

**REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL  
October 7, 2008 - 7:00 p.m.**

Chairman Loveitt opened the meeting at 7:05 pm.

Roll Call: Present: Chairman Loveitt, Councilors Caldwell, Csoros, Knapp, Moulton, Phinney & Robinson, Town Manager, David Cole and Town Clerk, Christina Silberman.

Moved by Councilor Robinson, seconded by Councilor Moulton and **VOTED** to accept the minutes of the September 2, 2008 Regular Town Council meeting. **7 yeas.**

**Open Public Communications**

There were no communications from the public.

**Councilor Communications**

Councilor Caldwell reported that the Appointments/Personnel Committee has met twice during the last month and there are two items on tonight's agenda.

Councilor Knapp reported that she attended a Council of Governments workshop on sustainability held at the marine lab on Commercial St. that was very impressive. Sustainability is an issue that she thinks the town government will have to look into.

Councilor Phinney reported that the Ordinance Committee met this morning and on September 29th. An item to rezone land in the Little Falls area for the new elementary school site was on the Ordinance Committee's agenda and is no longer needed so the committee voted to remove the item from their agenda. They also reviewed the Sound Ordinance and an Animal Control Ordinance. Councilor Phinney complimented the Ordinance Committee members on the work they have accomplished. Councilor Phinney also reported that a number of residents have complained about the new roundabout on Route 202. He would like a letter sent to the Department of Transportation (DOT) asking them to come to a meeting soon to explain why the roundabout was built this way and how it will handle the traffic. Chairman Loveitt stated that he will contact the DOT to see if they will attend the Council Workshop on October 22<sup>nd</sup>.

Councilor Csoros stated that he is concerned about safety at the intersection of Brackett Road and New Portland Road and would like the Department of Transportation to consider putting a traffic signal there.

**Chairman's Report**

Chairman Loveitt reported that Ecomaine continues to be very prudent and is a profitable organization. They are paying down their debt at a rate of \$9,000,000 per year. As the recycling rate rises there is a decrease in the amount of trash available to burn to create energy. Chairman Loveitt stated that the town is in the process of conducting an energy audit for town buildings to see what can be done to make improvements.

**Town Manager's Report**

Mr. Cole reminded voters of the election on November 4<sup>th</sup> and that voters can vote by absentee ballot at any time. The Town Clerk's office will go to the North Gorham library on October 21<sup>st</sup> from 3-7 pm to facilitate absentee voting in the North Gorham area.

## School Committee Report

School Committee Chairman, Jim Hager, reported on the following

- the Village, Narragansett & High schools all are retrofitted to use natural gas or oil and they hope to save money in this respect
- Gorham school enrollments
- Bond dates have been delayed by the state for school construction projects
- The White Rock Project Committee will meet November 12<sup>th</sup>
- Sebago Education Alliance progress
- Next School Committee meeting is October 8th

## Election Report

The Town Clerk reported the results of the Special Referendum Election held on September 16th.

<u>Referendum Question #1</u>	Ward 1	Ward 2	Central	Totals
Yes	594	373	92	1,059
No	98	60	21	179
BLANKS				0

## New Business

Moved by Councilor Caldwell, seconded by Councilor Robinson and **VOTED** to take item #7628 out of order and hear it now. **7 yeas.**

**Item #7628** was moved by Councilor Phinney and seconded by Councilor Knapp. Chuck Miller, Weeks Rd., explained this request and asked for the Town Council's approval. Norman Justice, 24 Wood Rd., spoke in favor of this item. Noah Miner, 32 Green St. also spoke in favor of this item and asked if the time could be adjusted to allow more time for pedestrians to cross. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the installation of audible traffic signals at the intersection of Routes 114 and 25; and, **BE IT FURTHER ORDERED**, that the Town Council appropriate \$9,000 from the contingency account for this project. **7 yeas.**

Moved by Councilor Knapp, seconded by Councilor Phinney, and **VOTED** to take item #7637 out of order and hear it now. **7 yeas.**

**Item #7637** was moved by Councilor Phinney and seconded by Councilor Knapp. Sylvanos Doughty explained his request to lower the speed limit on Flaggy Meadow Road and submitted a petition to the Town Council signed by supporters. The order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled request the Maine Department of Transportation to conduct a speed limit determination study for Flaggy Meadow Road. **7 yeas.**

**Public Hearing #1** Chairman Loveitt opened the Public Hearing to consider issuance of a Mass Gathering License for the Gorham Art Fair. Carson Lynch of the Gorham Grind, explained the request for this license. Chairman Loveitt closed the public hearing.

