

REPORT OF THE  
GORHAM TOWN COUNCIL  
SPECIAL MEETING  
June 18, 2019

Chairman Hartwell opened the meeting with the Pledge of Allegiance to the Flag. There were 26 members of the public in attendance at the start of the meeting.

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

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to take an Item not on the Agenda, and discuss a resolution to create a fund for asylum seekers, at the end of the meeting. **7 yeas**

**Chairman Hartwell opened public hearing # 1.**

Bruce Roullard, 46 School Street presented the Council with the Town of Gorham Fraternity/Sorority House Ordinance and remarked that some of the Sections in that ordinance could be incorporated into the Rooming House Ordinance. He reminded Council that 24 School Street has been designated as a Fraternity house for the last 36 years.

Susan Duchaine voiced her opinion on the Courage House and expressed that the Town has an obligation to help with the drug problem in our State. She fully supports Sober Houses and hopes the Town does not shut them down.

Priscilla Wheatley, 257 Fort Hill Road, addressed the moratorium on Rooming Houses and thinks that it is a terrible mistake. She believes that there should be an opportunity for anyone to seek treatment and live in a good environment.

Ingrid Semle, Gorham Residence for Responsible Growth, supports the moratorium on Rooming Houses and would like the Council to consider making it retroactive to April. She would also like the Council to sponsor an item for an ordinance for no smoking within 50 feet of a daycare.

Sara Valentine, 35 Libby Avenue, thanked the Council for keeping the communication going with the public about the Courage House. She also would like to see the operators of the Courage House work with Town on the many issues. She encouraged the Councilors to do more research on Sober Living Houses in Maine and to learn the different guidelines and rules around them. She hopes that Gorham can be a benchmark leader for other towns.

Shonn Moulton, 109 Narragansett Street, understands that there is a need in Gorham for Sober Living Houses and hopes that the Courage House is successful. He is concerned for the many children that walk the streets around the Courage House and thinks that it is not the proper place for the House.

Ben Wilson, 20 College Avenue, voiced his opinion on the Courage House and is concerned that there is no limit on what kind of crimes were committed for admittance into the House. He understands that at the April meeting with Councilors, staff was instructed to do research on Sober Houses but no findings have been released. He wonders if the moratorium is a good enough solution for Sober Houses.

Lucille Brockman, 121 School Street is in support of Sober Houses and hopes that the Courage House is completely successful.

Allison Lowell, Gorham Residence for Responsible Growth, shared that she is in support of recovery programs and being a Social Worker for over 25 years, has learned a great deal on the subject. She is concerned that the Courage House will not be licensed or certified and will not be regulated by anyone. She would like the Council to do more research and be more active as it is their responsibility to the citizens of Gorham to provide a safe environment for everyone.

Michael Boudewyns, 35 Libby Avenue, addressed the fact the the Courage House is not a rooming house and that the Rooming House Ordinance will not affect it. He believes that the Courage House should be regulated and helping people in their recovery should be the 1<sup>st</sup> goal, not making money.

Phil Gagnon, 91 Gordon Farms Road, thinks that the Council should be proactively looking at other Towns Ordinances to help create an Ordinance for the Town of Gorham. He does not believe that the Courage House is a good fit for the area.

Clair Miner, 32 Green Street, commented that she is not against people in recovery but would like to know the success rate facts and raw data of Sober Houses. She believes that the Town should get a 2<sup>nd</sup> opinion from a lawyer on the decisions being made. She thinks that the moratorium is a good idea to help come up with a plan on Sober Houses.

Paula Green, 13 Kingfisher Court, fully supports recover and sober houses but has several concerns about the Courage House. She is concerned about the children nearby, that the house will not be monitored at night time or much during the day, and that there so many residents in the house. She believes in order for the residents to get the best treatment, they should be given quality care. She would like the Council to put the residents of Gorham first and make the best decisions.

Public hearing # 1 was closed.

Moved by Councilor Hager, seconded by Councilor Pratt and VOTED to waive the reading of Item #9452 due to length. **7 yeas**

**Item #9452** Moved by Councilor Pratt seconded by Councilor Wilder Cross and ORDERED, that the Town Council accept the following moratorium ordinance on Rooming Houses;

### **TOWN OF GORHAM MORATORIUM ORDINANCE ON ROOMING HOUSES**

WHEREAS, under the Town's current Land Use and Development Code, rooming houses, which are defined as "any dwelling in which more than three persons, whether individually or as families, are housed for compensation with or without meals," are permitted uses in many zoning districts, including the Gorham Village Center and Little Falls Village Center districts; and

