

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
August 7, 2018

Chairman Hartwell opened the meeting with the Pledge of Allegiance to the Flag. There were 36 Members of the public in attendance at the start of the meeting.

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

Moved by Councilor Shepard, seconded by Councilor Stelk and VOTED to accept the minutes of the July 3, 2018 Regular Town Council Meeting. **6 yeas**

Open Public Communications

Susan Duchaine, Design Dwellings, voiced her concerns with impact fees and encouraged the Council to look at where they are going.

Hans Hansen thanked the Lions Club for displaying the Flags around Gorham. He would like to see more Christmas decorations in South Gorham.

Phil Gagnon expressed his concerns about the Council's handling of Item # 9352 at last month's Council meeting.

Alice Lowell, Gorham Residents for Responsible Growth, voiced her concerns about the rate of growth in Gorham and would like the Council to consider a moratorium on building. There were several other residents who spoke on behalf of this group and voiced their opinions as well.

Jim Means, Beatrice Drive, commented that he is pleased with the way the Community is getting involved and is voicing their opinions on the subject of growth in Gorham. He encouraged them to stay involved by running for office in the Town of Gorham.

Councilor Communications

Councilor Phillips thanked everyone who came out to speak about the topics on the agenda. She also sent her condolences to the family of Dean Evans who passed away recently. Dean was a long time teacher at GHS and a former Council and Planning Board member. His funeral will be held on August 20, 2018 at 10am at Gorham High School.

Councilor Stelk also thanked everyone for coming out to voice their opinions and reminded them that the growth problem is a global issue and cannot be fixed instantly. She reiterated that the Council is taking the growth problem seriously and working diligently for a solution.

Town Manager Report

Town Manager Ephrem Paraschak reported that the Rec Department will be holding a Color in the Park event on August 24, 2018 at 6pm in Shaw Park and encouraged people to attend. He announced that paving will begin on South Street next week. Ephrem reminded people that nomination papers are available in the Clerk's office until September 7, 2018 for Town Council and School Board. Also the senior property Tax Rebate Program ended on August 1 and 151 applications were received. The Council will review and make a decision at the September Council meeting and checks will be going out to people by mid-September. He also announced that the Metro Bus Husky Line will begin on August 27, 2018. Ephrem congratulated Carol White of the Planning Department on her retirement. Carol has worked for the Town for 11 years. He also announced that there will be a joint workshop between the Town Council and the School Department on August 21, 2018 and reminded citizens that his door is always open and is happy to meet with anyone to discuss their concerns.

School Committee Report

Chairman Darryl Wright announced that the opening of school will be August 29th for Grades K, 6th and 9th and August 30th for everyone else. All new Staff will start on August 23rd for training and then all Staff will return on August 27th and 28th. Bus schedules will be posted to the District website and will be published in the Gorham Times next week. He reminded parents to take the survey that was shared to them to help determine locations for pick up and drop off points. He reported that the GHS Building and Capital Campaign Committees took the month of July off but will be starting up again with their next meeting on August 14th. The next School Committee regular meeting is scheduled for September 12, 2018.

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

Item #9354 Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council approve a renewal liquor license for Gorham Sports Center, 215 Narragansett Street. **6 yeas**

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

Item #9355 Moved by Councilor Stelk, seconded by Councilor Hager and ORDERED, that the Town Council approve Massage Licenses for Audrey Nelson, 510 Main Street Group; Elizabeth Berks, Liz Berks Massage Therapy; Christina Downs, 510 Main Street Group; Chelsea Jackson, Theriault Chiropractic & Massage; Natalie Povlin, Skin & Body of Gorham; and Heather Theriault, Theriault Chiropractic & Massage. **6 yeas**

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

Item #9356

Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council forward a proposal to amend the Land Use & Development Code to allow businesses to utilize sandwich board signs, to the Planning Board for a Public Hearing and their recommendation, as follows:

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE
SECTION 2-3 – SIGNS

D. PROHIBITED SIGNS, DISPLAYS, AND RELATED MATERIALS

- n) Sandwichboard Signs: Freestanding signs that meet the definition of a sandwichboard sign are prohibited ~~both~~ within street rights-of-way ~~and on private property.~~

E. PERFORMANCE STANDARDS

- 15. Sandwichboard Signs: In addition to the signs allowed under section G. Permitted Non-Residential Signs each business is allowed one sandwichboard sign with an area not to exceed 8 sq.ft No property is allowed to have more than 3 sandwichboard signs in use at one time. The sandwichboard signs must be taken inside when the business is closed. The signs cannot be located within any street right-of-ways, must be located on the same lot as the use, and cannot hinder or restrict pedestrian or vehicular traffic on or off the site.

