

AGENDA NOTES

Gorham Town Council Regular Meeting

December 4, 2018 – 6:30pm

Burleigh H. Loveitt Council Chambers

1. Item # 9404

Public hearing on a proposal to issue a new Liquor License to Rustic Taps & Catering. (Admin. Spon.)

Staff reports no problems with the application which is attached.

2. Item # 9331

Public hearing to amend certain fire protection water supply requirements of the Land Use & Development Code. (Admin. Spon.)

In September of 2018 when the Town Council amended the Fire Suppression Ordinance requiring fire suppression systems in all new one and two family construction, the Council forwarded a proposal to the Planning Board to eliminate requirements in the Land Use & Development Code for fire protection ponds, to ease requirements on fire hydrants and also eliminate duplicate language that was no longer needed in the Land Use & Development Code as a result of increasing the requirement for residential sprinklers. The change was also designed to reduce costs during construction for developers and for long term maintenance costs incurred by the Town of Gorham from owning fire ponds and leasing fire hydrants.

The Planning Board's recommended language is in the agenda and recommended for final adoption by Town Staff. A memo from the Town Planner is attached.

3. Item # 9196

Public hearing to allow a new Small Dwellings Overlay District in the Land Use & Development Code. (Admin. Spon.)

In March of 2017, the Town Council instructed the Ordinance Committee to look at higher density in the Land Use & Development Code for residential buildings in the Village areas of Gorham. The Ordinance Committee drafted a new overlay district for the Gorham Village Center and Little Falls Village with the intent to preserve large homes constructed in 1925 or earlier by allowing higher density units within the home. Higher density units can be made out of existing single family homes provided that certain requirements outlined in the ordinance can be met and density fees paid for each unit. After drafting by the Council's Ordinance Committee, the item was referred by the Town Council to the Planning Board for public hearing and comment.

A memo from the Town Planner is attached. The Planning Board's version is included in the Council's agenda and varies only slightly through legal review from the original Town Council version.

Informational material submitted by Councilor Hartwell with regards to parking requirements in villages is also attached.

4. Item # 9391

Action to consider adopting Council Rules for the 2018-2019 year. (Admin. Spon.)

The Town Council tabled adopting Council Rules for the 2018-2019 calendar year until the December 4, 2018 meeting after staff had time to make certain adjustments discussed by the Council at the November 13, 2018 meeting. An amended version of Council Rules is attached which clarifies the public comment period in Section 2.12, as well as disclosing a conflict of interest in Section 5.4 . **Changes are in red text. Additions are underlined, deletions ~~struck through~~.** The Council may amend any of the rules at its regular meeting.

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV**

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA:	YES <input type="checkbox"/> NO <input type="checkbox"/>

PRESENT LICENSE EXPIRES: _____

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: 02/27/17

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|---|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input checked="" type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Rustic Taps and Catering LLC	Business Name (D/B/A) Rustic Taps and Catering LLC
APPLICANT(S) --(Sole Proprietor) Dave Golden	DOB: XXXXXXXXXX
DOB: _____	Physical Location: 25 Elm Street
Address	City/Town State Zip Code Gorham Maine 04038
Address	Mailing Address 120 Gateway Commons Drive
City/Town State Zip Code	City/Town State Zip Code Gorham Maine 04038
Telephone Number Fax Number 207-387-0929	Business Telephone Number Fax Number 207-387-0929
Federal I.D. #	Seller Certificate #: or Sales Tax #:
Email Address: Dave@rustictaps.com	Website: https://rustictaps.com/

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ NEW LIQUOR \$ new
- Is applicant a corporation, limited liability company or limited partnership? YES NO
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you permit dancing or entertainment on the licensed premises? YES NO

5. Do you own or have any interest in any another Maine Liquor License? Yes No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # _____ Name of Business _____
 Physical Location _____ City / Town _____

6. If manager is to be employed, give name: _____

7. Business records are located at: 120 Gateway Commons Drive, Gorham, ME 04038

8. Is/are applicants(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES NO

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Dave Golden	██████████	Manchester, NH
Jessica Golden	██████████	Fall River, MA

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: Dave Golden	City: Gorham	State: ME
Name: Jessica Golden	City: Gorham	State: ME
Name: _____	City: _____	State: _____

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes No If Yes, give name: _____

14. Has/have applicant(s) formerly held a Maine liquor license? YES NO

15. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

Lisa Allen, 25 Elm Street, Gorham, ME 04038

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) Kitchen with separate entrance to

Party Time Rental

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: Victualer's licence, Department of Health Inspection Certificate

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 mile to nearest school

Which of the above is nearest? School

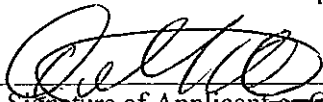
19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: SBA Loan and personal vehicle loan

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Gorham, Maine on November 28th, 2018
Town/City, State Date


 Signature of Applicant or Corporate Officer(s)
Dave Golden
 Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

 Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.**

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the

City Town Plantation Unincorporated Place of: _____,
Maine

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending

renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).]{ 2003, c. 213, §1 (AMD) .}

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347 (overnight)
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov



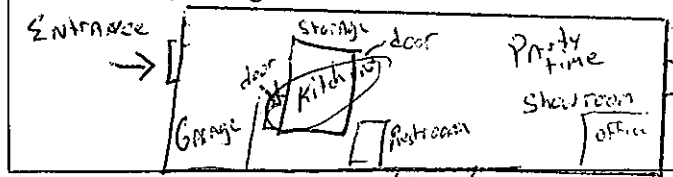
ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • Entrances • Office area • Kitchen • Storage Areas • Dining Rooms • Lounges • Function Rooms • Restrooms • Decks • All Inside and Outside areas that you are requesting approval.



Rustic Taps and Catering has its own entrance located at rear of building. The leased space consists of the Kitchen behind a locked door with 3 bay sink, handwashing sink, mop sink, dishwasher, storage and restroom.





Division of Alcoholic Beverages and Lottery
 Operations
 Division of Liquor Licensing and Enforcement

**Corporate Information Required for
 Business Entities Who Are Licensees**

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Rustic Taps and Catering LLC
- Doing Business As, if any: Rustic Taps and Catering LLC David Golden Sole MBR
- Date of filing with Secretary of State: 02/07/17 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
David Golden	[REDACTED]	[REDACTED]	Owner	100%

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? Yes No

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Owner or Corporate Officer

11/28/18

Date

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

From:  **Dan Jones**

Tuesday, November 20, 2018 9:24:58 AM



Subject: Re: Rustic Taps & Catering

To:  **Laurie Nordfors**

All set.

