

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
September 5, 2018

Chairman Hartwell opened the meeting with the Pledge of Allegiance to the Flag. There were 28 Members of the public in attendance at the start of the meeting.

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

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to accept the minutes of the August 7, 2018 Regular Town Council Meeting. **7 yeas**

#### Open Public Communications

Hans Hansen debated that if the Town wants to bring in new business, that they should take a new approach to doing that. He commented on his many struggles over the past 55 years to run several businesses in Town. He suggested to the Council to be more open with people and then thanked the Council for listening to what he had to say.

Dan Glover, member of the Archangel Committee of Greater Portland, thanked Gorham for its support for the relationship and involvement in various exchanges over the years. He reported that they are about to celebrate the thirty year anniversary of the Sister Cities Relationship between Greater Portland, Maine and Archangel, Russia. There will be an exhibition of photography at the Stonewall Gallery in Yarmouth, Maine from November 9, 2018 – January 7, 2019 and urged people to come out and see a juried show of outstanding photographs from each country, side by side.

Alan Tardiff, 17 Crestwood Drive voiced his opinion on the high density development that is being considered to be built around his property. He raised concerns for the wildlife around in the area and having no place to go if all of the houses are built.

#### Councilor Communications

Councilor Phillips thanked Bruce Roullard and the Gorham Village Alliance for a Welcome back to Gorham event for USM students. She reported that it was a successful event. She also reported that the High School Building Committee met on August 14<sup>th</sup> and went over more detailed plans. They will meet again on September 11<sup>th</sup>.

Councilor Stelk attended the opening ceremony of the new METRO Husky bus line service that started in Gorham on August 27<sup>th</sup>. She urged everyone to take advantage of the bus service and hopes that it will help alleviate the traffic issue in Town and help citizens get into the Greater Portland Region.

## Town Manager Report

Town Manager Ephrem Paraschak reported that there will be a road closure on Dingley Spring Road Extension on September 10<sup>th</sup> that will last approximately two months. He also reported that work is continuing on South Street for the next couple of weeks at night to complete that project. He noted that there will be a meeting with the DOT on September 5<sup>th</sup> to discuss the proposed work on the Little River Bridge on Routh 237.

## School Committee Report

Chairman Darryl Wright reported that the school year has gotten off to a great start. He thanked the members of the Gorham Fire Department and the Gorham Police Department who came out on August 30<sup>th</sup> to welcome the students back to school. He also thanked the Staff and Parents that helped make the transition into the school year as smooth as possible. He reported that due to the high temperatures, Wednesday was moved to a half day for the students. Thursday, the heat index on the second floor of GHS was 96 degrees and Officer Drown and Chief Jones delivered "Ramcycles" to the GHS students to stay cool. The dismissal on Thursday was smooth and every student was home by 4:30 which is very good for the first day of school. Chairman Wright thanked the transportation department and the building administrative office and other staff for their hard work in making sure things went smoothly. He informed Parents and guardians to keep an eye out for communication coming regarding adjustments for early release days. The unofficial student enrollment numbers are as follows: K-5 elementary, 1289; GMS, 629; and GHS, 870 for a total enrollment of 2788. These are preliminary numbers and they will change. Implementation of the new transportation policy is going well. He reported that the site work for the two portable classrooms is almost done and expects them to arrive by the end of September and ready for use by early October. The GHS Building Committee will be meeting on September 11<sup>th</sup> and the Athletic Capital Campaign Committee will be meeting on October 1<sup>st</sup>. GHS homecoming will be the week of September 17<sup>th</sup> and the beginning of the year activities will be listed on the Districts website. The next School Committee regular meeting is scheduled for September 12<sup>th</sup>.

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

**Item #9372** Moved by Councilor Stelk, seconded by Councilor Hager and ORDERED, that the Town Council approve a renewal liquor license for M and G X-Mac II, LLC, DBA Ocean Gardens Restaurant and Tavern, 390 Main Street. **7 yeas**

Chairman Hartwell opened public hearing #2. Jed Taft voiced his concerns about the Sprinkler Ordinance and urged the Council to bring it to referendum for the public vote on. There was no other public comments and the hearing was closed.

Moved by Councilor Stelk, seconded by Councilor Smith and VOTED to waive the reading of the item due to its length. **7 yeas**

Item #9369

Moved by Councilor Stelk, seconded by Councilor Smith and ORDERED, that the Town Council amend the Sprinkler System Ordinance as follows:

**SPRINKLER SYSTEM FIRE SUPPRESSION SYSTEMS  
ORDINANCE**

ADOPTED JULY 7, 1987; effective August 6, 1987

~~—AMENDED OCTOBER 6, 1987; effective July 10 October 6, 1987~~

AMENDED JULY 10, 1990, effective July 10, 1990

REVISED SEPTEMBER 4, 2001; effective October 7, 2001

ARTICLE I. PURPOSE:

Section I. To establish an ordinance governing the installation of ~~sprinkler~~fire suppression systems in certain buildings within the Town of Gorham.

ARTICLE II. Definitions and Requirements:

Section I. ~~An approved automatic~~ “sprinkler/suppression system” shall mean an approved, automatic system installed in accordance with the National Fire Protection Association NFPA Standard 13, NFPA 13R, ~~or NFPA 13D, and NFPA 750,~~ and in accordance with the provisions of this ordinance and approved by the State Fire Marshal’s Office, and shall remain subject to the Fire Chief’s approval under Section III below.

Section II. Any structure requiring the installation of a Standard 13 or 13R System shall have a Fire Department ~~connection~~Connection, as that term is defined in NFPA. The location of the Fire Department ~~connection~~Connection shall be approved by the Fire Chief and properly signed as the Fire Department sprinkler connection.

The department connection shall be kept clear of any obstruction, such as bushes, grass, or debris.

Section III. The type of system to be installed and its adequacy of life safety from fire in accordance with the provisions of this ordinance shall be reviewed and approved by the Fire Chief or his designee in accordance with this ordinance, provided adequate provisions are made for life and property safety. Any sprinkler/suppression system installed, whether complete or partial at the choice of the owner occupant, shall meet the requirements of this ordinance.

Section IV. A permit shall be obtained from the Fire Chief before the start of construction of the system. A set of blue prints showing the entire sprinkler/suppression system and the rate of flow shall be provided when the permit is obtained. A fee of ~~\$25~~75.00 shall be charged for the permit.

