

AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
August 3, 2021  
6:30pm  
Burleigh Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the July 6, 2021 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

**Public**

**Hearing #1**

**On item #2021-8-01**

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Andrew Rosenfeld, Second Nature LLC, 44 Sanford Drive, property owned by James & Paula Fox. (Admin. Spon.)

**Proposed**

**Order # 21-103**

ORDERED, that the Town Council issue a Medical Use Marijuana License to Andrew Rosenfeld, Second Nature LLC, 44 Sanford Drive, property owned by James & Paula Fox.

**Public**

**Hearing #2**

**On order #2021-8-02**

Public hearing to hear comment on a proposal to issue a Special Amusement License to Benjamin Smith, DBA Junction Bowl, 7 Railroad Avenue. (Admin. Spon.)

**Proposed**

**Order #21-104**

ORDERED, that the Town Council issue a Special Amusement License to Benjamin Smith, DBA Junction Bowl, 7 Railroad Avenue.

**Public  
Hearing #3  
On item #2021-8-03**

Public hearing to hear comment on a proposal to issue a Special Amusement License to Benjamin Smith, DBA Side Car, 7 Railroad Avenue. (Admin. Spon.)

**Proposed  
Order # 21-105**

ORDERED, that the Town Council issue a Special Amusement License to Benjamin Smith, DBA Side Car, 7 Railroad Avenue.

**Public  
Hearing #4  
On item #2021-8-04**

Public hearing to hear comment on proposed amendments to the Gorham Firearms Ordinance and Map (Ordinance Committee Spon.)

**Proposed  
Order # 21-106**

ORDERED, that the Town Council amends the Gorham Firearms Ordinance and map as follows:

### FIREARMS ORDINANCE

#### SECTION 1. DEFINITIONS

- 1.1 “Firearm”, ~~includes means~~ any instrument used in the propulsion of pellets, shot, or bullets by action of gunpowder, including, but not limited to a handgun, muzzleloader, rifle, or shotgun.
- 1.2 ~~Muzzle-Loading Firearm:~~ “Muzzle-loading firearm” means a muzzleloader, a traditional muzzleloader, modern inline muzzleloader, or a muzzle-loading shotgun.
- 1.3 ~~Muzzleloader:~~ “Muzzleloader” means a firearm that:
  - A. Is capable of being loaded only through the muzzle;
  - B. Is ignited by a matchlock, wheel lock, flintlock, or caplock, including an in-line caplock, ~~or~~ shotgun, or rifle primer mechanism;
  - C. Has a rifled or smooth-bored barrel or barrels, each barrel capable of firing only a single charge;
  - D. Propels a ball, bullet, or charge of shot;
  - ~~and~~ E. May have any type of sights, including scopes.
- 1.4 ~~“Direct family members” means:~~ A any person related to the property owner by blood or by marriage.
- 1.5 ~~“Shotgun” means:~~ ~~a~~ A firearm typically used to fire a number of small balls from a shotgun shell through a rifled or smoothbore barrel of relatively large diameter, propelling a load of pellets, buckshot, bullets or slugs, for the purpose of big or small game hunting.

A shotgun may have any type of sights, including scopes.

- a.) 1.6 "Handgun" means a firearm of a description from which any shot or bullet .35 caliber or larger and loaded with straight-walled cartridges can be discharged where the barrel, not including any revolving, detachable or magazine breech, does not exceed 12 inches and is designed to be held and fired with one hand, such as a revolver or pistol.

## SECTION 2. SHOTGUN, HANDGUN, AND MUZZLE LOADING, RESTRICTED ZONE

- 2.1 It shall be a violation of this ordinance for any person to discharge a firearm of any kind or description, except for shotguns, handguns, or muzzle loaders, as defined under Section 1, within the "Handgun, Shotgun, -and Muzzle Loading Restricted Zone" as shown on the Gorham Firearms Map, which is dated ~~September~~ October 76, 2011 ~~May 17, 2021~~ and subsequently amended, as is kept in the Gorham Town Clerk's office.
- 2.2 This section shall not apply to any person while on their own property to which they are legally entitled to possession, or on which they are actually domiciled, or their direct family members or persons who have written permission from the owner.

## SECTION 3. OWNER OF PROPERTY

- 3.1 This ordinance shall not restrict an owner of said property, or any person that has obtained written permission from the owner, whether or not such property is located in the "Shotgun and Muzzle Loading Restricted Zone" from discharging a firearm on his/her own property to dispatch a wild animal that is destroying said property, so long as said owner or permitted individual of the property acts pursuant to and in accordance with Title 12 M.R.S.A., Sections 12401-12404.

