

AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
July 6, 2021  
6:30pm  
Burleigh Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the June 1, 2021 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

**Public**

**Hearing # 1**

**On item #2021-7-01**

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Andrew Clough, 15 Pearson Drive, property owned by Bob Pearson. (Admin. Spon.)

**Proposed**

**Order # 21-083**

ORDERED, that the Town Council issue a Medical Use Marijuana License to Andrew Clough, 15 Pearson Drive, property owned by Bob Pearson.

**Public**

**Hearing #2**

**On order #2021-7-02**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Tim Nickerson, Deep Sun LLC, 15 Pearson Drive, property owned by Bob Pearson. (Admin. Spon.)

**Proposed**

**Order #21-084**

ORDERED, that the Town Council issue a Medical Use Marijuana License to Tim Nickerson, Deep Sun LLC, 15 Pearson Drive, property owned by Bob Pearson.

**Public  
Hearing #3  
On item #2021-7-03**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Timothy McLaughlin, Nor' East Holistics LLC., 7B Pearson Drive, property owned by Robert Pearson. (Admin. Spon.)

**Proposed  
Order # 21-085**

ORDERED, that the Town Council issue a Medical Use Marijuana License to Timothy McLaughlin, Nor' East Holistics LLC, 7B Pearson Drive, property owned by Robert Pearson.

**Public  
Hearing #4  
On item #2021-7-04**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Jared Dinsmore, The Dinsmore Group LLC, 5 Little Wing Lane, Unit C, Property owned by Dave Cowan. (Admin. Spon.)

**Proposed  
Order # 21-086**

ORDERED, that the Town Council issue a Medical Use Marijuana License to Jared Dinsmore, The Dinsmore Group LLC, 5 Little Wing Lane, Unit C, Property owned by Dave Cowen.

**Public  
Hearing #5  
On Item #2021-7-05**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Alexis Cantara, XOCC, 5 Little Wing Lane, Unit A, property owned by Dave Cowan. (Admin. Spon.)

**Proposed  
Order #21-087**

ORDERED, that the Town Council issue a Medical Use Marijuana License to Alexis Cantara, XOCC, 5 Little Wing Lane, Unit A, property owned by Dave Cowen.

**Public  
Hearing #6  
On Item #2021-7-06**

Public Hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Ryan Nadeau, Skyfall Cannapy, 5 Little Wing Lane, Unit B, property owned by Callander Corporation. (Admin. Spon.)

**Proposed  
Order #21-088**

ORDERED, that the Town Council issue a Medical Use Marijuana License to Ryan Nadeau, Skyfall Cannapy, 5 Little Wing Lane, Unit B, property owned by Callander Corporation.

**Public  
Hearing #7  
On Item #2021-7-07**

Public hearing to hear comment on a proposed amendment to the Land Use & Development Code regarding the permitting of driveways on public streets and private ways. (Admin. Spon.)

**Proposed  
Order #21-089**

ORDERED, that the Town Council amend the Land Use & Development Code with regards to permitting of driveways on public streets and private ways as follows:

## CHAPTER 1, ZONING REGULATIONS, SECTION 1-3, ADMINISTRATION

### H. DRIVEWAY PERMITS

Prior to the construction or alteration of any driveway or access road within the full width of right-of-way of any town road, on a private way or public road, or if within the compact area, of a state or state-aid highway, a written driveway permit shall be obtained from the Code Enforcement Officer. The building permit for any project involving the construction or alteration of a driveway or access road shall be issued only after the appropriate driveway permit has been issued.

- 1) The Town Engineer or his designee shall inspect each proposed driveway location, determine the suitability of its location and design with particular emphasis on traffic safety, drainage and erosion control, and prepare a report on the need for a culvert or other improvements within the public right-of-way.
- 2) The owner of the property served by the driveway or access road shall be responsible for the costs involved in installing a culvert and the work shall be performed by a private contractor.
- 3) The Town Engineer or his designee shall determine that the location and design of any driveway or access road is suitable for the intended use and the Code

Enforcement Officer shall collect a sum of money sufficient to cover the installation of a culvert if necessary, prior to the issuance of any driveway permit.

