

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
January 4, 2022

Chairman Pratt opened the meeting. There were 10 members of the public in attendance.

Junior Girl Scout Troup #1027 led the Pledge of Allegiance to the Flag.

Roll Call: Chairman Pratt, Councilors Shepard, Phillips, Wilder Cross, Hartwell and Kuech. Also in attendance was Town Clerk Laurie Nordfors.

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to accept the minutes of the December 7, 2021 Regular Town Council Meeting. **6 yeas**

Open Public Communications

Tina Ruel, Joseph Drive addressed the closing of the Gorham Country Club and hopes that the future of the land will stay intact as much as possible.

Councilor Communications

Councilor Hartwell reported that the Ordinance Committee met on 12/21 and discussed multi-family housing standards and the South Gorham Crossroads District. Both items are on tonight's agenda. They hope to start looking at additional zones that are in the Comprehensive plan for re-zoning soon. Councilor Hartwell also mentioned that Councilor Phillips will be on the ballot on January 11th. She is running as an independent candidate for District 27 State Representative. He noted that he is in full support of Councilor Phillips for this seat.

Councilor Phillips reported that the Facilities Committee met last month and finished discussing the full overview of the Town/School facilities study. The next meeting will be held on January 11th at 6:30pm where they will be reviewing the report from CHA. She also reminded citizens that winter sand is available at Public Works. Councilor Phillips congratulated Larry Irish from Public Works on his recent retirement and thanked him for his many years of service.

Councilor Wilder Cross thanked the many committee members who put together the 14th annual New Year's Eve Gorham Celebration. She reported that it was a very difficult decision to have to go virtual but congratulated everyone involved including the many performers, volunteers and very generous sponsors, who without them wouldn't have been able to pull off a great event. Councilor Wilder Cross also attended the latest GPCOG meeting where they discussed the upcoming legislative priorities, one which will be a very different real estate tax relief program this year. You can check the States website for more information. She also reminded residences that the Appointments Committee is still accepting applications for many boards and committees for the new year. You can apply on our website or stop by the Town Clerk's Office for an application.

Councilor Kuech thanked the many people involved in New Year's Eve Gorham for the wonderful fireworks display. She also reported the Little Rams Committee met on December 16th and heard a wonderful presentation from Kindergarten Teachers. Their next meeting will be January 20th.

Chairman Pratt acknowledged that the local blood banks are critically low on blood supply and asked residents to please donate blood if possible. He also asked residents to please stay off ice skating rinks until the ice is fully frozen.

School Committee Report

Anne School, School Committee Chair reported the following:

The MDOE and the Maine CDC recently updated their Standard Operating Procedures for how we conduct our contact tracing and how to deal with positive cases and close contacts with COVID 19 in our schools. The changes were significant.

Generally, if someone tests positive, they only need to isolate for five (5) days. They can return to school/work after five (5) days if symptoms are improving. Due to the mask mandate in our district, individuals who are close contacts will no longer have to quarantine if they remain symptom free. If a student is not vaccinated, they would still need to quarantine in the community.

The information is summarized in the chart below:

For each close contact who is asymptomatic and who has not tested positive for COVID-19:			
Where was the exposure? ➡		In Community	At School
What exceptions to quarantine do they qualify for? ⬇			
1	Is boosted	No quarantine; wear a mask around others x 10 days	
2	Is a fully vaccinated 16-17 year old student who, according to the U.S. CDC, may receive a booster, but has not yet done so		
3	Is not eligible for a booster, but is fully vaccinated		
4	Completed their second dose of Pfizer or Moderna vaccine within 6 months, or J&J vaccine within two months		
5	Participates in school pooled testing	Community quarantine x 5 days; wear a mask around others x 10 days	
6	The school is enforcing a mandatory masking policy		
7	None	Quarantine x 5 days; wear a mask around others x 10 days	

Federal Vaccinate or Test Mandate:

The new law requiring all public school staff to be vaccinated or tested on a weekly basis is slowly making its way through the process after several legal hurdles. Maine's Board of Occupational Safety and Health (BOSH) will be meeting on January 18th to finalize the rule. We anticipate that the law will be effective as of February 10, 2022 unless Supreme Court decides otherwise. The School Department is working to ensure that we will have a policy consistent with the law fully implemented by February 10th.

Contact Tracing:

Changes have been made to our protocols around contract tracing. School nurses and administrators are only conducting contact tracing during regular work hours. Additionally, close contact information will now be communicated to families via email rather than by individual phone calls. We will still maintain all COVID related data on our website and report daily cases to the community via school messenger.

Early Release:

We have the following early release dates on the calendar for January and February:

January 12th, 19th and 26th and February 2nd and 16th.

The School Committee will consider adding additional early release days in March, April and May at its workshop meeting coming up later this month.

The next School Committee meeting will be January 12, 2022 at 7:00pm.