## SECTION 4. DISCHARGE OF FIREARM NEAR DWELLING IS PROHIBITED.

- 4.1 The discharge of a firearm, including shot guns or muzzleloaders, within 100-300 yards feet of a building or residential dwelling is prohibited without the permission of the owner, or in the owner's absence, an adult occupant of the building or dwelling authorized to act on behalf of the owner.

## SECTION 5. MUNICIPAL PROPERTIES

- 5.1 It shall be a violation of this ordinance for any person to discharge a firearm of any type ~~of~~ or description at or on municipal properties as listed:
- A. Within 500 feet of any School Property
  - B. Gorham Municipal Center
  - C. Baxter Memorial Library
  - D. The Chick Property located between Main Street, Libby Avenue and Gray Road
  - E. Within 300 feet of the Public Works Garage
  - F. Within 300 feet of the fuel tanks located on Huston Road
  - G. Fort Hill Park
  - H. Little Falls Recreation Area
  - I. Little Falls School Area
  - J. Shaw Park
  - K. Robie Park
  - L. Cherry Hill Property located between Route 237 and Smith Road on Main Street
  - M. Lavoie Pumptrack
  - N. Gorham Industrial Park

## SECTION 6. NARRAGANSETT GAME SANCTUARY

- 6.1. "Narragansett Game Sanctuary" as defined in Title 12 M.R.S.A. Sec. 12706 (1)(S) is: "The following described territory situated in the Town of Gorham, in the County of Cumberland: Bounded on the north by the right-of-way of the W.N. and P. division of the Boston & Maine Railroad; on the east side by the Black Brook Road or Scarborough Road, also known as Brackett Road and Libby Avenue<sup>1</sup> so called, in said Town of Gorham; on the south side by the Stroudwater River; and on the west side by South Street or South Gorham Road, so called, in the Town of Gorham, containing 3,600 acres, more or less. For provisions relating specifically to Narragansett Game Sanctuary, see Title 12, M.R.S.A. Section 12707 (2) (D).

## SECTION 7. VIOLATIONS/FINES

- 7.1 Any person found to be in violation of any part of this ordinance shall be fined not less than \$300.00 and not more than \$5,000.00, with the fine recovered for use by the Town of Gorham. The Town of Gorham may initiate any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of this ordinance and the Town shall be entitled to recover its legal costs related to the enforcement of same-

## SECTION 8. SEVERABILITY

- 8.1 If any section or provision of this ordinance shall be finally declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining sections and provisions of the ordinance.
- 9.1 The following activities are exempted from the firearms discharge ~~permit~~ ordinance:
- A. The discharge of a firearm by a Gorham police officer, or other local, state, or federal law enforcement officer acting in their official duties.
- ~~The discharge of a firearm by a homeowner for the lawful defense of life and property or~~
- B. The discharge of a firearm by persons using outdoor skeet, trap, target, test shooting ranges with the consent of the owner or legal occupant of the land on which a legal shooting range has been established under the Town's Land Use & Development Code.



**Old Business**

**Item #9476** Action to consider accepting a trail easement from Avesta Housing.  
(Admin. Spon.)

**Proposed**

**Order #21-107** ORDERED, that the Town Council accept a trail easement located on Map 26, Lot 18 for the purposes of extending access to the Cross Town trail.

**Item #2021-014** Action to consider accepting recommended changes to municipal fees.  
(Finance Committee Spon.)

**Proposed**

**Order #21-108** ORDERED, that the Town Council adopt the recommended changes to municipal fees as follows:

**Planning & Code Department Fees**

<b>Fee Type</b>	<b>Old Fee (If Existing)</b>	<b>New Fee</b>	<b>Notes</b>
Building permits minimum	\$35	<b>\$50</b>	
Building permit refund		<b>After review, retain 20% of building permit costs</b>	New (not existing)
Re-inspection fee	\$50	<b>\$75</b>	
Accessory use building permit fee	\$30	<b>\$50</b>	
In-ground swimming pool	\$45	<b>\$75</b>	
Above-ground swimming pool	\$30	<b>\$50</b>	
Chimney	\$20	<b>\$50</b>	
100-amp electrical/mechanical service	\$50	<b>\$100</b>	Combine as "Electrical Service Permit"
200-amp electrical/mechanical service	\$75		
Minimum electrical addition/modification fee		<b>\$50</b>	New (not existing) proposed fee
Permanent sign	\$25	<b>\$50</b>	
Home occupation	\$30	<b>\$50</b>	
Demolition small structures (under 250 sq ft)	\$10	<b>\$50</b>	
Demolition residential structures	\$50	<b>\$100</b>	
Demolition commercial/industrial	\$100	<b>\$150</b>	
Mobile home electrical service reconnection – 100 amp service	\$50	<b>\$100</b>	Combine as "Electrical Service Permit"
Mobile home electrical service reconnection – 200 amp service	\$75		

