

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
March 6, 2018

Chairman Hartwell opened the meeting with the Pledge of Allegiance to the Flag. There were 11 members of the public in attendance at the start of the meeting.

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

Moved by Councilor Shepard, seconded by Councilor Smith and VOTED to accept the minutes of the February 6, 2018 Council Meeting. **5 yeas**

Councilor Communications

Councilor Shepard expressed his condolences on the passing of former Town Councilor Phil Charest.

Councilor Phillips reported that the Appointments Committee is still conducting interviews for boards and committees and appointments will be made at the April Council meeting. She reminded citizens that Maine Maple Sunday is March 24th and there will be more information on the Town's website and Facebook page. Councilor Phillips also expressed her condolences on the passing of Warren Gilman and George Watson, who were involved with the Gorham Historical Society for many years.

Chairman Hartwell reported that there was a glitch in the computer pricing system at Hannaford and Gorham trash bags were wrongly priced. He reminded citizens that if they were over-charged for trash bags bought recently at Hannaford, they can return there for a refund. He also noted that the Veterans of Foreign Wars meet every 2nd Tuesday of the Month at the West Gorham Fire Station.

Town Managers Report

Town Manager Ephrem Paraschak thanked the Gorham Historical Society for having him at their recent meeting. He also touched upon the Trash bag pricing issue at Hannaford and reminded citizens to return to Hannaford for a refund if they were wrongly charged. Ephrem reported that the Main Street Project will go out to bid by the MDOT and will hopefully be in full swing soon.

School Committee Report

Chairman Darryl Wright congratulated the GHS Girls Basketball team on their season and 3rd straight State Championship Game appearance in the last 3 years. He reported that parent/teacher conferences will be held on March 16th and the window for State Empower ME testing for Grades 3-8 will be opening March 19th and go through April 13th. Darryl also noted that the School Committee held a full day budget workshop meeting this past Saturday and the next budget meeting will be on March 12th. Gorham will be holding their All Band Concert night at GHS on April 3rd at 6pm. The next GHS Building Committee meeting will be held on March 13th and the next regular School Committee meeting is scheduled for March 14th.

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

Proposed

Order # 9312

Ordered, that the Town Council issue a renewal liquor license to Blue Pig, LLC, 29A School Street, Gorham Country Club Inc., 93 McLellan Road, Spire 29 on the Square LLC, 29 School Street and 141 Inc., DBA School Street Pub and Grill, 29B School Street. **5 yeas**

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

Proposed

Order # 9313

Ordered, that the Town Council issue Special Amusement Licenses to Spire 29 on the Square, LLC, 29 School Street and 141 Inc., DBA School Street Pub and Grill, 29B School Street. **5 yeas**

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

Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading of the Order. **5 yeas**

Proposed

Order # 9314

Ordered, that the Town Council amend the Land Use & Development Code as follows:

CHAPTER 1: ZONING REGULATIONS

SECTION 1-9 – VILLAGE CENTERS DISTRICT

SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT

B. PERMITTED USES

17) Mobile Vending Units

SECTION 1-10 – URBAN COMMERCIAL DISTRICT

B. PERMITTED USES

14) Mobile Vending Units

SECTION 1-11 – ROADSIDE COMMERCIAL DISTRICT

B. PERMITTED USES

12) Mobile Vending Units

C. SPECIAL EXCEPTIONS

~~1) Mobile Vending Units~~

SECTION 1-12 – INDUSTRIAL DISTRICT

B. PERMITTED USES

10) Mobile Vending Units

SECTION 1-16 – NARRAGANSETT DEVELOPMENT DISTRICT

B. PERMITTED USES

1) Commercial/ Light Industrial Uses

1) Mobile Vending Units

SECTION 1-21 – AGRICUTURAL/ INDUSTRIAL DISTRICT

B. PERMITTED USES

15) Mobile Vending Units

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-2 PARKING, LOADING AND TRAFFIC

A. OFF – STREET PARKIGN STANDARDS

2)

Mobile Vending Units:

The operator of the mobile vending unit shall have available, and under written agreement, at least three off-street parking spaces. In cases where on-street parking is available immediately in front, the operator must have one off-street parking space for any

vehicle belonging to an employee working on a given shift. Mobile vending units are prohibited from locating in parking spaces in the Town's road right-of-ways.

Mobile Vending Units with exterior seating:

In addition to the parking spaces required under mobile vending units an additional parking space is required for each 2 seats available for dining.

