

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
May 1, 2018
6:30pm
Burleigh H Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the April 3, 2018 Regular Town Council Meeting

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public

Hearing # 1

On order # 9330

Public hearing regarding a proposal to amend the Sprinkler System Ordinance to require sprinkler systems in new construction of residential units.
(Ordinance Committee Spon.)

Proposed

Order # 9330

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 dwellings 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.

Item # 9331 Action to consider amending the Land Use & Development Code to remove certain fire protection water supply requirements. (Ordinance Committee Spon.)

Proposed Order # 9331 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 section 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 # 9332

Action to enter into a three year agreement with the Greater Portland Transit District for a pilot bus service project to the Town of Gorham. (Admin. Spon.)

**Proposed
Order # 9332**

Ordered, that the Town Council authorize the Town Manager to enter into an agreement with the Greater Portland Transit District for pilot bus services to the Town of Gorham.

Item # 9333

Action regarding the June 12, 2018 School Budget Validation Election. (Admin. Spon.)

**Proposed
Order # 9333**

Ordered, that the Town Council authorize the Town Clerk to issue the warrant for the June 12, 2018 School Budget Validation Election; and
Be It Further Ordered, that the polls be open from 7:00am until 8:00pm; and
Be It Further Ordered, that the Town Council appoints the following persons for the designated voting districts and if any of the following should fail to serve, the Town Council hereby authorizes the Town Clerk to appoint substitutes:

District 1-1 – Susan Emerson, Warden and Laurel Smith, Ward Clerk
District 1-2 – Katherine Corbett, Warden and Cornelia Loughran, Ward Clerk
District 2 – Martha Towle, Warden and Nancy Kenty, Ward Clerk
Central – Paula Nystrom, Warden and Teresa Sanborn, Ward Clerk

Be It Further Ordered, that the Registrar of Voters be in session during the hours of 8:00am and 4:00pm on Tuesday, June 5, 2018 and Wednesday, June 6, 2018; between the hours of 8:00am and 7:00pm on Thursday June 7, 2018, between the hours of 8:00am and 1:00pm on Friday June 8, 2018 and between the hours of 8:00am and 4:00pm on Monday June 11, 2018, and

Be it Further Ordered, that the Town Clerk be authorized to process absentee ballots on Monday, June 11, 2018 at 10:00am and on Tuesday, June 12, 2018 at 10:00am, 2:00pm and 8:00pm.

Item # 9334

Action to consider appointing a Town Councilor to the Greater Portland Council of Government's Regional Voice Committee. (Admin. Spon.)

**Proposed
Order # 9334**

Ordered, that the Town Council appoint Councilor Shepard to the Greater Portland Council of Government's Regional Voice Committee.

Item # 9335 Action to consider reviewing the Town's Senior Property Tax Relief Ordinance to better evaluate financial eligibility requirements of the ordinance. (Councilor Smith Spon.)

**Proposed
Order # 9335** Ordered, that the Town Council ask the Ordinance Committee to review the Senior Property Tax Relief Ordinance to consider amending the standards on eligibility.

Item # 9336 Action to consider appropriating funding from the Contingency Account to mediate minor water damage and mold in the "Old Town Office" on School Street. (Admin. Spon.)

**Proposed
Order # 9336** Ordered, that the Town Council appropriate up to \$3,000 from the Contingency Account to assist in water damage mediation and mold removal at the Old Town Office on School Street.

Item # 9337 Action to consider establishing an annual permit fee for Mobile Vending Units as allowed in the Land Use & Development Code. (Admin. Spon.)

**Proposed
Order # 9337** Ordered, that the Town Council set the annual permit fee for a mobile vending unit at \$500.00.

Item # 9338 Action to consider amending the O'Shea Family Trust from funding professional help with applying to college, to funding general projects in the Gorham School Department. (Admin Spon.)

**Proposed
Order # 9338** Ordered, that the Town Council amend the O'Shea Family Trust as requested by the O'Shea family to allow for the funding of general projects related to the Gorham School Department.

Adjourn