**Item #7620** Moved by Councilor Robinson, seconded by Councilor Knapp and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council

assembled approve issuance of a Mass Gathering License for the Gorham Art Fair. **7 years.**

**Public Hearing #2** Chairman Loveitt opened the public hearing to consider issuance of a new Victualer's License for The Good Chef, LLC. There were no comments from the public. Chairman Loveitt closed the public hearing.

**Item #7621** was moved by Councilor Moulton and seconded by Councilor Caldwell. Ellen Door, owner of The Good Chef, LLC., described the business. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a new Victualer's License for The Good Chef, LLC. **7 years.**

**Public Hearing #3** Chairman Loveitt opened the public hearing on a proposal to revise the Town Personnel Policy. There were no comments from the public. Chairman Loveitt closed the public hearing.

**Item #7622** Moved by Councilor Csoros, seconded by Councilor Caldwell and **VOTED**;

**WHEREAS**, the Town's current Personnel Policy was approved on May 2, 1989 and amended numerous times during the last 19 years; and,

**WHEREAS**, the current policy is fundamentally sound but would benefit from better organization of the policy and clarification of some provisions; and,

**WHEREAS**, some policies that are personnel related have been adopted as separate policies outside of the current Personnel Policy and should be included as part of the policy;

**NOW, THEREFORE BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled adopt the Town of Gorham Personnel Policy Ordinance as presented effective October 8, 2008; and,

**BE IT FURTHER ORDERED** that the existing Personnel Policy shall be voided. **7 years.**

**Public Hearing #4** Chairman Loveitt opened the public hearing on a proposal to amend the Land Use and Development Code, Chapter IV, Site Plan Review, Sections III, IV, VI, VII and Chapter II, Section V, I – Subdivision, Private Way and Site Construction Monitoring of Public Improvements. There were no comments from the public. Chairman Loveitt closed the public hearing.

**Item #7623** Moved by Councilor Phinney seconded by Councilor Moulton and **VOTED** to waive the clerk reading of the proposed order. **7 years.** Moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED**;

**WHEREAS**, the Town has review procedures for minor developments that are intended to be an expedited process; and,

**WHEREAS**, the process often takes longer than intended and becomes procedurally complicated; and,

**WHEREAS**, the Town Council would like to streamline the process to allow applications to proceed more rapidly and with less complication; and,

**WHEREAS**, the Planning Board has held a public hearing and recommended approving this proposal; and,

**WHEREAS**, the Town Council has determined that this proposal is consistent with the Town's Comprehensive Plan,

**NOW, THEREFORE BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve amendments to the Land Use and Development Code, Chapter IV, Site Plan Review, Sections III, IV, VI and VII as presented. **7 years.**

**Proposed Amendment to Land Use and Development Code Chapter IV, Site Plan Review, Sections III, IV, VI and VII. NOTE: ADDITIONS ARE UNDERLINED AND DELETIONS ARE ~~STRUCK THROUGH~~**

### **SECTION III - CLASSIFICATION OF PROJECTS**

A. Projects subject to site plan review shall be divided into two (2) classes, Administrative Review Projects ~~minor developments~~ and major developments:

1) ~~An Administrative Review project shall be subject to Administrative Review and shall include- A minor development shall be~~ any project which:

a. Involves the construction or addition of fewer than ~~twenty thousand (20,000)~~ fifteen thousand (15,000) square feet of gross floor area in a nonresidential building or structure in an Industrial District.

b. Involves the addition of less than twenty percent (20%) of the existing gross floor area but not more than ten thousand (10,000) square feet of floor area in a nonresidential building or structure in any district other than an Industrial District within any three-year period.

c. Involves the construction of less than ten thousand (10,000) square feet of floor area in a nonresidential building or structure in a Rural District or Roadside Commercial District within any three-year period.