Chief Daniel Jones
Gorham Police Department
270 Main Street
Gorham, ME 04038
(207) 222-1665
djones@gorham.me.us



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[Faint, illegible text, possibly a signature or handwritten note]

From:  **Robert Lefebvre** Tuesday, November 20, 2018 8:40:27 AM 

Subject: Re: Rustic Taps & Catering

To:  **Laurie Nordfors**

Cc:  **Freeman Abbott**  **Charles Jarrett**  **Sharon Laflamme**  **Dan Jones**

fire is all set



GORHAM FIRE DEPARTMENT
270 Main Street, Gorham, Maine 04038

ROBERT LEFEBVRE
Fire Chief

Tel: 207-222-1642
24 Hours: 207-839-5581
Fax: 207-839-7753
E-mail: rlefebvre@gorham.me.us



From:  Freeman Abbott

Tuesday, November 20, 2018 8:41:59 AM



Subject: Re: Rustic Taps & Catering

To:  Laurie Nordfors

Code is all set



Freeman Abbott
Town of Gorham Code Enforcement Officer
75 South Street, Ste. 1
Gorham, ME 04038
(207)222-1605

FIRST PREVENTERS: A First Preventer may go under the title of building inspector, building official, code enforcement officer, fire chief, fire marshal, building safety official, electrical inspector, plumbing inspector plan reviewer or simply health officer. But the labels merely obscure their common mission: to prevent harm by ensuring compliance with building safety codes before a disaster occurs. From hurricanes to tornados, floods, wildfires and earthquakes, building safety codes administered by First Preventers play a major role in saving lives, protecting property and reducing recovery costs often paid for by taxpayer dollars.

Laurie Nordfors writes:

Good Morning,

Rustic Taps & Catering is applying for a new liquor license. He is a catering service/tap truck that is based out of 25 Elm Street. He moves around to different locations for catering but needed a base. There is no on-site consumption of liquor on Elm Street.
Please let me know if there are any concerns.

Thanks,

Laurie



Laurie K Nordfors, CCM
Town Clerk
Registrar of Voters
Assistant Tax Collector
Motor Vehicle Agent



Town of Gorham Planning Department

David C.M. Galbraith, *Zoning Administrator*
dgalbraith@gorham.me.us

Thomas M. Poirier, *Town Planner*
tpoirier@gorham.me.us

GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038

Tel: 207-222-1620

TO: Ephrem Paraschak, Town Manager
 FROM: Thomas M. Poirier, Town Planner
 SUBJECT: Fire Protection Water Supply
 DATE: November 30, 2018

At the Planning Board's November 5, 2018 Planning Board meeting the Board forwarded (7 ayes) the amendment for Fire Protection Water Supply ordinance as amended by the Planning Board. The only change to the ordinance proposed by the Planning Board is to identify the maximum distance spacing for fire hydrants.

The ordinance amendment proposed by the Town Council is shown underlined and strikethrough with the Planning Board's recommended changes are shown **bolded and underlined**.

Public Comment: No public comments were given at the public hearing.

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council (7 ayes) forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	September 4, 2018
Planning Board Meeting	The Planning (6 ayes) moved the item to be placed on the next available Planning Board agenda for a public hearing.	October 1, 2018
Planning Board Meeting -Public Hearing	Recommend adoption of the proposed zoning amendment as revised by the Planning Board.	November 5, 2018

Proposed Ordinance Language

CHAPTER 2: 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:

Planning Board Recommendation: Fire Protection Water Supply

- 1) **Fire Hydrants shall be provided at a maximum distance spacing of 1,500' as measured along the road centerline. The specific location of the fire hydrants shall be approved by the Gorham Fire Chief prior to installation.**
~~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.~~

Planning Board Recommendation: Fire Protection Water Supply

- 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.

Planning Board Recommendation: Fire Protection Water Supply

~~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.~~



Town of Gorham Planning Department

David C.M. Galbraith, *Zoning Administrator*
dgalbraith@gorham.me.us

Thomas M. Poirier, *Town Planner*
tpoirier@gorham.me.us

GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038

Tel: 207-222-1620

TO: Ephrem Paraschak, Town Manager

FROM: Thomas M. Poirier, Town Planner 

SUBJECT: Small Dwellings Overlay District

DATE: November 30, 2018

At the Planning Board's November 5, 2018 Planning Board meeting the Board forwarded (7 ayes) the amendment for Small Dwelling Overlay District ordinance as amended by the Planning Board. The only change to the ordinance proposed by the Planning Board is to identify that small dwellings are exempt from the multifamily housing performance under Chapter 2, Section 2-4 Residential, B. Performance Standards for Multi-Family Housing.

The ordinance amendment proposed by the Town Council is shown underlined with the Planning Board's recommended changes are shown **bolded and underlined**.

The Town Council will also need to adopt the revised zoning map as part of the amendment process. The revised zoning map shows the location of the Small Dwelling Overlay District boundaries. See attached Zoning Map.

Public Comment: No public comments were given at the public hearing.

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council (7 ayes) forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	September 4, 2018
Planning Board Meeting	The Planning (6 ayes) moved the item to be placed on the next available Planning Board agenda for a public hearing.	October 1, 2018
Planning Board Meeting -Public Hearing	Recommend adoption of the proposed zoning amendment as revised by the Planning Board.	November 5, 2018

Proposed Ordinance Language

CHAPTER 1: SECTION 23 - SMALL DWELLING OVERLAY DISTRICT

Structure Requirements: Residential buildings eligible for conversion into small dwelling unit buildings must have been constructed prior to or in 1925. Additions are allowed but cannot increase the size of the building by more than 25% and the additions need to meet all underlying zoning space standards. Commercial buildings and residential buildings built after 1925 cannot be used for conversion to small dwelling unit buildings.

Planning Board Recommendations: Small Dwelling Overlay District

Space Standards: The standard residential density for the lot is based on the underlying zoning district's space standards. Lot owners located in the overlay district are allowed to convert the standard residential density to small dwelling units based on the below formula:

<u>1 bedroom apartment</u>	<u>1/3 of a dwelling unit</u>
<u>2 bedroom apartment</u>	<u>2/3 of a dwelling unit</u>
<u>3 or more bedroom apartment</u>	<u>1 dwelling unit</u>

Bonus Unit Provisions: Existing structures and lots that could support and meet the required performance standards for additional small dwelling units may add dwelling units as identified under Chapter 1, Section 1-18 Development Transfer Overlay District, E. Performance Standards, 1. Development Transfer Fee and Calculations.

Fee Based Calculation:

<u>1 bedroom apartment</u>	<u>1/3 of a bonus unit fee</u>
<u>2 bedroom apartment</u>	<u>2/3 of a bonus unit fee</u>
<u>3 or more bedroom apartment</u>	<u>1 full bonus unit fee</u>

Off-street Parking Standards: Conversion of existing buildings into small dwelling unit structures must meet the following requirements:

<u>1 bedroom apartment</u>	<u>1 parking space</u>
<u>2 bedroom apartment</u>	<u>1.5 parking spaces</u>
<u>3 or more bedroom apartment</u>	<u>2 parking spaces</u>

Half parking spaces are required to be rounded up to the next full number. Parking is not allowed within the front yard setback as identified in the underlying zoning district or no portion of the lot between the street to the front building line shall be used for off-street parking.

Buffering requirements: The conversion and development of the site shall comply with the requirements under Chapter 2: General Standards of Performance, Section 2-1: Environmental, I. Buffer Areas.

