

**REPORT OF THE REGULAR MEETING OF GORHAM TOWN COUNCIL**  
**April 6, 2004**

The meeting opened with the Pledge of Allegiance to the flag.

Roll Call: Present: Chairman Loveitt; Councilors Hamblen, Phinney, Willett and Dugas; David Cole,  
 Town Manager and Brenda Caldwell, Town Clerk.  
 Absent: Councilors Robinson and Justice

Moved by Councilor Dugas, seconded by Councilor Willett and VOTED to approve the Minutes of the March 2, 2005 Regular Meeting and the March 16, 2004 Special Meeting. 5 yeas.

There were no public communications.

Councilor Phinney gave the report on the Ordinance Committee meeting whereby they reviewed the Water Extension Impact fee ordinance. Councilor Willett thanked citizens that participated in the recent Gorham Gala.

Chairman Loveitt reported on a recent RWS Board meeting he and the Town Manager attended. He also reported on an area rationalization meeting held in Yarmouth which explored ways communities might combine some services to save expenses, as well as reported on the Congressman Allen's press conference which held in the village square last week to announce that 9.8 Million Dollars has been placed in the US Congressional budget part of which includes the Gorham by-pass.

The Town Manager reported that the Route 114 construction project is taking more time than was initially anticipated. The project is now scheduled to be advertised in June, with construction in the fall. He also reported that the litigation between the Town of Gorham and C&C, LLC is on the trial docket for May and June; as well as reporting that the proposed 2004/2005 budget was presented to the Council this evening. Budget workshops are scheduled for this coming Thursday and next Monday.

The meeting recessed for a public hearing on a proposal to amend Article IV, Section 401 of the Administrative Code to change the method of appointing the Town Assessor. There was no public comment and the hearing closed at 7:20 p.m.

Item #6942. Moved by Councilor Dugas, seconded by Councilor Willett and ORDERED that the Town Council amend Article IV, Section 401 of the Administrative Code to change the method of appointing the Town Assessor from being appointed by the Town Council to being appointed by the Town Manager as presented. 5 yeas

The meeting recessed for a public hearing on proposed amendments to the Land Use and Development Code, Chapter I, Section XVII, the Black Brook and Brackett Road Special Protection District and Zoning Map which extend the ordinance beyond its current expiration date of April 30, 2004; modify the boundaries of the Water Resource Management Area and Remedial Activities Areas; and remove certain prohibited activities. One person spoke at the public hearing.

Item #6943. Moved by Councilor Phinney, seconded by Councilor Dugas and VOTED that

WHEREAS, the Black Brook Special Protection District was established to provide an additional level of ground water protection after an aquifer became contaminated, and

WHEREAS, the original intent was to make the Special Protection District temporary, to provide time for further remediation and evaluation by the Maine Department of Environmental Protection, and

WHEREAS, the Maine Department of Environmental Protection has conducted further remediation and evaluation and made recommendations to modify, but not eliminate, the Special Protection District,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Gorham, Maine in Town Council assembled that the following ordinance be and hereby is adopted.

Ordinance Amending Chapter I, Section XVII, the Black Brook and Brackett Road Special Protection District and Zoning Map

- 1) Amend Chapter I, Section XVII, Black Brook and Brackett Road Special Protection District as per the attached. 5 yea.

The meeting recessed for a public hearing to determine the status of Kinney Road. Several people spoke from the public giving history of the road and Town work on the road. The hearing closed at 7:40 p.m.

Item #6944. The order, as read aloud by the Clerk was moved by Councilor Dugas and seconded by Councilor Phinney. Moved by Councilor Phinney, seconded by Councilor Hamblen and VOTED to amend the proposed order by adding the words "which terminates in the yard of the now Kinney homestead". 5 years.