d. Involves the construction of less than two thousand (2,000) square feet of floor area in a nonresidential building or structure in the Urban Residential, Suburban Residential, Village Center District, Urban Commercial District, Roadside Office District, Office Residential District or Narragansett Development District within any three-year period.

e. Involves the construction of a residential structure with four (4) or fewer units.

f. Involves the modification or expansion of an existing residential structure in which the number of dwelling units after construction will be four (4) or less.

g. Involves the conversion of an existing residential building, in whole or in part, to a nonresidential use.

h. Involves earth moving, removal, grading or filling activities which involves ten thousand (10,000) cubic yards of material or less and which are not subject to the gravel pit provisions of Chapter II, Section I (C).

i. Involves the construction or expansion of paved areas with fewer than ten thousand (10,000) square feet of area within any three-year period.

2) Major development - A major development shall be any project requiring site plan review which is not classified as an Administrative Review Project ~~a minor development~~.

### **SECTION IV - REVIEW AND APPROVAL AUTHORITY**

A. Major Developments - The Planning Board is authorized to review and act on all site plans for major developments. In considering site plans under this section, the Planning Board may act to approve, disapprove or approve the project with such conditions as are authorized by this Chapter.

~~B. Administrative Review Projects Minor developments~~ – The Site Plan Review Committee shall consist of the ~~Town Planner Planning Director~~, Town Engineer, Code Enforcement Officer, Police Chief, and Fire Chief or their designees. It is authorized to review all site plans for these minor developments and may approve, disapprove, or approve the project with such conditions as are authorized by this Chapter. Actions of the Site Plan Review Committee to approve an application or approve an application with conditions shall require the affirmative vote of all members of the Committee or their designees. The disapproval of one (1) or more members shall constitute denial of the application.

## **SECTION VI - CLASSIFICATION PROCEDURES**

Upon receipt of an application for site plan review, the ~~Town Planner Planning Director~~ shall classify the application as a ~~minor~~ or Major Development or Administrative Review Development.

~~An applicant may request that the Planning Director classify an application prior to its submission. In this case, the applicant shall make a written request for a classification. This request shall include the following information:~~

- ~~1) The names and addresses of the record owner and the applicant and the applicant's legal interest in the property;~~
- ~~2) The location of the project, including the assessing map and lot number;~~
- ~~3) A brief description of the proposed activities in such detail as to allow a classification to be made;~~
- ~~4) The names and addresses of all abutting property owners, including those in neighboring towns, if applicable.~~

~~Within ten (10) working days of the receipt of a site plan application or a request for a classification, the Planning Director shall notify the applicant, all abutters, and the Chairman of the Planning Board of the classification of the project. It shall be the applicant's responsibility to provide a certified list of abutters to the planning department and, where required by ordinance, notify such abutters by certified mail.~~

~~If the applicant or any abutter believes that the Planning Director erred in the classification of the project, he may appeal the classification to the Planning Board. The appeal must occur within ten (10) days of the date of the Planning Director's determination and shall be in writing. The appeal shall set out the reasons that the petitioner believes the application is misclassified. Within thirty (30) days of receiving an appeal, the Planning Board shall consider the appeal and determine if the classification is correct. If the Planning Board finds that the Director erred in classifying the project, the Board shall direct the Planning Director to reclassify the project. Appeal of the Planning Board's decision shall be to the Superior Court.~~

~~When the Planning Director or Planning Board has classified a project based upon a request for classification rather than an application, the subsequent application shall be consistent with the activities described in the request for classification. The Planning Director shall review such application to determine if the classification is still correct and may reclassify the application if the scope of activities has been changed. This action shall be appealable to the Planning Board as provided above.~~

## **SECTION VII - PROCEDURES FOR AN ADMINISTRATIVE REVIEW OF MINOR DEVELOPMENTS**

A. Pre-application Conference - Applicants for site plan review of an Administrative Review a ~~minor~~ development are encouraged to schedule a pre-application conference with the Town Planner Director. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements, and the approval criteria and to familiarize the Director with the nature of

the project. No decisions relative to the plan may be made at this meeting.

In connection with the pre-application review, the ~~Town Planner~~ ~~Planning Director~~ may determine that an on-site inspection be held to familiarize the Site Plan Review Committee with the project site. The on-site inspection shall be scheduled by the ~~Town Planner~~ ~~Planning Director~~ and shall be attended by the applicant and/or the applicant's representative and members of the Site Plan Review Committee.