SECTION 2-16 – MOBILE VENDING UNIT

Mobile vending units shall conform to the following requirements:

1. Mobile Vending Units shall be licensed by the Maine Department of Health and Human Services (DHHS) and operate in compliance with all applicable DHHS regulations relating to eating and lodging places, as may be amended from time to time.
2. Mobile Vending Units shall comply with all applicable provisions of the Town of Gorham Victualar's Ordinance, as may be amended from time to time.
3. The operator of a Mobile Vending Unit shall obtain from the Code Enforcement Officer a mobile vending unit food service permit, which shall be renewed annually, and pay the annual permit fee in such amount as the Town Council may from time to time establish by Council order. In order to issue a mobile vending unit food service permit, the Code Enforcement Officer shall ensure that the Mobile Vending Unit meets the following requirements:
 - a. That the placement of the Mobile Vending Unit:
 - (1) Shall not hinder vehicular traffic or cause traffic congestion on or off the site;
 - (2) Shall not hinder, or interfere with, pedestrian traffic on or off the site;
 - (3) Shall not block or otherwise hinder access to or from any private property; and
 - (4) Shall not create a nuisance for abutting properties due to the generation of noise, odor, fumes, dust, smoke, lights or glare.
 - b. That the hours of operation for the Mobile Vending Unit shall be limited to 7:00 am to 10:00 pm.
 - c. That the operator of the Mobile Vending Unit shall provide written permission from the property owner to locate the Mobile Vending Unit on said property.
 - d. That the Mobile Vending Unit shall comply with Chapter 2, Section 2-2.A.2 (OFF- STREET PARKING STANDARDS).
 - e. That the Mobile Vending Unit shall be prohibited from locating in the rights-of-way for Town and State streets roads, including on-street parking spaces, or Town sidewalks.

- f. That the operator of the Mobile Vending Unit shall make adequate provisions for solid waste disposal including, at a minimum:
 - (1) At least one (1) covered trash receptacle, thirty gallons or larger in size, shall be available to hold waste and debris. No paper, food or other wastes shall be allowed to accumulate on site.
 - (2) The waste container shall be emptied at least once per day into an approved commercial dumpster (it being emptied by a licensed waste hauler on a regular basis) or other suitable and approved means of transport away from the site. It shall be the responsibility of the operator of the Mobile Vending Unit to ensure that all wastes are handled and disposed of properly.
- g. That the operator of the Mobile Vending Unit shall ensure that there is an adequate supply of potable water for the cleaning of equipment and the preparation of foods.
- h. That the operator of the Mobile Vending Unit shall ensure that there is an adequate and safe source of electrical power meeting all applicable federal, state, and local codes.
- i. That the operator of the Mobile Vending Unit shall ensure that all food supplies and other business material shall be stored within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
- j. Mobile vending units shall serve to the sidewalk or road right-of-way when parked adjacent and parallel to a Town sidewalk or road right-of-way.
- k. That no signs shall be placed on sidewalks or other rights-of-way. ~~No temporary or mobile signs shall be allowed.~~ The placement of 1 sign with a maximum sign area of 8 sq.ft. is allowed when the mobile vending unit is open. The sign must be located within 25' of the mobile vending unit. The sign must be removed when the mobile vending unit is not in use and not located to hinder safe vehicular or pedestrian traffic on or off the site.
- l. That the Mobile Vending Unit, and any vehicles or trailers used in conjunction therewith, shall be in good upkeep and provide a neat and tidy appearance.
- m. That if the Mobile Vending Unit will provide exterior seating, it shall meet the requirements of Chapter 2, Section 2-2.A.2 (OFF- STREET PARKING STANDARDS).
- n. That temporary bathroom facilities, such as portable toilets, are not permitted on site for use by the operator of the Mobile Vending Unit and/or patrons of the Mobile Vending Unit.

4. Unless permanently connected to public utilities and approved by the Planning Board, Mobile Vending Units shall not be left on site or displayed, or left in public view, in the location of the business during non-business hours.
5. A mobile vending unit food service permit may, after seven (7) days' written notice and public hearing, be suspended or revoked by the Code Enforcement Officer for violation of any provision of this Section. The Victualar's license may be revoked or suspended by the municipal officers in accordance with the relevant provisions of the Victualar's Ordinance, as may be amended from time to time.
6. Exemptions: At Town sponsored events and any private property is allowed 1 exemption per year for events in conjunction with a mass gathering permit. The use of Mobile Vending Units at Town-sponsored events shall be exempt from the requirements of this ordinance.
7. Drive through services is prohibited from mobile vending units.