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to waive the reading. **6 yeas**

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to amend the order to read: Ordered, that the Town Council **accept** a proposal to amend the Land Use & Development Code to allow business to utilize sandwich board signs as follows: **6 yeas**

Item # 9356 was VOTED as amended. 5 yeas, 1 nay (Phillips)

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

Item #9357

Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council approve a Moratorium Ordinance on Medical Marijuana Caregiver Retail Stores as follows:

WHEREAS, the Maine Medical Use of Marijuana Act, codified at 22 M.R.S.A. Chapter 558-C, authorized primary caregivers to possess and cultivate marijuana for qualifying patients and to receive monetary compensation for costs associated with assisting qualifying patients; and

WHEREAS, on July 9, 2018, the Legislature enacted An Act to Amend Maine's Medical Marijuana Law (the "Act"); and

WHEREAS, the Act specifically gives municipalities the authority to regulate registered caregivers, registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities; and

WHEREAS, the Act authorizes registered caregivers to operate one retail store to sell harvested marijuana to qualifying patients for the patients' medical use; and

WHEREAS, the Act prohibits municipalities from authorizing new registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities after the effective date of the Act unless the legislative body has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities; and

WHEREAS, the Act specifically authorizes the continued operation of registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval prior to effective date of the Act; and

WHEREAS, the Act will become effective ninety (90) days after the adjournment of the 128th Legislature's special session; and

WHEREAS, registered caregiver retail stores raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and

WHEREAS, the Town anticipates that there will be requests regarding the establishment of registered caregiver retail stores in the Town of Gorham; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of registered caregiver retail stores and are inadequate to prevent serious public harm that could be caused by the unregulated development of registered caregiver retail stores; and

WHEREAS, the Town needs a reasonable amount of time to review the Act and study the current Land Use and Development Code to determine the land use and other regulatory implications of registered caregiver retail stores and to develop reasonable regulations governing their location and operation, and it is anticipated that such a study, review, and development of recommended regulations will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on Medical Marijuana Caregiver Retail Stores; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of registered caregiver retail stores authorized by the Act, being located in the Town; and

WHEREAS, during the period of this Moratorium, the Town Council, with the professional advice and assistance of the Gorham Police Department, the Planning Board and the Planning Department, will work on developing appropriate land use regulations concerning registered caregiver retail stores;

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S.A. § 4356, be it ordained by the Town Council of the Town of Gorham, that the following Moratorium Ordinance on Medical Marijuana Caregiver Retail Stores ("Moratorium Ordinance") be, and hereby is, enacted, and, in furtherance thereof, the Town Council does hereby declare a moratorium as follows:

1. DEFINITIONS.

As used in this Moratorium Ordinance, the following terms have the following meanings:

The term "marijuana" shall mean the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not.

The term "registered caregiver retail store" shall mean a facility or location in which a registered medical marijuana caregiver is permitted to sell harvested marijuana to qualifying patients for the patients' medical use through a storefront.

2. APPLICABILITY AND PURPOSE.

This Moratorium Ordinance shall apply to registered caregiver retail stores, as defined above, that are proposed to be located within the Town of Gorham on or after the effective date of this Moratorium Ordinance. Notwithstanding

anything to the contrary in 1 M.R.S.A. § 302 or any other law, this Moratorium Ordinance applies to any application relating to the establishment or operation of a proposed registered caregiver retail store, whether or not such application had become a “pending proceeding” as defined in 1 M.R.S.A. § 302 prior to the enactment of this Moratorium Ordinance. Properties that are currently permitted as general retail operations shall not be permitted to operate as a registered caregiver retail store and shall only be permitted by the Town in accordance with future land use regulations concerning registered caregiver retail stores.