B. Application Procedure - The owner or his representative shall submit a formal application for Administrative review and approval of a minor development to the Office of the ~~Town Planner~~ ~~Planning Director~~. The application shall consist of:

- 1) A fully executed and signed copy of the application for site plan review (provided by the Town),
- 2) One (1) original of the site plan on durable, permanent transparency material,
- 3) Seven (7) copies of a site plan and supporting documentation as described in Subsection C,
- 4) The required publishing and public notice, review, and independent consulting and peer review fees.

Upon receipt of an application, the Planning Office shall provide the applicant with a dated receipt showing the nature of the application and the fees paid.

Within ~~ten (10)~~ ~~fifteen (15)~~ working days of receipt of an application for a minor development an Administrative Review, the ~~Town Planner~~ ~~Planning Director~~ shall review the application and determine if the application meets the submission requirements set forth in Subsection C. ~~The Town Planner~~ ~~Planning Director~~ ~~shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.~~ Prior to determining the completeness of the application and considering waiver requests, the ~~Town Planner~~ ~~Planning Director~~ may solicit the input of other department heads, including those who participate in the Site Plan Review Committee. If the application is complete, the ~~Town Planner~~ ~~Planning Director~~ shall notify the applicant and the Chairman of the Planning Board in writing of this determination and the action on any waivers and shall provide copies of the application to the Planning Office, Code Enforcement Office, ~~Town Engineering Department~~, Police Department and Fire Department. If the application is incomplete, the ~~Town Planner~~ ~~Planning Director~~ shall notify the applicant in writing of this determination, specify what additional materials or information are required to complete the application, and advise the applicant that the revised application package will be re-reviewed for completeness when it is resubmitted.

In addition, if the application is deemed to be complete, the ~~Town Planner~~ ~~Planning Director~~ shall notify all abutters to the site as shown on the Assessor's records, in writing, that an application has been filed. This notice shall contain a brief description of the proposed activity and the name of the applicant. It shall advise the party that a copy of the application is available for inspection, that written comments on the application will be received and considered by the Site Plan Review Committee if submitted by the end of the departmental review period, and that they may request that the application be considered by the Committee at a meeting of the Committee. Failure of any abutter to receive such notice shall not be grounds for delay of any consideration of the application or denial of the project.

C. Submission Requirements - The application for site plan review of a minor development an Administrative Review shall contain at least the following exhibits and information:

- 1) Seven (7) copies of written materials plus seven (7) sets of site plans, maps, or drawings containing the information listed below. The written materials shall be contained in a single report. The site plan, maps, or drawings shall be at a scale sufficient to allow review of the items listed under approval criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of

the tract of land being proposed for development:

a. General Information

1. Record owner's name, address, and phone number and applicant's name, address and phone number if different
2. Location of all building setbacks, yards and buffers required by this Ordinance
3. Names and addresses of all abutting property owners, including those in neighboring towns, if applicable
4. Sketch map showing general location of the site within the Town based upon a reduction of the Town tax maps
5. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time
6. The assessing tax map and lot number of the parcel or parcels
7. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant
8. The name, registration number and seal of the architect, engineer and/or similar professional who prepared the plan
9. A general description of the proposed activity or use.

b. Existing Conditions

1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district.
2. Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, and power and telephone lines and poles on the property to be developed and of any that will serve the development from abutting streets or land.
3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
4. Location, dimensions and ground floor elevations of all existing buildings on the site.
5. Location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
6. Location of intersecting roads or driveways within two hundred (200) feet of the site.
7. Location of open drainage courses, floodplains, wetlands, stands of trees, and other important natural features, with a description of such features to be retained.
8. The direction of existing surface water drainage across the site.
9. Location, front view and dimensions of existing signs.
10. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
11. Location of the nearest fire hydrant, dry hydrant or other water supply for fire protection and any existing fire protection systems.

c. Proposed Development Activity

1. Location and dimensions of all provisions for water supply and wastewater disposal and evidence of their adequacy for the proposed use including test pit data if on-site sewage disposal is proposed.

