

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
March 7, 2023

Vice Chairman Shepard opened the meeting. There were 18 members of the public in attendance.

Roll Call: Chairman Pratt, Councilors Shepard, Wilder Cross, Phillips, Lavoie, Gagnon and Siegel. 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 February 7, 2023 Regular Town Council Meeting and the February 21, 2023 Special Town Council Meeting. **7 yeas**

School Committee Report

School Committee Chairman Darryl Wright reported the following:

The Gorham School Committee has approved the 2023-24 School Calendar. Anyone that would like to view the calendar can go to our District's website under the "District Info" tab. Just be sure to click on the 23-24 Calendar.

So far this year, we have used 4 snow days so far this year with one more built into the calendar. If we were to stop having snow today, the last student day would be Thursday, June 15th. If we use one more traditional snow day, our last student day would be on June 16. If we need to use more than 5 snow days, we would move those additional days to Remote learning snow days. We would provide lunches to families who request them and we would provide continued learning activities to students on those days so that they would not have to be made up in the school's calendar. This ensures that regardless of how many more snow days there may be, the latest our students will be in school will be Friday, June 16, 2023.

The Gorham Schools Anti-Racism & Equity Committee will be hosting a "Listen and Learn" event on March 14 at 5:00 p.m. at GHS. Those in attendance will get a chance to enjoy some food and learn about the ongoing efforts to enhance equity in all of Gorham's schools. We ask that if you are interested in attending, please RSVP. You can find the link to RSVP on our district's website or on our social media feeds.

I want to recognize some incredible theater performances our students are performing in. Last weekend our GHS thespians performed their one act play, The Terezin Promise, to great audiences and next weekend our GMS students are taking center stage with their musical "Beauty and the Beast" which will have showings Friday night, Saturday afternoon and evening and a Sunday matinee. If you are looking for some great entertainment this weekend, please come check out the show!

The School Committee is holding its first budget meeting this evening down the hall in Conference Room A starting at 7pm. The next School Committee regular meeting will be held tomorrow, March 8th, 2023, in the Burleigh Loveitt Council Chambers at 7pm.

Councilor Communications

Councilor Shepard attended the 2nd Robie Park Steering Committee meeting and noted that the next meeting will be on March 20th. He also reported that the Appointments Committee met on three separate nights and interviewed many candidates for various board and committee openings.

Councilor Siegel reminded citizens that a local compost service, Garbage to Garden opened up their curbside service to Gorham starting April 1st. You can sign up on their website to participate. Councilor Siegel invited citizens to attend the Gorham pride meeting that will be held on March 8th from 5:30-7 at the Baxter Library to help prepare for Gorham's first Pride event. Councilor Siegel wished everyone a happy Purim who celebrates the holiday and expressed that it is one of his favorite holidays.

Councilor Wilder Cross attended two Gorham Village Alliance meetings last month. She gave a little bit of history of the GVA, noting that it began its work back in 2019 following a community wide focus meeting to collect ideas on ways to bring vibrancy to the center of town. A little earlier than that, that Gorham Village Master Plan had been updated. The GVA is reviewing its initial vision goals with the changes that either have been completed or are in the works to plan on the next steps as they relate to the Village Master Plan. Councilor Wilder Cross attended the monthly Metro Regional Coalition of GPCOG meeting where they continued their discussions about housing issues. Senator Jill Duson, with help from GPCOG will be presenting a bill to the Legislature that will direct state funding toward this effort. She also reported that the Board of Health met last month and discussed their focus on the adverse effects of smokeless flavored tobacco, especially for children. Councilor Wilder Cross announced that the Metro Transit will be offering a deal too good to refuse. Between March 1 and September 30, Metro riders will be offered a discounted bus fare using cash or the DiriGo Pass. All bus fares will be half their regular price during this promotion. For more information, visit www.DirigoGoPass.org. Finally, Councilor Wilder Cross gave a huge thank you to our Public Works crew who did a spectacular job over the past week cleaning up many snow events.

Councilor Phillips reported that the Capital Improvements/Economic Development Committee met on February 16th and received an update from Economic Development Director Kevin Jensen on current projects that are going on and new plans going forward with the GEDC. The next meeting will be on March 16th where they will review last year's capital projects and the upcoming capital projects.

Councilor Lavoie reported that the Finance Committee met on February 17th and discussed ARPA funding details, rental fees and finance reports. He also congratulated the Gorham High School Girls Basketball team for a successful season.

Councilor Gagnon recognized the public works department and their successful removal of the snow from the streets and sidewalks in the center of town. He also reported that the Capital Improvements/Economic Development Committee met and revealed that he had asked for an Economic Development study from Staff and was disappointed with the willingness of the Town to look into the Economic study. He acknowledged that he will still pursue looking at Economic studies as a means to properly grow Gorham as well as using analytics to make decisions.

