

AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
May 6, 2014  
BURLEIGH H. LOVEITT COUNCIL CHAMBERS

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the April 1st Town Council Regular Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Old Business

Item #8413      Action to consider an amendment to Chapter 1, Section IX Gorham Village Center District to allow creative parking solutions. (Admin. Spon)

Proposed

Order #8413      Ordered, that the Town Council refer a proposal to amend Chapter 1, Section IX Gorham Village Center District, to allow creative parking solutions to the Ordinance Committee for their recommendation.

Item #8444      Action to consider approving an updated Capital Improvements Plan. (Admin. Spon)

Proposed

Order #8444      Ordered, that the Town Council approve an updated Capital Improvements Plan, as presented.

New Business

Public            A Public Hearing on the renewal Restaurant Liquor License in the name of Ocean  
Hearing #1      Garden.

Item #8457      Action regarding a renewal Restaurant Liquor License in the name of Ocean Garden. (Adm.  
Spon.)

Proposed

Order #8457      Ordered that the Town Council approve a renewal Restaurant Liquor License in the name of Richard Jiang d/b/a Ocean Garden located at 390 Main Street

Public

Hearing #2      A Public Hearing on the renewal Liquor License in the name of Aramark Education Services.

Item #8458 Action to consider approving a renewal Liquor License in the name of Aramark Educational Services. (Admin. Spon)

Proposed

Order #8458 Ordered, that the Town Council approve a renewal Liquor License to Aramark d/b/a Aramark Education Services located at 37 College Ave.

Public  
Hearing #3

A Public Hearing on a proposal to amend the Land Use and Development Code, Chapter II, Section V (H), Standards for Private Ways that clarifies that the Planning Board can require improvements to off-site public and private roads as deemed unsuitable to handle additional traffic.

Item #8459 Action to consider a proposal to amend Chapter II, Section V (H) Standards for Private Ways that clarifies that the Planning Board can require improvements to off-site public and private road that are deemed unsuitable to handle additional traffic. (Admin. Spon)

Proposed

Order #8459 Whereas, the Town of Gorham has a Land Use and Development Code that allows the Planning Board to require improvements to off-site road when reviewing application for Subdivision to ensure that the development will not cause congestion or unsafe conditions, and Whereas, when a proposed development includes a private road which may lead to additional development over time when the cumulative impacts could cause congestion or unsafe conditions, the Planning Board's authority is less clear, and Whereas, the current ambiguity is unfair to developers as well as the Town and could result in an unequal treatment of applications, and Whereas, on April 7, 2014, the Planning Board, after a Public Hearing, recommended approval, Now Therefore Be It Ordered,

Chapter II: General Standards of Performance, Section V – Minimum Standards for the Design and Construction of Streets and Ways, H. Standards for Private Ways.

- 5) Private ways shall be designed to **meet the following requirements:**
  - a) **Private Ways shall** ~~conform with~~ **meet** the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.
  - b) **Private ways will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.**
  
- 10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.**

Public  
Hearing #4

A Public Hearing on a proposal to amend Chapter 1, Section V, Definitions, and add Chapter II, Section XIV, Performance Standards for Dog Kennels, of the Land Use and Development Code to allow Dog Kennels and clarify the Performance standards.

Item # 8460      Action to consider a proposal to amend Chapter 1, Section V, Definitions, and add Chapter Ii, Section XIV, Performance Standards for Dog Kennels and clarify the performance standards. (Admin. Spon)

Proposed  
Order #8460      Whereas, at the request of Amy Beckwith, the Town Council reviewed the language in the Land Use and Development Code regarding Dog Kennels and concluded that the language needed to be clarified with more appropriate performance standards, and  
Whereas, after a proposal was developed by the Town Council Ordinance Committee, the Town Council forwarded it to the Planning Board, and  
Whereas, after hearing the Planning Board's recommending approval with some changes to the proposed language,  
Now Therefore Be It Ordered,

**SECTION V - DEFINITIONS**

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied".

Day Care Center      A home or other facility used generally to provide day care services or baby-sitting services for thirteen (13) or more children.

Dog Kennels      **A facility for the boarding and / or daycare of dogs including accessory activities such as grooming or training. Dog kennels shall conform to the performance standards in Chapter II, Section XIV of the Land Use Development Code.**

**SECTION VIII - RURAL DISTRICT1**

**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 Code2.

**B.      PERMITTED USES**

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1 Amended January 7, 2003

2 Amended January 7, 2003

21) Bed and Breakfast Establishment<sup>3</sup>

22) Dog Kennels that meet performance standards in Chapter II, Section XIV of this Code.