A copy of the permit shall be forwarded to the Code Enforcement Office and no Certificate of Occupancy shall be issued until the system has been properly installed, tested and approved by the Fire Chief or his designee. The test papers from the installer shall be forwarded to the Fire Department upon completion of the system and prior to issuing the certificate of occupancy.

Section V. All sprinkler/suppression systems installed under this ordinance shall have the

following:

1. Any sprinkler/suppression system installed, extended, modified or altered within the Town of Gorham shall be done by a State of Maine licensed installer.
2. Any sprinkler/suppression system that is installed that contains twenty (20) or more sprinkler heads, or the modifications of an existing sprinkler/suppression system which includes twenty (20) additional sprinkler heads, shall have the plans approved by the State Fire Marshal's Office.
3. A tamper switch alarm at the system shut-off, except that this requirement shall not apply to NFPA 13D systems.
4. A flow switch alarm that shall activate an approved supervisory alarm system, which will transmit to an approved receiver or municipal alarm receiver. The determination of what systems and receivers are approved shall be made by the Gorham Fire Department in order to insure that systems are compatible.
5. An evacuation alarm for the building that will sound when the sprinkler/suppression system is activated. The activation alarm shall be audible throughout the entire structure.
6. An outside water flow alarm.
7. Butterfly valves will not be allowed on any Standard 13 system.
8. Sprinkler heads above and below ceilings, and in all areas with a 6" inch or more vertical void and a 24" inch or greater connecting horizontal space.

Section VI. Occupied and unoccupied buildings, or portions thereof of any construction having a sprinkler/suppression system in place, shall maintain all sprinklers and standpipe systems and all component parts in a workable condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection these systems provide, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary for the purpose of conducting tests, repairs, alterations, or additions; provided that the tests, repairs, alterations, or additions are done in such a way as to avoid the creation of a safety hazard.

The Chief of the Fire Department or his designee shall be notified before such tests, alterations, or additions are started.

Section VII. For the purpose of this ordinance, the term "building" shall mean any structure, (excluding any barn, or stable used exclusively for agricultural purposes) having a roof supported by columns or walls and intended for the shelter, storage, housing use, or enclosure of persons, animals, or chattel (other than agricultural food or fertilizer stuffs).

The term "building" shall also include any garage, out-building or other accessory building used for any commercial or industrial purposes.

Section VIII. For the purpose of this ordinance, portions of buildings separated from other

portions by a firewall shall not be considered a separate building.

Section IX. Unit of occupancy means any interior space with defined boundaries described in a deed, lease, license or agreement in which a discreet business, residential living unit, commercial, office, service, industrial or industrial activity by interior or exterior walls.

Section X. Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local Fire Alarm Control Panel to provide zone identification upon activation.

The Fire Alarm Control Panel shall be located as near as possible to the main exit door. There shall also be a building map located at the Fire Alarm Control Panel showing each zone.

Section XI. A lock box or boxes shall be provided outside the structure at locations designated by the Fire Department on any buildings regulated hereunder, containing a key to allow access to all Fire Department areas, except that, for one- and two-family dwellings, the lock box requirement is optional.

Section XII. Any structure containing a sprinkler/suppression system shall be required to have a yearly test completed on the system by a qualified, Maine-licensed sprinkler technician. A written copy of the yearly test report shall be forwarded to the Fire Chief's Office, ~~B~~ by the Maine-licensed technician or his firm: however, if the technician, or his firm, is not paid in full for the inspection within 30 days of the inspection, the Fire Department shall consider the inspection incomplete and in violation of this section of the ordinance.

Notwithstanding this section, the owner of a one- or two-family dwelling with an NFPA 13D system may conduct the annual sprinkler inspection using an self-inspection form provided by the Fire Department if the owner has attended a training course provided by the Fire Department and is recertified every third year with an online course, or equivalent, provided by the Fire Department. The completed self-inspection form shall be forwarded to the Fire Chief's Office.

Every four (4) years, or when there is a change in ownership of the building, whichever occurs sooner, the sprinkler/suppression system, including any anti-freeze loops, shall be inspected by a qualified, Maine-licensed sprinkler technician and the report shall be forwarded to the Fire Chief's Office by the technician or his/her firm.

### ARTICLE III. VIOLATIONS AND LEGAL ACTION:

Section I. When any violation of any provision of this ordinance shall be found to exist, the Town Attorney, as designated by the Municipal Officers and upon notice from the Fire Chief or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town.

### ARTICLE IV. FINES:

Section I. Any person, firm or corporation being the owner or having control or use of any

building or premises who violates any of the provisions of this ordinance, shall be guilty of a ~~civil violation Civil Offense~~ and shall be fined not less than \$25.00 nor more than \$100.00 for each ~~violation. offense~~. Each day such violation is permitted to exist after notification shall constitute a separate offense. Fines may be waived if the property owner enters into a binding consent agreement providing for improvements to the property that will substantially reduce violations of this ordinance to the Fire Chief's reasonable satisfaction and be completed within a reasonable time frame in his/her opinion.

#### ARTICLE V. NEW BUILDING CONSTRUCTION:

- Section I. A ~~approved automatic~~-sprinkler/suppression system shall be installed in all areas of all new buildings meeting any or all of the following requirements.
- A. Three or more stories in height; or
  - B. 36 or more feet in height; or
  - C. 100,000 cubic feet in volume or 10,000 square feet in floor area; or
  - D. All newly constructed residential dwelling units Multiple family (3 or more) or new construction of 3 or more multiple occupant dwelling and/or lodging units which are attached to one another, whether vertically or horizontally, in a configuration of three or more units. Examples include, but not limited to, all new single family and one- and two- family dwelling units, multiplex housing, residential condominium units, garden apartments, hotels, motels, boarding homes and lodging houses, or any residential unit attached horizontally, or vertically, to a commercial or industrial unit; or
  - E. All Mixed-mixed occupancy occupancies, mixed occupancies which shall have the same meaning as defined in NFPA 101 be defined as any occupancy while in the same structure and that share any common egress. (see Section IX in Article II above for definition of Unit of Occupancy)
  - F. Non-residential units of occupancy which are attached to one another, whether vertically or horizontally, in a configuration of three or more units. (see Section IX in Article II above for definition of Unit of Occupancy)
- Section II. Changes of Occupancy: in any building or structure, whether necessitating physical alteration or not, a change from one NFPA occupancy classification to another, or from one occupancy sub-classification to another sub-classification of the same occupancy, shall be permitted only if such structure, building, or portion thereof conforms with the requirements of the NFPA 101 Life Safety Code and this ordinance applying to new construction for the purpose of new use. This section complies with the NFPA 101 Life Safety Code Section 13.12, as adopted by the Town of Gorham and State of Maine.

