

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
Burleigh Loveitt Council Chambers  
July 6, 2021

Chairman Pratt opened the meeting with the Pledge of Allegiance to the Flag. There were 3 members of the public in attendance.

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

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to accept the minutes of the June 1, 2021 Regular Town Council Meeting. **7 yeas**

### **Councilor Communications**

Councilor Phillips again reminded citizens to clean up after their pets.

Councilor Shepard reported that the Ordinance Committee met on June 22<sup>nd</sup> and discussed several items, including sidewalk winter maintenance, agricultural event centers and agricultural tourism. They also discussed the feasibility of adding items to the Land Use and Development Code for buildouts of sub divisions. The next meeting will be held on July 20<sup>th</sup>.

### **Town Manager Report**

Town Manager Paraschak reminded residents of the current re-evaluation process by Vision Appraisal. Residents will receive notice in the mail when Vision Appraisal will be visiting their neighborhood. More information can be obtained on our website. He also reminded residents to bare with us while the new trash collection company gets acclimated to the Town roads and where construction is going on. If your trash is not picked up, please call Public Works for assistance.

### **School Committee Report**

Darryl Wright reported the following:

- We just completed our three-week Summer Personal Learning Extension Program. We had 31 students across grades K-8 participate between June 14 and July 1. The goal of this program was to ensure students most in need, minimize “summer slide” and are best prepared to return to school ready for success. 71% of those assessed maintained or demonstrated growth on post assessments in reading. 50% of those assessed maintained or demonstrated growth on post assessments in math. Attendance was challenging for some.
- We began our 6-week face to face summer recreation program in collaboration with Gorham Rec. We have just under 90 students across grades K-8 participating in this program. Academic

and Social/Emotional Learning work will go on each morning for 4 days per week (Mon-Thur) now through August 6. Lunch and snacks are provided. Once the academic/SEL time is done, students are moved over for FUN with Gorham Rec! We are very much looking forward to our new partnership and what data will reveal about its success!

- The revised State budget has been approved funding public education at 55%. Revised 279 subsidy print outs should be coming shortly. Once they are in hand, we will get them to the Town so the Town will be able to anticipate funds that will be an offset to taxpayer expense for the FY 22 School Department Budget. The funds the Council decided to be set aside for the new School District Capital Reserve account will be created once the School Committee returns to its work this fall.
- The School Department would like to thank our municipal partners, particularly the members of the Town Planning Office, and Gorham Recreation for allowing us to use space at the Municipal Center this past year. Next school year we will still be utilizing space upstairs for two GHS classrooms this fall, but we will no longer have need for the use of Shaw Gym and have been able to move everything out of the planning offices.
- As of now, all physical distancing rules have been lifted from K-12 public education facilities. Neither the DOE nor CDC have issued any new guidance so as we open schools this fall, we will utilize the same rules that we have set for our summer programming. K-8 students will still need to wear masks indoors ONLY, this includes on our school buses. Since HS students ride on the same buses as MS students, we will likely keep the mask mandate on all buses because our younger students have not yet had access to vaccines. Once vaccines become available to our youngest students, we will be prepared to host clinics on site for interested families. Once families have had appropriate time to access vaccine at these age levels, we will likely lift all masking requirements K-12. Until then, our youngest students are still vulnerable, so we will keep our practices of indoor masking at these age levels. We will also keep practices that focus on hand sanitization across the board K-12 with frequent hand sanitizing required/encouraged. We will also continue sanitizing classroom surfaces daily. As a reminder, ALL schools will re-open this fall to 5 day per week instruction across all grades. First day of school for Grades 6 & 9 will be August 30, first day for everyone else (except K students) will be August 31 and first day for K students will be Sept. 2.
- Our next School Committee meeting is scheduled for August 11<sup>th</sup> in the Council Chambers

## **Public**

### **Hearing # 1**

#### **On item #2021-7-01**

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Andrew Clough, 15 Pearson Drive, property owned by Bob Pearson. (Admin. Spon.)

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

## **Proposed**

### **Order # 21-083**

Moved by Councilor Phillips, seconded by Councilor Kuech and ORDERED, that the Town Council issue a Medical Use Marijuana License to Andrew Clough, 15 Pearson Drive, property owned by Bob Pearson.

Order #21-083 was VOTED **7 yeas**

**Public**

**Hearing #2**

**On order #2021-7-02**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Tim Nickerson, Deep Sun LLC, 15 Pearson Drive, property owned by Bob Pearson. (Admin. Spon.)

Chairman Pratt opened public hearing #2. There were no comments from the public and the hearing was closed.

