

MINUTES

ORDINANCE COMMITTEE MEETING

Meeting of January 21, 2020 – 8:00 a.m.

Conference Room A

Present: Committee Chair, Councilor Shepard; Councilors Hartwell and Wilder Cross.

Also present: Town Manager, Ephrem Paraschak; Director of Community Development, Thomas Poirier; Town Planner, Carol Eyerman; Hans Hansen and Mrs. Hansen; Thomas Greer (PE), Walsh Engineering; one member of the public; Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the December 17, 2019 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to accept the minutes of the December 17, 2019 meeting as distributed. Unanimous vote.

2. **Current Business**

- A. Review and consider an amendment to the Historic Preservation Ordinance to include a new category for Historic Sites, to include the Old Yard Cemetery, Town Clock, Civil War monument and Founders monument and bring back recommendations to the Town Council (referred by the Town Council on October 1, 2019).

Councilor Wilder Cross noted that corrections should be made to punctuation starting on page 5, Section 7 of attachment A as there should be a comma after the plural reference of “structures” in the first sentence of the first paragraph in this section; additionally, a comma should be added after the singular reference of “structure” in section 7.3, a.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to send the amended Historic Preservation Ordinance to the Town Council for review and consideration at their meeting. Unanimous vote.

- B. Review and consider developing an amendment to the Land Use and Development Code to allow varied density in the Village Centers and Urban Commercial District and recommend updates to the Town Council (referred by the Town Council on February 6, 2019).

Councilor Wilder Cross thanked Tom Poirier for his memo provided as attachment B, and asked that he please explain how to interpret the parking matrix diagram shown on page 2. Mr. Poirier advised that the Comprehensive Plan has two districts; the Village Center and Urban Residential. As the committee previously confirmed that an overlay district over the Gorham Village Center area would be the most straight forward way to allow mixed use development, the overlay district could reference parking standards from the Comprehensive Plan, or reference the shared-used parking matrix provided, which recommends shared parking ratios and use relationships.

Mr. Poirier asked the committee to consider whether the Town should set minimum limits on the amount of floor area required for commercial uses as part of mixed-use building, parking and buffering requirements. Councilor Hartwell is open to allowing commercial-use on the first floor and residential on the second floor.

Councilor Hartwell asked if the committee needs to sponsor an item to look at adding a parking impact fee in the Village. Ephrem Paraschak commented that the Town Council at their August 17, 2018 Town Council meeting had referred an item to the Ordinance Committee to review new and existing impact fees and make recommendations, so the Ordinance committee could review and make a recommendation on a parking impact fee.

Mr. Poirier commented that staff can look at the overlay district, floor area and building height. He asked if the committee wants staff to create a draft subset of requirements for Village Office/ Residential districts. He further added that there has to be a density identification. With regard to minimum buffering requirements, staff could mimic existing allowances by allowing construction up to the public right of way similar to how the Blue Pig, Amato's and Gorham House of Pizza businesses are situated. Staff will have more information for the committee at the next meeting.

- C. Review and consider amending Land Use & Development Code to allow for the commercial adult use cultivation, manufacturing and processing of marijuana and bring back recommendations to the Town Council (referred by the Town Council on October 1, 2019).

Carol Eyerman reviewed the memo/attachment C and advised that if the committee wanted to opt-in for cultivation-only, the committee will need to develop a licensing system, change the zoning ordinance to allow cultivation in two of the existing industrial zoning districts and add performance standards.

Mr. Poirier asked if the committee wanted to move forward with manufacturing and processing, to which councilors Shepard and Wilder Cross replied yes.

Ms. Eyerman commented that the Town Clerk's office could accept applications for licenses in the same way that they currently accept applications for victualer's licenses, and require the same written approval by department offices, including public safety, code and finance. Ms. Eyerman additionally said that the proposed ordinance provided has more strict requirements with regard to odor. Mr. Poirier advised that staff could add a provision that odor has to be imperceptible at the property line, unless it is a shared mixed-use commercial building, in which case the odor must be imperceptible outside of the building.

Mr. Paraschak recommended striking all references of "knox box" from the memo and replacing the language with "small wall-mounted safe" or another term.

Councilor Hartwell suggested that there should be a process to allow dairy farm owners to cultivate outdoor, although he was uncertain what the minimum set back would be.

Mr. Paraschak asked Mr. Poirier what the aforementioned scenario would entail for staff to draft language. Mr. Poirier replied that the committee could recommend a zone change later and add a marijuana cultivation district. Additionally, he would recommend adding the re-use of agriculture buildings as an allowed-use. Mr. Poirier further said that staff can add cultivation, manufacturing and processing as permitted uses and add definitions. Staff may need to adjust performance standards.

Councilor Wilder Cross commented that the committee should address all three areas as instructed in the item referred by the Town Council. Councilor Shepard commented that he wants to add the agriculture zone/rural district.