Town Review Requirements: The conversion of existing buildings into multiple small dwelling units shall be subject to review and approval under the provisions of the Chapter 3: Subdivision and Chapter 4: Site Plan. The conversion also must meet all the requirements under Chapter 2: General Standards of Performance, except it is not required to meet the standards under Chapter 2, Section 2-4 Residential, B. Performance Standards for Multi-family Housing.

Public Utilities: Structures are required to be connected to public water and sewer meeting the requirements of the Portland Water District and the Town of Gorham.

Fire and Building Codes: The conversation of the structure shall comply with all applicable Fire and Building Code requirements.

Minimum Apartment Sizes: The total floor area of an apartment unit shall meet the following minimum standards.

Planning Board Recommendation: Small Dwelling Overlay District

<u>Studio:</u>	<u>400 square feet</u>
<u>1 bedroom:</u>	<u>550 square feet</u>
<u>2 bedrooms:</u>	<u>700 square feet</u>
<u>3 bedrooms:</u>	<u>850 square feet</u>
<u>4 bedrooms:</u>	<u>1,000 square feet</u>

CHAPTER 2: SECTION 2-4 – RESIDENTIAL , B. PERFORMANCE STANDARDS FOR MULTI-FAMILY HOUSING

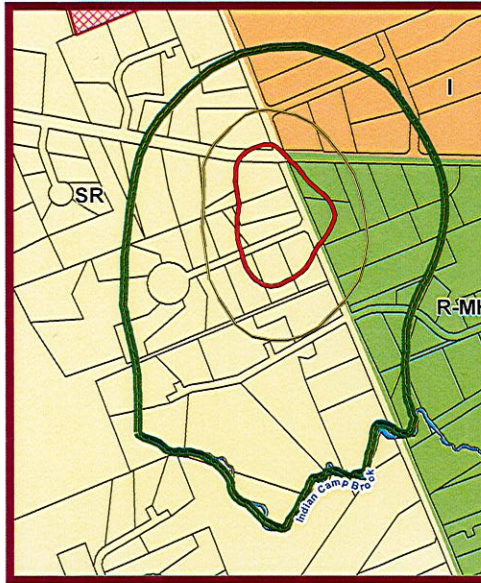
The construction of any new multi-family dwelling or the conversion of an existing single-family or two-family dwelling into a multi-family dwelling, **except for the conversion of a residential building that meets the requirements of Section 1-23 (Small Dwelling Overlay District)**, shall be done in accordance with the following standards:

ZONING MAP

OF THE TOWN OF
GORHAM
 CUMBERLAND COUNTY, MAINE
 2018

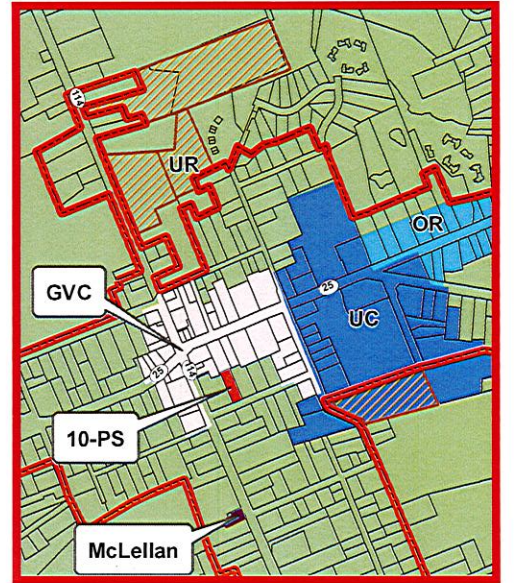


**Black Brook and Brackett Road
 Special Protection District**



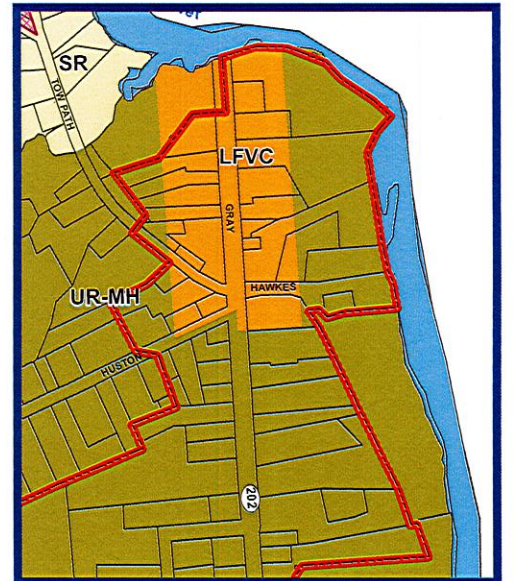
0 500 1,000 2,000 Feet

Gorham Village Center



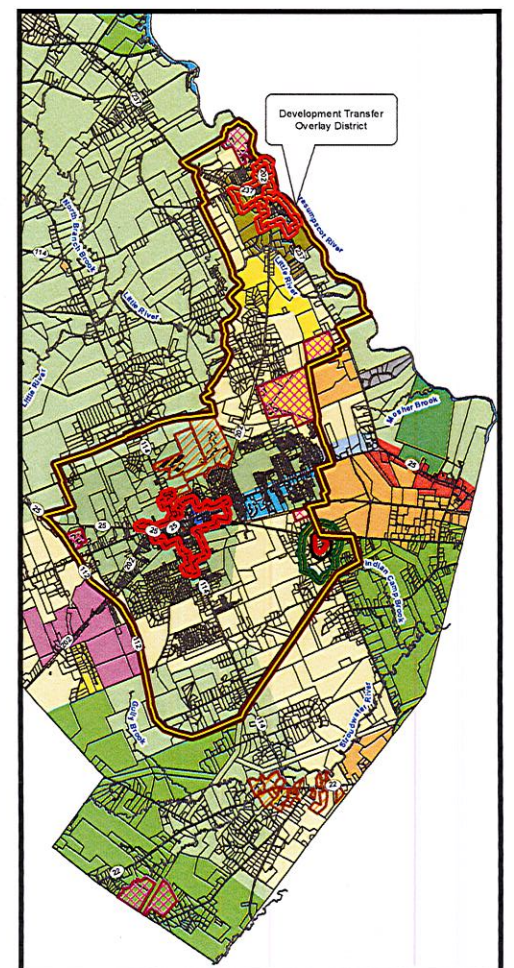
0 500 1,000 2,000 Feet

Little Falls Village Center

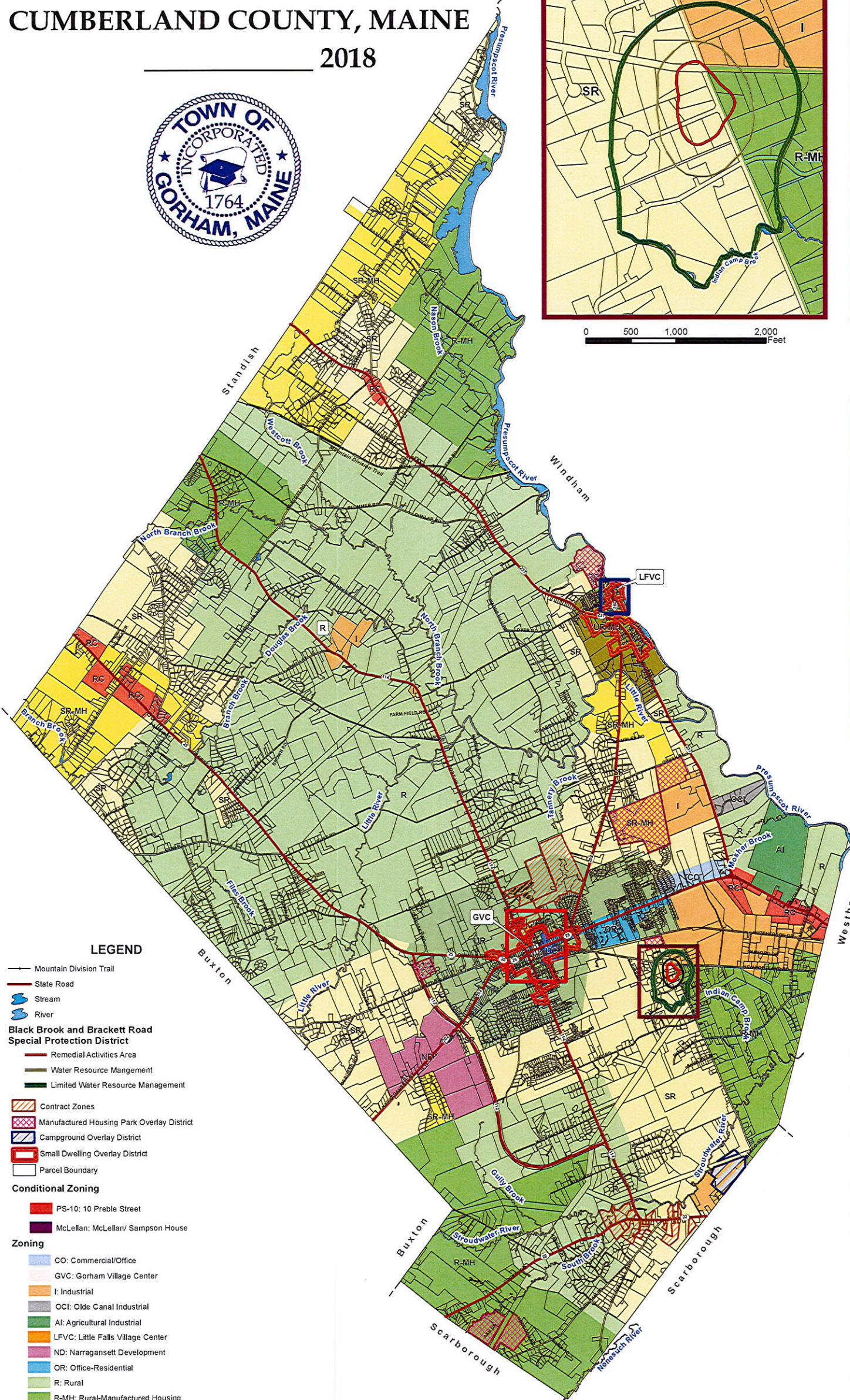


0 300 600 1,200 Feet

Development Transfer Overlay District



0 3,000 6,000 12,000 Feet



LEGEND

- Mountain Division Trail
- State Road
- Stream
- River
- Black Brook and Brackett Road Special Protection District**
 - Remedial Activities Area
 - Water Resource Mangement
 - Limited Water Resource Management
- Contract Zones
- Manufactured Housing Park Overlay District
- Campground Overlay District
- Small Dwelling Overlay District
- Parcel Boundary
- Conditional Zoning**
 - PS-10: 10 Preble Street
 - McLellan: McLellan/ Sampson House
- Zoning**
 - CO: Commercial/Office
 - GVC: Gorham Village Center
 - I: Industrial
 - OCI: Olde Canal Industrial
 - AI: Agricultural Industrial
 - LFVC: Little Falls Village Center
 - ND: Narragansett Development
 - OR: Office-Residential
 - R: Rural
 - R-MH: Rural-Manufactured Housing
 - RC: Roadside Commercial
 - SR: Suburban Residential
 - SR-MH: Suburban Residential-Manufactured Housing
 - UC: Urban Commercial
 - UR: Urban Residential
 - UR-MH: Urban Residential-Manufactured Housing

I hereby certify that this is the Zoning Map of the Town of Gorham referred to in the Gorham Land Use and Development Code Zoning Ordinance and is the Official Zoning Map for the Town of Gorham, Maine. It includes all prior revisions and is current as of this date and was voted on by the Town Council.

Laurie Nordfors
 Laurie Nordfors, Town Clerk

When uncertainty exists with respect to the district boundaries as shown upon this Zoning Map of the Town of Gorham, or amendments thereto, the following shall apply:

- 1) Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of the Code, of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- 2) Other district boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the official Zoning Maps on file in the Gorham Municipal Office. In the absence of a written dimension, the graphic scale on the official Zoning Maps shall be used.

Amended by the Gorham Town Council and effective this October 3, 2017.

1 inch = 6,000 feet

0 1,500 3,000 6,000 9,000 12,000 Feet



(Submitted by Councilor Hartwell)