Chairman Pratt reminded citizens that Maine Maple weekend will be March 25th & 26th and encouraged citizens to visit our local sugar houses. As always, Chairman Pratt asked citizens to donate blood if possible and announced that there will be a local blood drive at Cressey Road Church this Thursday from 1pm-6pm. He also warned citizens to be careful on the snowmobile trails and revealed that the Town Council Budget workshop will be Saturday, April 8th

Department Managers Report

Town Clerk Laurie Nordfors gave the following report:

The Town Clerk's Office consists of myself, 1 full time Assistant Town Clerk, 1 full time customer service clerk, 3 part time customer service clerks and 1 per diem customer service clerk. I also employ close to 60 Election workers who work across 3 polling places at each election.

The Town Clerk's Office provides the following services; Clerk of the Council, Clerk of the Board of Appeals, Custodian of all official Town Records, including scanning and filing of all Town documents, Coordinates and oversees all State and Local Elections including; State Caucuses, Coordinating and training the election staff, Conducting absentee voting, Creation of the municipal ballots, Posting of all legal notices of election, Conducting absentee voting at nursing homes, Oversees candidate nominations and ethics commission financial reporting, After election reporting for State and Municipal elections, Prepares polls and ensures all voting machines, AVS system and tabulator/ballot boxes are functional for each election. Maintains voter registration list in State CVR system as well as maintains card voter registration file. Certifies citizen initiative petitions and candidate petitions. Oversees and administers the Senior Property Tax Rebate Program, the tax lien and foreclosure process and maintains all vital record files and cemetery files. The Town Clerk's Office processes motor vehicle, snowmobile, ATV's, and boat registrations, fishing and hunting licenses, property and excise tax payments, accounts payable payments, senior meal-site payments, Sno-goer map sales, dog licenses, marriage licenses and performs marriage ceremonies, processes certified copies of birth, death, and marriage records, notary service, dedimus justice service, Town trash tag sales, sells cemetery plots and schedules burials for several cemeteries in Town. The following licenses and permits are also processed through the Town Clerk's Office; Marijuana License, Massage License, Victualer's License, Liquor License (including one day licenses), Special Amusement License, Junkyard/Automobile Graveyard License, Trash Hauler License, Mobile Home Park/Campground License, Mobile Vending Unit License, Door to Door Sales License and Sole Proprietor/Partnership Certificate.

During 2022, the Town Clerk's office processed in the office, 13,532 motor vehicle registrations, 284 ATV registrations, 633 boat registrations, 382 snowmobile registrations, sold 357 hunting/fishing licenses,

registered 2950 dogs in the office and 1392 on-line, that's a total of 4342 registered dogs in Town; we processed 2015 certified copies of marriage, birth and death certificates, issued 128 marriage licenses, sold 29 cemetery lots, issued 94 burial permits, scheduled 32 burials, processed 14606 real estate tax payments, 616 personal property tax payments, conducted two elections, certified 20 petitions containing 3719 pages and maintained a voter list of 15680 voters.

During this past holiday season, the Clerk's office oversaw our annual adopt a family program and the outpouring of generosity was overwhelming. We helped 14 Gorham families, consisting of 12 adults and 34 children have a happy holiday. We have also received a number of generous donations to our Towns fuel fund. I would like to personally thank the numerous businesses and families in Gorham who have donated to these two programs over the past year. It is such an honor to live and work in such a wonderful giving town.

Town Manager Report

Town Manager Paraschak announced that there are many road postings around town until May 1 or until road conditions improve. He reminded citizens that the Climate Resilience Community Workshop has been rescheduled to March 22nd at 7:00pm and all citizens are welcome to attend and provide feedback. Town Manager Paraschak reported that the town has finally received its DEP permit for the new Industrial Park West which will help facilitate the project to move forward.

Public hearing #1 On Item #2023-3-1

Public hearing to hear comment on a proposal to issue a new Medical Use Marijuana License to Tanner Brown, Threshold LLC, 11E Gorham Industrial Parkway. Property owned by 11E Gorham Industrial Parkway LLC. (Admin. Spon.)

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

Proposed Order #23-41

Moved by Councilor Phillips, seconded by Councilor Siegel and Ordered, that the Town Council issue a new Medical Use Marijuana License to Tanner Brown, Threshold LLC, 11E Gorham Industrial Parkway. Property owned by 11E Gorham Industrial Parkway LLC.

Order #23-41 was VOTED 7 yeas

Public hearing #2
On Item #2023-3-2

Public hearing to hear comment on a proposed amendment to the Land Use and Development Code to amend standards in the Agricultural Industrial District and Zoning Map from Rural District to Agricultural Industrial District. (Admin. Spon.)

Chairman Pratt opened public hearing #2.

Albert Mosher, Mosher Road and Dale Rines, Walnut Crest Road offered their remarks on the change to the District.