The order, as amended, was then VOTED resulting in the following:

ORDERED that, the Town Council, after conducting a public hearing, determine that:

1. The Town, after a reasonable search of its records, has been unable to find any record that Kinney Road was formally accepted as a public way in the Town of Gorham;
2. The Town has plowed the traveled portion of Kinney Road for a period of 20 years or longer;
3. The Town has done sporadic minor maintenance on the travel portion of Kinney Road but has not done major or significant maintenance on said road for many years;
4. All plowing and maintenance work over the 20+ years was done openly and with the full knowledge and approval of residents and property owners along Kinney Road, and
5. Town staff has issued several building permits in recent years for residential construction based on the belief, at the time of issuance, that Kinney Road was a public way,

BE IT FURTHER ORDERED that the Town Council determines that the traveled portion of Kinney Road, beginning at the intersection with Burnham Road thence southeasterly to the end of the road which terminates in the yard of the now Kinney homestead, a distance of approximately 1,600 feet, is an acquired public easement which the Town has plowed, and

BE IT FURTHER ORDERED that this public easement, which has been plowed for many years, satisfy the provisions of the Town's Land use and Development Code for road frontage purposes. 5 years.

Item #6945. Moved by Councilor Phinney, seconded by Councilor Willett and ORDERED, that pursuant to a request from Denise Whitehead, the Town Council accept comments on the road improvement project scheduled for Libby Avenue and Brackett Road. 5 years.

Item #6946. The order, as read aloud by the Clerk, was moved by Councilor Phinney and seconded by Councilor Hamblen. Moved by Councilor Hamblen, seconded by Councilor Phinney and VOTED to amend the proposed order to change "the Ordinance Committee" to the "Planning Board" and to add that the Planning Board should review the rezoning of the land of Joseph Guimond and the land proceeding in an easterly direction to the Westbrook line. 5 years.

The order, as amended, was then voted resulting in the following:

ORDERED that the Town Council refer a request from Joe Guimond to rezone a parcel of land at 680 Main Street (Tax Map 13, Lot 3) and the land proceeding in an easterly direction to the Westbrook line

from the Rural Zone to the Roadside Commercial Zone, to the Planning Board for their review and recommendation. 5 yeas.

Item #6947. Moved by Councilor Dugas, seconded by Councilor Willett and ORDERED that the Town Council authorize the renewal of a Restaurant Liquor License in the name of R. Corporation d/b/a Ocean Garden doing business at 390 Main Street. 5 yeas.

Item #6948. The order, as read aloud by the Clerk, was moved by Councilor Dugas and seconded by Councilor Phinney. Moved by Councilor Dugas, seconded by Councilor Phinney and VOTED to postpone action on this item to a Special Meeting to be held Monday, April 12, 2004. 5 yeas.

Prior to the above vote the Chairman declared a ten minute recess. The meeting resumed at 9:35 p.m. 5 yeas.

Item #6949. Moved by Councilor Phinney, seconded by Councilor Willett and ORDERED that the Town Council authorize the Town to terminate the contract for Architecture Service on the Shaw School Project with Gawron Turgeon Architects, effective immediately, and

BE IT FURTHER ORDERED to request all specifications and design documents related to this project be forwarded to the Town. 5 yeas.

Item #6950. The order, as read aloud by the Clerk, was moved by Councilor Dugas and seconded by Councilor Phinney. Moved by Councilor Phinney, seconded by Councilor Willett and VOTED to postpone action on this item to a Special Meeting to be held April 12, 2004. 5 yeas.

Item #6951. The order, as read aloud by the Clerk, was moved by Councilor Phinney and seconded by Councilor Willett. Moved by Councilor Phinney, seconded by Councilor Dugas and VOTED to postpone action on this item to a Special Meeting to be held April 12, 2004. 4 yeas. 1 nay (Willett).