**STRONG
TOWNS**

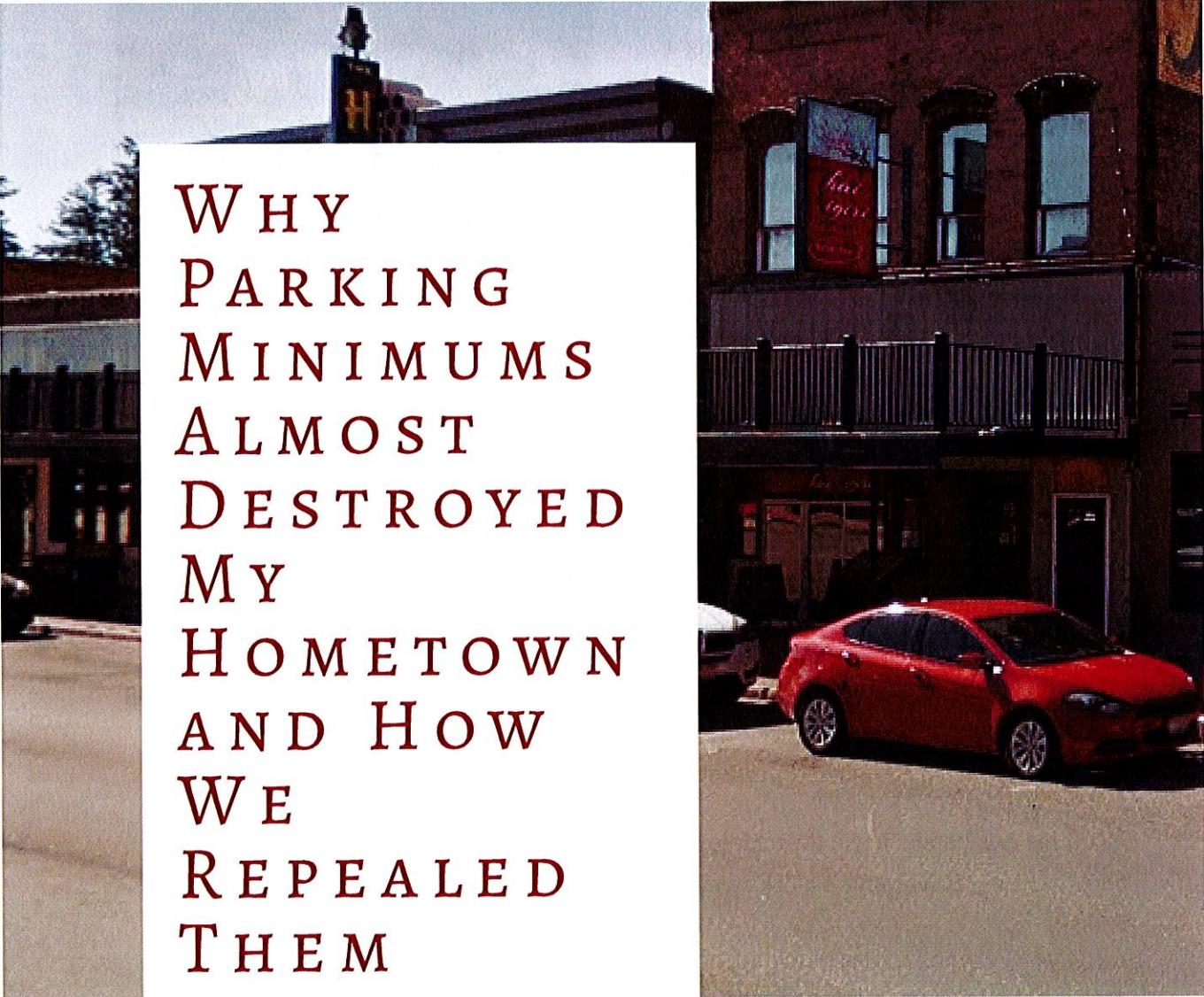
ABOUT

EXPLORE

EVENTS

LOCAL

JOIN THE MOVEMENT

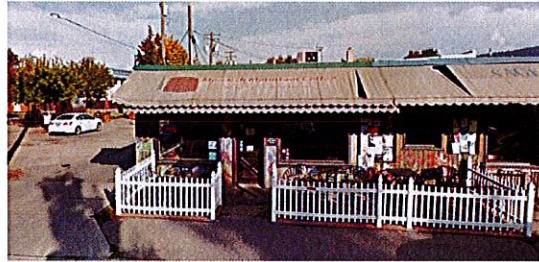


**WHY
PARKING
MINIMUMS
ALMOST
DESTROYED
MY
HOMETOWN
AND HOW
WE
REPEALED
THEM**

NOVEMBER 22, 2017

BY JOHN REUTER

I never thought about parking minimums until my favorite pizza place was getting knocked down. A local bank was building a new three-story headquarters across the street and the city of Sandpoint, Idaho's parking laws required that the bank either provide around 200 additional parking spaces around their new building or pay \$10,000 per space in lieu of providing them.



Monarch Mountain Coffee, saved from the wrecking ball (Source: Google Maps)

Weighing the options, it was actually cheaper for the bank to purchase the surrounding properties, kick out the existing businesses, knock down the structures, and build parking. So the small pizza stand with the best slices in town closed and was removed.

But that only accounted for a small portion of the parking the bank required. To satisfy the city's parking requirements, they were eyeing Monarch Mountain Coffee, a community gathering place next door to the new parking lot that was the former home of the pizza stand. Knocking down the local coffee shop, though, would *still* fall short of the city's parking requirements and the bank would further have to acquire and demolish multiple other neighboring buildings that were currently used for housing and other small businesses.

All of this was happening in the middle of Sandpoint's historic downtown. The city's large public parking lot was only a block away! It was never completely full (not even on Black Friday).

TIME TO TAKE ACTION

In the middle of all of this, I was appointed to the Sandpoint City Council. It had become clear to me that something needed to be done and now it felt like I was the person that needed to be doing that something.

The first vote I ever took, the same night I was sworn in, was to provide an exception to allow a historic building to be internally remodeled and reoccupied without having to provide additional parking. It was a relatively easy win; most people got the idea that reopening an



The new Columbia Bank building (Source: Google Maps)

old building shouldn't trigger requirements for new parking.

The next step was securing a similar exception for the bank. They didn't want to have to build the parking and we didn't really want them to build it—despite the fact that we were requiring it. But, unlike the historic building remodel, they hadn't tried to reach

an agreement before they started building.

It was difficult politically, and arguably unfair, to grant them a special exception outright, even if it was in the community's best interest.

So we headed to the negotiation table to try to work out an agreement where they wouldn't have to build the parking in exchange for providing the community with alternative benefits. This was a potential win-win-win. The bank would win because they wouldn't have to build the parking. The city and the community would win because we wouldn't lose the surrounding businesses and homes. And we would all win again because of the additional benefits.

I don't recall everything that made it into the final deal, but in the end, the bank was relieved from having to provide any additional parking besides what it had already built, and also agreed to provide space for a small business incubator (that, by the way, proved so successful the bank actually started advertising it as part of their support for the community).

THE NEXT STEP

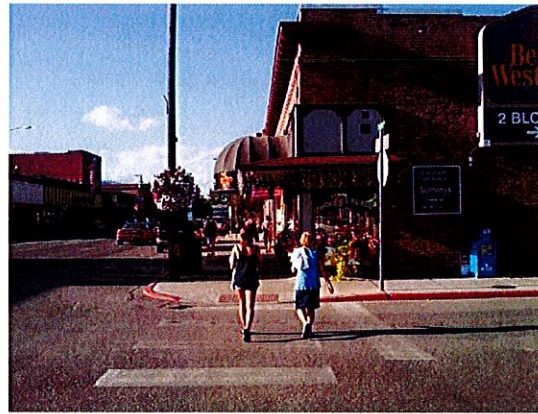
It was a start, but it wasn't enough. We needed to repeal parking minimums entirely. It was clear that, while the situation with the bank may have been the biggest example of how parking minimums were harming our small town, their negative impacts were felt much more widely.

These requirements were stopping other smaller businesses — the ones that couldn't afford to buy up and knock down their neighbors — from expanding. The requirements were also making it difficult to build affordable housing and mandating that people build exactly the opposite of how citizens were telling us (through our Comprehensive Plan process) that

they wanted our town to look and function.

But even with all this evidence of damage from our parking requirements, we didn't have the votes to repeal the minimums. It was not an easy journey to get there.

I gathered letters from local business owners who wanted to expand but were unable to do so, due to the parking requirements. I worked with other residents to track just how many parking spots sat empty at the city lot and other locations where parking far exceeded demand. In collaboration with city staff, we discovered that the most beloved parts of our town would be illegal to rebuild under the current code.



Downtown Sandpoint (Source: kgrr)

SUCCESS!