#### ARTICLE VI. BUILDING ADDITIONS:

##### Section I.

- A. When a building is enlarged, altered, or renovated, an ~~approved automatic~~-sprinkler/suppression system must be installed in the enlarged, altered, or renovated portion if, as a result of the enlargement, alteration, or

renovations, the building as a whole will meet the criteria listed in Article V, Section 1 A through E above, or if the renovations are equal to or greater than fifty percent (50%) of the then current building value as shown on the assessment records of the Tax Assessor of the Town of Gorham. When the area and/or volume of such enlarged, altered, or renovated portion, together with the area and/or volume of any other enlargements, alterations, or renovations occurring since the most recent effective date of this ordinance of any amendments to this ordinance, exceeds 25% of the area and/or volume of the building existing on the effective date of this ordinance, then an ~~approved automatic~~-sprinkler/suppression system must be installed; provided, however, for detached one- or two-family dwellings, both of the percentage thresholds above shall be seventy-five percent (75%).

B. When an existing building containing 3 or more units of occupancy is enlarged, altered or renovated and the enlarged, altered, or renovated portion, together with the area and/or volume of any other enlargements, alterations, or renovations occurring since the effective date of this ordinance, does not exceed 25% of the area and/or volume of the building existing on the effective date of the ordinance, then an ~~approved automatic~~-sprinkler/suppression system is not required. When the area and/or volume of such enlarged, altered, or renovated portion, together with the area and/or volume of any enlargements, alterations, or renovations occurring since the effective date of this ordinance, exceeds 25% of the area and/or volume of the building existing on the effective date of this ordinance, then an ~~approved automatic~~ sprinkler/suppression system must be installed in the entire building.

C. When a new dwelling or lodging unit is created in, or added to, an existing building, a ~~approved automatic~~-sprinkler/suppression system must be installed in the entire building if, as a result of the creation of the new unit, the building as a whole will meet the criteria of Article V, Section 1 (D) or (E).

D. When any other applicable ordinance, code, regulation, rule or statute requires a ~~approved automatic~~-sprinkler/suppression system, then such appliance must be installed accordingly.

#### ARTICLE VII. SPRINKLER/SUPPRESSION SYSTEMS FOR ONE AND TWO FAMILY HOMES:

Section 1. ~~Whenever Commencing with the effective date of these amendments, all new single family and/or two family dwellings dwelling units, including those that are single family or duplex houses one- or two-family dwellings, including and all newly constructed or newly re-purposed dwelling units, are required to be sprinkled, under the requirements of the Town of Gorham's Land Use Ordinances, any other code, regulation, rule of statute, and/or by the Owner's free choice, The~~ the automatic sprinkler/suppression system shall comply with the following:

A. ~~All new residential dwelling units, including all new single Single family and all new one- and two-two-family dwellings, including all newly constructed or newly re-purposed dwelling units,~~ shall be equipped with an NFPA 13D or 13R automatic sprinkler/suppression system. All areas of the building will have sprinkler coverage, with the following exceptions:

- 1) Closets, as allowed under 13D or 13R unless they are used for laundry room or storage of flammable liquids.
- 2) Attics, when the attic is not boarded over, has no stairway or ladder

leading to the attic, and the shuttle hole is not bigger than 24" x 24" or 576 square inches, and the attic is not used for storage and that at least two (2) smoke detectors, hard-wired, into the other detectors in the house, are placed in the attic.

- 3) ~~Attached garages, if there is no living space above or in the garage space and a two-hour wall and a 1½ hour fire door, including the jambs, are placed between the house and the garage. In addition, a sprinkler/suppression system stub shall be installed in the garage and overhead area to allow for the extension of the sprinkler/suppression system into these areas if required in the future. The location of the stub shall be noted on the sprinkler/suppression system plans.~~ Attached garages, if there is no living area above or in the garage space and a two-hour firewall is placed between the house and garage.
- 4) The sprinkler/~~suppression~~ system is not required to be monitored by an outside source. However, an electric alarm bell ~~and a flashing red LED light or a combination horn/light unit shall be~~ located on the outside of the building ~~is required~~.
- 5) A single two and one half inch (2½") Fire Department ~~connection~~ Connection is to be placed on the outside of the building. Exception: combination systems.

#### ARTICLE VIII. APPEALS:

Section 1. Appeals shall lie from the decision of the Fire Chief to the Board of Appeals and from the Board of Appeals to the Superior Court as provided by law.

A. The Board of Appeals shall have the following powers and duties:

- 1) Administrative Appeals to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Fire Chief in the enforcement of this Code. The ~~action account~~ of the Fire Chief may be modified or reversed by the Board of Appeals by majority vote.

Section 2. In all cases, a person aggrieved by a decision of the Fire Chief shall commence his appeal within thirty (30) days after issuance of a written decision by the Fire Chief. The appeal shall be filed with the Town Clerk on forms to be approved by the Town Council, 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 at the time of filing his appeal, which shall not be refundable. 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.

Section 3. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. The Town Clerk shall cause notice of the appeal to be published in a newspaper of general circulation in the Town at least seven days prior to the date of hearing. The notice of appeal shall be in a form which the Town Clerk deems to be an adequate summary of the appeal.



Section 4. Following the filing of an appeal, the Town Clerk shall notify the Fire Chief and the appeal shall be in order for hearing within sixty (60) days of the receipt of the appeal.

Section 5. For the purposes of this section, the owners of property shall be considered to be the parties listed by the Assessor of Taxes for the Town of Gorham as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

Section 6. At any hearing, a party may appear by agent or attorney. Hearings shall not be continued to other times except for good cause.

Section 7. The Fire Chief or his representative as designated by the Town Manager shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

[Note: additions are underlined and deletions are ~~struck out~~.]

Applicability date: notwithstanding the provisions of 1 M.R.S.A. Sec. 302, or any other provisions of applicable law, the amendments shown above shall be applicable, to the maximum extent allowed by law, to any and all residential, commercial, institutional or industrial property for which no building permit has in fact been lawfully obtained as of October 5, 2018.