The purpose of this Moratorium Ordinance is to protect the public from health and safety risks including, but not limited to, compatibility of registered caregiver retail stores with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of registered caregiver retail stores with medical marijuana cultivation facilities and dispensaries; the potential adverse health and safety effects of registered caregiver retail stores on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law, and 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 and/or population that may result from the presence of registered caregiver retail stores.

3. PROHIBITION.

During the time this Moratorium Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Gorham shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval relating to the establishment or operation of a business or operation of a registered caregiver retail store. No person shall establish or operate a business or operation of a registered caregiver retail store within the Town of Gorham without complying with whatever ordinance amendments the Town may enact as a result of this Moratorium Ordinance. This prohibition does not apply to activities of registered medical marijuana caregivers that occur within a caregiver’s residence or the residence of a qualifying patient.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Moratorium Ordinance shall be enforced by the Code Enforcement Officer of the Town of Gorham. Any person who violates Section 3 of this Moratorium Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452. If a registered caregiver retail store is established in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium 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.

5. CONFLICT.

Those provisions of the Town's current Land Use and Development Code that are inconsistent or conflicting with the provisions of this Moratorium 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.

6. APPLICABILITY DATE.

This Moratorium Ordinance shall take effect, once enacted by the Town Council, in accordance with the provisions of the Town Charter, but shall be applicable as of August 7, 2018, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Moratorium 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 address registered caregiver retail stores.

7. SEVERABILITY.

Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a decision shall not invalidate any other section or provision.

Applicability Date: August 7, 2018

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to waive the reading. **6 yeas**

Item #9357 was VOTED 6 yeas.

Item #9358 Moved by Councilor Phillips, seconded by Councilor Stelk and ORDERED, that the Town Council accept a deed for a parcel of land located in the Madison Avenue Subdivision for open space and trail use.

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to amend the item to say Madison Way and not Madison Avenue. **6 yeas**

Item #9358 was VOTED as amended 6 yeas.

Item #9359 ORDERED, that the Town Council instruct staff to bring to the Council an amendment to the contract zone of Hans Hansen in south Gorham allowing one single family dwelling unit use and to expand the commercial application square footage allowed in the zone.

There was no motion on Item #9359 and the Item failed.

Item #9360 ORDERED, that the Town Council instruct staff to bring to the Council an amendment to the contract zone of Hans Hansen in south Gorham allowing for a caretaker unit and/or a mixed use caretaker unit for review and approval.

There was no motion on Item #9360 and the Item failed.

Item #9361 Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council authorize permission to Gorham Sand & Gravel to access their property located on Hannah Drive between Lots 7 & 8 as depicted on the Hannah Drive Subdivision Plan.

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to amend the order to say authorive permission to STJ Incorporated and not Gorham Sand & Gravel. **6 yeas**

Item # 9361 was VOTED as amended. 6 yeas

Item # 9362 Moved by Councilor Phillips, seconded by Councilor Stelk and ORDERED, that the Town Council refer review of new and existing Impact Fees to the Ordinance Committee for their review and recommendation. **6 yeas**

Item # 9363 Moved by Councilor Shepard, seconded by Councilor Smith and ORDERED, that the Town Council refer municipal road acceptance of private ways to the Ordinance Committee for their review and recommendation. **6 yeas**

Item # 9364 Moved by Councilor Hager, seconded by Councilor Smith and ORDERED, that the Town Council forward to the Ordinance Committee, for their review and recommendation, amending the Land Use & Development Code to incorporate the requirements of the South Gorham Crossroads. **6 yeas**

Item #9365 Moved by Councilor Shepard, seconded by Councilor Stelk and ORDERED, that the Town Council forward to the Ordinance Committee, for their review and recommendation, amending the Land Use & Development Code to incorporate the requirements of the South Gorham Commercial Center. **6 yeas**