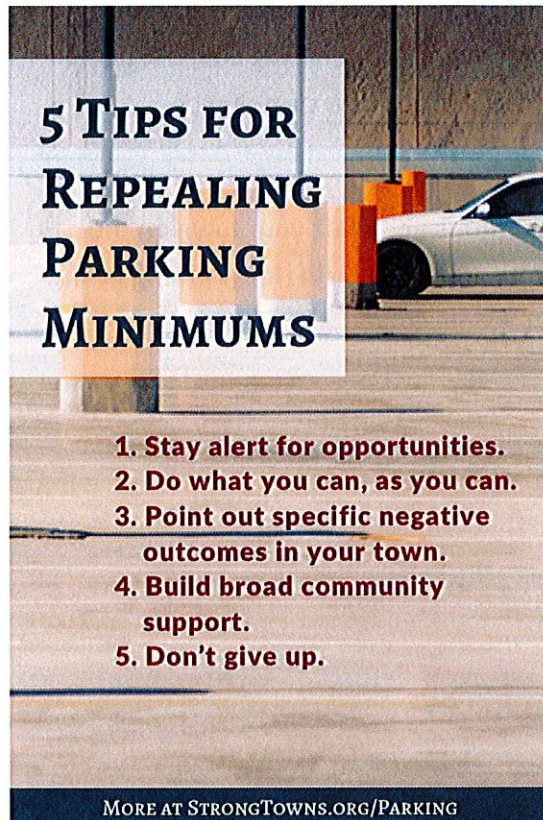
It took a while to build enough support – and it was still contentious—but we managed to pass a series of reforms to Sandpoint's parking requirements. We eliminated minimum parking requirements in Downtown Sandpoint entirely. Everywhere else in the city—for both commercial and residential uses—we greatly reduced them. And, finally, we set parking maximums to prevent even larger empty lots from damaging our community's economy and quality of life.

The positive impacts were felt almost immediately. A popular Mexican restaurant was able to complete a long delayed expansion that, before the changes, would have cost them more in "in lieu of parking" fees than construction costs. Another restaurant turned their unused off-street parking spaces into additional outdoor seating in the summer. When a big box grocery store moved to town a little while later, the parking maximums left room for other small businesses and housing to also develop around them. And, by the way, they still had plenty of parking.

It became clear pretty quickly that parking minimums had never been protecting us from some dangerous world where no one could park their cars. The market actually wanted to provide more than enough (thus the maximums). In the end, parking minimums themselves were revealed to be the problem. And when we got rid of them, our businesses and community were allowed to gently, incrementally grow; creating more of the same kinds of places we used to build and still loved.

5 Tips for Repealing Parking Minimums in Your Community

Here are some of the lessons we learned from repealing parking minimums in our town that will help you do the same in your community:



1. Stay alert for opportunities. Rarely (at least in my experience) do policies happen in a linear sequence. Look for chances, like the restoration of a historic building, to argue that requiring additional parking makes no sense. Remember your end policy goals and push for them as soon as opportunities emerge.

2. Do what you can, as you can. Another way of saying this is: Don't let the perfect be the enemy of the good. We didn't start by removing all parking minimums. In fact, Sandpoint *still* hasn't. But things are a lot better than they would have been if we had waited until we could pass a complete repeal. Take steps forward as you can. Make an exception for the reuse of existing structures, reduce parking requirements

where possible, and eliminate them entirely whenever you get the chance for whatever portion of your city for which you can get majority support.

3. Point out specific negative outcomes in your community. Sometimes as advocates, we can get lost in theory and all the reasons why a policy is bad in general. Abstractions and even concrete examples from other communities often fail to persuade those who disagree. Look for examples in your community where parking requirements are causing problems for local businesses or unnecessarily increasing the cost of housing. Point out blocks in your downtown that everyone loves and why they would be illegal to build today. Being specific can often be the key to helping people understand why eliminating parking minimums is the right choice.

4. Build broad community support. Use your specifics to identify and gain the support of new partners who would benefit from eliminating parking minimums: the family that wants to build an [accessory dwelling unit](#) for their aging parents but can't meet the parking

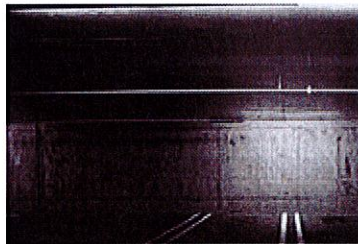
requirements; the business that can't expand; or the developer who wants to reuse an old building. Well-organized facts are useful in supporting the implementation of new policies, but people to demand action based on those facts are even better.

5. Don't give up. It took a long time after we made an exception for one historic building for Sandpoint to repeal parking requirements for our entire downtown. And during a lot of that time, it didn't look especially likely that we were going to win. Keep building support, person by person, business by business, and eventually you will get to a new community consensus.

If you'd like to highlight the problem of parking minimums and start your town on the path toward repealing them, join Strong Towns for its annual #BlackFridayParking event. [Get all the info about how to participate here.](#)

(Top photo source: Google Maps)

Related stories



Here's How to Build a Parking Garage

It is backward to think of a parking ramp as a catalyst for success; it is the outcome of success. There is no shortcut to building a Strong Town, but lots of rewards for the effort.

Nov 26, 2018 · Charles Marohn



A Free Market for Parking

When it comes to parking, it's time to reconcile our free-market rhetoric with our market-busting reality.

Oct 22, 2018 · Charles Marohn



3 Major Problems with Parking Minimums

Parking minimums might sound dull, but they have an enormous impact on the financial success of your city and understanding why is crucial.

Jul 3, 2018 · Rachel Quednau



John T. Reuter

John Reuter has spent his life working and living in the West. Born into a Greek sheep ranching family, he grew up in a small logging town in Oregon, went to school at the College of Idaho, and now lives in Seattle. While in college, he co-founded the Sandpoint Reader, a weekly arts and entertainment newspaper and later freelanced for regional and national publications, including the Washington Post. He continues to write a monthly column for the Spokane Inlander. In 2007, he was appointed and then elected to be the youngest city council member in Sandpoint, Idaho's history and then selected by his peers to be Council President.

Today, John works as the national Director of Local & Bipartisan Strategies for the League of Conservation Voters. He currently serves on the Board of Strong Towns. He's particularly drawn to the notion that economic development is a community endeavor not just belonging to the planners.

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Joe Wolf • a year ago

Thank you for your passion, hard work and this post!

1 | • Share >



Curt Adams • a year ago

Congratulations on making a difference. Those sound like good pointers.

1 | • Share >



aplofar • a year ago

Downtown Sandpoint looks really nice - I particularly like the covered bridge! Has there been any thought to turning downtown streets, like North First Ave, back to two-way traffic?

| • Share >



John Reuter → aplofar • a year ago

Actually, after years of discussion and planning, they were finally returned to two-way traffic this summer: [http://sandpointreader.com/...](http://sandpointreader.com/)

4 | • Share >



aplofar → John Reuter • a year ago

That's great news.

2 | • Share >



basenjibrian • a year ago

But...you are destroying the enjoyable opportunity to walk through a huge parking lot! Horrors!

| • Share >



Vooch → basenjibrian • a year ago

indeed - this video documents what happens when no car storage is provided in Munich trigger warning

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RULES OF THE GORHAM TOWN COUNCIL

DRAF DATED: NOVEMBER 28, 2018

SECTION 1. TOWN COUNCIL MEETINGS

1.1 Within seven days after the Municipal Election, the Council shall hold an organizational meeting for the purpose of electing a Chairman and the following committees with each Council member serving on two standing Committees to include either (1) the Finance Committee or Ordinance Committee and either (2) the Appointments/Personnel Committee or Economic Development/Capital Improvements Committee.