Moved by Councilor Smith, seconded by Councilor Hager and ORDERED, to amend the Item to strike out article VII, Section 1, A-2 from the Ordinance.

Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, to amend the previous Amendment, to change article VII, Section 1, A-2 to say; Attics, when the attic is not boarded over, has no stairway or ladder leading to the attic, and the shuttle hole is not bigger than 24"x24: or 576 square inches, and the attic is not used for storage and that **at least one (1) smoke detector**, hardwired, into the other detectors in the house, are placed in the attic. **7 yeas**

Moved by Councilor Smith, seconded by Councilor Hager and ORDERED, to amend the ordinance to change the wording in Article VII, Section 1, A-3 to Attached garage, if there is no living space above or in the garage space and **a 1 hour wall and a 1 hour fire door**, including the jambs, are placed between the house and the garage. **0 yeas, 7 nays (All Councilors) Amendment fails**

Moved by Councilor Hartwell, seconded by Councilor Hager and ORDERED, to amend the ordinance to change the wording in Article II, Section XII to state; Notwithstanding this section, the owner of a one or two family dwelling with an NFPA 13D system, except for the antifreeze loop systems, may conduct the annual sprinkler inspection using a self-inspection form provided by the Fire Department if the owner has attended a training course provided by the Fire Department and is recertified every third year with an online course, or equivalent, provided by the Fire Department. **7 yeas**

**Councilor Stelk made a motion to call for a vote.**

**Item #9369 was VOTED as amended. 5 yeas, 2 nays (Benner, Phillips)**

The new Fire Suppression Systems Ordinance reads as follows:

## **FIRE SUPPRESSION SYSTEMS ORDINANCE**

**ADOPTED JULY 7, 1987; effective August 6, 1987**

**AMENDED OCTOBER 6, 1987; effective October 6, 1987**

**AMENDED July 10, 1990 effective July 10, 1990**

**REVISED SEPTEMBER 4, 2001; effective October 7, 2001**

**Revised September 4, 2018 ; effective October 5, 2018**

### ARTICLE I. PURPOSE:

- Section I. To establish an ordinance governing the installation of Fire Suppression Systems in certain buildings within the Town of Gorham.

### ARTICLE II. Definitions and Requirements:

- Section I. A "sprinkler/fire suppression system" shall mean an approved automatic system installed in accordance with the National Fire Protection Association NFPA Standard 13, NFPA 13R, NFPA 13D, and NFPA 750 and in accordance with the provisions of this ordinance and approved by the State Fire Marshal's Office, and shall remain subject to the Fire Chief's approval under Section III below.
- Section II. Any structure requiring the installation of a Standard 13 or 13R System shall have a Fire Department Connection as that term is defined in NFPA. The location of the Fire Department Connection shall be approved by the Fire Chief and properly signed as the Fire Department Sprinkler Connection.
- The department connection shall be kept clear of any obstruction, such as bushes, grass, or debris.
- Section III. The type of system to be installed and its adequacy of life safety from fire in accordance with the provisions of this ordinance shall be reviewed and approved by the Fire Chief or his designee in accordance with this ordinance, provided adequate provisions are made for life and property safety. Any sprinkler, or suppression system installed, whether complete or partial at the choice of the owner occupant, shall meet the requirements of this ordinance.
- Section IV. A permit shall be obtained from the Fire Chief before the start of construction of the system. A set of blue prints showing the entire sprinkler/suppression system and the rate of flow shall be provided when the permit is obtained. A fee of \$75.00 shall be charged for the permit.
- A copy of the permit shall be forwarded to the Code Enforcement Office and no Certificate of Occupancy shall be issued until the system has been properly installed, tested and approved by the Fire Chief or his designee. The test papers from the installer shall be forwarded to the Fire Department upon completion of the system and prior to issuing the certificate of occupancy.
- Section V. All sprinkler/suppression systems installed under this ordinance shall have the following:
9. Any sprinkler/suppression system installed, extended, modified or altered within the Town of Gorham shall be done by a State of Maine licensed installer.

10. Any sprinkler/suppression system that is installed that contains twenty (20) or more sprinkler heads, or the modifications of an existing sprinkler system which includes twenty (20) additional sprinkler heads, shall have the plans approved by the State Fire Marshal's Office.
11. A tamper switch alarm at the system shut-off, except that this requirement shall not apply to NFPA 13D systems.
12. A flow switch alarm that shall activate an approved supervisory alarm system, which will transmit to an approved receiver or municipal alarm receiver. The determination of what systems and receivers are approved shall be made by the Gorham Fire Department in order to insure that systems are compatible.
13. An evacuation alarm for the building that will sound when the sprinkler/suppression system is activated. The activation alarm shall be audible throughout the entire structure.
14. An outside water flow alarm.
15. Butterfly valves will not be allowed on any Standard 13 system.
16. Sprinkler heads above and below ceilings, and in all areas with a 6" inch or more vertical void and a 24" inch or greater connecting horizontal space.

Section VI. Occupied and unoccupied buildings, or portions thereof of any construction having a sprinkler/suppression system in place, shall maintain all sprinklers/suppression and standpipe systems and all component parts in a workable condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection these systems provide, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary for the purpose of conducting tests, repairs, alterations, or additions; provided that the tests, repairs, alterations, or additions are done in such a way as to avoid the creation of a safety hazard.

The Chief of the Fire Department or his designee shall be notified before such tests, alterations, or additions are started.

Section VII. For the purpose of this ordinance, the term "building" shall mean any structure, (excluding any barn, or stable used exclusively for agricultural purposes) having a roof supported by columns or walls and intended for the shelter, storage, housing use, or enclosure of persons, animals, or chattel (other than agricultural food or fertilizer stuffs).

The term "building" shall also include any garage, out-building or other accessory building used for any commercial or industrial purposes.

Section VIII. For the purpose of this ordinance, portions of buildings separated from other portions by a firewall shall not be considered a separate building.

Section IX. Unit of occupancy means any interior space with defined boundaries described in a deed, lease, license or agreement in which a discreet business, residential living unit, commercial, office, service, industrial or industrial activity by interior

or exterior walls.

Section X. Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local Fire Alarm Control Panel to provide zone identification upon activation. The Fire Alarm Control Panel shall be located as near as possible to the main exit door. There shall also be a building map located at the Fire Alarm Control Panel showing each zone.