The public hearing was closed.

Proposed
Order #23-42

Moved by Councilor Shepard, seconded by Councilor Siegel and Ordered, that the Town Council amend the Land Use and Development Code to amend standards in the Agricultural Industrial District and Zoning Map from Rural District to Agricultural Industrial District as follows:

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to waive the reading of Order #23-42 due to length. 6 yeas, 1 nay (Gagnon) Motion Fails. The Town Clerk read the order.

Proposed Amendment:

SECTION 1-22- AGRICULTURAL/INDUSTRIAL DISTRICT

A. PURPOSE

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

B. PERMITTED USES

- 1) Manufacturing, processing and treatment.
- 2) Warehousing
- 3) Road and rail distribution facilities.
- 4) Research facilities.
- 5) Wholesale businesses and wholesale business establishments, but excluding junk yards.
- 6) Accessory uses and buildings, including retail and service uses accessory to another permitted use and also including a caretaker unit for residential use provided that there shall be no more than one residential unit on a property and such unit shall be resided in by an owner of the property, an employee of the industrial operation, or a person who serves as a security person. Agricultural buildings and uses are allowed to have up to three accessory residential units located on any of the farm parcel(s) in addition to the farmhouse. In the event that the principal industrial or agricultural use or other permitted use terminates, than the accessory residential use shall also terminate.
- 7) Municipal and governmental uses.
- 8) Public utility facilities including substations, pumping stations and sewage treatment plants.
- 0) Agricultural buildings and uses.
- 1) Facilities for the processing of agriculture products.

- 2) Agriculturally related business uses, including machinery sales and service, seed and fertilizer sales, and similar uses.
- 3) Food Processing, less than 12,000 sq. feet.
- 4) Retail Stores less than 12,000 sq. feet.
- 5) Park and Playground
- 6) Mobile Vending Units
- 7) Office of Contractor or Tradesman

C. **SPECIAL EXCEPTIONS**

- 1) (Reserved)

D. **SPACE STANDARDS**

Minimum area of lot	40,000 sq. ft.
Minimum street frontage	100 <u>feet</u>
Minimum front yards	30 feet except where the front yard abuts a residential use or district, in which case a minimum of 50 feet shall be provided.

Minimum side and rear yards

20 feet* except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential use or district in which case a minimum of 30 feet or 50% of the building or outdoor stored material height, whichever is greater, shall be required.

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

E. **PERFORMANCE STANDARDS**

The general performance standards contained in Chapter 2 of this Code shall be fully observed.

1. All land shall have a “perimeter setback” of one hundred feet (100’) along Main Street and/ or seventy-five feet (75’) along Mosher Road. The Planning Board may reduce the perimeter setback by up to 50% if it finds that doing so would result in a better plan of development for the project site.
 - a. No portion of the “perimeter setback” shall be used for storage of equipment or inventory, service and loading, parking or any buildings or structures. All access roads and utilities may cross the “perimeter setback” to provide access to and from a street but shall be designed to minimize the disruption of the “perimeter setback.” No direct access to parking stalls shall be provided from an access road located within the “perimeter setback.”
 - b. A landscaped buffer area, as provided in Subparagraph 1) c) below, shall be designed and maintained within the “perimeter setback.”
 - c. A detailed landscaping plan, prepared by a landscape architect, shall be prepared for the landscaped buffer area and submitted as

part of Site Plan Review for all lots with a perimeter setback." The landscaped buffer area shall be designed to provide effective visual and auditory buffering from abutting residential properties, create an attractive appearance for the proposed new development and maintain an attractive gateway to Gorham consistent with the goals and objectives of the Town of Gorham Comprehensive Plan. Existing natural features and vegetation may be incorporated into the plan for the buffer area if they are found to create an effective visual and auditory buffer by the Planning Board. All such buffer areas shall be maintained for the life of the project.

Fencing, screening, landscaped berms, natural features or combination thereof, shall be utilized to shield from the view of abutting residential properties and public ways all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas.

3. Building and Other Structure Requirements: Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development.
 - a. Customer Entrances: The customer entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projection, raised corniced parapets over the door, arcades, arches, wing walls. Integral planter boxes are highly encouraged.
 - b. Roof Design: Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. The following design elements are highly encouraged: variations within one architectural style; visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground; and overhanging eaves, sloped roofs and multiple roof elements. Architectural methods shall be used to conceal flat roof tops.

c. Building and Other Structure Materials:

- 1) The predominant exterior building materials shall be of high quality materials, including, but not limited to, brick, sandstone, wood, native stone and tinted/textured concrete masonry units and/or glass products. Simulated material may be substituted for any of the aforementioned building materials.
- 2) At least three different building materials shall be used for the primary façade of a building facing the primary street the building fronts. The Planning Board may waive the building material to 2 different materials if it finds the building design has enough architectural detail to sufficiently break-up the massing of the building. Buildings on corner lots shall be considered to have 2 primary facades. Any side of the building facing Main Street shall also be considered a primary façade. Glass for use in windows and doors shall not be considered one of the required building materials.
- 3) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T 1-11. Prefabricated steel panels are excluded unless they contain architectural details with intricate designs. Metal roof may be allowed if compatible with the overall architectural design of the building.

d. Building and Other Structure Colors: Exterior colors shall be of low reflectance, subtle, neutral or muted earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent colors for the facade and/or roof of the building are prohibited except as approved for building trim.