#### SECTION XIV – DOG KENNEL STANDARDS

The purpose of this section is to provide standards for the boarding and / or daycare of dogs, including accessory activities such as grooming or training, to ensure that dog kennels are safe and maintained in a clean and sanitary manner and not creating a nuisance to surrounding properties. Dog kennels shall meet the below standards:

- 1) Shall be located on lots not less than three (3) acres in area.
- 2) Shall not have more than ten (10) dogs at any given time.
- 3) Dogs shall be housed within a permanent structure / outbuilding between the hours of 7:00 p.m. and 7:00 a.m.
- 4) All structures, including barns, pens, play areas, runs, cages, enclosures etc., for housing or containing the dogs shall be setback a minimum of one hundred (100) feet from all property lines. The Town's Administrative Review Committee or Planning Board may grant a waiver to the above setback standard providing the proposed improvements are adjacent to a dedicated open space / conservation area which may be used towards meeting the minimum one hundred (100) foot setback standard and if they find that a negative impact to surrounding properties will not be created.
- 5) All play areas, runs, cages and other similar facilities shall be designed, constructed and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties and other similar factors.
- 6) All enclosures shall be completely fenced in and shall be paved with cement, asphalt or a similar material to provide for cleanliness and ease of maintenance. Outside play areas may be grassed but shall be fully enclosed.
- 7) The owner or operator of a kennel shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.
- 8) Temporary storage containers for any kennel wastes containing or including animal excrement shall be kept tightly covered at all times and emptied no less frequently than once every two (2) days. Such containers shall be made of steel or plastic to facilitate cleaning and shall be located in accordance with the setbacks required for structures.
- 9) The facilities for housing dogs shall be structurally sound and shall be maintained in good repair to prevent injury to the dogs, to contain the dogs and restrict the entrance of other animals.

- 10) Feces and other excreta shall be removed at least twice daily from the individual dog kennels and runs and shall be washed down with water and disinfectant cleaner.
- 11) The kennel space shall be ventilated in such a manner as will provide fresh air at all times.
- 12) The kennel temperature shall be maintained at a reasonable and suitable level to promote the health and comfort of the type of dog or dogs housed.
- 13) All dogs shall be provided access to shelter which will protect them against inclement weather, preserve the dogs' body heat and keep them dry. The shelter shall be kept clean and in a sanitary condition.
- 14) Each dog enclosure shall be large enough for the dog or dogs housed therein to turn about freely, to stand erect and to lie down in a natural position.
- 15) Water and food supplies. Dogs shall be provided with clean fresh water and sufficient and wholesome food. Food and water containers shall be kept clean and sanitized.
- 16) All kennels shall operate to conform to the Town's Noise Ordinance (Chapter IV, Section IX, Subsection T).
- 17) One (1) parking stall shall be provided for every five (5) boarded dogs.
- 18) The Code Enforcement Officer may conduct an annual inspection to verify that the facility is operating as approved and not creating a nuisance to surrounding properties.
- 19) All kennel operators shall submit a fully dimensioned and detailed plan illustrating all barns, pens, play areas, runs, cages, waste storage areas, enclosures etc. that will be used in the operation of the facility. This plan shall be reviewed by the Town's Code Enforcement Officer for compliance with the above regulations / standards. All proposals that do not meet minimum setback standards shall be reviewed by the Town's Administrative Review Committee.

Item #8461      Action to consider a request from Cub Scout Pack 85 to do a Fireworks Display at Shaw Park on June 7<sup>th</sup>, 2014. (Admin. Spon.)

Proposed

Order #8461      Ordered, that the Town Council, pursuant to Section 4.3 of the Town of Gorham Consumer Fireworks Ordinance grant permission to Cub Scout Pack 85 to do a fireworks Display at Shaw Park on June 7, 214, provided that Cub Scout Pack 85 complies with all of the other requirements of the Ordinance.

Item #8462      Action to consider amending the Council Rules to add a new Section 5.5 that would define "crime of moral turpitude" to include convictions for operating a motor vehicle while under the influence of alcohol and/or drugs or driving to endanger. (Councilor Robinson Spon.)

Proposed

Order #8462      Ordered, that the Town Council amend the Council Rules by adding a new Section 5.5 that would define "crime of moral turpitude" with the following language;

Section 5.5 Pursuant to Section 202 of the Town Charter, if a member of the Town Council is convicted of a crime of moral turpitude, the Council member's office shall immediately become vacant upon conviction. For purposes of this Section, the term "crime of moral turpitude" shall

mean a statutory criminal offense involving an element of a bad moral choice for which a councilor has been convicted while in office, including, without limitation, crimes based on fraud, larceny or an intent to harm persons or things. The term shall include conviction(s) for operation of a motor vehicle under the influence of alcohol and/or drugs or driving to endanger.

Item #8463 Action to consider a proposal to ask the voters to amend the Town Charter by adding language to Section 202 of the Town Charter that would define the term “crime of moral turpitude” (Councilor Robinson Spon.)