**Proposed**

**Order #21-084**

Moved by Councilor Kuech, seconded by Councilor Phillips and ORDERED, that the Town Council issue a Medical Use Marijuana License to Tim Nickerson, Deep Sun LLC, 15 Pearson Drive, property owned by Bob Pearson.

Order #21-084 was VOTED **7 yeas**

**Public**

**Hearing #3**

**On item #2021-7-03**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Timothy McLaughlin, Nor' East Holistics LLC., 7B Pearson Drive, property owned by Robert Pearson. (Admin. Spon.)

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

**Proposed**

**Order # 21-085**

Moved by Councilor Wilder Cross, seconded by Councilor Phillips and ORDERED, that the Town Council issue a Medical Use Marijuana License to Timothy McLaughlin, Nor' East Holistics LLC, 7B Pearson Drive, property owned by Robert Pearson.

Order #21-085 was VOTED **7 yeas**

**Public**

**Hearing #4**

**On item #2021-7-04**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Jared Dinsmore, The Dinsmore Group LLC, 5 Little Wing Lane, Unit C, Property owned by Dave Cowan. (Admin. Spon.)

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

**Proposed  
Order # 21-086**

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and ORDERED, that the Town Council issue a Medical Use Marijuana License to Jared Dinsmore, The Dinsmore Group LLC, 5 Little Wing Lane, Unit C, Property owned by Dave Cowen.

Order #21-086 was VOTED **7 yeas**

**Public  
Hearing #5  
On Item #2021-7-05**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Alexis Cantara, XOCC, 5 Little Wing Lane, Unit A, property owned by Dave Cowan. (Admin. Spon.)

Chairman Pratt opened public hearing #5. There were no comments from the public and the hearing was closed.

**Proposed  
Order #21-087**

Moved by Councilor Kuech, seconded by Councilor Phillips and ORDERED, that the Town Council issue a Medical Use Marijuana License to Alexis Cantara, XOCC, 5 Little Wing Lane, Unit A, property owned by Dave Cowen.

Order #21-087 was VOTED **7 yeas**

**Public  
Hearing #6  
On Item #2021-7-06**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Ryan Nadeau, Skyfall Cannapy, 5 Little Wing Lane, Unit B, property owned by Callander Corporation. (Admin. Spon.)

Chairman Pratt opened public hearing #6. There were no comments from the public and the hearing was closed.

**Proposed  
Order #21-088**

Moved by Councilor Phillips, seconded by Councilor Kuech and ORDERED, that the Town Council issue a Medical Use Marijuana License to Ryan Nadeau, Skyfall Cannapy, 5 Little Wing Lane, Unit B, property owned by Callander Corporation.

Order #21-088 was VOTED **7 yeas**

**Public**

**Hearing #7**

**On Item #2021-7-07**

Public hearing to hear comment on a proposed amendment to the Land Use & Development Code regarding the permitting of driveways on public streets and private ways. (Admin. Spon.)

Chairman Pratt opened public hearing #7. There were no comments from the public and the hearing was closed.

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and VOTED to waive the reading of Order #21-089 due to length. **7 yeas**

**Proposed**

**Order #21-089**

Moved by Councilor Phillips, seconded by Councilor Hager and ORDERED, that the Town Council amend the Land Use & Development Code with regards to permitting of driveways on public streets and private ways as follows:

CHAPTER 1, ZONING REGULATIONS, SECTION 1-3, ADMINISTRATION

**H. DRIVEWAY PERMITS**

Prior to the construction or alteration of any driveway or access road within the full width of right-of-way of any town road, on a private way or public road, or if within the compact area, of a state or state-aid highway, a written driveway permit shall be obtained from the Code Enforcement Officer. The building permit for any project involving the construction or alteration of a driveway or access road shall be issued only after the appropriate driveway permit has been issued.

- 1) The Town Engineer or his designee shall inspect each proposed driveway location, determine the suitability of its location and design with particular emphasis on traffic safety, drainage and erosion control, and prepare a report on the need for a culvert or other improvements within the public right-of-way.
- 2) The owner of the property served by the driveway or access road shall be responsible for the costs involved in installing a culvert and the work shall be performed by a private contractor.
- 3) The Town Engineer or his designee shall determine that the location and design of any driveway or access road is suitable for the intended use and the Code Enforcement Officer shall collect a sum of money sufficient to cover the installation of a culvert if necessary, prior to the issuance of any driveway permit.

- 4) The application for a driveway permit shall be accompanied by a fee as set forth in the schedule of driveway permit fees adopted by order.