2. The direction of proposed surface water drainage across the site.
3. Provisions for handling solid wastes including the location and proposed treatment of any on-site collection or storage facilities.
4. Location, dimensions, and ground floor elevations of all proposed buildings or expansion on the site.
5. Location and dimensions of proposed driveways, parking and loading areas, and walkways.
6. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
7. Location and type of exterior lighting.
8. Proposed landscaping and buffering.
9. Schedule of construction, including anticipated beginning and completion dates.
10. Location of all utilities, including fire protection systems.
11. Statement of any hazardous materials that will be stored or used on the site.

d. Supplemental Information

If the Town Planner ~~Planning Director~~ determines that the project has the potential for having significant adverse impact on traffic flow or safety or on the environment, he may require the applicant to submit a traffic impact assessment and/or an environmental impact assessment.

The Town Planner ~~Planning Director~~ may require the applicant to provide a boundary survey of the parcel if the property lines are not clearly and easily determined on the ground.

e. Approval Block

Space shall be provided on the plan for the seven signatures of the Site Plan Review Committee and the date, together with the following words, "Approved: Town of Gorham Site Plan Review Committees".

The applicant may request a waiver of any of the submission requirements. Such request shall be in writing and shall be made at the time of submission of the application. The request shall specify why the waiver is being sought. The Town Planner ~~Planning Director~~ shall review any requests for waivers and shall act on those requests prior to determining the completeness of the application. Upon request, the Town Planner ~~Planning Director~~ shall waive any such submission requirement as he determines unnecessary to allow the Site Plan Review Committee to determine the application's compliance with the approval standards.

D. Review Procedures - Within ~~fifteen (15)~~ ten (10) working days of the application being determined to be complete, the Planning Department, Code Enforcement Office, Town Engineer ~~Department~~, Police Department, and Fire Department shall review the application and shall provide the Town Planner ~~Planning Director~~ with a written review of the application. These reviews shall evaluate the application's conformance with the approval criteria and standards and identify any areas in which the department has questions about conformance with local ordinances. If any department fails to respond within the ~~fifteen (15)~~ ten (10) working day review ~~person~~ process, this shall mean that the department has no concerns about the project.

1) No adverse comments or requests for Committee meeting

If no adverse comments are received by the Town Planner ~~Planning Director~~ as a result of the department review process and if no adverse written comments or written requests for a meeting of the Committee are received from an abutter to the project by the end of the ~~fifteen (15)~~ ten working (10) day review period, the Town Planner ~~Planning Director~~ shall



- a. Declare the application approved, sign the site plan, and have the members of the Site Plan Review Committee sign the site plan,
- b. Notify the applicant and Chairman of the Planning Board in writing of the approval, and
- c. Notify any abutter who requested to be notified or who commented on the application of the action.

#### 2) Adverse comments ~~or requests for Committee meeting~~

If adverse comments or questions are received by the ~~Town Planner Planning Director~~ as a result of the departmental review process ~~or if adverse written comments or request for a Committee meeting are received~~ or from an abutter by the end of the ~~fifteen (15)~~ ten (10) working day review period, the ~~Town Planner Planning Director~~ shall:

- a. Notify the applicant and Chairman of the Planning Board in writing of the status of the review, including any comments received.
- b. Schedule a staff workshop with the applicant within ten (10) working days. This workshop is intended to provide the applicant with guidance on how the application could be modified to comply with the review criteria and standards and address concerns raised in the review process. This workshop shall be attended by the ~~Town Planner Planning Director~~ and the applicant and/or his representative. Any department which provided adverse comment on the application shall also be represented at the staff review workshop.

#### 3) Staff workshop

If a staff workshop is held, the staff shall present any concerns about the application and any comments received from the public. The staff shall work with the applicant to attempt to resolve all issues. At this workshop the applicant shall be given the option of presenting the initial submission to the Site Plan Review Committee or revising the submission. If the applicant chooses to go to the Committee with the initial application, the ~~Town Planner Planning Director~~ shall schedule the application for consideration at the next available Site Plan Review Committee meeting (but within twenty (20) working days). If the applicant chooses to revise the application, the ~~Town Planner Planning Director~~ shall schedule the revised application for consideration by the Site Plan Review Committee within twenty (20) working days of receipt of the revised application.

