

**M I N U T E S**  
**ORDINANCE COMMITTEE MEETING**  
**Meeting of October 16, 2018 – 8 a.m.**  
**Conference Room A**

Present: Councilor Benner, Chair; Councilors Shepard and Stelk.

Also Present: Zoning Administrator, David Galbraith; Fire Chief, Robert Lefebvre; Fire Inspector, Charles Jarrett; Town Clerk, Laurie Nordfors; Executive Assistant, Jessica Hughes.

**1. Consideration of minutes of September 18, 2018 Committee meeting.**

A motion was MADE by Councilor Shepard, SECONDED by Councilor Stelk, and VOTED to accept the minutes of the September 18, 2018 Ordinance Committee as distributed. Unanimous vote.

**2. Current Business.**

- A. Review the Victualer's Ordinance and Special Amusement Ordinances and recommend updates, if any, to Town Council (referred by Town Council on January 2, 2018).

The committee reviewed Attachment A, which included a memo from Zoning Administrator David Galbraith and an amended draft of the Victualer's Ordinance that was revised to include the committee's requested changes discussed at the September 18<sup>th</sup> Ordinance meeting and the Town Attorney's recommendations. The committee discussed prorating the annual license fee and agreed not to prorate the fee. Additionally, the committee noted to add the Finance Director to the list of staff that shall annually review all renewal applications within Section 5 – C. Also discussed was that a renewal may be approved by the staff listed when a written plan of correction actions was established. Councilor Shepard suggested that businesses should not be approved for license renewal if they owe more than one year on property taxes. Regarding Section 6, the committee inquired if public hearing notices could be advertised in the American Journal vs. the Portland Press Herald. David Galbraith said that he would verify with the Town Attorney and advise the committee at the next meeting. The committee discussed and noted to replace the reference to "Tax Collector" with "Finance Director" within Section 5 – A and Section 11 – C. Councilors Benner and Stelk suggested including a timeline to require correction and Fire Chief Robert Lefebvre suggested including a civil violation as part of enforcement. David Galbraith agreed and suggested that Code Enforcement could issue a Cease and Desist Order. Fire Chief Robert Lefebvre suggested to post the order similar to how a Stop Work Order is issued. The committee discussed that the first notice should be issued on July 1 advising that the application for renewal is due and that applicable penalty fees will be assessed starting July 1; the second notice will be dated and delivered July 31<sup>st</sup> by Code, Fire or PD with a Cease and Desist Order. Councilor Stelk suggested sending the revised Victualer's Ordinance once approved by Council to all businesses in Town. Councilor Shepard inquired what the requirements were for a fixed structure/snack shack on Town property. Fire Chief Robert Lefebvre suggested that the Town/Recreation department should hold/apply for a Victualer's license. Fire Inspector Charles Jarrett suggested deleting language in Section 2 – B and keeping language in Section 4 – A so that operator/entities are not defined, but exceptions still apply. Charles Jarrett also suggested striking "for the first time" from Section 7 – B, as the language could be construed to limit the Fire Department from performing annual inspections.

Regarding the Special Amusement Ordinance, David Galbraith shared that the Town Manager Ephrem Paraschak had previously asked the Town Attorney to review the ordinance and make recommendations. An amended draft of the Special Amusement Ordinance will be distributed to the Ordinance Committee at a future meeting once it is received back from the Town Attorney.

A motion was MADE by Councilor Stelk, SECONDED by Councilor Shepard, and VOTED to send the amended draft of the Victualer's Ordinance with the changes discussed to the Town Council for review and approval. Unanimous vote.

- B. Consider developing an amendment to the Land Use & Development Code, to increase the minimum lot size for new lots in the rural district and bring the committee's recommendation back to the Council, at a later date, for the Town Council to consider (referred by Town Council on June 5, 2018).

Town Planner Tom Poirier reviewed the email correspondence provided as Attachment B that includes the Town Attorney's recommended amendments to the provisions of the Comprehensive Plan within the Rural District. The committee discussed and agreed to change the language to replace all references of "should be" with "shall."

A motion was MADE by Councilor Stelk, SECONDED by Councilor Shepard, and VOTED to send the revised language in the Land Use Objectives section of the Comprehensive Plan to the Town Council for review and approval. Unanimous vote.

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

The Committee reviewed the list below and agreed to discuss item A.

- A. Review chapter 2, section 2-12 – keeping of farm animals, of the Land Use and Development Code, to allow the keeping of small pigs in the Urban Residential Zone (referred by Town Council on October 2, 2018).

The committee asked the Executive Assistant to provide copies of Section 2-12 from the Land Use and Development Code for review. Copies were then printed and distributed to the committee. After review and discussion, Councilor Stelk suggested refining the language to be less restrictive and enforce health issues. The committee agreed and noted to amend item b – 1 to allow one small animal up to 50 pounds on a lot less than 40,000 square feet.

A motion was MADE by Councilor Shepard, SECONDED by Councilor Stelk, and VOTED to send the amended language allowing one small animal up to 50 pounds on a lot less than 40,000 square feet to the Town Council for review and approval. Unanimous vote.

No further items were discussed from the remaining list below.

- B. General discussion regarding mixed use/density standards (Form Based Code) for the Gorham Village Center District.
- C. Review new and existing Impact Fees and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).

- D. Review municipal road acceptance of private ways and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).
- E. Review and consider developing an amendment to the Land Use & Development Code to incorporate the requirements of the South Gorham Crossroads and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).
- F. Review and consider developing an amendment to the Land Use & Development Code to incorporate the requirements of the South Gorham Commercial Center and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).
- G. Create an Invasive Plants Species Ordinance and recommend to Town Council (referred by Town Council on August 7, 2018).
- H. Review adding requirements to the Land Use & Development Code for drinking water testing (referred by Town Council on April 3, 2018).

4. **Other Business.**

Councilor Shepard thanked Councilors Benner and Stelk for their commitment and collaboration on the Ordinance Committee while serving on the Town Council. He shared that it has been an honor working with each of them and he wishes them well in their future endeavors.

5. **Schedule next meeting**

The next meeting of the Committee is scheduled for Tuesday, November 20, at 8 a.m.

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Stelk, SECONDED by Councilor Shepard and VOTED to adjourn. Time of adjournment: 9:40 a.m.

Respectfully submitted,

Jessica Hughes, Executive Assistant to the Town Manager & HR