

**AGENDA & PROPOSED ORDERS**  
**GORHAM TOWN COUNCIL**  
REGULAR MEETING  
October 5, 2010 – 7:00 p.m.  
Gorham Municipal Center – Council Chamber

**PLEASE NOTE: The proposed orders on this agenda are suggested orders only and may change without notice prior to the meeting.**

Pledge of Allegiance to the Flag

Roll Call of the Town Council

Acceptance of the minutes of the September 7, 2010 Regular Town Council Meeting

Open Public Communications

Councilor Communications

Chairman's Report

Town Manager's Report

School Committee Report

**Old Business**

**Item #7831** Action to consider amending Schedule C of the Streets and Sidewalks Ordinance to restrict 3, 4 and 5 axle trucks on McLellan Road.  
(Councilor Minor Spon.)

**Proposed Order #7831** **WHEREAS**, the Town Council of Gorham, Maine voted to receive a petition from Mary Jane Lecours to impose weight limits on McLellan Road at the March 2, 2010 Town Council meeting; and,  
**WHEREAS**, heavily loaded vehicles accelerate the deterioration of a roadway's useful life,  
**NOW, THEREFORE, BE IT ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend Schedule C of the Streets and Sidewalks Ordinance to restrict 3, 4 and 5 axle trucks on McLellan Road to the Ordinance Committee for their review and recommendation.

**New Business**

**Public Hearing #1** Public Hearing to consider renewal of a liquor license for Southern Maine Community Recreation Center.

**Item #7900** Action to consider renewal of a liquor license for Southern Maine Community Recreation Center. (Adm. Spon.)

**Proposed Order #7900** **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of a liquor license for Southern Maine Community Recreation Center.

**Public Hearing #2**

Public Hearing to consider renewal of junkyard/automobile graveyard permits.

**Item #7901**

Action to consider renewal of junkyard/automobile graveyard permits for the following:

- Chet's Auto Sales, Inc.
- Dumbo Enterprises
- Hopkins Salvage
- LKQ Corp.
- M & D Realty, Inc.
- Moody's Collision Center
- Reichert's Auto Body, Inc.
- South Street Auto Body, Inc.
- Young's Auto Salvage (Adm. Spon.)

**Proposed Order #7901**

**ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of junkyard/automobile graveyard permits for the following:

- Chet's Auto Sales, Inc.
- Dumbo Enterprises
- Hopkins Salvage
- LKQ Corp.
- M & D Realty, Inc.
- Moody's Collision Center
- Reichert's Auto Body, Inc.
- South Street Auto Body, Inc.
- Young's Auto Salvage

**Public Hearing #3**

Public Hearing on a proposal to amend the Land Use and Development Code, Chapter I, Sections V, VI, VII, VIII, IX, X and XIII by adding a definition of "Fraternity House" and by eliminating "Fraternity House" as a permitted use or as a use by special exception.

**Item #7902**

Action to consider a proposal to amend the Land Use and Development Code, Chapter I, Sections V, VI, VII, VIII, IX, X and XIII by adding a definition of "Fraternity House" and by eliminating "Fraternity House" as a permitted use or as a use by special exception. (Adm. Spon.)

**Proposed Order #7902**

**WHEREAS**, there is a university residential campus in the Town of Gorham; and,

**WHEREAS**, fraternity and sorority housing is often located off-campus and near universities; and,

**WHEREAS**, there have been several residential properties housing fraternities and sororities in Gorham; and,

**WHEREAS**, fraternity and sorority houses have frequently been the attraction and location for behavior that has been disruptive of the neighborhood they are located in and required numerous responses by

the Police Department; and,

**WHEREAS**, there have been serious violations of the Life Safety Code that threatened the health, welfare and lives of the residents of these properties; and,

**WHEREAS**, these properties are often the source of behavior that disturbs and disrupts the peaceful enjoyment of the immediate and nearby neighborhoods,

**NOW THEREFORE BE IT ORDAINED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an amendment to the Land Use and Development Code, Chapter I, Sections V, VI, VII, VIII, IX, X and XIII by adding a definition of “Fraternity House” and by eliminating “Fraternity House” as a permitted use or as a use by special exception as proposed.

**PROPOSED AMENDMENTS TO GORHAM LAND USE CODE CHAPTER 1: ZONING REGULATIONS** (NOTE: Proposed additions to the Code are underlined; proposed deletions are ~~struck through~~.)