One member of the public spoke and commented that it is not unreasonable to have an odor control requirement at the building where manufacturing operations were to be done. He also felt

that the ordinance was well-written. He added that that the committee should apply the same state standards when drafting the ordinance regarding manufacturing.

Councilor Hartwell commented that regarding an application for licensing, he does not want to involve Town resources unless all conditional requirements are in place. The member of the public suggested that a pre-requisite could be that the applicant provide proof of the conditional license at the time that they submit an application to the Town. The committee discussed and agreed that they would like the applicant to show that they have applied for state licensing.

Ms. Eyerman asked if the committee would like to consider limiting the number of licenses, to which Councilor Wilder Cross replied no. The member of the public commented that if the Town is leaning toward job creation, perhaps there should not be a license cap. Mr. Paraschak commented that the Town Council could always revisit and cap the number of licenses later, or set the license cap now. The member of the public commented that the Town of Windham is requiring a mandatory review of their ordinance at six months. The councilors discussed and agreed to limit the licenses to 20 per year. Mr. Poirier added that staff will need to include a provision for licensing that allows existing businesses to continue operations if the cap is met by new businesses being issued licenses.

3. **Items Referred by Town Council to Committee for Future Meetings/Action**

- A. Review and consider an amendment to the contract zone of Hans Hansen in South Gorham to allow for senior housing units and bring back recommendations to the Town Council (referred by the Town Council on December 3, 2019).

Thomas Greer of Walsh Engineering provided a memo that he previously provided to the Town Council in which proposed changes to the Hans Hansen contract zone included a revised concept and lots removed. Additionally, the second to last page was revised to include a building for a potential credit union. They request to amend section 6-a of the contract zone to allow the proposed uses.

Councilor Shepard likes the proposed housing and concept of keeping some lots as commercial. He also liked that the housing lots were designed with two bedrooms.

Mr. Poirier commented that the Cumberland Farms contract zone had to put a drive aisle in front of the building and that the Town Council could require a landscape architect to design the front of the proposed zone.

Mr. Poirier asked Mr. Greer what the density was for lots 1, 2, 5 and 6, to which Mr. Greer replied that he believed they were approximately 15,000 square feet.

Mr. Greer added that their proposed zone would have a combined septic system for two units. Mr. Poirier commented that the Town currently does not allow for shared septic and their proposed amendment to the zone would need a provision. Mr. Poirier added that wells can be shared/combined under current land use code.

Mr. Greer commented that they expect to have commercial tenants on lots 3 and 4 that will not need street frontage/visibility.

Ms. Eyerman asked the committee if the proposed zone was supposed to be mixed-use development, to which Mr. Poirier replied yes. Ms. Eyerman added that a consideration for any mixed-use development is the walkability score.

Mr. Poirier commented that staff will need to look at requiring a waiver for gravel depth on Blue Ledge Road. He further asked the committee to consider if it was better for the council to allow flexibility with density.

Mr. Paraschak asked if the committee wants to send the proposed amendment to the contract zone to the Town Council and onto the Planning Board, or ask staff to make a recommendation. Councilor Hartwell commented that he would like to see density maxed out on whatever wastewater can handle.

Hans Hansen commented that the \$10,000 impact fee per lot/business unit is a considerable cost for an application.

Councilors Wilder Cross and Shepard are comfortable with the proposed amendment. Councilor Hartwell is not opposed to the proposed amendment and development, although he would prefer more individual mixed-use. Mr. Greer commented that he will take a look at mixed-use at two commercial lots.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to forward the proposed amendment to the contract zone of Hans Hansen in South Gorham to allow for senior housing units with the provision discussed by the committee to the Town Council for review and consideration at their next meeting. Unanimous vote.

- B. Review general updates provided by Town staff to the Employee Personnel Policy and make a recommendation (referred by the Town Council on January 7, 2020).

This item was not discussed by the committee.

4. **Other Business**

No other business was discussed by the committee.

5. **Schedule next meeting and discuss agenda items for next meeting.**

The next meeting of the Committee is scheduled for Tuesday, February 18, 2020 at 8:00 a.m. The following items will be discussed at the next meeting:

- A. Review and consider developing an amendment to the Land Use and Development Code to allow varied density in the Village Centers and Urban Commercial District and recommend updates to the Town Council (referred by the Town Council on February 6, 2019).
- B. Review and consider amending Land Use & Development Code to allow for the commercial adult use cultivation, manufacturing and processing of marijuana and bring back recommendations to the Town Council (referred by the Town Council on October 1, 2019).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Wilder Cross and SECONDED by Councilor Hartwell and VOTED to adjourn. Time of adjournment: 9:46 a.m.

Respectfully submitted,

Jessica R. Hughes, Executive Assistant