Section XI. A lock box or boxes shall be provided outside the structure at locations designated by the Fire Department on any buildings regulated hereunder, containing a key to allow access to all Fire Department areas, except that, for one and two family dwellings, the lock box requirement is optional.

Section XII. Any structure containing a sprinkler/suppression system shall be required to have a yearly test completed on the system by a qualified, Maine-licensed sprinkler technician. A written copy of the yearly test report shall be forwarded to the Fire Chief's Office by the Maine-licensed technician, or his firm; however, if the technician, or his firm, is not paid in full for the inspection services within 30 days of the inspection, the Fire Department shall consider the inspection incomplete and in violation of this section of the Ordinance.

Notwithstanding this section, the owner of a one or two family dwelling with an NFPA 13D system, except for the antifreeze systems, may conduct the annual sprinkler inspection using an self- inspection form provided by the Fire Department if the owner has attended a training course provided by the Fire Department and is recertified every third year with an on line course, or equivalent, provided by the Fire Department. The completed self- inspection form shall be forwarded to the Fire Chief's Office.

Every four (4) years or when there is a change in ownership of the building, whichever occurs sooner, the sprinkler/suppression system, including any anti-freeze loops shall be inspected by a qualified, Maine-licensed sprinkler Technician and the report shall be forwarded to the Fire Chief's Office by the Technician or his firm.

### ARTICLE III. VIOLATIONS AND LEGAL ACTION:

Section I. When any violation of any provision of this ordinance shall be found to exist, the Town Attorney, as designated by the Municipal Officers and upon notice from the Fire Chief or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town.

### ARTICLE IV. FINES:

Section I. Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this ordinance, shall be guilty of a civil violation and shall be fined not less than \$25.00 nor more than \$100.00 for each violation. Each day such violation is permitted to exist after notification shall constitute a separate offense. Fines may be waived if the property owner enters into a binding consent agreement providing for improvements to the property that will substantially reduce violations of this

ordinance to the Fire Chief's reasonable satisfaction and be completed within a reasonable time frame in his/her opinion.

#### ARTICLE V. NEW BUILDING CONSTRUCTION:

- Section I. A sprinkler/suppression system shall be installed in all areas of all new buildings meeting any or all of the following requirements.
- A. Three or more stories in height; or
  - B. 36 or more feet in height; or
  - C. 100,000 cubic feet in volume or 10,000 square feet in floor area; or
  - D. All newly constructed residential dwelling units and/or lodging units which are attached to one another, whether vertically or horizontally, in a configuration of three or more units. Examples include, but not limited to, all new one and two family dwelling units, multiplex housing, residential condominium units, garden apartments, hotels, motels, boarding homes and lodging houses, or any residential unit attached horizontally, or vertically, to a commercial or industrial unit; or
  - E. All mixed occupancies which shall have the same meaning as defined in NFPA 101. (see Section IX in Article II above for definition of Unit of Occupancy)
  - F. Non-residential units of occupancy which are attached to one another, whether vertically or horizontally, in a configuration of three or more units. (see Section IX in Article II above for definition of Unit of Occupancy)
- Section II. Changes of Occupancy: in any building or structure, whether necessitating physical alteration or not, a change from one NFPA occupancy classification to another, or from one occupancy sub-classification to another sub-classification of the same occupancy, shall be permitted only if such structure, building, or portion thereof conforms with the requirements of the NFPA 101 Life Safety Code and this ordinance applying to new construction for the purpose of new use. This section complies with the NFPA 101 Life Safety Code Section 13.12, as adopted by the Town of Gorham and State of Maine.

#### ARTICLE VI. BUILDING ADDITIONS:

Section I.

- E. When a building is enlarged, altered, or renovated, a sprinkler/suppression system must be installed in the enlarged, altered, or renovated portion if, as a result of the enlargement, alteration, or renovations, the building as a whole will meet the criteria listed in Article V, Section 1 A through E above, or if the renovations are equal to or greater than fifty percent (50%) of the then current building value as shown on the assessment records of the Tax Assessor of the Town of Gorham. When the area and/or volume of such enlarged, altered, or renovated portion, together with the area and/or volume of any other enlargements, alterations, or renovations occurring since the most recent effective

date of any amendments to this ordinance, exceeds 25% of the area and/or volume of the building existing on the most recent effective date of any amendments to this ordinance amendment, then a sprinkler/suppression system must be installed; provided, however, for detached one or two family dwellings and detached duplex dwellings, both of the percentage thresholds above shall be seventy-five percent (75%).

- F. When an existing building containing 3 or more units of occupancy is enlarged, altered or renovated and the enlarged, altered, or renovated portion, together with the area and/or volume of any other enlargements, alterations, or renovations occurring since the effective date of this ordinance, does not exceed 25% of the area and/or volume of the building existing on the effective date of the ordinance, then a sprinkler/suppression system is not required. When the area and/or volume of such enlarged, altered, or renovated portion, together with the area and/or volume of any enlargements, alterations, or renovations occurring since the effective date of this ordinance, exceeds 25% of the area and/or volume of the building existing on the effective date of this ordinance, then a sprinkler/suppression system must be installed in the entire building.
- G. When a new dwelling or lodging unit is created in, or added to, an existing building, a sprinkler/suppression system must be installed in the entire building if, as a result of the creation of the new unit, the building as a whole will meet the criteria of Article V, Section 1 (D) or (E).
- H. When any other applicable ordinance, code, regulation, rule or statute requires a sprinkler/suppression system, then such appliance must be installed accordingly.

#### ARTICLE VII. SPRINKLER/SUPPRESSION SYSTEMS FOR ONE AND TWO FAMILY HOMES:

- Section 1. Commencing with the effective date of these amendments, all new dwelling units, including those that are single family or duplex houses, including those that are one or two family dwellings and all newly constructed or newly re-purposed dwelling units, are required to be sprinkled. The automatic sprinkler/suppression system shall comply with the following:
  - A. All new residential dwelling units, including all new one and two family dwellings, including all newly constructed or newly re-purposed dwelling units, shall be equipped with an NFPA 13D or 13R automatic sprinkler/suppression system. All areas of the building will have sprinkler coverage, with the following exceptions:
    - 1) Closets, as allowed under 13D or 13R unless they are used for laundry room or storage of flammable liquids.
    - 2) Attics, when the attic is not boarded over, has no stairway or ladder leading to the attic, and the shuttle hole is not bigger than 24" x 24" or 576 square inches, and the attic is not used for storage and that at least one (1) smoke detector, hard-wired, into the other detectors in the house, are placed in the attic.
    - 3) Attached garages, if there is no living space above or in the garage space and a two hour wall and a 1 ½ hour fire door including the jams is placed between the house and the garage. In addition a sprinkler/suppression system stub shall be installed in the garage and

overhead area to allow for the extension of the sprinkler/suppression system into these areas if required in the future. The location of the stub shall be noted on the sprinkler/suppression system plans.