Tom Ellsworth, president of GEDC spoke on the Item. He touched on the fact that the GEDC is opposed to the Food Trucks in the Village District on a permanent basis, but not during special events including New Year's Gorham or the Farmers Market.

Moved by Councilor Smith, seconded by Councilor Hager and VOTED to amend the order to add the language to Section 2-16, 3 C, with ***and receive permission for employees to use bathroom facilities with expectations that the facilities are available. 5 years***

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to amend the order to remove Section 1-9 – Village Center District and Section 1-10 – Urban Commercial District from Chapter 1 – Zoning Regulations. **3 yeas, 2 nays (Hartwell, Smith)**

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to make an amendment to the Order to accept the Planning Boards Recommendations. **5 yeas**

The Planning Boards Recommendations are as follows:

CHAPTER 1: ZONING REGULATIONS

SECTION 1-11 – ROADSIDE COMMERCIAL DISTRICT

B. PERMITTED USES

12) Mobile Vending Units

C. SPECIAL EXCEPTIONS

SECTION 1-12 – INDUSTRIAL DISTRICT

B. PERMITTED USES

10) Mobile Vending Units

SECTION 1-16 – NARRAGANSETT DEVELOPMENT DISTRICT

B. PERMITTED USES

1) Commercial/ Light Industrial Uses

1) Mobile Vending Units

SECTION 1-22 – AGRICULTURAL/INDUSTRIAL DISTRICT

B. PERMITTED USES

15) Mobile Vending Units

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-2 PARKING, LOADING AND TRAFFIC

A. OFF – STREET PARKING STANDARDS

2)

Mobile Vending Units: The operator of the mobile vending unit shall have available, and under written agreement, at least three off-street parking spaces **not including the space for the mobile vending unit. In cases where** On-street parking spaces may be utilized to substitute 2 of the required off-street parking spaces if the on-street parking is located immediately in front of the lot. The operator must have **at least** one off-street parking space for any vehicle belonging to an employee working. Mobile vending units are prohibited from locating in parking spaces in the Town's road rights-of-way.

Mobile Vending Units with exterior seating: In addition to the parking spaces required under mobile vending units an additional parking space is required for each 2 seats available for dining.

SECTION 2-16 – MOBILE VENDING UNIT

Mobile vending units shall conform to the following requirements:

1. Mobile Vending Units shall be licensed by the Maine Department of Health and Human Services (DHHS) and operate in compliance with all applicable DHHS regulations relating to eating and lodging places, as may be amended from time to time.
2. Mobile Vending Units shall comply with all applicable provisions of the Town of Gorham Victualer's Ordinance, as may be amended from time to time.
3. The operator of a Mobile Vending Unit shall obtain from the Code Enforcement Officer a mobile vending unit food service permit, which shall be renewed annually, and pay the annual permit fee in such amount as the Town Council may from time to time establish by Council order. In order to issue a mobile vending unit food service permit, the Code Enforcement Officer shall ensure that the Mobile Vending Unit meets the following requirements:
 - a. The placement of the Mobile Vending Unit:
 - (1) Shall not hinder vehicular traffic or cause traffic congestion on or off the site;
 - (2) Shall not hinder, or interfere with, pedestrian traffic on or off the site;
 - (3) Shall not block or otherwise hinder access to or from any private property; and
 - (4) Shall not create a nuisance for abutting properties due to the generation of **undue** noise, odor, fumes, dust, smoke, lights or glare.
 - b. The hours of operation for the Mobile Vending Unit shall be limited to 7:00 a.m. to 10:00 p.m.
 - c. The operator of the Mobile Vending Unit shall provide written permission from the property owner to locate the Mobile Vending Unit on said property and receive permission for employees to use bathroom facilities with expectations that the facilities are available.
 - d. The Mobile Vending Unit shall comply with Chapter 2, Section 2-2.A.2 (OFF- STREET PARKING STANDARDS).
 - e. The Mobile Vending Unit shall be prohibited from locating in the rights-of-way for Town and State roads, including on-street parking spaces, or Town sidewalks.