<b>Fee Type</b>	<b>Old Fee (If Existing)</b>	<b>New Fee</b>	<b>Notes</b>
Zoning Board of Appeals - Rescheduled appeal due to applicant no-show	\$250	<b>\$500</b>	
Zoning Board of Appeals - Replacement of legally non-conforming structure	\$125	<b>\$200</b>	
Zoning Board of Appeals – All other appeals	\$175	<b>\$250</b>	
Mobile home located on established pad (including electrical service reconnection & plumbing reconnection)	\$105	<b>\$350</b>	
Plumbing inspection minimum fee	\$24	<b>\$50</b>	
Plumbing fee per fixture	\$6	<b>\$10</b>	
Junkyard Permit	\$50	<b>\$100</b>	
Gravel permits less than 5 acres	\$200	<b>\$250</b>	
Gravel permits larger than 5 acres	\$300	<b>\$500</b>	
Building permit for residential solar	Building permit fee based on costs to install the panels.	<b>\$50</b>	Converted to flat fee to promote solar
Electrical permit for residential solar – up to 25 kV system	Fee based on number of panels.	<b>\$50</b>	Converted to flat fee to promote solar
Electrical permit for residential solar – up to 50 kV system	Fee based on number of panels.	<b>\$75</b>	Converted to flat fee to promote solar
Electrical permit for residential solar – over a 50 kV system	Fee based on number of panels.	<b>\$100</b>	Converted to flat fee to promote solar
Professional and Legal services peer review fee (All projects requiring Planning Board approval, including special studies such as noise, hydrogeology, lighting, landscaping, etc.	\$500 + engineer's estimate	<b>Developers required to pay all peer review fees</b>	
After-the-fact building permits for contractors (in calendar year) after 3 <sup>rd</sup> mistake – 1 <sup>st</sup> occurrence		<b>Double the permit fee</b>	New (not existing) proposed fee
After-the-fact building permits for contractors (in calendar year) after 3 <sup>rd</sup> mistake – 2 <sup>nd</sup> occurrence		<b>Triple the permit fee</b>	New (not existing) proposed fee
After-the-fact building permits for contractors (in calendar year) after 3 <sup>rd</sup> mistake – after 2 <sup>nd</sup> occurrence		<b>Triple the permit fee</b>	New (not existing) proposed fee
Public hearing notice – one posting	Varies based on application type	<b>\$100</b>	
Public hearing notice – two postings	Varies based on application type	<b>\$200</b>	
De minimis changes		<b>\$125</b>	New (not existing) proposed fee

### Town Clerk's Office Fees

Fee Type	Old Fee (If Existing)	New Fee	Notes
Single gravesite fee – residents	\$400	<b>\$500</b>	
Single gravesite fee – nonresidents	\$600	<b>\$750</b>	
Full burials on weekdays	\$550	<b>\$650</b>	
Full burials on weekends and holidays	\$625	<b>\$725</b>	
Cremations on weekdays	\$250	<b>\$350</b>	
Cremations on weekends and holidays	\$325	<b>\$425</b>	
Cremation burial with concrete vault (in addition to regular cremation burial fee)		<b>\$200</b>	New (not existing) proposed fee
Infant burial – weekday	\$350	<b>\$0</b>	Remove
Infant burial – weekends and holidays	\$400	<b>\$0</b>	Remove
Burial Processing fee	\$25	<b>\$0</b>	Remove
Victualers License, Class I – On-site consumption of liquor	\$100	<b>\$250</b>	
Victualers License, Class II – Without on-site consumption of liquor	\$50	<b>\$200</b>	
Victualers License, Class III – Mobile Vending Units	\$25	<b>\$50</b>	
Internment overtime (per hour)		<b>\$100</b>	New (not existing) proposed fee

