

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
May 3, 2016

Chairman Robinson opened the meeting with the Pledge of Allegiance to the Flag. There were 15 members of the Public in attendance at the start of the meeting.

Roll Call: Chairman Robinson, Councilors Roullard, Shepard, Benner, Phinney, Stelk and Hartwell. Also present: Town Manager David Cole and Deputy Town Clerk Paula Nystrom.

Moved by Councilor Phinney, seconded by Councilor Benner and VOTED to accept the minutes of the April 5, 2016 Regular Town Council Meeting Minutes. 7 yeas

#### Open Public Communications

There were no comments from the Public.

#### Councilor Communications

Councilor Roullard reported that he attended the ribbon cutting on April 30, 2016 for the new specialty dog store, Gorham Growl, and indicated that it is a very nice store and residents should pay them a visit.

Councilors Roullard and Stelk attended the Kick Off for the opening of the Gorham Youth Baseball and Softball Association.

Councilor Phinney reported that three items discussed by the Ordinance Committee are on the agenda.

Councilor Stelk commented that a resident contacted her regarding a water contamination issue in the Dingley Spring area. David Cole responded that Town Planner, Tom Poirier will address this issue later in the meeting.

Councilor Selk also reported that the "silver bullets" recycle receptacles behind the Public Safety building are being abused by residents and others passing through town. The trash that is dumped outside of the containers has gotten out of control and something must be done.

Chairman Robinson thanked the Council and Department Heads who attended the Budget Workshop on April 17, 2016. The next Budget Workshop is scheduled for May 17, 2016 and Council will discuss the Town and School Budget. This meeting is open to the public as well as Department Managers.

Chairman Robinson echoed Councilor Stelk's concern about the recycle receptacles behind Public Safety as well and indicated he would be sponsoring an item for a future Town Council meeting to address this.

Chairman Robinson reported that he would like to sponsor an item on the next agenda for Code and/or the Ordinance Committee to look into removing old, abandoned business signs left around the town.

Chairman Robinson also reported that he plans to sponsor another item to be discussed at the Budget Workshop on May 17, 2016 for the Baxter Library to begin a scholarship fund and memorial in honor of Pam Turner, our librarian who recently passed away.

#### Town Manager Report

David Cole reported that the School and Town Budget Workshop is scheduled for May 17, 2016 in the Council Chambers at 6:30 pm. He also reported that he recently gave a 15 Year Service pin to Tim Richardson from the Public Works Department. David Cole then asked Tom Poirier, Town Planner, to address the concern of the water contamination in the Dingley Springs area.

Tom Poirier reported that DEP was called in and will be investigating the issue which looks like a “dry cleaning liquid” spill which is a Phase 1 Environmental Assessment. He will be keeping the Town Manager apprised of any developments.

#### School Committee Report

Chair Darryl Wright reported that the joint Town Council and School Committee Budget workshop will be on May 17, 2016. Class sizes for the 10 School Pool are reported to help dictate what the State of Maine will pay for with the following EPS funding formula. One teacher for every 17 students K-5 level, 1 teacher for every 16 students at the 6-8 level, and 1 teacher for every 15 students at the 9-12 level. As requested at the previous Town Council meeting the Bond work information showing what projects are being worked on and where they stand at this point was included in each councilor’s package. The 4<sup>th</sup> quarter begins next week (May 9, 2016) and the last day of school for students is June 14, 2016. Google visited the Middle School recently for the kids to enjoy trying Virtual Reality goggles. Senior Internships are in the planning stages for each senior to pick and participate in the last week of May. Our second of our Odyssey of the Mind teams qualified to participate in the World Competition coming up in June. Our Robotics Team has also qualified for the World competition. We are in the process of hiring a new Assistant Superintendent and hope to have a candidate by late May. The next School Committee regular meeting is scheduled for Wednesday, May 11, 2016.

#### New Business

##### Public Hearing #1

On Item #9061

Chairman Robinson opened Public Hearing #1 on a referendum scheduled for June 14, 2016 to replace the 26 year old Tank 1 Fire Engine and replace the 27 year old Ladder Fire Engine and allow the Town to borrow up to \$1,365,000 for the purchase of these vehicles. This Public Hearing is primarily for informational purpose and no additional action is anticipated. No comment from the public.