- f. The operator of the Mobile Vending Unit shall make adequate provisions for solid waste disposal including, at a minimum:
- (1) At least one (1) covered trash receptacle, thirty gallons or larger in size, shall be available to hold waste and debris. No paper, food or other wastes shall be allowed to accumulate on site.
 - (2) The waste container shall be emptied at least once per day into an approved commercial dumpster (it being emptied by a licensed waste hauler on a regular basis) or other suitable and approved means of transport away from the site. It shall be the responsibility of the operator of the Mobile Vending Unit to ensure that all wastes are handled and disposed of properly.
- g. The operator of the Mobile Vending Unit shall ensure that there is an adequate supply of potable water for the cleaning of equipment and the preparation of foods.
- h. The operator of the Mobile Vending Unit shall ensure that there is an adequate and safe source of electrical power meeting all applicable federal, state, and local codes.
- i. The operator of the Mobile Vending Unit shall ensure that all food supplies and other business material shall be stored within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
- j. Mobile vending units shall serve to the sidewalk or **public** right-of-way when parked adjacent and parallel to a Town sidewalk or **public** right-of-way.
- k. No signs shall be placed on sidewalks or **public** rights-of-way. The placement of 1 sign with a maximum sign area of 8 sq.ft. is allowed when the mobile vending unit is open. The sign must be located within 25' of the mobile vending unit. The sign must be removed when the mobile vending unit is not in use and **shall not be** located to hinder safe vehicular or pedestrian traffic on or off the site.
- l. The Mobile Vending Unit, and any vehicles or trailers used in conjunction therewith, shall be in good upkeep and provide a neat and tidy appearance.
- m. That if the Mobile Vending Unit will provide exterior seating, it shall meet the requirements of Chapter 2, Section 2-2.A.2 (OFF- STREET PARKING STANDARDS).

- n. Temporary bathroom facilities, such as portable toilets, are not permitted on site for use by the operator of the Mobile Vending Unit and/or patrons of the Mobile Vending Unit.
- 4. Unless permanently connected to public utilities and approved by the Planning Board **under the site plan provisions under Chapter 4**, Mobile Vending Units shall not be left on site or displayed, or left in public view, in the location of the business during non-business hours.
- 5. A mobile vending unit food service permit may, after seven (7) days' written notice and public hearing, be suspended or revoked by the Code Enforcement Officer for violation of any provision of this Section. The victualer's license may be revoked or suspended by the municipal officers in accordance with the relevant provisions of the Victualer's Ordinance, as may be amended from time to time.
- 6. Exemptions:
 - a. Mobile Vending Units at Town sponsored events are not subjected to the requirements under this ordinance but are required to have a victualer's' license.**
 - b. Any property may have mobile vending units subject to the following requirements:**
 - (1) The mobile vending units must meet the requirements of this section.**
 - (2) The use of the mobile vending units is limited to an event for which a mass gathering permit has been issued by the Town.**
 - (3) Each property is limited to a one day exemption per calendar year.**
- 7. Drive through service are prohibited from mobile vending units.

Item # 9314 VOTED as amended. 5 yeas

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to waive the reading of the order. **5 years**

Proposed
Order # 9315

Moved by Councilor Phillips, seconded by Councilor Hager and ORDERED, that the Town Council forward a proposal to amend the Land Use & Development Code updating high intensity soil survey language, to the Ordinance Review Committee for their recommendation, as follows:

CHAPTER 1: ZONING REGULATIONS
SECTION 1-5 – DEFINITIONS

Net Acreage

The area of any parcel generally suitable, in its natural state, for development and theoretically related to the natural capacity of the land to support a certain intensity of use. The net acreage shall be determined by subtracting unsuitable areas from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted in the following order:

1. Fifteen (15) percent of the total acreage of the parcel as an estimated allowance for new access roads and parking areas, whether or not the actual area devoted to these uses is greater or less than 15 percent.
2. Areas that are, because of existing land uses, natural features, or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the parcel, as determined by the Town Planner, whose determination is subject to Planning Board review in the event of a dispute.
3. Areas within a floodway or 100-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.
4. Wetland areas, defined as hydric soil in conjunction with hydrophytic vegetation, or land which has been created by filling or draining a wetland or pond.
5. Areas of rights-of-way and easements, except for new access roads deducted above and rights-of-way or easements for landscaped buffer strips and walking/bicycle paths not part of a street right-of-way.
6. Stream channels, as measured from the top of banks, and other surface water bodies, as measured from the high water mark.
7. Areas of 33 percent sustained slope or more. Slope areas of 20 to 33 percent shall also be deducted unless the developer can demonstrate to the Planning Board's satisfaction that these slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized,

and that any slope development will minimize soil erosion and comply with Maine State Plumbing Code.