### Public Works Department Fees

Fee Type	Old Fee (If Existing)	New Fee	Notes
Street opening permit fee (minor/major)	\$25/\$50	<b>\$100/\$300</b>	
Excavator license fee	\$100/year	<b>\$150/year</b>	
Newly constructed or reconstructed streets	\$50/sq yd	<b>\$100/sq yd</b>	
Residential streets	\$50/sq yd	<b>\$100/sq yd</b>	
Arterial or commercial streets	\$75/sq yd	<b>\$150/sq yd</b>	
Portland cement concrete sidewalk	\$55/sq yd	<b>\$130</b>	Combine together
Portland cement concrete driveway	\$65/sq yd		
Bituminous concrete sidewalk	\$35/sq yd	<b>\$90</b>	
Bituminous concrete driveway	\$45/sq yd	<b>\$90</b>	
Replacement of lost/damaged concrete granite curb	\$40/linear ft	<b>\$80</b>	
Bituminous concrete curbing	\$15/linear ft	<b>\$40/linear ft</b>	
Removing and replacing regulatory signs	\$50 ea.	<b>\$120 ea.</b>	
Removing and replacing street name and stop signs	\$50 ea.	<b>\$200 ea.</b>	
Reinstall of street & right-of-way granite monuments	\$800 ea.	<b>\$2,500++</b>	



**New Business**

**Item #2021-8-05** Action to consider a referendum to authorize spending of up to \$6,171,072.00 for the Gorham School Department. (Councilor Kuech Spon.)

**Proposed Order #21-109** Ordered, that the Town Council authorize a referendum question for November 2, 2021 to borrow and expend up to \$6,171,072 for a Narragansett School Maintenance Garage, Transportation Site Paving, GHS Paving, three projects at Village Elementary and additional fund to complete the GMS HVAC project; and

Be It Further Ordered, that the Town Council schedules a Public Hearing for September 7, 2021.

**Item #2021-8-06** Action to consider appointing a Town Council representative to the Gorham School Department's Little Rams Early Childhood Project. (Councilor Pratt Spon.)

**Proposed Order #21-110** Ordered, that the Town Council appoints Councilor \_\_\_\_\_ to the Little Rams Early Childhood Project.

**Item #2021-8-07** Action to consider accepting a resignation from the Gorham Conservation Commission. (Admin. Spon.)

**Proposed Order #21-111** ORDERED, that the Town Council accept the resignation of Joshua Haiss from the Gorham Conservation Commission; and

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

**Item #2021-8-08** Action to consider filling a vacancy on the Gorham Conservation Commission. (Appointments Committee Spon.)

**Proposed Order #21-112** ORDERED, that the Town Council appoint Jeremy Lestage to the Gorham Conservation Commission.

**Item #2021-8-09** Action to consider amending the Land Use & Development Code to allow for agricultural event centers and agricultural tourism (Ordinance Committee Spon.)

**Proposed  
Order #21-113**

ORDERED, that the Town Council forward to the Planning Board, for public hearing and recommendation, amendments to the Land Use & Development Code as follows:

## **Chapter 1: ZONING REGULATIONS**

### **SECTION 1-5 - Definitions**

Agriculture: The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.

Agritourism: Any agricultural activity carried out on a farm or ranch that members of the general public are allowed to view or participate in, including farming, ranching, historical and cultural activities, harvest-your-own activities and attractions related to farming or ranching, including, but not limited to, marketing or selling of any products from the farm or ranch. Examples of agritourism include farm markets; roadside stands; enjoyment the farm environment; harvest your own operations; ice cream/bakery facilities; Maine Maple events; Christmas tree farm, including cut your own operations; wineries, winery tours and tastings; local product retail operations; corn mazes; farm-related interpretive facilities and exhibits, agricultural education programs and experiences; agriculturally related fairs and festivals; on-site farm, garden and nursery tours; trails; farm stay; recreation related operations; horseback riding; weddings; corporate events/retreats; and banquets. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity.

Farming: The commercial production of agricultural products as a livelihood and includes dairy farming; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm or ranch that are incident to or in conjunction with these farming operations, as defined by the Maine Revised Statutes, Title 7, Sec. 251, as amended.

Marketing: The promotion of buying and selling a product or service, including agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation.

### **Section 1-8 – RURAL DISTRICT**

#### **B. PERMITTED USES**

##### 24) Agritourism

##### G. Performance Standards for Agritourism Activity

1. The farm must be an existing and operating working farm.
2. Agritourism activity must be incidental to and directly supportive of the agricultural use of the property.
3. Permits: Events under this section are exempt from site plan review.

