER REGISTRATION APPEALS

GREGORY BEAL	BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY
MEGAN GARDNER	BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY
MEGHAN GRASSI	BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY
NICOLE SHAFFER	BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY
BRUCE ROULLARD	HISTORIC PRESERVATION COMMISSION
NANCY KENTY	HISTORIC PRESERVATION COMMISSION
NOAH MINER	HISTORIC PRESERVATION COMMISSION
CRAIG STIRLING	BOARD OF ASSESMENT REVIEW
BRENDA CALDWELL	REVOLVING LOAN FUND COMMITTEE
DAN NICHOLS	REVOLVING LOAN FUND COMMITTEE
DAVID TOYE	REVOLVING LOAN FUND COMMITTEE

Order #20-032 was VOTED 7 yeas

Order #20-033

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council appoint Councilor Kuech to the Council's Finance Committee. **7 yeas**

Order #20-034

Moved by Councilor Pratt, seconded by Councilor Shepard and ORDERED, that the Town Council appoint to the Industrial Park Steering Committee Jon Smith as a local business member representative and Anne Bilodeau as a resident representative of Shamrock Drive. **7 yeas**

Councilor Kuech recused herself from the following Order.

Order #20-035

Moved by Councilor Hartwell and ORDERED, that the Town Council authorize a referendum question for June 9, 2020 to expend up to \$750,000 to install and construct a new kitchen area at the Narragansett Elementary School utilizing funds previously approved in the School Department operating budget, as well as funds from a previously approved referendum bond package, and

Be It Further Ordered, that the Town Council schedules a Public Hearing on May 5, 2020.

There was no second on Order #20-035 and the ITEM FAILED.

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #20-036 due to length. **7 yeas**

Order #20-036

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council forward to the Planning Board, for public hearing and their recommendation, adopting a Marijuana Cultivation or Manufacturing Licensing Ordinance and amending the Land Use & Development Code to allow for adult use manufacturing and cultivation of marijuana, as follows:

Town of Gorham

Marijuana Cultivation or Manufacturing Facility Licensing Ordinance

Section 1 – Title

This ordinance shall be known as and cited as the “Town of Gorham Marijuana Cultivation or Manufacturing Facility Licensing Ordinance” and will be referred to hereinafter as “this ordinance”. This ordinance limits all subject cultivation or manufacturing facilities to the zoning districts specified under the Gorham Zoning Ordinance, prescribes definitions and provides for permitting/licensing, regulation, and performance standards for cultivation or manufacturing facilities.

Section 2 – Authority and Applicability

This ordinance is adopted pursuant to the authority granted by 28-B M.R.S.A. §101 et seq., as may be amended, and the Town's home rule authority under Chapter VIII, Part 2 Section 1 of the Maine Constitution.

Section 3 – Purpose

The purpose of this ordinance is to assure the safety of Gorham citizens by reviewing and regulating marijuana cultivation or manufacturing facilities, as permitted under state law.

Section 4 – Conflict with other ordinances; state law

Whenever a provision of this ordinance conflicts with or is inconsistent with other provisions of this ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with state law; whenever a provision of this ordinance conflicts with state law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable state laws.

Section – 5 Validity and severability

Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

Section 6 – Effective Date

The effective date of this ordinance and the licensing thereunder shall be the date of adoption by the town council.

Section 7 – Definitions

Agricultural Building – a structure designed, constructed, and used to store farm machinery, supplies, implements, livestock, or crops.

Cultivate or cultivation – the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Cultivation facility – a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities;

and to sell marijuana plants and seeds to other cultivation facilities and immature plants and seedlings to marijuana stores. A cultivation facility includes a nursery cultivation facility.

Manufacture, processing – the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including but not limited to marijuana extraction or preparation by means of chemical synthesis. “Manufacture” or “manufacturing” does not include cultivation or testing.

Manufacturing batch – a quantity of marijuana concentrate or extract that is produced in on production cycle using the same extraction methods or formulation and standard operating procedures.

Marijuana – the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. “Marijuana” includes marijuana concentrate but does not include hemp as defined in Title 7 M.R.S.A. §2231(1-A paragraph D) or a marijuana product.

Marijuana establishment. "Marijuana establishment" means a cultivation facility, products manufacturing facility, a testing facility or a marijuana store licensed under this ordinance.

Plant canopy. "Plant canopy" means the total surface area within the licensed premises of a cultivation facility that is authorized by the town for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Section 8 – Annual License required; distribution of licenses; renewal

No person may establish, operate or maintain a marijuana cultivation or manufacturing facility without first obtaining an annual license from the town council.

It is a violation of this ordinance for any person to operate a marijuana cultivation or manufacturing facility without a valid license issued by the town council pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. §301 and §502, an applicant seeking to operate a cultivation or manufacturing facility may submit an application for a license concurrent with an application for a conditional license by the State of Maine to operate a marijuana cultivation or manufacturing facility.

The Town Council is authorized to issue no more than twenty (20) licenses in accordance with this ordinance and where allowed in the Land Use and Development Code.