#### 4) Site Plan Review Committee meeting

The Site Plan Review Committee shall consider the application at a regular meeting of the Committee. The ~~Town Planner Planning Director~~ shall notify the applicant, Chairman of the Planning Board, media, and any abutters who commented on the application or requested a Committee meeting in writing of the date, time, and place of the meeting.

The applicant and/or his representatives shall be allowed to make a presentation on the application, address any comments made by the staff or public, and present any revisions to address these issues.

Any abutters may comment on the application or ask questions of the applicant and/or his representatives. The focus of the Committee's review shall be on those areas of the application that produced adverse comments or raised questions.

The Site Plan Review Committee shall consider if the application complies with the standards and criteria of Section IX. If the Committee finds that the application conforms to these requirements, the Committee shall vote to approve the application. Approval by the Committee shall require the affirmative vote of all members of the Committee. The applicant, Chairman of the Planning Board, and any abutters who provide written comments or requested the Committee meeting shall be notified in writing of the Committee's action. The minutes of the Committee shall be adequate

notification.

#### 5) Appeal to the Planning Board

Any party aggrieved by the decisions of the Site Plan Review Committee may seek an appellate review by the Planning Board. The appellant shall have ten (10) days in which to file such an appeal with the Chairman of the Planning Board. The appeal shall be in writing and shall specify why the appellant believes the action of the Committee was in error. The appeal shall be accompanied by a fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order.<sup>1</sup>

If an appeal is filed, the application shall be placed on the agenda of the next regular meeting of the Planning Board. The appellant, applicant, and any abutters who provide written comments or requested a Committee meeting shall be notified in writing of the Planning Board meeting. The ~~Town Planner~~ ~~Planning Director~~ shall provide members of the Planning Board with copies of the application, supporting material, staff review comments, abutters' comments, and minutes of the staff workshop and Committee meeting at which the application was considered.

The Planning Board shall review on an appellate basis the existing record of materials and shall determine if the application conforms to the approval criteria and standards. If the Board finds that the application conforms to the standards, it shall approve the application; otherwise, it shall deny the same.

The ~~Town Planner~~ ~~Planning Director~~ shall notify the appellant, applicant and abutters who participated in the review of the action of the Planning Board.

**Item #7624** Moved by Councilor Phinney seconded by Councilor Knapp and **VOTED** to waive the clerk reading of the proposed order. **7 yeas**. The proposed order was moved by Councilor Phinney and seconded by Councilor Knapp. David Kent spoke in favor of this item. The proposed order was then **VOTED**.

**WHEREAS**, the Town's Land Use and Development Code currently requires the submission of a letter certifying the work that all public improvements were built according to approved plans on a project and also requires a stamped set of "as built" drawings; and,

**WHEREAS**, these two requirements appear to be a needless duplication,

**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 II, Section V, I-Subdivision, Private Way and Site Construction Monitoring of Public Improvements, as presented. **7 yeas**.

**Recommended changes to Chapter II: General Standards of Performance, Section V(I) Subdivision, Private Way and State Construction Monitoring of Public Improvements. (4)**  
**NOTE:** ADDITIONS ARE UNDERLINED AND DELETIONS ARE ~~STRUCK THROUGH~~

1) At least fifteen (15) days before beginning construction of improvements for public benefit or public use associated with a private way, subdivision or site plan approved by the Planning Board under Chapters II, III or IV of this Code, the developer shall give written notice to the Town Engineer and Public Works Director. Such improvements shall include, but not be limited to, street grading and paving, surface water drainage improvements, utilities, fire protection improvements and landscaping. The notice shall include the following:

a) Type of improvement(s)

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- b) Description of and amount of work to be completed
- c) Beginning date
- d) Duration of construction
- e) Estimated costs to the Town of monitoring the construction of said improvement(s)

Construction shall be scheduled continuously until date of completion.

2) Upon receipt of said notice, the Town Engineer shall evaluate and verify the provided cost estimate(s) and request the Town Manager to set a fee for the Town or designated agent to monitor said construction. The fee shall be based upon and equal to the cost to the Town for such monitoring. Such monitoring will be paid for by the developer on a monthly basis. Interest shall be imposed on any unpaid balances of thirty (30) days or more. The interest rate shall be equal to the prevailing rate set by the Town Council for delinquent tax debts to the Town. Such monitoring will not in any way hold the Town liable for the improvement. All grades, materials, engineering and construction techniques are the responsibility of the developer.