Department Managers Report – Town Clerk's Office

The Town Clerk's Office has been busy preparing for the Special Election to be held on January 11th. We have processed over 350 absentee ballots. Even though this election will be small, the same amount of work and time goes into it as a regular Election.

We are busy this month registering dogs and snowmobiles for 2022. In February we have trailer registrations and in March its motorcycles and campers for the spring season. I have noticed a slight increase in people using rapid renewal for re-registrations since Covid and that helps with the crowds in the office.

The State Gubernatorial election is this year and the Democratic and Republican caucuses will be held in March. The Gubernatorial Primary will be in June along with our annual School Budget Election.

The summer season in the office is filled with boat registrations, fishing licenses and lots of new cars and trailer registrations. The senior property tax rebate program is also in August. This year we had 156 approved seniors receive a rebate.

The fall season is filled with property taxes, the November election, more dog registrations, hunting licenses and holiday donations. This year we helped 6 families with Christmas presents and received numerous fuel fund donations. Thank you to all of the families and businesses who donated to both causes.

And finally, Deputy Clerk Paula Nystrom recently received her re-certification status as Certified Clerk of Maine and I received my Lifetime Certification status as Certified Clerk of Maine. These certification statuses required many hours of dedication to achieve. The certification process requires that the applicants receive training in a number of courses that relate to their field of expertise and continue with this education in an effort to retain certification status. We both will be recognized with a certificate and plaque at the MTCCA's annual meeting and Networking Day in September.

Public hearing #1

On item #2022-01-01

Public hearing to hear comment on a proposal to issue an Adult Use Marijuana License to Corey Harmon, White Pine Farms LLC, 32 Sanford Drive. Property owned by Mike Heath. (Admin. Spon.)

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

Proposed

Order #21-171

Moved by Councilor Kuech, seconded by Councilor Phillips and Ordered, that the Town Council issue and Adult Use Marijuana License to Corey Harmon, White Pine Farms LLC, 32 Sanford Drive. Property owned by Mike Heath.

Order #21-171 VOTED 6 yeas

Public hearing #2

On Item #2022-01-02

Public hearing to hear comment on a proposal to issue a Medical Marijuana License to Michael Barris, B's Trees LLC, 7 County Road, Building A. Property owned by 7 Country Road LLC. (Admin. Spon.)

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

Proposed

Order #21-172

Moved by Councilor Kuech, seconded by Councilor Phillips and Ordered, that the Town Council issue a Medical Marijuana License to Michael Barris, B's Trees LLC, 7 County Road, Building A. Property owned by 7 Country Road LLC.

Order #21-172 VOTED 6 yeas

Public hearing #3
On order #2022-01-03

Public hearing to hear comment on proposed amendments to the Gorham Firearms Ordinance Map. (Admin. Spon.)

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

Proposed
Order #21-173

Moved by Councilor Shepard, seconded by councilor Hartwell and Ordered, that the Town Council adopts a revised administrative error that reflects the current Gorham Industrial Park as a no discharge zone.

Order #21-173 VOTED 6 yeas

Old Business

Item # 2021-9-11

Action to consider amending the Land Use & Development Code with regards to multi-family housing. (Ordinance Committee Spon.)

Proposed
Order #21-174

Moved by Councilor Shepard, seconded by Councilor Hartwell and Ordered, that the Town Council forwards to the Planning Board, for public hearing and comment, amendments to the Land Use & Development Code as follows:

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to waive the reading of Order #21-174 due to length. 6 yeas

Multi-Family Housing

Chapter 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-4 – RESIDENTIAL

B. PERFORMANCE STANDARDS FOR MULTI-FAMILY HOUSING

1) Suburban Residential District and Rural District: The construction of any new multi-family dwelling or the conversion of an existing single family or two-family dwelling into a multi-family dwelling in the Suburban Residential District and Rural District shall be done in accordance with the following standards:

(a) ~~1.~~ Multi-family dwellings in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of

structures, the relationship of buildings to the street and the use and treatment of front yard areas.

(b)-2. For new construction, utilities shall either be placed underground or, if above the ground, designed so as to be visually compatible with the overall development.

(c)-3. All required yard area shall be retained as open, landscaped areas which are not occupied by buildings, structures, parking lots, storage or similar uses. Access roads or drives and sidewalks may be located to allow vehicular and pedestrian traffic to cross yard areas.

(d)-4. A buffer shall be established between the multi-family housing and any abutting single-family or two-family dwellings. The buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas or waste collection and disposal areas. The buffering shall consist of landscaping, fencing, grading or a combination of features.

(e)-5. All private access roads shall be located within a 50 foot dedicated right-of-way. No off-street parking shall be located within this right-of-way.

(f)-6. The developer shall provide a minimum of 1,000 cubic feet of private lockable storage for personal property for each dwelling unit. This space may be part of the dwelling unit or at a separate location or building.