Cultivation or manufacturing facilities that were operating with Town approval prior to the enactment of this ordinance shall have a priority of review for license issuance by the Town Council, provided that the owner/operator of the business submits a completed application for a license within 90 days of enactment of this ordinance. Such businesses shall be included in the maximum number of licenses permitted.

Any change in ownership or change in officers of an owner of an existing cultivation or manufacturing facility shall have a priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership.

The Town Council shall issue no more than one (1) cultivation or manufacturing facility license per business/individual/owner.

Marijuana cultivation or manufacturing facility licenses shall be administered on a first come, first serve basis based upon the date the application is deemed complete.

Home cultivation or manufacturing of adult use marijuana for personal use is exempt from the licensing requirements of this ordinance.

Section 9 – Application procedure

A. An application for a license must be made on a form provided by the town of Gorham.

B. Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and if referred to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.

C. All applicants must be qualified according to the provisions of this Ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

D. Application to establish a Marijuana Cultivation or Manufacturing Facility

1. If the applicant who wishes to operate a Marijuana Cultivation or Manufacturing Facility is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a Marijuana Cultivation or Manufacturing Facility is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

2. The completed application for a Marijuana Cultivation or Manufacturing Facility license shall contain the following information and shall be accompanied by the following documents:

a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty- one (21) years of age.

b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.

d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.

e. If the applicant intends to operate the Marijuana Cultivation or Manufacturing Facility under a name other than that of the applicant, they must state the Marijuana Cultivation or Manufacturing Facility name and submit the required registration documents.

f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

g. If the applicant has had a previous license under this Ordinance or other similar Marijuana Cultivation or Manufacturing Facility license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the Marijuana Cultivation or Manufacturing Facility for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Cultivation or Manufacturing Facility for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

h. If the applicant holds any other permits/licenses under this Ordinance or other similar Marijuana Cultivation or Manufacturing Facility license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of Marijuana Cultivation Facility for which the applicant is seeking a license.

j. The location of the proposed Marijuana Cultivation or Manufacturing Facility, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Cultivation or Manufacturing Facility pursuant to a lease,

rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

l. The applicant's mailing address and residential address.

m. Recent passport-style photograph(s) of the applicant(s).

n. The applicant's driver's license.

o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

p. A copy of a town of Gorham Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Marijuana Cultivation or Manufacturing Facility within one thousand (1,000) feet of the subject property; and the property lines of any preexisting public or private school within seven hundred and fifty (750) feet of the subject property, measured in accordance with this ordinance.

3. All applications for a Marijuana Cultivation or Manufacturing Facility license shall be kept confidential by the town.

4. All applicants, including all individuals, officers, directors, managers, members, and partners, for any Marijuana Cultivation or Manufacturing Facility license must be residents of the State, as defined in 28-B M.R.S. A. §102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents.

5. If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents.

Section 10 – Standards for license

A. General

1. All Marijuana Cultivation or Manufacturing Facilities shall comply with applicable state and local laws and regulations.

2. Marijuana Cultivation or Manufacturing Facilities shall only be located within the zoning districts permitted in the Gorham Zoning Ordinance.

3. Marijuana Cultivation or Manufacturing Facilities may not be located on property within seven hundred and fifty (750) feet of the property line of a preexisting public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Marijuana Cultivation or Manufacturing Facilities is located. If the Marijuana Establishment is located within a subdivision, the required setback shall be measured from the front door of the Marijuana Cultivation or Manufacturing Facilities to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

4. Marijuana Cultivation or Manufacturing Facilities may not be located on property within one thousand (1,000) feet of the property line of a parcel containing one or more Marijuana Cultivation or Manufacturing Facility. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the property lines of the parcels of land on which the Marijuana Cultivation or Manufacturing Facilities are located. If the Marijuana Cultivation or Manufacturing Facilities is located within a commercial subdivision, the required setback shall be measured from the front door of each of the Marijuana Cultivation or Manufacturing Facilities. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section. Notwithstanding the foregoing, more than one Marijuana Cultivation or Manufacturing Facilities may be located on the same parcel, provided all state and local requirements are met. This setback requirement does not apply to properties with more than one Marijuana Cultivation or Manufacturing Facilities that are subdivided, as long as the Marijuana Cultivation or Manufacturing Facilities located on the property were operating with town approval prior to the adoption date of this ordinance.

5. No outside cultivation or Manufacturing or storage of marijuana, marijuana products, or related supplies is permitted, except as allowed by ordinance.

6. Ventilation and Odor - All Marijuana Cultivation or Manufacturing Facility are required to be in compliance with the state requirements and all Marijuana Cultivation or Manufacturing facilities shall have odor mitigation systems such that odor is imperceptible from the outside of any building or lease line. A **ventilation** plan shall be required for marijuana cultivation and manufacturing facilities that provides for adequate **ventilation** so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its manufacturing or cultivation to be effectively confined to the any building or lease line.

7. All Marijuana Cultivation or Manufacturing Facilities shall obtain a State of Maine conditional license prior to operating in the town of Gorham.