**SECTION V – DEFINITIONS**

Forested wetland A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Fraternity House ~~Any building or structure, and the use thereof, traditionally affiliated with a college or university, regardless of whether any such affiliation is currently recognized formally or not, providing common living, dining, kitchen, study and/or sleeping areas for college or university students as members of the fraternity, and their guests. The term shall be deemed to include similarly defined sorority houses, but shall not be deemed to include fraternal organizations, such as the Masons or the Elks.~~

**SECTION VI – URBAN RESIDENTIAL DISTRICT**

**B. PERMITTED USES**

- 9) Rooming house, apartment building or multifamily housing, except fraternity housing.  
12) School, hospital, church, or any other institution of educational, religious, philanthropic, ~~fraternal~~, 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, except fraternity houses.

**C. SPECIAL EXCEPTIONS**

- 3) School, hospital, church or any other institution of education, religious, philanthropic, ~~fraternal~~ or social nature which is not used for residential purposes and has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.

**SECTION VII – SUBURBAN RESIDENTIAL DISTRICT**

**B. PERMITTED USES**

- 10) School, hospital, church, or any other nonresidential institution of educational, religious, philanthropic, ~~fraternal~~, or social nature 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, except fraternity housing.

**C. SPECIAL EXCEPTIONS**

- 5) School, hospital, church or any other nonresidential institution of education, religious, philanthropic, ~~fraternal~~ or social nature and has two thousand (2,000) or more square feet of floor area or generate two hundred (200) or more vehicle trips during any twenty-four hour period.

**SECTION VIII – RURAL DISTRICT**

**B. PERMITTED USES**

- 10) Apartment buildings or multifamily housing, except fraternity housing.  
12) School, hospital, church, or any other institution of educational, religious, philanthropic, ~~fraternal~~, 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.

C. SPECIAL EXCEPTIONS

- 4) School, hospital, church or any other institution of education, religious, philanthropic, ~~fraternal~~ or social nature which has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.

SECTION IX – VILLAGE CENTERS DISTRICT

SUBSECTION 1. LITTLE FALLS VILLAGE CENTER DISTRICT

B. PERMITTED USES

- 4) Residential uses including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing but excluding mobile homes and trailers, except fraternity housing.  
11) School, hospital, church, or any other institution of educational, religious, philanthropic, ~~fraternal~~, or social nature which is not used for residential purposes, which has less than two thousand (2,000) square feet of floor area and which generates less than two hundred (200) vehicle trips during any twenty-four hour period.

C. SPECIAL EXCEPTIONS

- 2) School, hospital, church or any other institution of education, religious, philanthropic, ~~fraternal~~ or social nature which is not used for residential occupancy and has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.

SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT

B. PERMITTED USES

- 4) Residential uses including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing but excluding mobile homes, ~~and~~ trailers, and fraternity housing.  
11) School, hospital, church, or any other institution of educational, religious, philanthropic, ~~fraternal~~, or social nature which is not used for residential purposes, which has less than two thousand (2,000) square feet of floor area and which generates less than two hundred (200) vehicle trips during any twenty-four hour period.

C. SPECIAL EXCEPTIONS

- 2) School, hospital, church or any other institution of education, religious, philanthropic, ~~fraternal~~ or social nature which is not used for residential occupancy and has two thousand (2,000) or more square feet of floor area or generates two hundred (200) or more vehicle trips during any twenty-four hour period.

SECTION X – URBAN COMMERCIAL DISTRICT

B. PERMITTED USES

- 5) Rooming house, excluding fraternity housing.  
8) School, hospital, church, or any other institution of educational, religious, philanthropic, ~~fraternal~~, or social nature which is not used for residential occupancy which has less than two thousand (2,000) square feet of floor area and which generates less than two hundred (200) vehicle trips during any twenty-four hour period.

C. SPECIAL EXCEPTIONS

- 2) hool, hospital, church or any other institution of education, religious, philanthropic, ~~fraternal~~ or social nature which is not used for residential occupancy which has two thousand (2,000) or more square feet of floor area or which generates two hundred (200) or more vehicle trips during any twenty-four hour period.