\*Additions – Underlined

Moved by Councilor Hartwell, seconded by Councilor Hager and VOTED to amend the order to replace public road with public way in the first paragraph. **7 yeas**

Order #21-089 was VOTED as amended **7 yeas**

**Public**

**Hearing #8**

**On Item #2021-7-08**

Public hearing to hear comment on a proposed amendment to the Gorham Savings Bank Contract Zone to allow daycare use/centers on Lot 1 of the Gorham Savings Bank Operation Center at 10 Wentworth Drive. (Admin. Spon.)

Chairman Pratt opened public hearing #8. There were no comments from the public and the hearing was closed.

Moved by Councilor Shepard, seconded by Councilor Hager and VOTED to waive the reading of Order #21-090 due to length. **7 yeas**

**Proposed**

**Order #21-090**

Moved by Councilor Phillips, seconded by Councilor Hager and ORDERED, that the Town Council amends the contract zone of the Gorham Savings Bank Operation Center at 10 Wentworth Drive as follows:

**AMENDMENT TO CONTRACT ZONING AGREEMENT BETWEEN  
GORHAM SAVINGS BANK AND THE TOWN OF GORHAM**

This Amendment to Contract Zoning Agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 2021, by and between the **TOWN OF GORHAM**, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the "Town") and **GORHAM SAVINGS BANK**, a mutual savings bank chartered under Maine law with an office at 64 Main Street, Gorham, Maine (the "Bank").

WHEREAS, the Town entered into a Contract Zoning Agreement with the Bank on December 10, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12897,

Page 190 (hereinafter the "Contract Zoning Agreement") that established zoning regulations for a parcel of real estate located at 10 Wentworth Drive, Gorham, Maine, consisting of approximately 116 acres and is further described in a deed from Lena M. Day to Gorham Savings Bank, recorded in the Cumberland County Registry of Deeds in Book 1810, Page 335 (hereinafter "the Property"); and

WHEREAS, the Property consists of Lot 9 on the Town's Tax Map 46; and

WHEREAS, the Contract Zoning Agreement established use, dimensional and performance standards for the Property; and

WHEREAS, the Bank wishes to revise the use restrictions established in Section 5(a) and (b) of the Contract Zoning Agreement to allow the establishment of a daycare center on any lot on the Property; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property and to amend the contract rezoning, pursuant to 30-A M.R.S.A. § 4352(8) and Chapter I, Section 1-1, Subsection H, of the Gorham Land Use and Development Code; and

WHEREAS, after notice and hearing and due deliberation upon this rezoning proposal, the Gorham Planning Board recommended this Amendment to the Contract Zoning Agreement; and

WHEREAS, both the Planning Board and the Town Council determined that the original Contract Zoning Agreement was pursuant to and consistent with the Town's Comprehensive Plan and the Town Council has authorized the execution of this Third Amendment to Contract Zoning Agreement;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. **Amendment of Contract Zoning Agreement, Section 5(a).**

Section 5(a) of the Contract Zoning Agreement is amended to add a new Subsection 9, to read as follows:

(9) Day care centers.

2. **Amendment of Contract Zoning Agreement, Section 5(b).**

Section 5(b)(3) of the Contract Zoning Agreement is amended to read as follows:

(3) ~~Day care centers~~ Reserved.

3. **Remaining provisions remain in full force and effect.**

Except as expressly amended herein, the provisions of the Contract Zoning Agreement shall remain in full force and effect.

**TOWN OF GORHAM**

\_\_\_\_\_  
Ephrem Paraschak

It's Town Manager

(duly authorized by vote of the Gorham Town  
Council on \_\_\_\_\_, 2021

**GORHAM SAVINGS BANK**

\_\_\_\_\_  
Print name:

Its \_\_\_\_\_

STATE OF MAINE

CUMBERLAND, ss

\_\_\_\_\_, 2021



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

\_\_\_\_\_  
Notary Public/Attorney-at-Law

\_\_\_\_\_  
Print Name

STATE OF MAINE

CUMBERLAND, ss

\_\_\_\_\_, 2021

Personally appeared the above-named \_\_\_\_\_, in his/her capacity as \_\_\_\_\_ of Gorham Savings Bank, and made oath that the foregoing instrument is his/her free act and deed in his/her said capacity and the free act and deed of Gorham Savings Bank.

\_\_\_\_\_  
Notary Public/Attorney-at-Law

\_\_\_\_\_  
Print Name

Order #21-090 was VOTED **7 yeas**

**Item #2021-7-09** Action to consider accepting a resignation from the Gorham Zoning Board of Appeals. (Admin. Spon.)

**Proposed**

**Order #21-091** Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council accept the resignation of Patrick Palermo from the Gorham Zoning Board of Appeals; and

Be It Further Ordered, that the Council thanks Patrick Palermo for his years of service on the Board.