- 4) The sprinkler/suppression system is not required to be monitored by an outside source. However, an electric alarm bell and a flashing red LED light or a combination horn/light unit shall be located on the outside of the building.
- 5) A single two and one half inch (2½") Fire Department Connection is to be placed on the outside of the building. Exception: combination systems

#### ARTICLE VIII. APPEALS:

Section 1. Appeals shall lie from the decision of the Fire Chief to the Board of Appeals and from the Board of Appeals to the Superior Court as provided by law.

A. The Board of Appeals shall have the following powers and duties:

- 1) Administrative Appeals to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Fire Chief in the enforcement of this Code. The action of the Fire Chief may be modified or reversed by the Board of Appeals by majority vote.

Section 2. In all cases, a person aggrieved by a decision of the Fire Chief shall commence his appeal within thirty (30) days after issuance of a written decision by the Fire Chief. The appeal shall be filed with the Town Clerk on forms to be approved by the Town Council, 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 at the time of filing his appeal, which shall not be refundable. 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.

Section 3. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. The Town Clerk shall cause notice of the appeal to be published in a newspaper of general circulation in the Town at least seven days prior to the date of hearing. The notice of appeal shall be in a form which the Town Clerk deems to be an adequate summary of the appeal.

Section 4. Following the filing of an appeal, the Town Clerk shall notify the Fire Chief and the appeal shall be in order for hearing within sixty (60) days of the receipt of the appeal.

Section 5. For the purposes of this section, the owners of property shall be considered to be the parties listed by the Assessor of Taxes for the Town of Gorham as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

Section 6. At any hearing, a party may appear by agent or attorney. Hearings shall not be

continued to other times except for good cause.

Section 7. The Fire Chief or his representative as designated by the Town Manager shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

Applicability date: notwithstanding the provisions of 1 M.R.S.A. Sec. 302, or any other provisions of applicable law, the amendments shown above shall be applicable, to the maximum extent allowed by law, to any and all residential, commercial, institutional or industrial property for which no building permit has in fact been lawfully obtained as of October 5, 2018, the date on which these amendments first appeared on the Town Council agenda.

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

Moved by Councilor Stelk, seconded by Councilor Smith and VOTED to waive the reading of the Item due to its length. **7 yeas**

**Item #9315** Moved by Councilor Stelk, seconded by Councilor Benner and ORDERED, that the Town Council amend the Land Use & Development Code as follows:

#### CHAPTER 1: ZONING REGULATIONS

##### SECTION 1-5 – DEFINITIONS

##### Net Acreage

The area of any parcel generally suitable, in its natural state, for development and theoretically related to the natural capacity of the land to support a certain intensity of use. The net acreage shall be determined by subtracting unsuitable areas from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted in the following order:

1. Fifteen (15) percent of the total acreage of the parcel as an estimated allowance for new access roads and parking areas, whether or not the actual area devoted to these uses is greater or less than 15 percent.
2. Areas that are, because of existing land uses, natural features, or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the parcel, as determined by the Town Planner, whose determination is subject to Planning Board review in the event of a dispute.



3. Areas within a floodway or 100-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.
4. Wetland areas, defined as hydric soil in conjunction with hydrophytic vegetation, or land which has been created by filling or draining a wetland or pond.
5. Areas of rights-of-way and easements, except for new access roads deducted above and rights-of-way or easements for landscaped buffer strips and walking/bicycle paths not part of a street right-of-way.
6. Stream channels, as measured from the top of banks, and other surface water bodies, as measured from the high water mark.
7. Areas of 33 percent sustained slope or more. Slope areas of 20 to 33 percent shall also be deducted unless the developer can demonstrate to the Planning Board's satisfaction that these slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized, and that any slope development will minimize soil erosion and comply with Maine State Plumbing Code.
8. Areas of unreclaimed gravel or borrow pits.
9. Areas with very poorly drained soils areas, as measured from a Class A high-intensity soils survey as identified under Maine Association of Professional Soil Scientists guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping map prepared by a certified soil scientist in accordance with the National Cooperative Soil Survey Classification.
10. For sites not served by public sewer and water, fifty (50) percent of the areas with poorly drained soils, and twenty-five (25) percent of the areas with soils with multiple drainage classifications, one of which is poorly drained (i.e., poorly drained to somewhat poorly drained), as measured from a high-intensity soils survey and map prepared by a certified soil scientist in accordance with the Maine Association of Professional Soil Scientists guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping-National Cooperative Soil Survey Classification. This deduction is to account for the marginal development suitability of these soils if public sewer and water are not available.
11. Other areas that the Planning Board determines could not, in their natural state, be incorporated into conventional subdivision lots of the minimum required area.

No building or structure shall be sited in areas treated as 100 percent deductions from the parcel's gross area. Siting of structures in areas treated as 50 percent deductions shall be discouraged but permitted where the applicant/developer demonstrates that measures will be taken to minimize erosion, sedimentation, and seasonal wetness, that these areas are stable for the siting of structures and that proposed

subsurface waste disposal systems are sited away from marginal soils and otherwise meet the State of Maine Subsurface Waste Disposal Rules.

Net Residential Density

The maximum number of dwelling units allowed on a parcel of land. The net residential density of a parcel is determined by dividing the net acreage\* of the parcel by the minimum lot area per dwelling unit.

\*See definition of net acreage

CHAPTER 3: SUBDIVISION  
SECTION 3-3 - PRELIMINARY PLAN

B. REQUIREMENTS

- 11) Location and boundaries of soil areas and their names in accord with ~~the~~ a Class A Soil Survey as identified in the Maine Association of Professional Soil Scientists guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping National Cooperative Soil Survey Classification, and identifying each soil for any separate area of one-eighth of an acre or larger in size. Such study ~~shall~~ may be undertaken or approved ~~peer reviewed as to its accuracy by a third party licensed soil scientist hired by the Town to provide Cumberland County Soil and Water Conservation District as supplied with~~ technical assistance by to the Planning Board Soil Conservation Service.