4. Applicants, vendors, and owners are required to obtain all required local, state, and federal permits for each agritourism activity.
5. The attendance at any such event shall be limited to two-hundred and fifty (250) people at any one time. Any event larger than two-hundred and fifty (250) at any one time shall be reviewed under the Large Outdoor Event Ordinance.
6. The use of any structure used for agritourism activities is required to meet all local, state, and/or federal codes including but not limited to building and fire codes.
7. Adequate bathroom facilities, either portable or permanent, shall be provided to accommodate all attendees.
8. Any service, sale or consumption of alcoholic beverages shall be in compliance with State law.
9. Such events may include the provision of goods and services by third-party vendors, including but not limited to catered food preparation and serving and musical performances or other entertainment. Third-party vendors are required to obtain all required, local, state, and federal permits for the events they are participating in.
10. Agritourism activities are required to meet the Town's noise standards under Chapter 2 Performance Standards, Section 2-1 Environmental, H. Noise Abatement.
11. Signage may be used as prescribed by Chapter 2 Section 2-3.
12. Hours of event operation are limited to:
  - a. Sunday through Thursday: 8:00 am to 8:00 pm.
  - b. Friday through Saturday: 8:00 am to 10:00 pm.
  - c. Setup and take down for an event is separate from the hours of operation and shall not be considered part of the event itself.
13. Events that do not conform to the standards above may be considered under the Contract Zoning Chapter 1 Section 1-1.

**\*Additions: Underlined**

**Item #2021-8-10**                      Action to consider amending the Land Use & Development Code to require phase build outs of subdivisions (Ordinance Committee Spon.)

**Proposed**  
**Order #21-114**                      ORDERED, that the Town Council forward to the Planning Board, for public hearing and recommendation, amendments to the Land Use & Development Code as follows:

CHAPTER 3: SUBDIVISION  
SECTION 3-5 - POST APPROVAL ACTIVITIES

A.        Performance Guarantee:

- 7)        Phasing of Development: The Planning Board may approve plans to develop a subdivision in separate and distinct phases. If the subdivision has 50 lots or more, subdivision phases shall be limited so no more than 25 lots are allowed in an

individual phase. Only 1 phase is allowed to be under construction at a time until at least 90% of the occupancy permits have been issued in the prior phase and all required improvements have been completed other than finish paving of streets. No subdivision is allowed to have more than 2 phases under construction at one time. The phases must be designed so that they can be recorded at the registry of deeds as separate and distinct plans. No phased plans will be released for recording in the registry of deeds until the performance guarantee for that phase has been established as required under this section.

**\*Additions: Underlined**

**Item #2021-8-11** Action to consider accepting Madison Way as a public way. (Admin. Spon.)

**Proposed  
Order #21-115** ORDERED, that the Town Council accept Madison Way as a public way.

**Item #2021-8-12** Action to consider accepting a trail easement from Hani, LLC. (Admin. Spon.)

**Proposed  
Order #21-116** ORDERED, that the Town Council accept a trail easement located on Map 34, Lot 4 for the purposes of extending access to the Tow Path trail.

**Item #2021-8-13** Action to consider accepting a trail easement from Cottage Advisors ME, LLC. (Admin. Spon.)

**Proposed  
Order # 21-117** ORDERED, that the Town Council accept a trail easement located on Map 46, Lot 4 for the purposes of interconnecting the trail network located in Gorham Village to the trail system located to the northeast of Gorham Village, and provide residents in the Pheasant Knoll condominium development with easy access to the trail system.

**Item #2021-8-14** Action to consider authorizing the construction of a skate park. (Councilor Pratt Spon.)

**Proposed  
Order #21-118** Ordered, that the Town Council authorizes the construction of a skate park on the Chick Property; and

Authorizes the release of up to \$125,000 in Recreation Impact Fees to be used as matching funds for any private donations, in kind donations or other funds received by the Town of Gorham.

**Item #2021-8-15**

Action to consider authorizing medical marijuana retail sales in the Town of Gorham. (Councilor Phillips Spon.)

**Proposed**

**Order #21-119**

ORDERED, that the Town Council forwards to the Ordinance Committee, for review and recommendation, amending the ordinances of the Town of Gorham to authorize medical marijuana retail sales as an allowed use.

**Adjourn**