(g)-7. The developer shall provide a minimum of 250 square feet of private, outdoor space for each dwelling unit.

(h)-8. The developer shall provide a minimum of 250 square feet of common, outdoor space for each dwelling unit which shall be developed with appropriate recreation facilities.

(i)-9. All roads that will be dedicated to the Town for public use shall meet the standards for public roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways ~~the subdivision regulations~~. All private roads, drives, or access ways shall also meet the standards for private roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways ~~the subdivision regulations~~.

(j)-10. All off-street parking and lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high.

(k)-11. The number of dwelling units permitted on the site shall be determined by dividing the net residential acreage by the minimum lot area required per dwelling unit.

2) Urban Residential, Village Center Districts, Urban Commercial, Mosher Corner Mixed-Use District, Office- Residential District, Narragansett Mixed-Use District. Multi-use buildings are exempt from the requirement of this section. The construction of any new multi-family dwelling or the conversion of an existing single family or two-family dwelling into a multi-family dwelling in the following growth districts shall be done in accordance with the following standards:

- (a) Multi-family dwellings in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of structures, design and use of exterior building materials, the relationship of buildings to the street and the use and treatment of front yard areas. Multi-family dwellings may request a waiver should the structures be located so they are not visible to the existing neighborhood. The developer shall include a licensed landscape architect in the over-all design team.
- (b) The maximum number of dwelling units permitted on the site shall be determined by multiplying the gross acreage of the area proposed to be subdivided by sixty-five percent (65%) to allow for access and unusable land and then dividing the resulting net area by the minimum lot area per dwelling unit.
- (c) Developments shall comply with any applicable maximum floor area and/ or maximum impervious coverage ratios identified in the underlying zoning district.
- (d) Streetscape along public streets. Development adjacent to public streets shall contain the following:
 - a. Canopy trees deciduous, shade or evergreen trees planted at 3 to 3-1/2 inches in caliper with a mature height of at least 35 feet. Under story trees shall be deciduous shade, fruit or evergreen trees planted at 2 to 2-1/2 75 inches in caliper with a mature height of at least 12 feet.
 - b. Street furniture such as benches, trash bins, and bike racks.
 - c. Pedestrian lighting
- (e) All developments are required to have underground utilities, public sewer and water meeting the requirements of the Portland Water District.
 - a. The Planning Board may grant a waiver for the requirements of the extension of public sewer if the lot is located greater than 200 feet from the nearest connection to a public sanitary sewer and the connection to the public sanitary sewer would cause an undue hardship to the developer, as determined by the Planning Board.
 - b. The Planning Board may grant a waiver for the requirements of the extension of public water if the lot is located greater than 200 feet and the proposal meets the Determination of Unreasonable Costs under Chapter 2, Section 2 – Provision of Public Water Supply, D. Exemption from Public Water Supply Requirements.
- (f) A buffer shall be established between the multi-family housing and any abutting single-family or two-family dwellings. The buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas. The buffering shall consist of landscaping, fencing, grading or a combination of features.
 - a. A developer is required to submit a detailed plan and specifications by a professional designer for landscaping and screening which will afford a degree of buffering and screening to meet the standard.

b. Screening of refuse collection facilities: Uses within the development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of the use being served. All refuse storage facilities shall be screened by a solid wall, fence, tight evergreen hedge, or combination of the above. Such screening shall be of sufficient height and design to effectively screen the facility from the view from adjacent residential uses and streets and from adjacent properties.

c. Maintenance of landscaping: All required landscaping and screening shall be maintained or replanted as necessary so as to continue its effectiveness.

(g) Sidewalks within the development are required to allow pedestrian connections to structures, amenities, and/ or prominent natural features within the development and the existing sidewalk network.

a. The applicant may request a waiver from the full off-site sidewalk extension as outlined under Chapter 2, Section 2-5, F., 11) Sidewalks.

(h) Driveways, private ways, and public streets shall be designed to effectively and safely handle the anticipated traffic volumes proposed for the development both on and off the site.

a. Entrances shall be combined to the maximum extent possible.

b. For lots with frontage on both a public street and another street the access drives shall be located off the street of lower classification unless the Planning Board finds that no safe alternative exists.

c. All roads that will be dedicated to the Town for public use shall meet the standards for public roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways the subdivision regulations.

d. All private roads, drives, or access ways shall also meet the standards for private roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways the subdivision regulations.

(i) All off-street parking and lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high.

a. In districts that allow parking to the front of the building the parking lots between the front wall of any building and the street shall be limited to one row of parking spaces, the access driveway, and walkway into the buildings.

b. All other parking shall be located to the side and rear of the building.

Order #21-174 VOTED 6 yeas

Item #2021-04-10

Action to consider accepting the recommendation of the Ordinance Committee with regards to an ordinance requiring winter maintenance of sidewalks by property owners. (Ordinance Committee Spon.)