SECTION XIII – COMMERCIAL/OFFICE DISTRICT

B. PERMITTED USES

- 8) Rooming house, excluding fraternity housing.  
11) School, hospital, church, or any other institution of educational, religious, philanthropic, ~~fraternal~~, 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) vehicles

trips during any twenty-four hour period.

C. SPECIAL EXCEPTIONS

2) School, hospital, church or any other institution of educational, religious, philanthropic, fraternal or social nature which is not used for residential occupancy which has two thousand (2,000) or more square feet of floor area or which generates two hundred (200) or more vehicle trips during any twenty-four hour period.

Applicability date notwithstanding the provisions of 1 MRSA, Section 302 or any other law to the contrary, this ordinance, when enacted, shall govern any building permit application that has not received all required approvals prior to July 6<sup>th</sup>, 2010.

**Public  
Hearing #4**

Public Hearing on a proposed ordinance to regulate fraternities.

**Item #7903**

Action on a proposed ordinance to regulate fraternities.

**Proposed  
Order #7903**

**WHEREAS**, there are several fraternity houses located within the Town of Gorham; and,

**WHEREAS**, these fraternity houses have been a persistent source of Police summonses, a source of serious violations of the Life Safety Code that threatens the health, welfare, and lives of the residents of the houses and has been a source of behavior that disturbs the peace and quite of the neighborhood,

**NOW THEREFORE BE IT ORDAINED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled adopt the Ordinance to Regulate Fraternity and Sorority Houses as proposed.

**Proposed Ordinance to Regulate Fraternity and Sorority Houses.**

**Section 1. Purpose**

1.1 The purpose of this ordinance is to ensure the safe operation of fraternity and sorority houses, as defined below, for residents who are living in these facilities and to ensure that fraternities and sororities are good neighbors within the immediate areas in which they are located.

**Section 2. Authority**

2.1 This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001.

**Section 3. Severability Clause**

3.1 If any part of this Ordinance is held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**Section 4. Definitions**

4.1 Fraternity or Fraternity House: Any building or structure, and the use thereof, traditionally affiliated with a college or university, regardless of whether any such affiliation is currently recognized formally or not, providing common living, dining, kitchen, study and/or sleeping areas for college or university students as members of the fraternity and their guests. The term shall be deemed to include similarly defined sorority houses, but shall not be deemed to include fraternal organizations, such as the Masons or the Elks.

4.2 License Year: Shall be the period of time from August 1 to July 31 of the following year.

4.3 Mass Gathering: For purposes of this ordinance, a Mass Gathering at a Fraternity House shall be any event when 15 or more non-resident guests are reasonably expected to attend at the Fraternity House.

**Section 5. Annual License and Fee Required**

5.1 Each Fraternity House shall be required to obtain an annual license from the

Town by August 1. Said license will be good for the license year that runs from August 1 to July 31, unless revoked pursuant to section 5.4.

5.2 In order to obtain a license, a Fraternity House:

Must have successfully passed its most recent Life Safety Code Fire Inspection conducted by the Town of Gorham's Fire Inspector.

Must have all of the property taxes on the facility fully paid.

Must pay the annual license fee.

May not have recorded more than 10 responses by the Gorham Police Department in the preceding license year.

5.3 The annual license fee shall be established by the Town Council and may be periodically adjusted by Town Council vote.

5.4 The Town of Gorham may revoke an annual license for a Fraternity House when during the course of its license year, the facility:

a. Complies 2 or more violations of this ordinance, or

b. Records more than 10 responses by the Gorham Police Department, or

c. Fails its most recent Life Safety Code inspection by the Town and has failed to bring the Fraternity House into compliance within a reasonable period of time, as solely determined by the Gorham Fire Department.

#### **Section 6. Life Safety Code Inspections**

6.1 The Fire Department shall conduct regular semi-annual inspections of Fraternity Houses to ensure continued compliance with all applicable Life Safety Codes. When violations are found pursuant to an inspection, and after written notice thereof and an order to correct any such violations have been given to the appropriate representative of the fraternity house, the Fire Department may conduct as many additional inspections as needed to ensure compliance. The Town Council shall by Council Order set a fee for the regular inspections and for follow up inspections which fee may be changed periodically by Town Council vote.

#### **Section 7. Mass Gatherings**

7.1 At any event held at a Fraternity House, when 15 or more non resident guests are reasonably expected to attend, the Officers of the Fraternity House shall notify the Gorham Police Department and Fire Department, in advance, of the time and place of the event, and the number of guests that are expected to be attending.