##### Public Hearing #2

On Item # 9062

Councilor Robinson opened Public Hearing #2 on a draft to update the Town’s Comprehensive Plan. Mr. Mark Eyerman who has worked with staff to draft the revisions gave a brief update where we are to date. Steve Bibula from 236 Sebago Lake Road inquired if we have a price analysis for the Comprehensive Plan. Also, commenting that the intent of the plan does not incorporate changes in the Ordinances as changes are made with the plan. These must be taken into consideration.

Proposed  
Order # 9062

Moved by Councilor Phinney, seconded by Councilor Shepard and ORDERED that the Town Council schedule a workshop on May 31, 2016 at 6:30 pm in the Town Council Chambers to discuss the latest draft update of the Comprehensive Plan. 7 yeas

Item # 9063

Moved by Councilor Phinney, seconded by Councilor Shepard and ORDERED that the Town Council endorse a letter supporting the receipt of a gift of land, located off New Portland Road, for the purpose of developing a pedestrian trail from New Portland Road to Libby Avenue, in lieu of compensation for filling a wetland on a project at Shaw Brothers B pit quarry, consistent with Maine Department of Environmental Protection guidelines. 6 yeas, 1 nay (Stelk)

Item # 9064

Moved by Councilor Benner, seconded by Councilor Shepard and ORDERED that the Town Council endorse the plans for renovation of the McLellan/Sampson house at 77 South Street as presented. 7 yeas

Item # 9065

Moved by Councilor Benner, seconded by Councilor Shepard and ORDERED that the Town Council endorse the business loan program to improve business signs developed by the Gorham Economic Development Corporation.

Councilor Stelk indicated that she is a non-voting member of the Gorham Economic Development Corporation and asked the Council to not abstain from the vote that it would not be a conflict of interest on her part. 6 yeas, 1 Abstention (Stelk) Final vote on the item 7 yeas

Item # 9066

Moved by Councilor Phinney, seconded by Councilor Benner and ORDERED that the Town Council refer a proposal from the Ordinance Committee to amend the Land Use and Development Code to allow expanded uses under Home Occupancies as listed below, to the Planning Board for their Public Hearing and recommendations. 7 yeas

#### Home Occupation

An occupation or profession which is: accessory to a residential use and is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; conforms with the following conditions:

- 1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
- 2) Not more than two people outside the family shall be employed in the home occupation.  
~~There shall be no stock in trade.~~
- 3) There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this chapter), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

- 4) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, or glare, or electrical disturbance shall be generated.
- 5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
- 6) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours.
- 7) The home occupation shall not utilize more than 20% of the total floor area of the dwelling unit with the exception of home day care facilities which may utilize up to 50% of the dwelling unit in addition to the use of the exterior of the property for State required play areas.

A home occupation shall include, but not be limited to, the following:

art studio  
 bed and breakfast  
 day care home  
~~dressmaking shop~~  
farm stands / roadside stands  
 hairdressing shop  
 teaching or tutoring facilities  
 office of a physician, dentist, optometrist, lawyer, engineer, architect, or accountant  
 office of a real estate broker or agent  
 office of an insurance agent or broker  
office of small builders, plumbers and electricians with the following conditions:  
a) limited to two pick-up trucks, vans or box trucks and two trailers parked / stored outside.  
b) no outside storage of materials.  
c) material storage buildings / space limited to 20% of the size of the total area of dwelling unit.  
uses similar and compatible with the above as determined by the Town's Code Enforcement Officer. The Town's Code Enforcement Officer is authorized to limit the proposed use or require on-site improvements to minimize potential negative impacts to the neighborhood or roadways.

A home occupation shall not be interpreted to include the following:

facilities for the repair of motor vehicles  
 day care center

Item # 9067

Moved by Councilor Phinney, seconded by Councilor Roullard and ORDERED that the Town Council accept the recommendation from the Ordinance Committee to not amend

the Land Use and Development Code to allow a residential garage as a principle use.  
7 yeas

Item # 9068

Moved by Councilor Phinney, seconded by Councilor Shepard and ORDERED that the Town Council refer the following proposal to amend Chapter 1, Section VIII, of the Land Use and Development Code to allow landscaping companies, contractor yards and similar uses, to the Planning Board for their Public Hearing and recommendations as follows:

### **SECTION VIII - RURAL DISTRICT**

#### **A. PURPOSE**

The Town of Gorham contains large amounts of land which are either in current agricultural use or which have soils which are suited for agricultural use. The Town recognizes that the continuation of agriculture within the Town is of economic, recreational, and scenic benefit to the residents of the Town as well as the greater region. Development within this district may occur in accordance with the cluster development provisions of Chapter II, Section IV of this Code.