- Item # 9366** Moved by Councilor Hager, seconded by Councilor Phillips and ORDERED, that the Town Council forward to the Ordinance Committee, for their review and recommendation, creating an Invasive Plants Species Ordinance. **6 yeas**
- Item # 9367** Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council approve the transfer of \$767.00 and a 2002 Chevy Silverado Pickup, to the Town of Gorham pursuant to Title 15 MRSA Section 15824 (3) and 5826 (6) seized in a criminal case (Docket No. CR-17-7261) and
- Be it further ordered that the Town Manager is authorized to sign the approval form on behalf of the Town of Gorham. **6 yeas**
- Item # 9368** Moved by Councilor Stelk, seconded by Councilor Shepard and ORDERED, that the Town Council approve the transfer of \$1,000.00 to the Town of Gorham pursuant to Title 15 MRSA Section 15824 (3) and 5826 (6) seized in a criminal case (Docket No. CR-17-5960) and
- Be it further ordered that the Town Manager is authorized to sign the approval form on behalf of the Town of Gorham. **6 yeas**
- Item # 9369** Moved by Councilor Hager, seconded by Councilor Phillips and ORDERED, that the Town Council amend the Sprinkler System Ordinance as follows:

ARTICLE I. PURPOSE:

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

ARTICLE II. Definitions and Requirements:

- Section I. An approved automatic sprinkler system shall mean a system installed in accordance with the National Fire Protection Association NFPA Standard 13, NFPA 13R or NFPA 13D 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 System shall have a Fire Department connection. 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 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 system and the rate of flow shall be provided when the permit is obtained. A fee of ~~\$25.00~~ (\$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 systems installed under this ordinance shall have the following:

1. Any sprinkler system installed, extended, modified or altered within the Town of Gorham shall be done by a State of Maine licensed installer.
2. Any sprinkler 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.
3. A tamper switch alarm at the system shut-off.
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 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 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.

Section XII. Any structure containing a sprinkler 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 within 30 days of the inspection, the Fire Department shall consider the inspection incomplete and in violation of this section of the ordinance.

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.

ARTICLE V. NEW BUILDING CONSTRUCTION:

Section I. An approved automatic sprinkler 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 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. Mixed occupancy ~~mixed occupancies~~ shall 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 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 system must be installed; provided, however, for single family detached

dwelling and detached duplex dwellings, the percentage threshold for renovations or enlargements, as stated above, shall be seventy-five percent (75%) of the then-current assessor's building valuation rather than fifty percent (50%).

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 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 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, an approved automatic sprinkler 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 an approved automatic sprinkler system, then such appliance must be installed accordingly.

ARTICLE VII. SPRINKLER 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, including 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 system shall comply with the following:

A. All new residential dwelling units, including all new single Single-family and all new two family dwellings, including all newly constructed or newly re-purposed dwelling units, shall be equipped with an NFPA 13D or 13R automatic sprinkler 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 area above or in the garage space and a two hour firewall is placed between the house and garage.~~

- 4) The sprinkler system is not required to be monitored by an outside source. However, an electric alarm bell located on the outside of the building is required.
- 5) A single two and one half inch (2½") Fire Department connection is to be placed on the outside of the building.

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 May 1, 2018, the date on which these amendments first appeared on the Town Council agenda.

Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading. **6 yeas**

Moved by Councilor Hager, seconded by Councilor Smith and VOTED to amend the Item to say: ORDERED, that the Town Council send the Sprinkler System Ordinance back to the Ordinance Committee to review sections that were discussed in the recent workshop. **6 yeas**

Item # 9369 was VOTED as amended 6 yeas.

Item #9370 Moved by Councilor Shepard, seconded by Councilor Phillips and ORDERED, that the Town Council go into Executive Session, pursuant to Title 1, MRSA Section 405 (6) (D) to discuss contract negotiations with the Maine Association of Police, Gorham Unit. **6 yeas**

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

Item #9371 Moved by Councilor Shepard, seconded by Councilor Phillips and ORDERED, that the Town Council authorize the Town Manager to enter into a three year agreement with the Maine Association of Police, Gorham Unit as agreed to by both parties. **6 yeas**

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

Time of adjournment; 9:05pm

A True Record of Meeting
07/09/18

ATTEST _____
Laurie Nordfors, Town Clerk