Item #6952. Moved by Councilor Phinney, seconded by Councilor Dugas and ORDERED that the Town Council authorize the Town Manager, on behalf of the Town, to execute a Main Extension Agreement with the Portland Water District to extend a water main on Fort Hill Road (Route 114) northerly to Huston Road with the Portland Water District to finance the project and with the Town intending to use impact fees to pay its contribution and with the intention of installing the main in advance of a major MDOT road construction project on Route 114. 5 yeas.

Item #6953. Moved by Councilor Phinney, seconded by Councilor Willett and ORDERED that the Town Council appropriate \$6,000 from the Contingency Account to pay for Gorham's share of a Regional Dispatch Study. 5 yeas.

Item #6954. Moved by Councilor Phinney, seconded by Councilor Dugas and ORDERED that the Town Council issue the 2004 Warrant for Prosecuting Unlicensed Dog Owners-Keepers to Wilmont R. Southworth, Jr. 5 yeas.

Item #6955. Moved by Councilor Phinney, seconded by Councilor Willett and VOTED to waive the Clerk reading aloud the proposed order. 5 yeas.

Moved by Councilor Phinney, seconded by Councilor Willett and ORDERED that, pursuant to Title 21-A, Section 503, M.R.S.A., the following be appointed to serve as Election Clerks for two-year terms which shall expire May 1, 2006:

- Ward #1 Janet Bell, Republican and Mary Ellen Sturtevant, Democrat
- Ward #2 Janice Edwards, Republican and Anne Emerson, Democrat
- Ward #3 Gladys Carter, Republican and Geraldine Day, Democrat

BE IT FURTHER ORDERED that the following shall be appointed to serve as Alternative Election Clerks:

REPUBLICANS

Dorothy Burnham  
 Emma Gilman  
 Nancy Hawkes  
 Althea Irish  
 Theresa Lamontagne  
 Janice Peniuk  
 Rose Phinney  
 Madelyn Hunt  
 Janice Labrecque  
 Elizabeth Labrecque  
 Guy Labrecque  
 Brenda Caldwell  
 Gwendolyn Pierce  
 Sara Childs  
 Allison Edwards  
 Margaret Faulkner  
 Mary Golden  
 Martha Harris  
 George Deering  
 Linda Deering  
 Kristen Smith  
 Laurel Smith  
 Virginia Williams  
 Rita Young  
 Ethel Wright  
 Linda Frinsko  
 Joanne Webb  
 Lawrence Wright  
 John Marzagalli  
 Dewayne Marzagalli

5 yeas

DEMOCRATS

Sandra Franklyn  
 Carol Gordon  
 Harold Parks  
 Sarah Rioux  
 Ethel Robillard  
 Robert Skinner  
 Barbara Skinner  
 Anita Smith  
 Nancy Banner  
 Patricia Clay  
 Geraldine Day  
 Peggy Douglass  
 Coleen Hoyt  
 Judith Stevens  
 Meadow Welch  
 Audrey Gerry  
 Jeanette Gould  
 Susan Smyth

Item #6956. The order, as read aloud by the Clerk, was moved by Councilor Phinney and seconded by Councilor Willett. Moved by Councilor Phinney, seconded by Councilor Willett and VOTED to amend the proposed order by changing "Ordinance Committee" to "Planning Board". 5 yeas.

The order, as amended, was then VOTED resulting in the following:

ORDERED that the Town Council refer a proposal to amend Chapter II, Section I, C, (7), (a) of the Land Use and Development Code for the purpose of making it consistent with a previous amendment approved by the Town Council on April 2, 2001, to the Planning Board for their recommendation.  
 5 yeas

Item #6957. Moved by Councilor Dugas, seconded by Councilor Phinney and ORDERED that the Town Council refer a proposed amendment to Chapter II, Section V, Subsection E (6) and Subsection I (4) to clarify the Code by deleting the words "as built", to the Planning Board for public hearing and their recommendation. 5 yeas.