Order #21-091 was VOTED **7 yeas**

**Item #2021-07-10** Action to consider instructing the Appointments Committee to fill a vacancy on the Gorham Zoning Board of Appeals. (Admin. Spon.)

**Proposed**

**Order #21-092** Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council appoint William Benson to the Gorham Zoning Board of Appeals.

Order #21-092 was VOTED **7 yeas**

**Item #2021-7-11** Action to consider accepting a resignation from the Board of Trustees – Baxter Memorial Library. (Admin. Spon.)

**Proposed**

**Order #21-093** Moved by Councilor Wilder Cross, seconded by Councilor Shepard and ORDERED, that the Town Council accept the resignation of Meghan Grassi from the Board of Trustees – Baxter Memorial Library; and

Be It Further Ordered, that the Council thanks Meghan Grassi for her years of service on the Board.

Order #21-093 was VOTED **7 yeas**

**Item #2021-07-12** Action to consider instructing the Appointments Committee to fill a vacancy on the Board of Trustees – Baxter Memorial Library. (Admin. Spon.)

**Proposed**

**Order #21-094**

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council appoint Abby Alden to the Board of Trustees – Baxter Memorial Library.

Order #21-094 was VOTED **7 yeas**

Town Clerk Laurie Nordfors swore in Abby Alden to the Board of Trustees-Baxter Memorial Library.

**Item #2021-07-13**

Action to consider requiring third party inspections of gravel pits. (Councilor Philips Spon.)

**Proposed**

**Order #21-095**

Moved by Councilor Hager, seconded by Councilor Phillips and ORDERED, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Land Use & Development Code to require that annual inspections of gravel pits be conducted by a third party inspector.

Order #21-095 was VOTED **7 yeas**

**Item #2021-07-14**

Action to consider allocating funds from the contingency line item for historic district signs in the Town of Gorham. (Councilor Philips Spon.)

**Proposed**

**Order #21-096**

Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED, that the Town Council authorizes the expenditure of up to \$6,000 from account 950-02-50640-01 for the purpose of purchasing historical district signs.

Order #21-096 was VOTED **7 yeas**

**Item #2021-07-15**

Action to consider authorizing the Town Manager to go out to bid for property and casualty insurance. (Councilor Philips Spon.)

**Proposed**

**Order #21-097**

Moved by Councilor Hager, seconded by Councilor Phillips and ORDERED, that the Town Council authorizes the Town Manager to bid out property and casualty insurance for the Town of Gorham providing the timing of said bid is advantageous to the Town; and

Be It Further Ordered, that the Town Manager is authorized to utilize a third party consultant to review and compare coverage to determine what is in the best interests of the Town of Gorham.

Order #21-097 was VOTED **7 yeas**

**Item #2021-07-16**

Action to consider amending the Land Use & Development Code to reduce performance guarantee process and requirements for site plans. (Councilor Pratt Spon.)

**Proposed**

**Order #21-098**

Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Land Use & Development Code to streamline the performance guarantee and site plans process as recommended by staff.

Order #21-098 was VOTED **7 yeas**

**Item #2021-07-17**

Action to consider formally naming public property next to Robie Gym. (Councilor Wilder Cross Spon.)

**Proposed**

**Order #21-099**

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and ORDERED, that the Town Council formally names the open area next to Robie Gym as "The Village Green."

Moved by Councilor Wilder Cross, seconded by Councilor Phillips and VOTED to TABLE Item #2021-07-17 to allow time to work with Community on naming the park. **7 yeas**

**Item #2021-07-18**

Action to consider establishing a formal debt ratio goal for the Town of Gorham. (Councilor Hartwell Spon.)

**Proposed**

**Order #21-100**

Moved by Councilor Hartwell, seconded by Councilor Phillips and ORDERED, that the Town Council forwards to the Finance Committee, for its review and recommendation, establishing a formal debt to income ratio goal for the Town of Gorham.

Order #21-100 was VOTED **7 yeas**

**Item #2021-07-19**

Action to consider exempting "Tiny Homes" from Gorham's Fire Suppression Systems Ordinance. (Councilor Hartwell Spon.)

**Proposed**

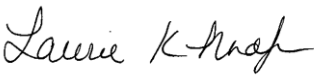
**Order #21-101**

Moved by Councilor Hartwell, seconded by Councilor Phillips and ORDERED, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Fire Suppression Systems Ordinance to allow for an exemption of residential dwellings under 400 square feet.

Order #21-101 was VOTED **7 yeas**

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to adjourn. **7 yeas**  
Time of Adjournment: 7:40pm

A True Record of Meeting  
07/06/2021

ATTEST  \_\_\_\_\_ 07/07/2021  
Laurie Nordfors, Town Clerk