C. Operating Plan

A. Marijuana Cultivation or Manufacturing Facilities are required to submit an operation plan that at a minimum addresses the following:

- a. wastewater
- b. disposal of waste
- c. ventilation and odor
- d. parking
- e. landscaping

Section 11 - License expiration and renewal

A separate license must be obtained for each marijuana cultivation or manufacturing facility located on the same premises. Each license shall be effective for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a marijuana cultivation or manufacturing facility. Applications for renewal licenses shall be submitted at least sixty (60) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a new license is granted.

Section 12 – Denial, suspension or revocation of license

- A. A marijuana cultivation or manufacturing facility license under this ordinance shall be denied to the following entities or persons:
 - a. A person or entity who fails to meet the requirements of this ordinance.
 - b. A person or entity who has had a license for a marijuana cultivation or manufacturing facility revoked by the Town of Gorham or by the State of Maine.
 - c. A person or entity who has not acquired all necessary state approvals and other required local approvals prior to issuance of a license.
- B. The Town may suspend or revoke a license for any violation of this ordinance, Chapter 1, Chapter 2 or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for a marijuana cultivation or manufacturing facility suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Section 13 - Right of Access/Background Check/Inspection

Every Marijuana Cultivation or Manufacturing facility shall allow law enforcement officers and the Gorham Code Enforcement Officer ("CEO") to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. Every owner and employee of a Marijuana Establishment applying for a license, shall contact the Gorham Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for Marijuana Cultivation or Manufacturing Facility shall submit emergency contact information to the Police Department. Due to fire, explosion, and other hazards inherent in Marijuana Cultivation or Manufacturing facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO2 enrichment, and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Gorham Fire Department and have a Lock Box installed at the structure's exterior entrance for emergency access. Lock Boxes shall be obtained and installed in coordination with the Gorham Fire Department.

Section 14 - Indemnification

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Establishment owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations. By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed Marijuana Establishment.

Section 15 - State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the cultivation or manufacturing of Marijuana, the additional or stricter regulation shall control the establishment or operation of any Marijuana Cultivation or manufacturing Facility in Gorham. Compliance with all applicable State laws and regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

Section 16 – Advertisement and Public Hearing

A. For new or renewal licenses requiring Town Council action the Council shall hold a public hearing.

B. Prior to any public hearing held in accordance with this Ordinance, the application shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the public hearing.

Section 12 – License Fees

Fees for a marijuana cultivation or manufacturing facility shall be as set forth in the fee schedule established by the Gorham Town Council and shall be paid annually.

Section 13 - Enforcement

Violations

Any violations of this ordinance, including failure to comply with any conditions, may be enforced in accordance with 30-A M.R.S.A. §4452. Every day a violation exists constitutes a separate violation.

Commencement of any marijuana cultivation or manufacturing facility without a town license for same shall be a violation of this ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the town can pursue fines and/or penalties under 30-A M.R.S.A. §4452.

Law enforcement officer and code enforcement

Law enforcement officers and the CEO may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to license approvals and shall investigate all complaints of alleged violations of this ordinance.

Section 14 - Appeals

Any appeal of a decision of the Town shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

Below are the proposed Zoning Ordinance Amendments:

Language to be added is underlined.

SECTION 1-8 – RURAL DISTRICT

- B.** 24) Marijuana Cultivation or Manufacturing Facility, when inside an existing agricultural building

SECTION 1-12- INDUSTRIAL DISTRICT

B. PERMITTED USES

- 11) Marijuana Cultivation or Manufacturing Facility

SECTION 1-21- OLDE CANAL INDUSTRIAL DISTRICT

B. PERMITTED USES

- 13) Marijuana Cultivation or Manufacturing Facility

Order #20-036 was VOTED 7 yeas

Order #20-037

Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, that the Town Council authorize the transfer \$150,000 from the Next Generation Foundation endowment fund to the Maine Community Foundation for future management and benefit of the Baxter Memorial Library. **7 yeas**

Order #20-038

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council approve the transfer of \$1,565.70 to the Town of Gorham pursuant to Title 15 MRSA Section 15824 (3) and 5826 (6) seized in a criminal case (Docket No. CR-19-1835) and Be It Further Ordered that the Town Manager is authorized to sign the approval form on behalf of the Town of Gorham. **7 yeas**

Order #20-039

Moved by Councilor Hager, seconded by Councilor Wilder Cross and ORDERED, that the Town Council go into Executive Session pursuant to Title 1 MRSA Section 405 (6) (A) for the annual performance evaluation of the Town Manager and 1 M.R.S.A. § 405(6)(D) to discuss labor negotiations. **7 yeas**

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to come out of Executive Session. 7 yeas

Order #20-040

Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council authorize the Town Manager to enter into a Collective Bargaining Agreement with the Maine Association of Police through June 30, 2023, subject to the terms of the Extension of Collective Bargaining Agreement attached to this order and incorporated herein by reference. **6 yeas, 1 nay (Hartwell)**

Moved by Councilor Shepard, seconded by Councilor Pratt and VOTED to adjourn. **7 yeas**
Time of adjournment; 9:10pm

A True Record of Meeting
03/10/2020

ATTEST _____ 03/11/2020
Laurie Nordfors, Town Clerk