Item #6958. Moved by Councilor Phinney, seconded by Councilor Hamblen and VOTED

WHEREAS, the office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, the office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, the Municipal Clerks serves as the information center at functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, county and international professional organizations, and

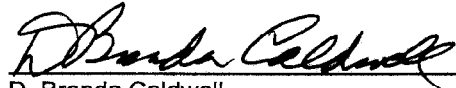
WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;

NOW, THEREFORE, the Gorham Town Council does recognize the week of May 2 through May 8, 2004 as Municipal Clerks Week and further extend appreciation to our Municipal Clerk, her office staff and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. 5 yea

Moved by Councilor Phinney, seconded by Councilor Dugas and VOTED to adjourn. Time of adjournment - 10:25 p.m.

A TRUE RECORD OF MEETING

Attest:



D. Brenda Caldwell  
Town Clerk

February 2004  
PROPOSED AMENDMENTS

NOTE: Additions are underlined and deletions ~~struck through~~.

**SECTION XVII - BLACK BROOK AND BRACKETT ROAD SPECIAL PROTECTION DISTRICT**

**A. PURPOSE**

The purpose of this subsection is to further the maintenance of safe and healthful conditions; to prevent and control groundwater pollution and the migration of groundwater pollution; to ensure that new and existing development in this district has safe water for consumption and use; to prevent activities that might disrupt ground water remediation activities or water quality monitoring activities; to prevent the possibility of abandoned wells providing a means for contaminants to enter the ground water; and to anticipate the impact of further development within this district.

**B. APPLICABILITY**

The Black Brook and Brackett Roads Special Protection District applies to the area designated on the Zoning Map as the Black Brook and Brackett Roads Special Protection District, which includes the Remedial Activities Area, the Water Resource Management Area and the Limited Water Resource Management Area. The restrictions of this district are in addition to any restrictions found in other sections of this Code or other State and local laws or regulations.

**C. PROHIBITED ACTIVITIES**

The following restrictions shall apply in the ~~Special Protection District after the effective date of this ordinance~~ Remedial Activities Area and the Water Resource Management Area.

1. The drilling of any new residential, commercial, industrial or other water supply wells is not allowed.
2. The removal of ground water by any new commercial, residential, or industrial development is not allowed.
3. ~~Significant increases in withdrawal of ground water from existing wells within the Special Protection District are prohibited without written approval of the Maine Department of Environmental Protection.~~
- ~~3-4.~~ 3-4. Blasting is not allowed, except by the Portland Water District contractors or anyone authorized or approved by the Portland Water District to do such work, pursuant to conditions established by the Portland Water District, for the purpose of extending a water main, ~~is not allowed.~~
- ~~4-5.~~ 4-5. Hydraulic fracturing, overpumping, blasting or pressure intensive methods to increase the yield of existing wells are not allowed.
6. ~~No waste water disposal system with a capacity of over 1,000 gallons per day is allowed.~~
7. ~~Any activity that might disrupt remedial ground water activities or water quality monitoring activities in the Remedial Activities Area, as defined on the zoning overlay map, is prohibited.~~

**D. DEVELOPMENT TO EXTEND PUBLIC WATER**

Any application for a subdivision, residential structure or development, except the development of accessory buildings, that occurs after March 14, 2000 within this Special Protection District the Remedial Activities Area or Water Resource Management Area, or that occurs within the Limited Water Resource Management Area after March 14, 2000 and prior to March 1, 2004, must provide public water, at the developer's expense, from a public water supply by extending a water main pursuant to the conditions established by the Portland Water District and within the restrictions established by this section, unless the developer of the lot can demonstrate to the Town that it will comply with the requirements set forth below.

Where the developer of a lot within the district proposes to supply water from a private source located outside this Special Protection District, or from an existing private water supply located within the District, the following restrictions shall apply.