Organizational Meeting

1. Finance Committee
2. Ordinance Committee
3. Appointments/Personnel Committee
4. Economic Development/Capital Improvements Committee

The members of the Council to serve on the Finance, Ordinance, Appointments/Personnel, and Economic Development/Capital Improvements Committees shall be chosen by a majority of the Council and the Chair of the Council shall serve as an ex-officio member, having no vote on any Committees. Committees shall serve at the pleasure of the Council and will receive and act upon only those items and will perform only such duties as have been specifically referred to each Committee by Council action.

1.2 The regular meetings of the Town Council shall be held in the Gorham Municipal Center, or such other facilities as the Town Council may designate from time to time, at 6:30 p.m., current time, on the first Tuesday of each calendar month. When said day falls on a holiday or on Election Day, the regular meeting shall be held on the following Tuesday, at the same time and place. The date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for one regular meeting each month.

Regular Meetings

1.3 Special Meetings may be called by the Chairman, and in case of the Chairman's absence, disability or refusal, may be called by three members of the Town Council. Notice of such meeting shall be served in person or delivered to the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding said special meeting, unless all members sign a waiver of said notice. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be voted upon at such special meeting.

Special Meetings

SECTION 2. CONDUCT OF BUSINESS

2.1 A majority of the members of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken, unless such absent members sign a waiver of said notice.

Quorum Adjourned Meetings

2.2 The Town Council shall act only by ordinance, order or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title.

Enactment Form

2.3 All Orders approved by the Town Council that ask the voters of Gorham, through a referendum vote, to approve an expenditure of funds, shall include a statement advising voters of the estimated impact on property taxes of said expenditure.

2.4 Initiatives to amend or enact a Town Ordinance, prior to their referral to a committee or an administrative official for development and drafting, and inquiries to committees not related to Town Ordinance shall be placed on a Council agenda for provisional approval. If the ordinance initiative obtains the provisional approval of a majority of Councilors, it may then be referred to the appropriate committee, board or administrative official for further development and drafting.

2.5 In all votes of command, the form of expression shall be "Ordered"; and of opinions, principles, facts, or purposes, the form shall be "Resolved".

2.6 Every ordinance, order or resolve shall have a full reading unless the reading is dispensed with by the unanimous vote of those present, in which case reading shall be by title only.

2.7 The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the Town Council. Every ordinance, order and resolve shall require, on passage, the affirmative vote of four members of the Town Council.

2.8 No ordinance, except emergency ordinances as defined in Article II, Section 213.1 of the Charter, shall take effect and be in full force until 30 days from and after it shall have received publication as required by Section 213 of the Charter.

2.9 Orders or resolves shall take effect immediately upon passage.

2.10 No ordinance, order, or resolve shall be in order for action at any meeting of the Town Council unless such ordinance order or resolve shall be filed in the office of the Town Manager on or before noon of the Wednesday prior to the regular meeting held on the first Tuesday of each month, and before noon of the fourth secular day next prior to the day of any other meeting. Delivery of all items to the members of the Town Council in accordance with the foregoing, if by postal service, shall be postmarked no later than Thursday prior to the regular meeting.

2.11 Any item to be placed on the agenda of the Council or recommended for consideration of the Council must be sponsored by a member of the Council, or by the Town Manager or in the instance when an item is recommended for action by one of the Council's standing committees, shall be sponsored by the Committee with the Committee's vote reflected. Those items sponsored by the Manager shall normally be restricted to routine town administration.

2.12 Any person wishing to address the Town Council will be given the opportunity to do so in accordance with the following procedures:
 1. Persons wishing to address the Council on an item which appears on the agenda shall wait until the public hearing is opened

Referendum Requirement

Initiatives to Amend or Enact Ordinances

Order and Resolve Style

Full Reading: Waiver

Yeas and Nays Taken: When

Ordinances: Effective When

Orders, Resolve Effective

Item for Meetings: Filed When

Items Sponsored By

Procedure for Addressing Council

on the particular item or, if there is no public hearing, until the consideration of such item is announced, at which time they may address the Council on that particular item only after being invited to speak by the Chair. Public comment on an agenda item or during a public hearing is encouraged to be limited to no more than five minutes by any one speaker. The Chair is granted the discretion to allow an extension of time if deemed necessary.

The public shall be encouraged to limit their comments to items directly relating to the actual agenda item, and not to repeat statements made by prior speakers. The Chair may decide questions of relevance. The Chair shall not allow comments of a personal or derogatory nature, as they relate to the applicant, Councilors or other speakers.

Once the public hearing has been closed or public comment has ceased on an agenda item that did not have a public hearing, the Council shall begin its deliberation and no further public comment will be taken. The Chair may, at its discretion, allow additional clarification of the facts adduced at the public hearing and individual Councilors may ask specific questions through the Chair of either the public or staff to further inform themselves prior to completing their deliberations.

2. Persons wishing to address the Council on an item not appearing on the agenda shall do so only ~~on invitation from Council~~ during the public comment section of the agenda or after disposition of all items appearing on the agenda at the discretion of the Chair.

3. Any person wishing to address the Council shall so signify by raising a hand and/or standing. After being recognized by the Chairman and giving adequate identification he or she may address the Council. When, in the opinion of the Chairman, their identify has not been adequate for those assembled, the Chairman shall request further information before permitting the person to speak.

4. Persons present at Council meetings are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

2.13 A copy of the record of Council decisions taken at a formal meeting shall be attested and posted by the Town Clerk within three working days at one or more places within the Town of Gorham. Such minutes shall constitute the official record of the actions on all Ordinances, Resolutions, Orders and Votes taken by the Council; such posting shall constitute publication within the meaning of Section 902 of the Town Charter and the date of such posting shall be the date of publication for the purpose of determining the required time for filing petitions under this

Posting of Minutes

SECTION 3. COUNCIL CHAIR AND MEETING PROCEEDURES

3.1 The Chairman shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be taken, and, a quorum being present, shall proceed with the order of business.

Chairman to be Presiding Officer

3.2 The Chairman shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided. The Council may also, at its first meeting or thereafter during the year, elect a Vice Chairman or Chairman Pro Tempore from

Preserve Decorum, Decide All Questions of Order

among its members to exercise all the powers of Chairman during the temporary absence or disability of the Chairman.

3.3 The Chairman shall declare all votes, but if any member doubts a vote, the Chairman shall cause a return of the members voting in the affirmative and in the negative without debate.

**Declare Votes:
Cause Return
Of Votes**

3.4 When a question is under debate, the Chairman shall receive no motion but to:

**Debate:
Rules of**

- (1) adjourn
- (2) lay on the table
- (3) for the previous question
- (4) postpone to a day certain
- (5) refer to a committee or some administrative official
- (6) amend
- (7) postpone indefinitely

which several motions shall be precedence in the order in which they stand arranged.