- e. Mechanical Equipment, Outdoor Storage, and Service Areas. The location of loading docks, outdoor storage yards and all other service areas shall be located to the sides or rear of a building, except when a site abuts either Main Street/ State Route 25 or Mosher Road/ State Route 237, in which case the said areas shall be located to the sides of the building that do not face Main Street/State Route 25 or Mosher Road/ State Route 237.
 - 1) All outdoor storage yards, loading docks, service areas and mechanical equipment or vents larger than eight inches in diameter shall be concealed by screens at least as high as the equipment they hide, of a color and material matching or compatible with the dominant colors and materials found on the facades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.
 - 2) Equipment that would remain visible despite the

screening, due to differences in topography (i.e., a site that is at a lower grade than surrounding roadways) shall be completely enclosed except for vents needed for air flow, in which event such vents shall occupy no more than 25% of the enclosure façade.

- 3) The architectural design of the buildings shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to amend the order as follows:

B – Permitted Uses, #6 to read Accessory uses and buildings, including retail and service uses accessory to another permitted use and also including a caretaker unit for residential use provided that there shall be no more than one residential unit on a property and such unit shall be resided in by an owner of the property, an employee of the industrial operation, or a person who serves as a security person. Agricultural buildings and uses are allowed to have up to three accessory residential units located on any of the farm parcel(s) in addition to the farmhouse. In the event that the principal industrial or agricultural use or other permitted use terminates, than the accessory use **except for a residential unit** shall also terminate. The three accessory residential units are allowed to remain. 7 yeas

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED table order #23-42 as Amended until next Council meeting to get more feedback from landowners affected. 7 yeas

Public hearing #3

On Item #2023-3-3

Public hearing to hear comment on a proposed contract zone at 253 New Portland Road to allow for dog kennels with specific performance standards as outlined in the contract zone (Admin. Spon.)

Chairman Pratt opened public hearing #3.

Joe Siviski, attorney at Perkins Thompson, spoke on behalf of Miranda and Michelle Marland and offered to answer any questions the Council had for him.

The public hearing was closed.

Order #23-43

Moved by Councilor Wilder Cross, seconded by Councilor Phillips and Ordered, that the Town Council approve the following contract zoning agreement between Miranda Marland, Michelle Marland and the Town of Gorham:

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to waive the reading of Order #23-43 due to length. 6 yeas, 1 nay (Gagnon) Motion Fails. Town Clerk read the order.

**CONTRACT ZONING AGREEMENT
BETWEEN
MIRANDA MARLAND, MICHELLE MARLAND AND TOWN OF GORHAM**

This Contract Zoning Agreement (the "Agreement"), made this _____ day of _____ 2023, 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 Miranda J. Marland and Michelle M. Marland (collectively, the "Marlands" with a mailing address of 253 New Portland Road, Gorham, Maine 04038.

WHEREAS, the Marlands are the owners of property located 253 New Portland Road, Gorham, Maine, 04038 as recorded in the Cumberland County Registry of Deeds at Book 38909 and Page 62 (hereinafter "the Property"); and

WHEREAS, the Property is shown on the Town of Gorham Tax Map 29, Lot 4.001; and

WHEREAS, the Property is currently located in the Suburban Residential District and is approximately 5.88 acres in area; and

WHEREAS, the Marlands intend to own and operate a dog daycare at the Property (the "Project"), which was allowed under the Town's Rural District but is not allowed under the Suburban Residential District; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property, pursuant to 30-A M.R.S.A. § 4352(8) and Section 1-1(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 the rezoning of the Property; and

WHEREAS, the rezoning will be consistent with the goals of the Gorham Comprehensive Plan Update of 2016, as amended in 2021, by promoting diversification of "the business base to build a strong community"; and

WHEREAS, the Town, by and through its Town Council, has determined that said rezoning will be pursuant to and consistent with the Town's Comprehensive Plan and has authorized the execution of this Agreement on _____, 2022;

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 Zoning Map.** The Town will amend the Zoning Map of the Town of Gorham, as amended, a copy of which is on file at the Gorham Municipal Offices and which is incorporated by reference into the Land Use and Development Code of the Town of Gorham (the "Code"), Section 1-1©, by adopting the map change amendment shown on Attachment 1.