- 4) The application for a driveway permit shall be accompanied by a fee as set forth in the schedule of driveway permit fees adopted by order.

\*Additions - Underlined

**Public**

**Hearing #8**

**On Item #2021-7-08**

Public hearing to hear comment on a proposed amendment to the Gorham Savings Bank Contract Zone to allow daycare use/centers on Lot 1 of the Gorham Savings Bank Operation Center at 10 Wentworth Drive. (Admin. Spon.)

**Proposed**

**Order #21-090**

ORDERED, that the Town Council amends the contract zone of the Gorham Savings Bank Operation Center at 10 Wentworth Drive as follows:

**AMENDMENT TO CONTRACT ZONING AGREEMENT BETWEEN  
GORHAM SAVINGS BANK AND THE TOWN OF GORHAM**

This Amendment to Contract Zoning Agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 2021, by and between the **TOWN OF GORHAM**, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the "Town") and **GORHAM SAVINGS BANK**, a mutual savings bank chartered under Maine law with an office at 64 Main Street, Gorham, Maine (the "Bank").

WHEREAS, the Town entered into a Contract Zoning Agreement with the Bank on December 10, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12897, Page 190 (hereinafter the "Contract Zoning Agreement") that established zoning regulations for a parcel of real estate located at 10 Wentworth Drive, Gorham, Maine, consisting of approximately 116 acres and is further described in a deed from Lena M. Day to Gorham Savings Bank, recorded in the Cumberland County Registry of Deeds in Book 1810, Page 335 (hereinafter "the Property"); and

WHEREAS, the Property consists of Lot 9 on the Town's Tax Map 46; and

WHEREAS, the Contract Zoning Agreement established use, dimensional and performance standards for the Property; and

WHEREAS, the Bank wishes to revise the use restrictions established in Section 5(a) and (b) of the Contract Zoning Agreement to allow the establishment of a daycare center on any lot on the Property; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property and to amend the contract rezoning, pursuant to 30-A M.R.S.A. § 4352(8) and Chapter I, Section 1-1, Subsection H, of the Gorham Land Use and Development Code; and

WHEREAS, after notice and hearing and due deliberation upon this rezoning proposal, the Gorham Planning Board recommended this Amendment to the Contract Zoning Agreement; and

WHEREAS, both the Planning Board and the Town Council determined that the original Contract Zoning Agreement was pursuant to and consistent with the Town's Comprehensive Plan and the Town Council has authorized the execution of this Third Amendment to Contract Zoning Agreement;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. **Amendment of Contract Zoning Agreement, Section 5(a).**

Section 5(a) of the Contract Zoning Agreement is amended to add a new Subsection 9, to read as follows:

(9) Day care centers.

2. **Amendment of Contract Zoning Agreement, Section 5(b).**

Section 5(b)(3) of the Contract Zoning Agreement is amended to read as follows:

(3) ~~Day care centers~~ Reserved.

3. **Remaining provisions remain in full force and effect.**

Except as expressly amended herein, the provisions of the Contract Zoning Agreement shall remain in full force and effect.

**TOWN OF GORHAM**

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Ephrem Paraschak

It's Town Manager

(duly authorized by vote of the Gorham Town  
Council on \_\_\_\_\_, 2021

**GORHAM SAVINGS BANK**

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Print name:

Its \_\_\_\_\_

STATE OF MAINE

CUMBERLAND, ss

\_\_\_\_\_, 2021

Personally appeared the above-named Ephrem Paraschak, in his capacity as Town Manager for the Town of Gorham, and made oath that the foregoing instrument is his free act and deed in his said capacity and the free act and deed of the Town of Gorham.