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

- 1) One and two-family dwellings, exclusive of mobile homes.
- 2) Permanent housing for agricultural workers as part of a farm.
- 3) Agricultural buildings and uses.
- 4) Roadside stands.
- 5) Municipally owned parks and playgrounds.
- 6) Accessory uses and buildings, including home occupations.
- 7) Sawmill, piggery or the raising of poultry.
- 8) Manufactured housing units on single-family residential lots in designated manufactured housing sub-districts.
- 9) Municipal buildings or uses.
- 10) Apartment buildings or multifamily housing, except fraternity housing.
- 11) Public and private utility facilities, including substations, pumping stations, and treatment facilities, but excluding business offices.
- 12) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization, or social nature which is not used for residential purposes, which has less than two thousand (2,000) square feet of floor area and generates less than two hundred (200) vehicle trips during any twenty-four hour period.



Minimum lot area per dwelling unit for residential subdivisions or multi-family housing	60,000 sq.ft.
Minimum lot size for non-residential lots	60,000 sq.ft.**
Minimum street frontage	200 ft.*
Minimum front yard	
*local street	50 ft.
*collector or arterial street	70 ft.
Minimum side and rear yard	
*residential	20 ft.
*non-residential	50 ft.
Maximum building height	None

\*May be reduced up to 50% for lots fronting on turning circles provided that the lot width at the front setback line is equal to or greater than the minimum street frontage required.

\*\*The minimum lot area per dwelling unit shall be used to calculate the net residential density or the maximum number of dwelling units that can be placed on a parcel. Individual lots in a subdivision may vary in size as long as the subdivision conforms to the overall net residential density of the parcel, no lot for a single-family home is smaller than 40,000 square feet in area, and the individual lots are laid out to reflect the development suitability of the parcel.

Notwithstanding the provisions of this subsection D,

1. A lot listed on the National Register of Historic Places need not meet the minimum lot size or street frontage requirements so long as the lot is subject to either a conservation easement or deed restriction limiting its use or development solely to non-commercial conservation or historic purposes.
2. An auxiliary public utility structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**E. PERFORMANCE STANDARDS**

- 1) The performance standards contained in Chapter II of the Code shall be fully observed.
- 2) Rural Entrepreneurial Uses Including the Reuse of Existing Agricultural Buildings

In addition to the performance standards of Chapter II, any Rural Entrepreneurial Use or the Reuse of an Existing Agricultural Building for a Non-Residential Use shall meet the following standards:

- a) Notwithstanding the minimum lot size requirement of Subsection D, a Rural Entrepreneurial Use or the Reuse of An Existing Agricultural Building shall be permitted only on a lot with an area of at least five (5) acres. If the lot contains another principal use(s), the lot must have at least five (5) acres for the Rural Entrepreneurial Use or Reuse of an Existing Agricultural Building in addition to the area required for the other principal use(s).
- b) The total floor area for all buildings and structures used as part of the Rural Entrepreneurial Use(s), but not including any part of a basement that is used only for storage or mechanical uses, shall be not more than one (1) percent of the area of the lot on which it is located or five thousand (5,000) square feet whichever is less. The five thousand (5,000) square foot limitation shall not apply to the Reuse of an Existing Agricultural Building provided the total floor area for all buildings and structures used for such Reuse, excluding any part of a basement that is used only for storage or mechanical uses, shall be not be more than one (1) percent of the area of the lot on which it is located.
- c) Vehicular access to the lot on which the use is located shall be from a public street that is classified by the Town as an arterial street, collector street, industrial or commercial street, or service road. In addition, the Reuse of an Existing Agricultural Buildings may get its vehicular access from a sub-collector if the lot on which it will be located is at least five (5) acres in area.
- d) The total number of peak hour trip ends generated by the use based upon the ITE Trip Generation Manual shall not exceed one (1) trip end per two hundred (200) square feet of gross floor area occupied by the non-residential use.
- e) The use of the building shall be limited to low-impact non-residential activities such as, but not limited to, personal, business, and repair services, business and professional offices, light industrial uses, research facilities, and warehousing and storage, and shall not involve the retail sale of goods except as accessory to another principal use. Any use that is listed as a special exception in the Rural District shall not be allowed as a Rural Entrepreneurial Use or the Reuse of an Existing Agricultural Building and shall be allowed only with approval of a special exception for that use.
- f) The non-residential activity shall occur completely within the building and there shall be no outside storage of materials, equipment, or products. No equipment or machinery associated with the use other than normal heating and ventilation units shall be located or operated outside of the building.
- g) The Reuse of an Existing Agricultural Building shall maintain the architectural character of the existing building and changes to the exterior of the structure shall be limited to minor changes and/or additions needed to provide access or light or to comply with code requirements. The design of any new, expanded, or reused building other than an Existing Agricultural Building shall be residential or rural/agricultural in character with a pitched