8. Areas of unreclaimed gravel or borrow pits.
9. Areas with very poorly drained soils areas, as measured from a Class A high-intensity soils survey as identified under Maine Association of Professional Soil Scientists guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping-map prepared by a certified soil scientist in accordance with the National Cooperative Soil Survey Classification.
10. For sites not served by public sewer and water, fifty (50) percent of the areas with poorly drained soils, and twenty-five (25) percent of the areas with soils with multiple drainage classifications, one of which is poorly drained (i.e., poorly drained to somewhat poorly drained), as measured from a high-intensity soils survey and map prepared by a certified soil scientist in accordance with the Maine Association of Professional Soil Scientists guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping-National Cooperative Soil Survey Classification. This deduction is to account for the marginal development suitability of these soils if public sewer and water are not available.
11. Other areas that the Planning Board determines could not, in their natural state, be incorporated into conventional subdivision lots of the minimum required area.

No building or structure shall be sited in areas treated as 100 percent deductions from the parcel's gross area. Siting of structures in areas treated as 50 percent deductions shall be discouraged but permitted where the applicant/developer demonstrates that measures will be taken to minimize erosion, sedimentation, and seasonal wetness, that these areas are stable for the siting of structures and that proposed subsurface waste disposal systems are sited away from marginal soils and otherwise meet the State of Maine Subsurface Waste Disposal Rules.

Net Residential Density

The maximum number of dwelling units allowed on a parcel of land. The net residential density of a parcel is determined by dividing the net acreage* of the parcel by the minimum lot area per dwelling unit.

*See definition of net acreage

CHAPTER 3: SUBDIVISION

SECTION 3-3 - PRELIMINARY PLAN

B. REQUIREMENTS

- 11) Location and boundaries of soil areas and their names in accord with the a Class A Soil Survey as identified in the Maine Association of Professional Soil Scientists guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping-National Cooperative Soil Survey Classification, and identifying each soil for any separate area of one-eighth of an acre or larger in size. Such study

shall may be undertaken or approved peer reviewed as to its accuracy by a third party licensed soil scientist hired by the Town to provide Cumberland County Soil and Water Conservation District as supplied with technical assistance by to the Planning Board Soil Conservation Service.

The requirement for a class A survey may be waived to a Class B survey by the Planning Board for subdivisions and subdivision amendments not required to provide the net acreage calculation required under Chapter 1 and/ or where public water supply is available to serve the lots.

The requirement for a class A survey may be completely waived by the Planning Board for subdivision amendments not creating new lots within the subdivision.

Item # 9315 was VOTED 5 yeas.

Proposed

Order # 9316

Moved by Councilor Hager, seconded by Councilor Phillips and ORDERED, that the Town Council appropriate \$67,500 from the Land Acquisition Reserve Fund as a loan to the School Department, to be paid back from project funds, after Voters approve a project to expand Gorham High School. **5 yeas**

Proposed

Order # 9317

Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council accept the bid of Nate Hurteau of Hurteau Holdings, Inc. for a parcel of land, approximately .07 acres, off Huston Road (Tax Map 111 , Lot 27), in the amount of \$3,750 to be placed in the Land Acquisition Reserve Fund. **5 yeas.**

Proposed

Order # 9318

Moved by Councilor Shepard, seconded by Councilor Smith and ORDERED, that the Town Council authorize the Town Manager to enter into an agreement with RealTerm Energy for an inventory analysis and professional services pertaining to LED streetlight conversions. **5 yeas**

Proposed

Order # 9319

Moved by Councilor Shepard, seconded by Councilor Phillips and ORDERED, that the Town Council adopt 2018 Town Council goals as outlined in a goal survey summary memo from the Town Manager dated January 22, 2018. **5 yeas**

Proposed
Order # 9320

Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council endorse Port Resources' CDBG grant. Application for home rehabilitation projects that will benefit and improve standards of living and life safety issues for thirteen residents with intellectual disabilities, mobility issues and mental health disorders in the Town of Gorham. **5 yeas**

Proposed
Order # 9321

Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council endorse L.D. 1818 before the Maine Legislature to Designate a Bridge in Gorham the Corporal Joshua P. Barron Memorial Bridge. **5 yeas**

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to adjourn. **5 yeas**
Time of Adjournment: 7:35pm

A True Record of Meeting
3/6/2018

ATTEST _____
Laurie Nordfors, Town Clerk