1. the developer shall not undertake any activity prohibited in Subsection C in developing the required infrastructure to bring the water to the lot.
2. the developer shall also provide to the Town satisfactory evidence that the private water supply complies with all applicable State and local requirements, and
3. that the Maine Department of Environmental Protection has reviewed the proposal and has made written recommendations concerning any proposed shared use of an existing private water supply located within the District. In the event that the MDEP recommends that any conditions be placed upon a shared existing water supply, the CEO shall include such conditions on any building permits issued for structures that will share the water supply. Any work undertaken and any required studies shall be at the sole expense of the developer.

**E. LIMITED WATER RESOURCE MANAGEMENT AREA**

Any developer of a subdivision, residential structure, or commercial or industrial development which relies on or creates a private water supply well within the Limited Water Resource Management Area does so at the developer's own risk, and with the knowledge that the potential for contamination exists in the neighborhood, and that if any new water supply wells located within the Limited Water Resource Management Area are found to be contaminated with chemicals attributable to the Wyman Auto Body site, such wells must be properly abandoned at the well owner's expense, pursuant to the well abandonment procedures established in Section F. of this ordinance and in accordance with the applicable regulations established by the State of Maine.

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**E. F. ABANDONMENT OF WELLS**

1. Applicability: These provisions shall apply to all wells abandoned after the effective date of this ordinance.
2. Notification of Department of Environmental Protection: The Town and the Maine Department of Environmental Protection shall be notified prior to abandoning any wells in the Special Protection District.

3. Sealing: Abandoned wells or boreholes shall be sealed in a manner appropriate to prevent the entry of contaminants and from the mixing of waters from separate fractures. Well casings shall not be removed without the borehole in bedrock having been permanently sealed, using practices currently accepted by the water well industry.
4. Open borehole filling: Open boreholes shall be filled in a manner appropriate to prevent the possibility of personal injury.

**F-G. ENFORCEMENT AND VIOLATIONS**

The Code Enforcement Officer is authorized to enforce violations of this Section in accordance with the provisions set forth in Title 30-A, M.R.S.A., Section 4452.

**G-H. CONFLICT WITH OTHER ORDINANCES**

Wherever the requirements of this Section are inconsistent with the requirements of any other ordinance or statute, the more restrictive requirement shall apply.

**H-I. SEPARABILITY**

In the event that any section, subsection or any portion of this Code shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Code. The provisions of this Code are hereby declared to be severable.

**I-J. EXPIRATION**

The provisions of this ordinance shall remain in force ~~expire on April 30, 2004, unless extended until amended or repealed~~ by the Gorham Town Council upon recommendation of the Planning Board and the Maine Department of Environmental Protection

Effective Date: Notwithstanding any provisions of law to the contrary, this Ordinance, upon passage, shall be retroactive to March 1, 2004 ~~effective as of March 14, 2000.~~ Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other provision of law, these amendments, upon passage, shall be retroactive to March 1, 2004.



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April 6, 2004

The meeting opened with the Pledge of Allegiance to the flag.

Roll Call: Present: Chairman Loveitt; Councilors Hamblen, Phinney, Willett and Dugas; David Cole, Town Manager and Brenda Caldwell, Town Clerk.

Absent: Councilors Robinson and Justice

Moved by Councilor Dugas, seconded by Councilor Willett and VOTED to approve the Minutes of the March 2, 2005 Regular Meeting and the March 16, 2004 Special Meeting. 5 years.

There were no public communications.

Councilor Phinney gave the report on the Ordinance Committee meeting whereby they reviewed the Water Extension Impact fee ordinance. Councilor Willett thanked citizens that participated in the recent Gorham Gala.

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He also reported on an area rationalization meeting held in Yarmouth which explored ways communities might combine some services to save expenses, as well as reported on the Congressman Allen's press conference which held in the village square last week to announce that 9.8 Million Dollars has been placed in the US Congressional budget part of which includes the Gorham by-pass.