WHEREAS, there are currently no performance standards under Chapter 2 of the Land Use and Development Code (General Standards of Performance) to regulate the operation of rooming houses within the Town; and

WHEREAS, the unregulated location and operation of rooming houses within the Town raises legitimate and substantial questions about the impact of such uses on the Town, including questions of

the compatibility of rooming houses with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of rooming houses on the community if not properly regulated; the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's streets and infrastructure to accommodate the additional traffic, parking and/or population that may result from the addition of rooming houses; and

WHEREAS, the possible effect of the location and operation of new rooming houses within the Town has serious implications for the health, safety and welfare of the Town and its residents; and

WHEREAS, the Town needs to review its Land Use and Development Code and Comprehensive Plan to determine whether reasonable ordinances governing the location and operations of such uses are needed to address the concerns cited above and are consistent with the Comprehensive Plan; and

WHEREAS, the Town, under its home rule authority, its police power generally, and under the Maine Revised Statutes, title 30-A, chapter 187, subchapter 3 ("land use regulation"), or as otherwise provided by current law, has the authority to impose reasonable restrictions, conditions, and limitations on such rooming houses; and

WHEREAS, the Town, with the professional advice and assistance of the Police Department, the Planning Board and the Planning Department, shall study the Town's current Land Use and Development Code to determine the land use and other regulatory implications of rooming houses and consider what locations, conditions of approval, and performance standards might be appropriate for such uses; and

WHEREAS, the Town's current Land Use and Development Code and other applicable local laws are not adequate to prevent serious public harm that could be caused by the influx of new rooming houses, thereby necessitating a moratorium; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable if additional rooming houses are located in the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the applicability date established herein;

NOW, THEREFORE, be it ordained by the Town of Gorham, that the following Moratorium Ordinance on Rooming Houses (hereinafter, "Ordinance") be, and hereby is, enacted, and, in furtherance thereof, the Town does hereby declare a moratorium on the location or operation of any rooming house within the Town, except to the extent that such rooming house is planned to house persons who are "disabled" or "handicapped" as defined by federal, state or local law.

This Ordinance shall take effect, once enacted by the Town, in accordance with the applicable provisions of State law and Town Charter, but shall be applicable as of June 18, 2019, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the Town Council, for the express purpose of drafting an amendment or amendments to the Town's current Land Use and Development Code to protect the public from health and safety risks including, but not limited to, compatibility of rooming houses with existing and permitted uses in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of rooming houses on the community if not properly regulated; the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's streets and infrastructure

to accommodate the additional traffic, parking and/or population that may result from the presence of rooming houses.

BE IT FURTHER ORDAINED, that for purposes of this Ordinance, a “rooming house” shall be defined as any dwelling in which more than three persons are housed for compensation with or without meals, but shall not include any facility providing housing for a population that is defined as “handicapped” under the Fair Housing Act or “disabled” under the Americans with Disabilities Act; and

BE IT FURTHER ORDAINED, that this Ordinance shall apply to any rooming houses that may be proposed to be located within the Town on or after the June 18, 2019 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed rooming house for which an application for a building permit, change of use permit, certificate of occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Town official or board prior to June 18, 2019, the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a rooming house within the Town on or after the June 18, 2019 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments the Town may enact as a result of this Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application of any type for a rooming house; and

BE IT FURTHER ORDAINED, that those provisions of the Town’s current Land Use and Development Code that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if any rooming house is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**Applicability Date: June 18, 2019**

**Item # 9452 was VOTED, 7 yeas.**

- Item # 9453** Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council instruct the Ordinance Committee to review and provide a recommendation on a new Disorderly Housing Ordinance. **7 years**
- Item # 9454** Moved by Councilor Wilder Cross, seconded by Councilor Shepard and ORDERED, Ordered, that the Town Council instruct staff to provide legal guidance and recommendations on incorporating standards for boarding homes and recovery houses to the Town Council for review. **7 years**
- Item #9455** Moved by Councilor Hager, seconded by Councilor Shepard and Ordered, that the Town Council appoint Ben Thompson from Cumberland County Regional Assessing as the Town Assessor for a 3-year term to expire on July 31, 2022. **7 years**
- Item # 9456** Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED, that the Town Council support a resolution to create a fund for Asylum Seekers/Refugees for the purpose of accepting public or private donations.

Moved by Councilor Hager, seconded by Councilor Wilder Cross and VOTED to table the item until the July Council Meeting. **7 years**

Moved by Councilor Wilder Cross, seconded by Councilor Smith and VOTED to adjourn. **7 years**  
Time of adjournment: 8:10 pm

A True Record of Meeting  
06/18/2019

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