3) Upon setting the fee for monitoring said improvements, the Town Manager shall give written notice to the developer of such fee.

4) If the Town Engineer or appointed representative shall find, upon inspection of the improvements performed before expiration date of the performance guarantee or bond, that any of the required improvements have not been constructed in accordance of plans and specifications filed by the developer, he shall so report to the Town Manager. The Town Manager shall then notify the developer and, if necessary, the bonding company or other financial institution providing the performance guarantee, and take all necessary steps to preserve the Towns rights under the bond or guarantee. The Town shall issue no Certificate of Occupancy for the project until (1) all monitoring fees are paid in full, (2) all required improvements have been constructed in substantial accordance with the approved plans and specifications, except as expressly authorized to the contrary by the Planning Board, ~~and the developer has submitted a certification signed by the Developers professional engineer that the following improvements have been constructed as specified in the plans approved by the Planning Board and that the "as built" record drawings are accurate:~~

and the developer has submitted an accurate set of "as built" record drawings that include all improvements constructed to date.

Prior to issuing the final certificate of occupancy, the Developer must submit an accurate final set of "as built" record drawings that include:

- a. public and private roads and sidewalks,
- b. All utilities, including but not limited to, water systems, sewer systems, and electrical systems,

**Public Hearing #5** Chairman Loveitt opened the public hearing to consider adopting revisions to the General Assistance Ordinance. There were no comments from the public. Chairman Loveitt closed the public hearing.

**Item #7625** Moved by Councilor Knapp, seconded by Councilor Moulton and **VOTED**;

Whereas, the State establishes maximum levels of assistance for local General Assistance Ordinances; and,

Whereas the Town's local ordinance must be adjusted annually to reflect the new maximum levels of assistance,

**NOW THEREFORE BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Town's General Assistance Ordinance to reflect the new state maximum levels of assistances. **7 yeas.**

**Item #7626** The proposed order to authorize the consolidation of the Planning Department and the Code Enforcement Department into a single department and authorize a new position of Zoning Administrator was moved by Councilor Phinney and seconded by Councilor Csoros. Moved by Councilor Caldwell, seconded by Councilor Knapp and **VOTED** to postpone action on this item until after another workshop is held to discuss this. **6 yeas, 1 nay (Phinney).**

**Item #7627** was moved by Councilor Moulton and seconded by Councilor Knapp. Moved by Councilor Knapp, seconded by Councilor Robinson and **VOTED** to divide the question to vote for the Voter Registration Appeals Board separately. **7 yeas. VOTED** to make the following appointments; Recycling Committee - Ginny O'Keefe to a term to expire 4/1/2010; Cable Television Committee - Philip McCormack to a term to expire 4/1/2010. **7 yeas.** Moved by Councilor Knapp, seconded by Councilor Phinney and **VOTED** to postpone action to appoint a Voter Registration Appeals Board until a Special Town Council meeting to be held on October 22, 2008. **7 yeas.**

**Item #7628-This item was taken out of order & heard at the beginning of new business.**

**Item #7629** was moved by Councilor Moulton and seconded by Councilor Knapp. Moved by Councilor Csoros, seconded by Councilor Phinney, and **VOTED** to increase the amount from \$7,570 to \$9,780. **7 yeas. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appropriate \$9,780 from the contingency account to pay for the cleanup costs associated with the microburst storm that occurred in July, 2008. **7 yeas.**

**Item #7630** Moved by Councilor Phinney, seconded by Councilor Csoros, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request to rezone property on County Road, Tax Map 6 Lot 43-2, from Suburban Residential to Roadside Commercial to the Ordinance Committee for their recommendation. **3 yeas, 4 nays (Csoros, Knapp, Loveitt, & Moulton) motion fails.**

Chairman Loveitt called for a 15 minute recess. Chairman Loveitt called the meeting to order.