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The order, as amended, was then VOTED resulting in the following:

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1. The Town, after a reasonable search of its records, has been unable to find any record that Kinney Road was formally accepted as a public way in the Town of Gorham;
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Ward #2 Janice Edwards, Republican and Anne Emerson, Democrat

Ward #3 Gladys Carter, Republican and Geraldine Day, Democrat

Clerks:

BE IT FURTHER ORDERED that the following shall be appointed to serve as Alternative Election

0 0

REPUBLICANS

5 yeas

Dorothy Burnham  
Emma Gilman  
Nancy Hawkes  
Althea Irish  
Theresa Lamontagne  
Janice Peniuk  
Rose Phinney  
Madelyn Hunt  
Janice Labrecque  
Elizabeth Labrecque  
Guy Labrecque  
Brenda Caldwell  
Gwendolyn Pierce  
Sara Childs  
Allison Edwards  
Margaret Faulkner  
Mary Golden  
Martha Harris  
George Deering  
Linda Deering  
Kristen Smith  
Laurel Smith  
Virginia Williams  
Rita Young  
Ethel Wright  
Linda Frinsko  
Joanne Webb  
Lawrence Wright  
John Marzagalli  
Dewayne Marzagalli

DEMOCRATS

Sandra Franklyn  
Carol Gordon  
Harold Parks  
Sarah Rioux  
Ethel Robillard  
Robert Skinner  
Barbara Skinner  
Anita Smith  
Nancy Banner  
Patricia Clay  
Geraldine Day  
Peggy Douglass  
Coleen Hoyt  
Judith Stevens  
Meadow Welch  
Audrey Gerry  
Jeanette Gould  
Susan Smyth

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WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, the Municipal Clerks serves as the information center at functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, county and international professional organizations, and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;

NOW, THEREFORE, the Gorham Town Council does recognize the week of May 2 through May 8, 2004 as Municipal Clerks Week and further extend appreciation to our Municipal Clerk, her office staff and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. 5 yea

Moved by Councilor Phinney, seconded by Councilor Dugas and VOTED to adjourn. Time of adjournment - 10:25 p.m.

A TRUE RECORD OF MEETING

Attest:

D. Brenda Caldwell

Town Clerk

5

February 2004

PROPOSED AMENDMENTS

NOTE: Additions are underlined and deletions struck through.

SECTION XVII - BLACK BROOK AND BRACKETT ROAD SPECIAL PROTECTION DISTRICT

A. PURPOSE

The purpose of this subsection is to further the maintenance of safe and healthful conditions; to prevent and control groundwater pollution and the migration of groundwater pollution; to ensure that new and existing development in this district has safe water for consumption and use; to prevent activities that might disrupt ground water remediation activities or water quality monitoring activities; to prevent the possibility of abandoned wells providing a means for contaminants to enter the ground water, and to anticipate the impact of further development within this district.

B. APPLICABILITY

The Black Brook and Brackett Roads Special Protection District applies to the area designated on the Zoning Map as the Black Brook and Brackett Roads Special Protection District, which includes the Remedial Activities Area, the Water Resource Management Area and the Limited Water Resource Management Area. The restrictions of this district are in addition to any restrictions found in other sections of this Code or other State and local laws or regulations.

C. PROHIBITED ACTIVITIES

The following restrictions shall apply in the Remedial Activities Area and the Water Resource Management Area.

1. The drilling of any new residential, commercial, industrial or other water supply wells is not allowed.
2. The removal of ground water by any new commercial, residential, or industrial development is not allowed.
3.
  - a
  - 3.-4. Blasting is not allowed, except by the Portland Water District contractors or anyone authorized or approved by the Portland Water District to do such work, ~~--- pursuant to the Portland Water District or the purpose of extending a water main, is not allowed.~~
  - 4.-5 Hydraulic fracturing, overpumping, blasting or pressure intensive methods to increase the yield of existing wells are not allowed.
6. ~~allowed.~~