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Notary Public/Attorney-at-Law

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Print Name

STATE OF MAINE

CUMBERLAND, ss

\_\_\_\_\_, 2021

Personally appeared the above-named \_\_\_\_\_, in his/her capacity as \_\_\_\_\_ of Gorham Savings Bank, and made oath that the foregoing instrument is his/her free act and deed in his/her said capacity and the free act and deed of Gorham Savings Bank.

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Notary Public/Attorney-at-Law

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Print Name

**Item #2021-7-09**

Action to consider accepting a resignation from the Gorham Zoning Board of Appeals. (Admin. Spon.)

**Proposed  
Order #21-091**

ORDERED, that the Town Council accept the resignation of Patrick Palermo from the Gorham Zoning Board of Appeals; and

Be It Further Ordered, that the Council thanks Patrick Palermo for his years of service on the Board.

**Item #2021-07-10** Action to consider instructing the Appointments Committee to fill a vacancy on the Gorham Zoning Board of Appeals. (Admin. Spon.)

**Proposed  
Order #21-092** ORDERED, that the Town Council appoint William Benson to the Gorham Zoning Board of Appeals.

**Item #2021-7-11** Action to consider accepting a resignation from the Board of Trustees – Baxter Memorial Library. (Admin. Spon.)

**Proposed  
Order #21-093** ORDERED, that the Town Council accept the resignation of Meghan Grassi from the Board of Trustees – Baxter Memorial Library; and

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

**Item #2021-07-12** Action to consider instructing the Appointments Committee to fill a vacancy on the Board of Trustees – Baxter Memorial Library. (Admin. Spon.)

**Proposed  
Order #21-094** ORDERED, that the Town Council appoint Abby Alden to the Board of Trustees – Baxter Memorial Library.

**Item #2021-07-13** Action to consider requiring third party inspections of gravel pits. (Councilor Philips Spon.)

**Proposed  
Order #21-095** ORDERED, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Land Use & Development Code to require that annual inspections of gravel pits be conducted by a third party inspector.



**Item #2021-07-14** Action to consider allocating funds from the contingency line item for historic district signs in the Town of Gorham. (Councilor Philips Spon.)

**Proposed  
Order #21-096** ORDERED, that the Town Council authorizes the expenditure of up to \$6,000 from account 950-02-50640-01 for the purpose of purchasing historical district signs.

**Item #2021-07-15** Action to consider authorizing the Town Manager to go out to bid for property and casualty insurance. (Councilor Philips Spon.)

**Proposed  
Order #21-097** ORDERED, that the Town Council authorizes the Town Manager to bid out property and casualty insurance for the Town of Gorham providing the timing of said bid is advantageous to the Town; and

Be It Further Ordered, that the Town Manager is authorized to utilize a third party consultant to review and compare coverage to determine what is in the best interests of the Town of Gorham.

**Item #2021-07-16** Action to consider amending the Land Use & Development Code to reduce performance guarantee process and requirements for site plans. (Councilor Pratt Spon.)

**Proposed  
Order # 21-098** ORDERED, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Land Use & Development Code to streamline the performance guarantee and site plans process as recommended by staff.

**Item #2021-07-17** Action to consider formally naming public property next to Robie Gym. (Councilor Wilder Cross Spon.)

**Proposed  
Order #21-099** ORDERED, that the Town Council formally names the open area next to Robie Gym as "The Village Green."

**Item #2021-07-18**

Action to consider establishing a formal debt ratio goal for the Town of Gorham. (Councilor Hartwell Spon.)

**Proposed**

**Order #21-100**  
for

ORDERED, that the Town Council forwards to the Finance Committee, its review and recommendation, establishing a formal debt to income ratio goal for the Town of Gorham.

**Item #2021-07-19**

Action to consider exempting "Tiny Homes" from Gorham's Fire Suppression Systems Ordinance. (Councilor Hartwell Spon.)

**Proposed**

**Order #21-101**

ORDERED, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Fire Suppression Systems Ordinance to allow for an exemption of residential dwellings under 400 square feet.

**Adjourn**