7.2 The Fire Department shall inspect the facility where the function is to be held and will determine the allowed occupant load for the function.

7.3 At any mass gathering event held at the Fraternity House, when alcohol is being served or allowed to be consumed, the Officers of the Fraternity shall require all guests to sign-in. The sign-in list shall contain the printed name, signature and a method of contact for each guest. This list shall be available for immediate inspection, at any time, by the Gorham Police Department.

7.4 The Officers of the Fraternity shall designate one of the Officers of the Fraternity as the event supervisor who shall be in the facility at all times during the event and available to meet with any Police Officer or Emergency Response personnel, responding to a call.

#### **Section 8. Violations and Penalties**

8.1 Except as otherwise provided by law, anyone found to be in violation of any provisions of this Ordinance shall be subject to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense to be recovered for use by the Town and shall be subject to such other legal and equitable remedies as may be available to the Town including, without limitation, an award of attorney's fees pursuant to 30-A MRSA, Section 4452. Each day any such violation continues, shall constitute a separate offense.

**Public  
Hearing #5  
Item #7904**

Public Hearing on a proposal to expand the area of Gorham restricted to shotgun only use.

Action to consider a proposal to expand the area of Gorham restricted

to only shotgun use. (Adm. Spon.)

**Proposed  
Order #7904**

**WHEREAS**, the Town of Gorham has experienced significant residential growth in areas of the community that were previously rural with limited housing over the past 30 years; and,

**WHEREAS**, the Town has a Firearms Ordinance with a Shotgun Only Zone that restricts the discharge of firearms to shotguns only within the zone intended to provide an additional measure of safety; and,

**WHEREAS**, continued residential growth has made it necessary to expand the Shotgun Only Zone,

**NOW THEREFORE BE IT ORDAINED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Firearms Ordinance and map to expand the Shotgun Only Zone, as proposed; and,

**BE IT FURTHER ORDAINED** that notwithstanding any other laws to the contrary, this Ordinance shall be effective October 5, 2010.

**Proposed Amendment to the Firearms Ordinance** (NOTE: Proposed additions to the Code are underlined; proposed deletions are ~~struck through~~.)

SECTION 2. SHOTGUN ONLY ZONE

It shall be a violation of this ordinance for any person to discharge a firearm of any kind or description except for shotguns, within the "Shotgun Only Zone" as shown on the Gorham Firearms Map, which is dated ~~June 7, 1994~~ **October 5, 2010** as is kept in the Gorham Town Clerk's office.

ordinance. (Please contact the Town Clerk's office to obtain the proposed new map.)

**Item #7905**

Action to consider selling municipal property at 27 Preble Street. (Adm. Spon.)

**Proposed  
Order #7905**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the bid of \_\_\_\_\_ in the amount of \$\_\_\_\_\_, subject to the conditions previously approved by the Town Council that include, but are not limited to:

1. The property shall not be used as a rooming house or as a fraternity or sorority house.
2. The Town will issue a Quit-Claim deed with restrictions prohibiting the property from being used as a rooming house, fraternity or sorority.
3. The sale of this property must be completed by November 4, 2010
4. All other conditions specified in the Notice of Tax Sale and the Notice of Acknowledgement Document dated August 6, 2010 and signed by \_\_\_\_\_.

**Item #7906**

Action to consider a resolution to honor Police Officer Wayne Coffin. (Adm. Spon.)

**Proposed  
Order #7906**

**Whereas**, Wayne Coffin grew up in Gorham and graduated from Gorham High School in 1963; and,

**Whereas**, Wayne Coffin joined the Gorham Police Department as a Reserve Officer beginning in October, 1970, and was hired as a full-time Police Officer on October 5, 1975, and went on to serve the Gorham Community for the next 35 years; and,

**Whereas**, Wayne graduated from the Maine Police Academy in 1976, was named Gorham Police Officer of the Year in 2003, and received numerous other commendations and honors during his distinguished career; and,

**Whereas**, Wayne faithfully discharged his duties with passion and set a high standard with personal integrity that is a credit to the Police profession and Gorham Community; and

**Whereas**, Wayne Coffin retired on October 5, 2010,

**Now Therefore Be It Resolved** that the Town Council of Gorham, Maine recognizes Wayne Coffin for his 35 years of service to the Gorham Community, and on behalf of the Town of Gorham, expresses its appreciation for his outstanding service and personal integrity

**Item #7907**

Action to consider authorizing a campaign to raise funds to develop a synthetic turf competition athletic field. (Councilor Robinson Spon.)