2. **Permitted Uses.** The Marlands are authorized to conduct any of the following uses on the Property without additional Town Council authorization:

a. Any uses allowed under the Suburban Residential District

b. Dog Kennels

c. Additional Uses Allowed with Town Council Approval.

3. **Consistency.** After conducting a public hearing on _____, 2023, with public notice as required by 30-A M.R.S. §4352(8), the Planning Board has determined that the contract rezoning hereunder is consistent with the Comprehensive Plan, which is a “growth management” plan, and establishes a rezoned area consistent with existing and permitted uses with the original Suburban Residential District.

4. **Performance Standards.** All development and uses shall be subject to the Dog Kennel Standards below and to all other applicable performance standards set forth in Chapter 2 of the Code. Where this Agreement and Chapter 2 of the Code conflict, this Agreement shall be followed.

a. A Dog Kennel, operated in compliance with the Code’s General Standards of Performance

for Dog Kennels as amended and stated below without additional Town Council or Town Planning Approval; a Dog Kennel on the Property shall meet the following standards:

- i. Shall not have more than eight (8) dogs at any given time. Such calculation shall include any dogs owned by the Marlands.
- ii. Dogs may be housed overnight from Monday to Friday at 7:00 p.m. The overnight housing of dogs is not allowed from Friday at 7:00 p.m. through Sunday. Dogs shall be housed within a permanent structure/outbuilding between the hours of 7:00 p.m. and 7:00 a.m.
- iii. Any structure used for housing the dogs and/or containment area shall be:
 - iv. Designed, constructed and located on the Property in a manner that will minimize the negative impact upon abutting properties.
 - v. Set back a minimum of **fifty (50) feet** from all property lines. Existing building setbacks as of the effective date of this Agreement shall be deemed acceptable unless the noise at the property boundary exceeds the requirements outlined under section 6 of this Agreement.
 - vi. Structurally sound and maintained in good repair at all times.
 - vii. Well ventilated so as to provide constant fresh air.
 - viii. Maintained at a comfortable temperature.
 - ix. Maintained in a clean and sanitary condition at all times. Any animal excrement shall be removed at least twice daily from the dog pens and runs. Each pen shall be washed down with water and disinfectant cleaner as often as necessary to maintain a safe and sanitary condition for the dogs, but in no event less than once each day.

3. Any structure used for housing the dogs shall have its floor constructed of cement, asphalt or a similar material.

- iv. Outside containment areas shall be enclosed with fencing with a height of no less than eight (8) feet.
- v. All dog pens shall provide sufficient room for the dogs housed therein to turn about freely, to stand erect, and to lie down in a natural position.
- vi. Any storage container used for holding waste that includes animal excrement shall be kept tightly covered at all times and emptied at least once every two (2) days. Such container shall be located in accordance with the setback requirements for structures as stated in this Agreement and shall be disposed of in accordance with all State and local requirements.
- vii. All dogs shall have access to shelter to protect them from weather.
- viii. The dogs shall be provided with sufficient fresh water and wholesome food so as to maintain their health. Food and water containers shall be kept clean and sanitized.
- ix. Non-overnight operations shall be allowed between 7:00am and 7:00pm any day of the week.

5. **Dimensional Standards.** All development on the Property shall comply with the following dimensional requirements:

- | | |
|--|--------------------|
| a. Minimum lot size: | 60,000 square feet |
| b. Minimum lot area per dwelling unit: | 40,000 square feet |
| c. Minimum street frontage: | 200 feet |
| d. Minimum front yard setback: | 50 feet |
| e. Minimum side and rear setbacks: | 50 feet |

f. Maximum building height: None

6. Other Requirements. All development on the Property shall comply with the following requirements related to the physical development and operation of the Property:

a. **Noise.** The dog kennel use shall meet the following noise regulations:

- i. The maximum permissible hourly A-weighted equivalent sound level produced by any activity associated with the dog kennel shall be limited during daytime (7 am-7pm) to 60 dBA and during nighttime (7pm-7am) to 50 dBA. The term A-weighted equivalent sound level shall be as defined by applicable American National Standards Institute (ANSI) Acoustical Terminology.
- ii. Sound level limits shall apply at all lot lines of the property where the sound is produced. Measurements shall be taken in accordance with the Town's Noise Ordinance, which is generally consistent with appropriate ANSI standards. Sound levels shall be measured at a height of at least five (5) feet above the ground surface using a Type 1 or Type 2 sound level meter (as defined by ANSI S1.4) at all major lot lines. The sound level meter and microphone shall be field calibrated at the site prior to and after conducting the sound level measurements. The sound level meter, microphone and field calibrator shall also have been calibrated by a certified acoustic laboratory within 12 months of field measurements.
- iii. Short duration repetitive sounds are a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the dog kennel.
- iv. When routine operation of the dog kennel produces short duration repetitive sound, the following maximum limits shall apply:
 - i. For the purposes of determining compliance with the above sound level limits, 5 dBA shall be added to the measured hourly L_{Aeq} whenever short duration repetitive sounds result from the routine operation of the dog kennel. The resultant adjusted A-weighted hourly equivalent sound shall not exceed the sound limit (dBA) permitted above.
 - ii. In addition to the hourly equivalent sound level (L_{Aeq}), the maximum sound level (L_{AFmax}) of the short duration repetitive sounds shall not exceed the following limits:
 1. At any protected lot line for which the zoning is in a Residential District: 65 dBA between 7:00 a.m. and 7:00 p.m., and 55 dBA between 7:00 p.m. and 7:00 a.m.