The requirement for a class A survey may be waived to a Class B survey by the Planning Board for subdivisions and subdivision amendments not required to provide the net acreage calculation required under Chapter 1 and/ or where public water supply is available to serve the lots.

The requirement for a class A survey may be completely waived by the Planning Board for subdivision amendments not creating new lots within the subdivision.

[Note: additions are underlined and deletions are ~~struck out~~.]

|  
**Item # 9315 was voted. 7 yeas**

Moved by Councilor Stelk, seconded by Councilor Smith and VOTED to waive the reading of the Item due to its length. **7 yeas**

**Item # 9196**

Moved by Councilor Stelk, seconded by Councilor Benner and ORDERED, that the Town Councilor forward a proposal to amend the Land Use & Development Code allowing increased density within a new Small Dwellings Overlay District, to the Planning Board for a Public Hearing and their recommendation, as follows;

#### Small Dwellings Overlay District:

Structure Requirements: Residential buildings eligible for conversion into small dwelling unit buildings must have been constructed prior to or in 1925. Additions are allowed but cannot increase the size of the building by more than 25% and the additions need to meet all underlying zoning space standards. Commercial buildings and residential buildings built after 1925 cannot be used for conversion to small dwelling unit buildings.

Space Standards: The standard residential density for the lot is based on the underlying zoning district's space standards. Lot owners located in the overlay district are allowed to convert the standard residential density to small dwelling units based on the below formula:

|                             |                        |
|-----------------------------|------------------------|
| 1 bedroom apartment         | 1/3 of a dwelling unit |
| 2 bedroom apartment         | 2/3 of a dwelling unit |
| 3 or more bedroom apartment | 1 dwelling unit        |

Bonus Unit Provisions: Existing structures and lots that could support and meet the required performance standards for additional small dwelling units may add dwelling units as identified under Chapter 1, Section 1-18 Development Transfer Overlay District, E. Performance Standards, 1. Development Transfer Fee and Calculations.

#### Fee Based Calculation:

|                             |                         |
|-----------------------------|-------------------------|
| 1 bedroom apartment         | 1/3 of a bonus unit fee |
| 2 bedroom apartment         | 2/3 of a bonus unit fee |
| 3 or more bedroom apartment | 1 full bonus unit fee   |

Off-street Parking Standards: Conversion of existing buildings into small dwelling unit structures must meet the following requires:

|                             |                    |
|-----------------------------|--------------------|
| 1 bedroom apartment         | 1 parking space    |
| 2 bedroom apartment         | 1.5 parking spaces |
| 3 or more bedroom apartment | 2 parking spaces   |

Half parking spaces are required to be rounded up to the next full number. Parking is not allowed within the front yard setback as identified in the underlying zoning district or no portion of the lot between the street to the front building line shall be used for off-street parking.

Buffering requirements: The conversion and development of the site shall comply with the requirements under Chapter 2: General Standards of Performance, Section 2-1: Environmental, I. Buffer Areas.

Town Review Requirements: The conversion of existing buildings into multiple small dwelling units shall be subject to review and approval under the provisions of the Chapter 3: Subdivision and Chapter 4: Site Plan. The conversion also must meet all the requirements under Chapter 2: General Standards of Performance except it is not required to meet the standards under Chapter 2, Section 2-4 Residential, B. Performance Standards for Multi-family Housing.

Public Utilities: Structures are required to be connected to public water and sewer meeting the requirements of the Portland Water District and the Town of Gorham.

Fire and Building Codes: The conversation of the structure shall comply with all applicable Fire and Building Code requirements.

Minimum Apartment Sizes: The total floor area of an apartment unit shall meet the following minimum standards.

Studio: 400 square feet  
1 bedroom: 550 square feet  
2 bedrooms: 700 square feet  
3 bedrooms: 850 square feet  
4 bedrooms: 1,000 square feet

(Note - Additions underlined and zone is identified in a new map)

**Item # 9196 VOTED. 7 yeas**

Moved by Councilor Benner, seconded by Councilor Stelk and VOTED, to waive the reading of the item due to its length. 7 yeas

**Item # 9331**

Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council forward a proposal to amend the Land Use & Development Code to remove certain fire protection water supply requirements, to the Planning Board for a Public Hearing and their recommendation, as follows:

SECTION 2-11 - FIRE PROTECTION WATER SUPPLY

- A. Purpose. The purpose of this Section is to establish standards for the installation of fire protection ~~water supplies in residential subdivisions where a public water system and hydrants are not available,~~ where public water supplies exist or could feasibly be extended, as established under Chapter 2, Section 2-10. Water lines and fire hydrants shall be provided as determined by the Gorham Fire Chief,
- B. Applicability. This Section applies to all applications for new ~~residential~~ subdivisions and for the expansion of existing or already approved ~~residential~~ subdivisions.
- C. ~~Standards. Where a public water system and hydrants are not available for fire protection, a developer shall install a fire protection water supply that meets the following standards:~~
  - 1) ~~Except as otherwise provided in Subsection C(6) of this Section, the fire protection water supply shall include a fire pond which shall be designed with 2:1 pitched bankings and shall have a minimum depth of ten feet (10').~~
  - 2) ~~The fire pond shall contain a minimum of 120,000 gallons of water in storage as certified by a registered professional engineer, for the purpose of supplying the fire flow requirements of 500 gallons per minute for the duration of two (2) hours, with the additional amount being a safety margin for dry weather and additional fires.~~

This water storage level shall be maintained at all times by a spring, well point, pumping facility and rain and snow run-off.

An overflow system shall be installed with proper drainage materials and facilities to handle the projected overflow.

- 3) — The fire protection water supply shall include dry hydrants and associated piping and materials, which shall be installed in accordance with the illustration attached hereto as Figure 1 and the provisions of paragraph 5.
- 4) — In cases where the dry hydrant cannot be placed next to a Town accepted street, an access road to the dry hydrant shall be provided to allow a fire department pumper to be capable of connecting to the dry hydrant connection with one (1) ten foot (10') length of hard suction hose.