**Proposed  
Order #7907**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize a campaign to raise funds to develop a synthetic turf competition athletic field with a Steering Committee to consist of 2 members of the Gorham Town Council, 2 members of the Gorham School Board, 3 other members to be appointed by the Chair of the Town Council; and,

**BE IT FURTHER ORDERED** that the Superintendent of Schools and the Town Manager shall be ex officio, non-voting members of the committee; and,

**BE IT FURTHER ORDERED** that the Town Council appropriate \$200,000 from Recreation Impact Fees into a reserve account for this project; and,

**BE IT FURTHER ORDERED** that the Committee shall be charged with making a recommendation to the Town Council regarding where this field should be located and developing a design for the facility with said recommendation requiring approval by the Town Council.

**Item #7908**

Action to consider a request from Kenneth Curtis to prohibit 3 axle trucks or larger on Robie Street. (Adm. Spon.)

**Proposed  
Order #7908**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request from Kenneth Curtis to prohibit 3 axle trucks or larger on Robie Street to the Ordinance Committee for their review and recommendation.

**Item #7909**

Action to accept a bid for the installation of a project to install solar panels primarily funded through an Efficiency Maine Trust Grant. (Adm.



Spon.)

**Proposed Order #7909** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the bid of \_\_\_\_\_ to install solar panels primarily funded through an Efficiency Maine Trust Grant.

**Item #7910** Action to authorize the construction of a dormer and replacement of the roof at the Public Safety Building.

**Proposed Order #7910** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept a proposal from Great Falls Builders to construct a dormer and replace the roof at the Public Safety Building; and,

**BE IT FURTHER ORDERED** that the Town Council appropriate \$165,000 from the Capital Project Reserve Fund to supplement funds already included in the 2010/2011 fiscal year budget for this project.

**Item #7911** Action to consider an updated Capital Improvements Planning Program. (Adm. Spon.)

**Proposed Order #7911** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a Capital Improvements Planning Document, dated July 30, 2010 and amended as recommended by the Capital Improvements Committee, to be used as a guide for Capital Improvement Projects.

**Item #7912** Action to consider doing a limited review of the South Gorham overlap area and the Route 114 area up to Waterhouse Road. (Adm. Spon.)

**Proposed Order #7912** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled agree in concept to conduct a limited review of the South Gorham area similar to the process and type presented at the Special Town Council meeting of July 20, 2010, with the area to include the overlap area and Route 22 west of the overlap and Route 114 up to Waterhouse Road; and,

**BE IT FURTHER ORDERED** that the Town Council authorize the Town Manager to obtain a proposal for the Town Council to consider.

**Item #7913** Action regarding the November 2, 2010 Annual Municipal and State General Election. (Adm. Spon.)

**Proposed Order #7913** **ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the polls be open for the November 2, 2010 Annual Municipal and State General Election between the hours of 7:00 a.m. and 8:00 p.m.; and,

**BE IT FURTHER ORDERED** that absentee ballots will be processed on Monday, November 1, 2010 at 9:00 am and on Tuesday, November 2, 2010 at 9:00 am, 11:00 am, 1:00 pm, 3:00 pm, 5:00 pm, 7:00 pm, and 8:00 pm.

**BE IT FURTHER ORDERED** that the Registrar of Voters be in session

between the hours of: 8:30 a.m. and 4:30 p.m. on Wednesday, October 27, 2010, 8:30 a.m. and 7:00 p.m. on Thursday, October 28, 2010, 7:30 a.m. and 4:30 p.m. on Friday, October 29, 2010 and 8:30 a.m. and 4:30 p.m. on Monday, November 1, 2010 for the purpose of registering citizens to vote and correcting the voter list; and,

**BE IT FURTHER ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint the following Wardens and Ward Clerks and that the Town Clerk is authorized to make changes to these appointments as needed.

Ward 1: Warden – Linda Deering, Ward Clerk – Laurel Smith

Ward 2: Warden – Patricia Clay, Ward Clerk – Nancy Kenty

Central: Warden – Cornelia Loughran, Ward Clerk – Christina Silberman

**ADJOURN**