2. At any protected lot line for which the zoning is in an Industrial/Commercial District: 75 dBA between 7:00 a.m. and 7:00 p.m., and 65 dBA between 7:00 p.m. and 7:00 a.m.
- v. The noise levels established by this section do not apply at lot lines where the abutting property owner has granted a noise easement to the applicant. Such an easement shall state the abutting property owners agrees that the sound level limits at the shared property line can be exceeded a specified amount but not more than 10 dBA above the applicable sound level limits. Any agreement or easement concerning noise levels shall be included in the reciprocal deeds, shall be only for the specific noise, land use and term covered by the noise easement and shall have no effect on sound level limits applicable to other properties.
 - vi. Once the dog kennel begins routine operation, the Planning Board may require demonstration that the dog kennel meets the applicable sound level limits. Such a demonstration shall require that sound level measurements include representative daytime and/or nighttime periods for a duration adequate to quantify the loudest modes of routine operation. Measurements shall be conducted during suitable weather conditions and shall be generally consistent with applicable ANSI standards. Compliance measurements shall be conducted during periods of no measurable precipitation, when the ground is not covered with new, freshly fallen snow and downwind with the wind speed measured at 33 feet (10 meters) above ground is equal to or greater than 5 miles per hour (1.52 meters per second). Wind speed can be measured on-site or taken from the Portland Jetport. A sound testing report shall be provided to the Town that included a description of measurement procedures, identification of sound level instrumentation and calibration, descriptions of measurement locations, sound level measurements and field observations, measurement and analysis of short duration repetitive sounds, and weather conditions (wind speed and direction, temperature, humidity, cloud cover). Justification for measurements during weather conditions that do not adhere to the requirements set forth here, if any, shall also be provided.

7. Agreement to Be Recorded. The Marlands shall record this Agreement in the Cumberland County Registry of Deeds and shall submit proof of recording to the Gorham Code Enforcement Officer and the Town Planner before any site work is undertaken or any building permits are issued.

8. Amendments to Agreement. The provisions of this Agreement shall be deemed restrictions on the use of the property and shall be amended only upon further written agreement of the Town of Gorham and the Marlands or its successors in interest to the Property.

9. Site Plan Review. Approval of this Agreement will not serve as a waiver of site plan review if otherwise required by the Code.

The above stated restrictions, provisions, and conditions, are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Marlands, any entity affiliated with the Marlands, including, but not limited to, Hand in Paw LLC, their successors and assigns, and any party in

possession or occupancy of the Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized officials and employees. The provisions of this Agreement, including the permitted uses listed in Sections 2 and 3 and the dimensional requirements listed in Section 5, are intended to replace the uses and dimensional restrictions of the Suburban Residential District and Dog Kennel Standards set forth in Section 214 of the Code. The above restrictions, provisions and conditions are an essential part this Agreement, shall run with the Property, shall bind the Marlands, their successors in interest and any assigns of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town of Gorham. If any of the restriction, provisions, conditions, or portions of this Agreement is for any reasons held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Code and any applicable amendments thereto or replacement thereof.

This Agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. §4452) and the Code. Following any determination of a zoning violation by the Code Enforcement Officer, the Town Council, after recommendation of the Planning Board, may amend, modify or rescind its conditional rezoning of the site.

In the event that the Marlands or their successors or assigns fail to develop and operate the Property in accordance with this Agreement, or in the event that any other breach of any conditions set forth in this Agreement, the Town Council shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to develop or operate. The resolution may include termination of this Agreement by the Town Council and a rezoning of the Property to the prior or any successor zoning districts. In such an event, the Property shall then be used only for such other uses as are otherwise allowed by law.

WITNESS:

WITNESS:

WITNESS:

TOWN OF GORHAM

By: Ephrem Paraschak, Its
Town Manager (Duly authorized by vote
of the Gorham
Town Council on _____, 2023)

Miranda

Michelle Marland

STATE OF MAINE

CUMBERLAND, ss. _____, 2023

Personally appeared the above-named _____, Town Manager of the Town of Gorham, and acknowledged the foregoing to be his free act and deed in his said capacity, as duly authorized, and the free act and deed of said Town of Gorham.