The access road shall be a mini D of twelve feet (12') wide and capable of handling fire department apparatus in all seasons and weather conditions. The access road shall be approved as meeting these requirements by the Town Engineer, and the developer shall, prior to final subdivision approval, provide an executed easement deed to this access road to the Town in a form approved by the Town Attorney. The access road shall be posted "No Parking Fire Lane".

- 5) — Dry hydrants shall be installed in accordance with the following standards:
  - a) — A minimum of eight inch (8") piping and fittings shall be utilized from the screen to the 90 degree elbow.
  - b) — Piping and fittings shall be a minimum of schedule 40 rating. The streamer hose connection shall be bronze with a 4 1/2 inch National Standard Thread (NST).
  - c) — The riser piping and 90 degree elbows shall be schedule 40 steel.
  - d) — The piping from the suction screen to the 90 degree elbow below ground shall be schedule 40 PVC pipe capped off at the screen end.
  - e) — All pipe connections shall be cleaned and cemented so as to provide air tight connections.
  - f) — The 90 degree elbow below ground shall have six feet (6') of cover from finished grade.
  - g) — The maximum amount of lift permitted shall be fifteen feet (15') as measured from the surface of the water to the center of the suction inlet of a pumper at draft at the dry hydrant.

- h) — The riser piping shall be exposed above grade level twenty four inches (24") as measured from the center of the hydrant opening to the grade level of the fire apparatus position.
  - i) — A suction screen shall be formed in the end of the PVC pipe by drilling a minimum of nine hundred and sixty (960) 3/8" holes along the piping leaving a four inch (4") wide strip along the top of the pipe that is not drilled. The suction screen shall be raised off the bottom of any Fire Pond twenty four inches (24"), and shall be twenty four inches (24") away from
  - j) — All piping and fittings exposed to sunlight shall be primed and painted with fluorescent orange reflective paint, except the threads of the streamer connection.
  - k) — The hydrant riser pipe shall be protected with four inch (4") in diameter steel pumper posts that are at least three feet (3') above grade.
  - l) — The area around the pond and where the piping has been installed shall be graded and seeded.
  - m) — Fencing is optional; however, if a fence is provided it shall have a gate access point and a lock box shall be installed holding the keys for the gate.
  - n) — The maximum distance from the dry hydrant to any dwelling with the project shall be two thousand feet (2,000')
- 6) — Storage tanks. In cases where a pond cannot be supported, the developers shall install underground storage tanks, the size and number of which shall be determined by the Fire Chief; proof shall be supplied by the developer that the property to be developed will not support a fire pond before the developer will be allowed to substitute underground storage tanks for a fire pond.
- D. — Easement Deed. The developer shall, prior to final subdivision approval, provide an executed dry hydrant easement deed to the Town in a form approved by the Town Attorney to provide the Town of Gorham with the right to enter onto the property to use, maintain, repair, replace and install the fire pond or underground storage tanks, dry hydrant, water lines and all necessary fixtures and appurtenances.
- E. — Plan. A detailed plan of the fire pond or underground storage tanks, hydrant, piping, overflow and roadway shall be submitted to the Fire Chief and Town Engineer and to the Planning Board as part of the Preliminary Plan submission in Chapter 3, Section 3-3.B(17) of this Code. The Fire Chief and Town Engineer shall review the plan and make their recommendations in writing to the Planning Board.
- F. — Inspection. The fire protection water supply with dry hydrant shall be installed by the developer in accordance with these standards and no certificate of occupancy for any dwelling in the subdivision shall be issued unless and until the fire protection water supply

~~and dry hydrant are tested and approved as being in working order by the Fire Chief or his designee and the Town Engineer.~~

~~G. The requirement of Compliance with this ordinance shall not apply if the developer, as a written condition of subdivision approval, agrees to install a sprinkler system in each and every dwelling in accordance with the Town's Sprinkler Ordinance.~~

[Note: additions are underlined and deletions are ~~struck out~~.]

**Item #9331 was VOTED. 7 yeas**

**Item # 9373**

Moved by Councilor Benner, seconded by Councilor Stelk and ORDERED, that the Town Council approve all applications from the Senior Property Tax Relief Program as reviewed and recommended by staff, and

Be it further ordered that \$12,560 be transferred into the existing program budget from Contingency Account 950-02-50640 to cover all approved application rebates at their qualifying amounts. **6 yeas, 1 nay (Smith)**

**Item # 9374**

Moved by Councilor Stelk, seconded by Councilor Hager and ORDERED, that the Town Council authorize a referendum for November 6, 2018 to borrow up to \$1,900,000 to replace the heating, ventilation and air conditioning system in the Gorham Middle School, and

Be It Further Ordered, that the Town Council schedules a Public Hearing on October 2, 2018.

Several people spoke in disapproval of the referendum question. Norm Justice gave a presentation on what the project would entail. Hollis Cobb reported that the bond would be for 10 years at 2.75% interest.

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to amend the item to reflect the cost of the bond would be \$2,100,000 instead of \$1,900,000 due to the uncertainty of the bidding process. **5 yeas, 2 nays (Smith, Shepard)**

**Item # 9374 VOTED as amended. 3 yeas, 4 nays (Hartwell, Benner, Shepard, Philips)**  
**Item fails**

**Item # 9375**

Moved by Councilor Shepard, seconded by Councilor Stelk and ORDERED, that the Town Council authorize a referendum for November 6, 2018 to allow the Gorham School Department to enter into an Interlocal Agreement with the Greater Sebago Educational Alliance, and

Be it further Ordered, that the Town Council schedules a public hearing on October 2, 2018. **7 yeas**

**Item #9376**

Moved by Councilor Stelk, seconded by Councilor Shepard and ORDERED, that the Town Council instruct staff to review the feasibility of a moratorium(s) on new construction of single-family homes, duplexes, multi-family buildings, accessory apartments, and subdivisions and bring back to the Council for its review and consideration. **5 yeas, 2 nays (Hartwell, Benner)**

**Item #9377**

Moved by Councilor Stelk, seconded by Councilor Smith and ORDERED, that the Town Council go into Executive Session pursuant to Title 1, MRSA Section 405 (6) (A) for a performance evaluation of the Town Manager. **7 yeas**

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

Moved by Councilor Phillips, seconded by Councilor Smith and VOTED to adjourn. **7 yeas**

Time of adjournment; 9:59pm

A True Record of Meeting  
09/05/2018

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