**Item #7631** was moved by Councilor Robinson and seconded by Councilor Knapp. Norman Justice, Wood Road, spoke in favor of retaining all three of the impact fees on the agenda tonight. Dennis Libby, 9 Queen St., asked that the Ordinance Committee explain the process they used to come up with this recommendation. Mr. Libby explained the affect of the impact fee on the school budget and spoke in favor of retaining this fee. Superintendent Ted Sharp explained enrollment at the Middle School in response to a question from Councilor Phinney. Moved by Councilor Phinney, seconded by Councilor Knap and **VOTED** to amend the proposed order and order that the Town Council refer a proposal to the Planning Board to amend the Land Use and Development Code by eliminating the Middle School Facilities Impact Fee on July 1, 2009 for public hearing and their recommendation. **5 yeas, 2 nays (Caldwell, Robinson).** The order as amended was then **VOTED. ORDERED** that the Town Council refer a proposal to the Planning

Board to amend the Land Use and Development Code by eliminating the Middle School Facilities Impact Fee on July 1, 2009 for public hearing and their recommendation. **6 yeas, 1 nay (Robinson).**

**Item #7632** was moved by Councilor Moulton and seconded by Councilor Csoros. Mike Wing-Play Gorham, Dennis Libby-Queen St., Mark St. Germaine-Play Gorham, Janet Davis-Play Gorham, and Ron Adolf-Gorham Lacrosse all spoke in favor of retaining this fee. Moved by Councilor Knapp, seconded by Councilor Caldwell and **VOTED** to move the question. **3 yeas, 4 nays (Csoros, Phinney, Loveitt, & Moulton), motion fails.** Moved by Councilor Phinney, seconded by Councilor Csoros and **VOTED** to amend the proposed order to order that the Town Council refer a proposal to the Planning Board to amend the Land Use and Development Code by eliminating the Recreation Facilities and Open Space Impact Fee and allow the Planning Board consideration of alternate fees on subdivisions for Public Hearing and their recommendation **4 yeas, 3 nays (Knapp, Robinson, & Caldwell).** **ORDERED** that the Town Council refer a proposal to the Planning Board to amend the Land Use and Development Code by eliminating the Recreation Facilities and Open Space Impact Fee and allow the Planning Board consideration of alternate fees on subdivisions for Public Hearing and their recommendation. **4 yeas, 3 nays (Knapp, Caldwell & Robinson).**

**Item #7633** was moved by Councilor Knapp and seconded by Councilor Robinson. Councilor Moulton stated that this item may benefit him financially and recused himself. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled retain the Fort Hill Water Main Extension Impact Fee as recommended by the Ordinance Committee. **6 yeas, 1 recused (Moulton).**

**Item #7634** Moved by Councilor Robinson, seconded by Councilor Moulton, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled shall hold the Regular November Town Council Meeting on November 10, 2008. **7 yeas.**

**Item #7635** Moved by Councilor Knapp, seconded by Councilor Robinson, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Land Use and Development Code, Chapter II, Section V, E Acceptance of Streets and Ways, by removing the Planning Board from the process of accepting Streets and Ways and adjusting the requirement for final paving, to the Planning Board for public hearing and their recommendation. **7 yeas.**

**Item #7636** Moved by Councilor Phinney, seconded by Councilor Csoros, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an Interlocal Agreement with the communities of Portland, South Portland, Westbrook, Falmouth, Scarborough, Cape Elizabeth, and Gorham, as the initial parties for the Metro Fire Coalition to allow the parties to share in the costs and benefits of grants related to fire protection, as proposed. **7 yeas.**

**Item #7637-This item was taken out of order and heard prior to Public Hearing #1.**

**Item #7638** Moved by Councilor Robinson, seconded by Councilor Moulton, and **ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the polls be open for the November 4, 2008 Annual Municipal and State General / Referendum Election between the hours of 7:00 a.m. and 8:00 p.m.; and,

**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 29, 2008, 8:30 a.m. and 7:00 p.m. on Thursday, October 30, 2008, 7:30 a.m. and 4:30 p.m. on Friday, October 31, 2008 and 8:30 a.m. and 4:30 p.m. on Monday, November 3, 2008 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 for the November 4, 2008 Annual Municipal and State General / Referendum Election 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 – Pat Clay, Ward Clerk – Nancy Kenty Central:

Warden – Connie Loughran, Ward Clerk – Christina Silberman **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Caldwell and **VOTED** to adjourn the meeting at 10:33 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: \_\_\_\_\_  
Christina Silberman, Town Clerk