Before Me,

Notary Public: _____

My Commission Expires: _____

STATE OF MAINE

CUMBERLAND, ss. _____, 2023

Personally appeared the above-named Miranda Marland acknowledged the foregoing to be her free act and deed.

Before Me,

Notary Public: _____

My Commission Expires: _____

STATE OF MAINE

CUMBERLAND, ss. _____, 2023

Personally appeared the above-named Michelle Marland acknowledged the foregoing to be her free act and deed.

Before Me,

Notary Public: _____

My Commission Expires: _____

Order #23-43 was VOTED 6 yeas, 1 nay (Gagnon)

Public hearing #4
On item #2023-3-4

Public hearing to hear comment on a proposed amendment to Section 6 of the Growth Ordinance. (Admin. Spon.)

Chairman Pratt opened public hearing #4.

Howard Hall, Cottage Advisors thanked Staff for bringing the amendment to Council and supports the item.

The public hearing was closed

Proposed
Order #23-44

Moved by Councilor Phillips, seconded by Councilor Lavoie and Ordered, that the Town Council amend section 6 of the Growth Ordinance as follows:

Section 4. Definitions

d. Age-Restricted Development: A development that complies with regulations promulgated by the U.S. Department of Housing and Urban Development, 24 C.F.R. Subpart E (Housing for Older Persons), containing standards for housing for persons who are 55 years of age or older. In order to be deemed an age-restricted development under this Ordinance, at least eighty percent (80%) of the occupied units in the development must be occupied by at least one person 55 years of age or older, in accordance with the Fair Housing Act, 42 U.S.C. § 3607(b)(2) and related regulations.

Section 6. Exemptions

j. Up to twenty-five (25) dwelling units in a development that meets the definition of an age-restricted development; provided that if any of these 25 exempted units is converted to remove the age restriction, the developer would be required to obtain a growth permit for the converted unit(s).

This Amendment shall be applicable as of January 1, 2023.

Order #23-44 was VOTED 7 yeas

Item #2023-3-5

Action to consider 2023-2024 Board and Committee appointments. (Appointment Committee Spon.)

Proposed
Order #23-45

Moved by Councilor Lavoie, seconded by Councilor Siegel 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
JAMES HAGER	PLANNING BOARD
WILLIAM BENSON	PLANNING BOARD
TODD CHASE	GEDC
ETHAN JOHNSON	GEDC
DAN NICHOLS	GEDC
MARK CURTIS	BOARD OF APPEALS
COURTNEY BARNETT	BOARD OF APPEALS
WILLIAM BENSON	BOARD OF APPEALS
KASSIDY HELFANT	FAIR HEARING BOARD
JACINDA WILSON	CONSERVATION COMMISSION
PAUL COFFIN	CONSERVATION COMMISSION
JANET MCKENNEY	BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY
ABBY ALDEN	BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY
MEGAN GARDNER	BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY
NICOLE SHAFFER	BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY
MATTHEW MILLER	HISTORIC PRESERVATION COMMISSION
NOAH MINER	HISTORIC PRESERVATION COMMISSION
BRUCE ROULLARD	HISTORIC PRESERVATION COMMISSION
CRAIG STIRLING	BOARD OF ASSESSMENT REVIEW
DENISE QUINT	BOARD OF VOTER REGISTRATION APPEAL
MARK EYERMAN	REVOLVING LOAN FUND COMMITTEE
DONNA PERREAULT	REVOLVING LOAN FUND COMMITTEE
DAN NICHOLS	REVOLVING LOAN FUND COMMITTEE
MELISSA VANMETER	BOARD OF HEALTH

Order #23-45 VOTED 7 yeas

Item #2023-3-6

Action to consider selecting Real Estate Brokers to use for a 2-year period when selling Town-owned property. (Councilor Phillips. Spon.)

Proposed

Order #23-46

Moved by Councilor Shepard, seconded by Councilor Phillips and Ordered, that the Town Council establishes a process to select a Real Estate Brokers, to list property for sale and represent the Town, when the Town sells tax acquired property, or town owned non industrial property, with the following initial screening criteria:

1. The Primary Broker must live in Gorham and pay property taxes in Gorham.
2. The Primary Broker must have held an active Maine Real Estate Broker license for the past 10 years in Maine.
3. The Broker must be willing to accept a commission no greater than 5 %.
4. The Broker(s) must be willing to list and actively attempt to sell all properties provided to the Broker from the Town on a rotational basis. This is to ensure equality among the list of realtors.

Be It Further Ordered, that the selection process will be:

1. The Town will solicit letters of interest from Real Estate Brokers.
2. Town Staff will initially screen the letters of interest against the above criteria.
3. Applications that pass the initial screening criteria will be submitted to the Finance Committee who will recommend brokers for inclusion on a rotating list.
4. The Town Council will vote on the Finance Committee recommendation and select broker(s) who would be used for a 2-year period, without any guarantee that the Town will have properties to sell during that 2-year window.
5. All sales of municipal owned properties require Town Council approval for listing.