roof with a minimum roof pitch of 5:12. Exterior materials shall be similar to those used on existing residential or agricultural buildings in the district.

- h) Parking associated with the use shall not be located in any required setback. If the building is located within one hundred feet of the front lot line, no parking shall be permitted between the front lot line and the front wall of the building extending the full width of the lot. Parking shall be screened from view from public streets or abutting properties in residential use through landscaping, fencing, or topography.
- i) The use shall not produce noise, odors, fumes, vibrations, or electrical interference at the boundaries of the parcel that exceed the levels produced by typical single-family residential uses.
- j) The hours of operation of the use shall be compatible with surrounding uses and may be limited by the Planning Board as part of the approval of the site plan to assure compatibility.
- k) Notwithstanding the provisions of Chapter II, Section III – Signs, the non-residential activity may have one (1) non-illuminated, double-sided sign with an area of not more than thirty-two (32) square feet per side. If there is more than one business entity occupying the building, there shall be a single, non-illuminated, double-sided sign with an area of not more than forty-eight (48) square feet per side for all of the businesses.

**F. PERFORMANCE STANDARDS**

- 1) The performance standards contained in Chapter II of the Code shall be fully observed.
- 2) Landscape companies, contractor’s yards and similar and compatible uses as determined by the Town’s Code Enforcement Officer, Zoning Administrator and / or Town Planner.

In addition to the performance standards of Chapter II uses shall meet the following standards:

- a) Notwithstanding the minimum lot size requirement of Subsection D, uses shall be permitted only on a lot with an area of at least five (5) acres. If the lot contains another principal use(s), the lot must have at least five (5) acres for the use in addition to the area required for the other principal use(s).
- b) The proposed use shall be reviewed and approved under the Chapter IV site plan review.
- c) Vehicular access to the lot on which the use is located shall be from a public street that is classified by the Town as an arterial street, collector street, industrial or commercial street, or service road. If located on a private way the private way shall be directly connected to arterial street, collector street, industrial or commercial street, or service road.

- d) Parking associated with the use shall not be located in any required setback. If the building is located within one hundred feet of the front lot line, no parking shall be permitted between the front lot line and the front wall of the building extending the full width of the lot. Parking shall be screened from view from public streets or abutting properties in residential use through landscaping, fencing, or topography.
- e) The use shall not produce noise, odors, smoke, dust, heat, glare, fumes, or vibrations, at the boundaries of the parcel that exceed the levels produced by typical single-family residential uses.
- f) On site business operations shall be limited from 7:00 AM to 6:00 PM Monday through Friday and 8:00 AM to 12:00 PM on Saturday. These limited hours of operation are waived for snow plow contractors during snow events.
- g) Signs shall comply with Chapter II, Section III – Signs and shall not be internally illuminated,
- h) Outside storage of equipment, materials, and / or commercial vehicles, may be permitted providing they are fully screened from public view by fencing and / or a solid screen of landscaping or terrain. Outside storage of equipment and / or materials shall be limited to a maximum of ten percent (10%) of the lot area and shall be stored on a gravel pad and shall be screened from public view. When adjacent to a residential use or zone a one hundred (100) foot screen buffer shall be provided. The Planning Board or Site Plan Review Committee may reduce the required buffer to fifty (50) feet providing the abutting property owner/s provide the Town signed letters agreeing to the reduced setback. When located adjacent to a commercial use or zone a fifty (50) foot buffer shall be provided. Landscape buffers shall conform to the following standards:
  - i. No portion of the “perimeter setback” shall be used for storage of equipment or inventory, service and loading, parking or any buildings or structures.
  - ii. A detailed landscaping plan, prepared by a landscape architect, shall be prepared for the landscaped buffer area and submitted as part of Site Plan Review, for all lots, with a perimeter setback. The landscaped buffer area shall be designed to provide effective visual and auditory buffering from abutting residential properties, create an attractive appearance for the proposed new development and maintain an attractive gateway to Gorham consistent with the goals and objectives of the Town of Gorham Comprehensive Plan. Existing natural features and vegetation or fencing may be incorporated into the plan for the buffer area if they are found to create an effective visual and auditory buffer by the Planning Board or Site Plan Review Committee. All such buffer areas shall be maintained for the life of the project.
- i) No more than five (5) people not residing on the premises shall be employed in the business use. There shall be only minimal retail sales or wholesale sales taking place