February 2004 - Proposed Amendments To  
Section XVII - Black Brook And Brackett Road Special Protection District

**D. DEVELOPMENT TO EXTEND PUBLIC WATER**

Any application for a subdivision, residential structure or development, except the development of accessory buildings, that occurs after March 14, 2000 within this Special the Remedial Activities Area or Water Resource Management Area, or that occurs within the Limited Water Resource Management Area after March 14, 2000 and prior to March 1, 2004, must provide public water, at the developer's expense, from a public water supply by extending a water main pursuant to the conditions established by the Portland Water District and within the restrictions established by this section, unless the developer of the lot can demonstrate to the Town that it will comply with the requirements set forth below.

Where the developer of a lot within the district proposes to supply water from a private source located outside this Special Protection District, or from an existing private water supply located within the District, the following restrictions shall apply.

1. the developer shall not undertake any activity prohibited in Subsection C in developing the required infrastructure to bring the water to the lot.

2. the developer shall also provide to the Town satisfactory evidence that the private water supply complies with all applicable State and local requirements, and

3. that the Maine Department of Environmental Protection has reviewed the proposal and has made written recommendations concerning any proposed shared use of an existing private water supply located within the District- In the event that the MDEP recommends that any conditions be placed upon a shared existing water supply, the CEO shall include such conditions on any building permits issued for structures that will share the water supply. Any work undertaken and any required studies shall be at the sole expense of the developer.

**E. LIMITED WATER RESOURCE MANAGEMENT AREA**

Any developer of a subdivision, residential structure, or commercial or industrial development which relies on or creates a private water supply well within the Limited Water Resource Management Area does so at the developer's own risk, and with the knowledge that the potential for contamination exists in the neighborhood, and that if any new water supply wells located within the Limited Water Resource Management Area are found to be contaminated with chemicals attributable to the Wyman Auto Body site, such wells must be properly abandoned at the well owner's expense, pursuant to the well abandonment procedures established in Section F. of this ordinance and in accordance with the applicable regulations established by the State of Maine.

**&F. ABANDONMENT OF WELLS**

1. Applicability: These provisions shall apply to all wells abandoned after the effective date of this ordinance.

2. Notification of Department of Environmental Protection: The Town and the Maine Department of Environmental Protection shall be notified prior to abandoning any wells in the Special Protection District.



February 2004 - Proposed Amendments To

Section XVII - Black Brook And Brackett Road Special Protection District

3. Sealing: Abandoned wells or boreholes shall be sealed in a manner appropriate to prevent the entry of contaminants and from the mixing of waters from separate fractures. Well casings shall not be removed without the borehole in bedrock having been permanently sealed, using practices currently accepted by the water well industry.

4. Open borehole filling: Open boreholes shall be filled in a manner appropriate to prevent the possibility of personal injury.

F.-G. ENFORCEMENT AND VIOLATIONS

The Code Enforcement Officer is authorized to enforce violations of this Section in accordance with the provisions set forth in Title 30-A, M.R.S.A., Section 4452.

G: H. CONFLICT WITH OTHER ORDINANCES

Wherever the requirements of this Section are inconsistent with the requirements of any other ordinance or statute, the more restrictive requirement shall apply.

H -I. SEPARABILITY

In the event that any section, subsection or any portion of this Code shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Code. The provisions of this Code are hereby declared to be severable.

4. EXPIRATION

unless

The provisions of this ordinance shall remain in force 2004, extended until amended or repealed by the Gorham Town Council upon recommendation of the Planning Board and the Maine Department of Environmental Protection  
Effective Date: Notwithstanding any provisions of law to the contrary, this Ordinance, upon passage, shall be retroactive to March 1, 2004 .. Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other provision of law, these amendments, upon passage, shall be retroactive to March 1, 2004.

F:\TOWN\PLAN\Zoning Amendments FY2004\Blackbrook&BracketRd SPD\021204 Revised Text doc

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