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to amend the order to remove #3-Applications that pass the initial screen criteria will be submitted to the Finance Committee who will recommend brokers for inclusion on a rotation list and #4-The Town Council will vote on the Finance Committee recommendation and select broker(s) who would be used for a 2-year period, without any guarantee that the Town will have properties to sell during that 2-year window. 6 yeas, 1 nay (Gagnon)

Moved by Councilor Siegel, seconded by Councilor Phillips and VOTED to amend the order to add to the initial screening criteria- 1. The Primary Broker must live in Gorham, pay property taxes in Gorham and have a brokerage firm in Gorham. 7 yeas

Order #23-46 was VOTED as amended 7 yeas

Item #2023-3-7

Action to consider forwarding a potential Contract Zone to the Town Council Ordinance Committee for review. (Councilor Shepard Spon.)

Proposed

Order #23-47

Moved by Councilor Shepard, seconded by Councilor Siegel and Ordered, that the Town Council forwards to the Town Council Ordinance Committee, for review and recommendation, a proposed Contract Zone for Single and Multi-Family Housing off of Robie Street.

Owen McCulloch, Sebago Technics revealed the plans for the project for single and multi-family housing off of Robie Street.

The Council discussed the order.

Moved by Councilor Gagnon to move the item. 4 yeas, 3 nays (Shepard, Pratt, Siegel)

Order #23-47 was VOTED 2 yeas, 5 nays (Pratt, Phillips, Lavoie, Gagnon, and Wilder Cross)

Item fails

Item #2023-3-8

Action to consider accepting the recommendation of the Finance Committee that several previously approved American Rescue Plan Act projects be reclassified as undesignated ARPA funds. (Finance Committee Spon.)

Proposed

Order #23-48

Moved by Councilor Phillips, seconded by Councilor Lavoie and Ordered, that the Town Council redesignates the following ARPA projects for future reallocation:

Municipal Center Pavilion - \$125,000

Skate Park Contingency - \$38,000

Baxter Conference Room Cameras - \$12,000

Total: \$175,000

Order #23-48 was VOTED 7 yeas

Item #2023-3-9

Action to consider establishing a Town Council workshop to review allocation of remaining American Rescue Plan Act funding. (Finance Committee Spon.)

**Proposed
Order #23-49**

Moved by Councilor Phillips, seconded by Councilor Lavoie and Ordered, that the Town Council sets May 20, 2023 as a workshop to discuss allocation of remaining ARPA funds.

Order #23-49 was VOTED 7 yeas

Item #2023-3-10

Action to consider instructing the Ordinance Committee to review adding accessory use outdoor storage to the Roadside Commercial Zone. (Councilor Pratt Spon.)

**Proposed
Order #23-50**

Moved by Chairman Pratt, seconded by Councilor Lavoie and Ordered, that the Town Council forwards to the Ordinance Committee, for review and recommendation, adding accessory use outdoor storage to the Roadside Commercial District.

Order #23-50 was VOTED 7 yeas

Item #2023-3-11

Action to consider increasing the Stream Protection Sub District from 75' to 100'. (Councilor Philips Spon.)

**Proposed
Order #23-51**

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council forwards to the Ordinance Committee, for review and recommendation, increasing the Stream Protection Sub District from 75' to 100'.

Moved by Councilor Siegel, seconded by Councilor Gagnon and VOTED to amend the order to Have the Ordinance Committee better define Stream during the review. 7 yeas

Moved by Councilor Gagnon, seconded by Councilor Siegel and VOTED to amend the order to add aquifers to the order. 7 yeas

Order #22-51 was VOTED as amended. 7 yeas

Item #2023-3-12

Action to consider purchasing 30+/- acres of undeveloped land off of Libby Avenue. (Councilor Philips Spon.)

**Proposed
Order #23-52**

Moved by Councilor Phillips, seconded by Councilor Lavoie and Ordered, that the Town Council authorizes the Town Manager or designee, to complete the purchase of 30 +/- acres of land off of Libby Ave., Map 47 - Lot 3, listed in the Cumberland County Registry of Deeds as Book 38036, Page(s) 161-162 for the sum of \$167,500; and

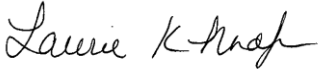
Be It Further Ordered, that the Town Manager is authorized to fund the purchase of this property from the Town's Land Acquisition Fund.

Order #23-52 was VOTED 7 yeas

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to adjourn. 7 yeas

Time of adjournment: 9:20 pm

A True Record of Meeting
3-7-2023

ATTEST 

Laurie Nordfors, Town Clerk
3-8-2023