Proposed

Order #21-175

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and Ordered, that the Town Council accepts the recommendation of the Ordinance Committee that no action be taken at this time with regards to adopting a winter maintenance of sidewalks ordinance.

Order #21-175 VOTED 6 yeas

Item #2021-9-08

Action to consider amending the Land Use & Development Code with regard to allowing a refund of Zoning Board of Appeals application fees when a determination of the Code Enforcement Officer is overturned by the Zoning Board of Appeals. (Ordinance Com. Spons.)

Proposed

Order #21-176

Moved by Councilor Hartwell, seconded by Councilor Wilder Cross and Ordered, that the Town Council forward to the Planning Board, for public hearing and comment, amendments to the Land Use & Development Code as follows:

Moved by Councilor Shepard, seconded by Councilor Hartwell and VOTED to waive the reading of Order #21-176 due to length. 6 yeas

Chapter 1: ZONING REGULATIONS

SECTION 1-4 – BOARD OF APPEALS

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D. APPEAL PROCEDURE

- 1) In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after issuance of a written decision by the Code Enforcement Officer. The appeal shall be filed with the Town Clerk on forms to be approved by the Board of Appeals, and the aggrieved person shall specifically set forth on said form the grounds for said appeal. A fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order shall be paid by the appellant to the Town of Gorham the time of filing his appeal, which

shall not be refundable, except as otherwise provided in this subsection. Each appeal shall be filed on a separate form. A separate fee shall be assessed for each appeal except that a single fee shall be assessed for multiple appeals filed by the same appellant, concerning the same property, and scheduled to be heard by the Board of Appeals at the same proceeding.

14) Notwithstanding Section 1-4.D.1 above, in the event that the Board of Appeals reverses any order, requirement, decision, or determination made by the Code Enforcement Officer in conjunction with an administrative appeal filed under Section 1-4.B.1, the applicant shall be entitled to a refund of the application fee paid for that appeal within thirty (30) days of the date that the Board of Appeals' decision becomes final and unappealable

Order #21-176 VOTED 6 yeas

New Business

Item #2022-01-04

Action to consider accepting a resignation from the Board of Appeals. (Appointments Com. Spon.)

Proposed

Order # 21-177

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and Ordered, that the Town Council accepts the resignation of Christine Hume from the Board of Appeals and,

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

Order #21-177 VOTED 6 yeas

Item #2022-01-05

Action to consider filling a vacancy on the Gorham Board of Appeals. (Appointments Committee Spon.)

Proposed

Order #21-178

Moved by Councilor Wilder Cross, seconded by Councilor Shepard and ORDERED, that the Town Council appoint Gary Baca to the Gorham Board of Appeals.

Order #21-178 VOTED 6 yeas

Item #2022-01-06

Action to consider approving the Cumberland County Hazard Mitigation Plan. (Admin. Spon.)

Proposed

Item #21-179

Moved by Councilor Shepard, seconded by Councilor Kuech and Ordered, that the Town Council approves the Cumberland County Hazard Mitigation Plan as presented by Cumberland County Emergency Management.

Order #21-179 VOTED 6 yeas

Item #2022-01-07

Action to consider authorizing the Public Works Department to provide for winter maintenance of new or existing sidewalks. (Councilor Pratt Spon.)

Proposed

Order #21-180

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and Ordered, that the Town Council authorizes winter maintenance on sidewalks as follows:

College Avenue: 730 feet
Chick Drive: 410 feet
Bouchard Drive: 580 feet
Acorn Street: 550 feet

Order #21-180 VOTED 6 yeas

Item #2022-01-08

Action to consider the Revolving Loan Fund Program and Procedures. (Councilor Pratt Spon.)

Proposed

Order #21-181

Moved by Councilor Hartwell, seconded by Councilor Wilder Cross and Ordered, that the Town Council amends the Revolving Loan Fund Program and Procedures to allow for loans up to 25 years for borrowers with a qualifying SBA-504 loan through a partner lending institution.

Order #21-181 VOTED 6 yeas

Item #2022-01-09

Action to consider entering into executive session.
(Admin. Spon.)

**Proposed
Order #21-182**

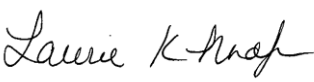
Moved by Councilor Phillips seconded by Councilor Wilder Cross and Ordered, that the Town Council goes into executive session pursuant to 1 M.R.S.A. §405 (6) (C) where discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein, or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to come out of Executive Session. **6 yeas**

Moved by Councilor Phillips seconded by Councilor Shepard and VOTED to adjourn. **6 yeas**

Time of Adjournment: 8:07pm

A True Record of Meeting
01/04/2022

ATTEST  _____ 01/05/2022
Laurie Nordfors, Town Clerk