from the premises and the items for sale shall be directly related to the approved business use.

j) Service of equipment / vehicles shall be limited to minor repairs such as oil changes, fueling, and tire changes. No major vehicle repairs (painting, body work, etc.) shall be permitted on site. On-site service of equipment / vehicles shall be limited to the vehicles or equipment associated with the approved business use. 7 yeas

Item # 9069

Moved by Councilor Stelk, seconded by Councilor Benner and ORDERED that the Town Council authorize the Town Clerk to issue the warrant for the June 14, 2016 School Budget Validation Referendum Election; and, Be It Further Ordered, that the polls be open from 7:00 am until 8:00 pm; and, Be it Further Ordered, that the Town Council appoint the following persons for the designated voting districts and if any of the following should fail to serve the Town Council hereby authorizes the Town Clerk to appoint substitutes:

District 1-1- Susan Emerson, Warden and Laurel Smith, Ward Clerk

District 1-2 – Katherine Corbett, Warden and Cornelia Loughran, Ward Clerk

District 2 – Martha Towle, Warden and Nancy Kenty Ward Clerk

Central –Paula Nystrom, Warden and Alida Landry, Ward Clerk

Be It Further Ordered, that the Registrar of Voters be in session during the hours of 8:00 am to 4:00 pm on Tuesday June 7, 2016 and Wednesday June 8, 2016; between the hours of 8:00 am and 7:00 pm on Thursday June 9, 2016, between the hours of 8:00 am and 1:00 pm on Friday June 10, 2016 and between the hours of 8:00 am and 4:00 pm on Monday June 13, 2016, and

Be It Further Ordered, that the Town Clerk be authorized to process absentee ballots Monday, June 13, 2016 at the Central Voting District starting at 10:00 am, and on Tuesday, June 14, 2016 at 10:00 am, 1:00 pm, 5:00 pm and 8:00 pm.

7 yeas

Item # 9070

Moved by Councilor Stelk, seconded by Councilor Phinney and ORDERED that the Town Council go into Executive Session pursuant to Title 36 MRSA Section 841 (2) to discuss an application for an abatement of taxes based on poverty, pursuant to Title 1 MRSA Section 405 (6) (C) to discuss the disposition of property and Title 1 MRSA Section 405 (6) (D) to discuss labor negotiations. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Roullard and ORDERED that the Town Council deny application A-16-1 for an abatement of property tax based on poverty because the applicant is not the owner of the property. 7 yeas

Moved by Councilor Stelk, seconded by Councilor Shepard to come out of Executive Session. 7 yeas

Item # 9071

Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED that the Town Council authorize the Town Manager to enter into an agreement with Peter Mason to sell

Town owned property designated on Tax Map 14, Lot 6-101, located off Deering Road and to list the property for sale at \$35,000 with the conveyance to be by quit-claim deed.  
7 yeas

Item # 9072

Moved by Councilor Stelk, seconded by Councilor Phinney and ordered that the Town Council authorize the Town Manager to enter into an agreement with Demetria Chadmourne to sell Town owned property, designated on Tax Map 101, Lot 72, located off Canal Street and to list the property for sale at \$10,000 with the conveyance to be by quit-claim deed. 7 yeas

Moved by Councilor Roullard, seconded by Councilor Shepard and VOTED to adjourn. 7 yeas  
Time of adjournment 8:36 pm.

At True Record of Meeting

ATTEST \_\_\_\_\_  
Paula Nystrom, Deputy Town Clerk