3.5 The Chairman shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, and the motion for the previous question, shall be decided without debate.

**Motion to
Adjourn: Lay
on Table**

3.6 When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next regular meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such next regular meeting or unless five of the members present consent to such reconsideration. A petition once presented to and acted upon by the Town Council shall not again be received by the Town Manager for presentation to the Council in the same or substantially the same form during the term of the present Council. A member of the Town Council, voting with the majority on the original petition, shall be privileged to reintroduce such a petition.

Reconsideration

3.7 Upon the motion for the previous question being made and seconded, the Chairman shall put the question in the following form: "Voting is now on whether there shall be further debate on (state the motion)." All debate shall then be suspended. If the motion for the previous question is adopted by a majority of the Councilors present, the motion to which it applied shall be voted at once.

**Motion for
Previous
Question**

3.8 No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the chair or not.

**Not to be
Debated or
Amended**

3.9 Every member present when a question is put shall give their vote, unless the Council, for special reasons, shall excuse that Councilor. Application to be so excused must be made before the Council is divided, or before the calling of the yeas and nays, and decided without debate.

**Member
Excused from
Voting: When**

3.10 Every motion shall be reduced to writing, if the Chairman shall

Motion to be Reduced

so direct.

3.11 Any member may require the division of a question when the sense will admit it.

3.12 A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

3.13 All questions relating to priority of business to be acted upon shall be decided with discussion limited to Council members, but any Councilor may solicit information from any other person.

3.14 The rules shall not be dispensed with or suspended unless five of the members of the Council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

3.15 In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Robert's Rules of Order" shall be taken as authority to decide the course of proceedings.

SECTION 4. COUNCIL COMMITTEES

4.1 The Finance Committee shall consist of three members of the Council. Said Finance Committee shall act by majority vote. The Council Chairman shall serve as an ex-officio member of said committee, having no vote on the committee. The members of the Finance Committee shall be appointed annually by vote of the Council. The Chairman shall be elected by a majority vote of the Committee members. The Finance Committee shall have the power and duty to review monthly and annual financial reports, meet with the Town Auditors and review the annual audit, review the warrants for the expenditure of Town funds, and advise the Town Manager on matters of current expenditures within the Municipal Budget. The Council may refer matters relating to Town finances brought to its attention by either the Town Manager or the Finance Committee, to the Finance Committee, which shall study the same and make appropriate recommendations to the entire Council.

4.2 The Ordinance Committee shall consist of three members of the Council. Said Ordinance Committee shall act by majority vote. The Council Chairman shall serve as an ex-officio member of said Committee, having no vote on the committee. The members of the Ordinance Committee shall be appointed annually by vote of the Council. The Chairman shall be elected by a majority vote of the Committee members. In addition to those other powers which the Council may, from time to time assign to it, the Ordinance Committee, when requested by the Council, shall review proposed ordinances or amendments and make recommendations to the Council prior to final action.

4.3 The Appointments/Personnel Committee shall consist of these members of the Council and act by majority vote. The Council Chairman shall serve as an ex-officio member of said committee, having no vote on the committee. Among such other powers as the Council may from time to time assign to said committee, it shall recommend to the entire Council persons for appointment to various positions and offices which are

to Writing: When

Division of Question

Motion for Referral

Priority of Business

Suspension of Rules: Amendment or Repeal

Parliamentary Proceedings

Finance Committee

Ordinance Committee

Appointments/Personnel Committee

properly to be filled by the Council, except that the Committee shall not make recommendations as to the composition of committees of the Council, such as the Finance Committee, Ordinance Committee, Economic Development/Capital Improvements Committee, or the Appointments Committee, or to any other standing or ad hoc committees of the Council which may hereafter be established.

In addition to those other personnel matters which the Council may, from time to time, assign to it, the Committee shall review and make recommendations to the Council on methods of evaluating Council employees and implementing such evaluations.

4.3.1 Appointments Procedure.

1. Prior to recommending an applicant for service on the Planning Board, Board of Appeals or Economic Development Corporation, the Chair of the Appointments/Personnel Committee shall contact the Council Chair and the Chair of the volunteer board or committee to discuss the appointment or reappointment of the applicant.
2. Prior to recommending an applicant for service, the Town Council's Appointments/Personnel Committee may interview the applicant-
3. The meeting agenda, the applications to be considered, and any other supporting documents shall be sent to Appointments/Personnel Committee members, in a timely manner, prior to the proposed meeting.
4. Applicants are encouraged to attend a meeting of the committee to which they wish to be appointed.

4.4 The Economic Development/Capital Improvements Committee shall consist of three members of the Council and act by majority vote. The Council Chairman shall serve as an ex-officio member of said committee, having no vote on the committee. The Committee shall review matters that are sent to it by the Town Council and generally include topics regarding economic development, capital projects and capital equipment. In addition, the Committee shall review and make recommendations to the Council on the Town's industrial and commercial development goals and objectives. The Committee is responsible for maintaining an economic development program and policies subject to full Council approval. Also, the Committee shall consult with the Town Manager regarding proposed capital improvements and equipment.

**Economic Development/
Capital Improvements
Committee**

4.5 All Committees of the Town Council, including standing committees and special committees, shall keep recorded minutes of their meetings except that portions of meetings held in executive session may be exempt from this provision except where required by law. Meeting agendas should be posted to the Town Web site in a timely manner prior to a proposed meeting. Meeting minutes are encouraged to be taken and posted to the Town website.

**Board and Committee
Reporting**

SECTION 5. CONDUCT OF COUNCIL MEMBERS

5.1 Councilor inquiries concerning routine Town business should notify the Town Council Chair and then the Town Manager. In accordance with Section 218 of the Town Charter, Council Members shall not give any orders to Town Staff. Direct inquiries by Councilors, on such matters, to Department heads, should be avoided.

Contacting Staff

5.2 No member of the Town Council shall represent to anyone or knowingly allow

anyone to infer that he/she speaks on behalf of the Town Council unless, by Order of the Council, a Councilor has been officially designated as its Representative to another organization.

**Speaking on behalf of
Town Council**

5.3 Council members shall be respectful of other Council members and members of the public and use appropriate business decorum during meetings.

Respect Others

5.4 Council members must be mindful of the need to preserve the integrity of the Town Council and the Town when conducting the people's business. When a member of the Town Council has a conflict of interest or the appearance of a conflict of interest on an item under consideration by the Council, the Council member shall follow ~~the following 3-step~~ this process:

Conflicts of Interest

1. Disclose the conflict or potential conflict to the other Council members and the public before a motion is made.
2. Tell the Council whether or not you believe you can discuss the item and treat all of the parties fairly and fulfill your duty as a Council member to vote in the best interest of the entire Town.
3. Ask the Town Council to vote on whether the Council member shall be recused from participating and voting on the item, or continue to participate and vote.
4. If any Council member discovers part way into a discussion that they may have a conflict of interest, the Council member may raise a point of order and the Town Council shall immediately suspend business to resolve the issue.
5. Councilors should refrain from sponsoring an item for agenda consideration where there is a potential conflict of interest.