Proposed  
Order #8463

Ordered, that the Town Council approve a referendum for November 4, 2014 preceded by a Public Hearing at least 30 days in advance (with prior notice) that would ask voters to amend Section 202 of the Town Charter by adding a definition of “crime of moral turpitude”, and Be It Further Ordered, that the Town Council call a Public Hearing for September 2, 2014 on said referendum for the purpose of providing information, and Be It Further Ordered, that the following language be added as an amendment to Section 202 of the Town Charter:

For the purposes of this section, the term “crime of moral turpitude” shall mean a statutory criminal offense involving an element of bad moral choice for which a councilor has been convicted while in office, including, without limitation, crimes based on fraud, larceny or an intent to harm persons or things. The term shall include conviction(s) for operation of a motor vehicle while under the influence of alcohol and/or drugs or driving to endanger and,  
Be it Further Ordered, that the ballot question specifies that a majority of the Town Council recommend a yes vote.

Item #8464 Action to consider appointing 7 people to the Historic Preservation Committee to study the feasibility of developing a Historic Preservation Ordinance. (Councilor Roullard Spon.)

Proposed  
Order #8464

Ordered, that the Town Council appoint the following people to serve on the Historic Preservation Committee: Bruce Roullard as Chair of the Committee, Sherrie Benner, Janet Adams, Noah Miner, Marla Stelk, Jane Bell and Janice Labrecque, and Be It Further Ordered that the Committee identify the buildings that could be impacted by the Ordinance, and assess how current Building Codes are applied to these buildings, and assess the potential impact to business and residential owners who reside or are located within the buildings, and Be It Further Ordered, that upon completion of their work, the Committee provides a report to the Town Council with the Committee’s recommendation about whether the Ordinance should apply to residential and/or business property.

Item #8465 Action to consider accepting an easement for a fire pond. (Admin. Spon)

Proposed  
Order #8465

Ordered, that the Town Council accept an easement for a fire pond in South Gorham (Tax Map 6, Lot 19) from the Estate of Barbara King.

Item #8466 Action to consider combining the Fire Department Account and the Rescue Department Account into a single Fire and Rescue Department account for the fiscal year beginning July 1, 2014. (Councilor Moulton Spon.)

Proposed

Order #8466 Ordered, that the Town Council approve combing the Fire Department Account and the Rescue Department Account into a single Fire and Rescue Department Account for the fiscal year beginning July 1, 2014.

Item #8467 Action to consider authorizing the Town, through its Fire Department, to apply for a Staffing for Adequate Fire and Emergency Response (SAFER) Federal Grant to pay for the cost of hiring two Fire Fighter/EMS positions in the Fire Department. (Councilor Moulton Spon.)

Proposed

Order #8467 Ordered, that the Town Council authorize the Town, through its Fire Department, to apply for a Staffing For Adequate Fire and Emergency Response (SAFER) Federal Grant to pay for the cost of hiring two Fire Fighter/EMS positions in the Fire Department during the next round of applications.

Item #8468 Action to consider adding signs at the intersection of Mechanic Street and Railroad Ave. (Ordinance Comm. Spon. 3-0)

Proposed

Order #8468 Ordered, that the Town Council approve a recommendation of the Ordinance Committee to add warning signs at the intersection of Railroad Avenue and Mechanic Street.

Item #8469 Action to consider a proposal to amend Chapter 1, Section V, definitions and Chapter II, Section XIV of the Land Use and Development Code to allow Airstrips, including Runways and Landing Strips in Gorham. (Ordinance Comm. Spon.3-0)

Proposed

Order #8469 Ordered, that the Town Council refer a proposal to amend Chapter 1, Section V, Definitions and Chapter II, Section XIV of the Land Use and Development Code to allow Airstrips, including Runways and Landing Strips in Gorham to the Planning Board for Public Hearing and their recommendation.

Item #8470 Action regarding the June 10, 2014 School Budget Validation Referendum Elections. (Adm. Spon.)

Proposed

Order #8470 Action to authorize the Town Clerk to issue the warrant for the June 10, 2014 School Budget Validation 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- Susan Emerson, Warden and Laurel Smith Ward Clerk  
District 2 – Marina Lewis, Warden, Patricia Clay Ward Clerk  
Central –Laurie Nordfors, Warden Paula Nystrom 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 3<sup>rd</sup>, 2014 and Wednesday June 4<sup>th</sup>, 2014; between the hours of 8:00 and 7:00 pm on Thursday June 5<sup>th</sup>, 2014; between the hours of 8:00 am and 1:00 pm on Friday June 6<sup>th</sup>, 2014 and between the hours of 8:00 am and 4:00 pm on Monday June 9<sup>th</sup>, 2014, and

Be It Further Ordered, that the Town Clerk be authorized to process absentee ballots Tuesday June 10, 2014 at the Central Voting District at 9:00 am, 3:00 pm and 8:00 pm.

Item #8471 Action to consider making appointments to Town Committees. (Admin. Spon.)

Proposed  
Order #8471 Ordered, that the Town Council appoint people to serve on the following Boards/Committees:

Board of Appeals  
Planning Board  
Gorham Economic Development Corporation

ADJOURN