

MINUTES

ORDINANCE COMMITTEE MEETING

Meeting of October 20, 2020 – 8:00 a.m.

Zoom Webinar

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

Also present: Council Chairperson, Suzie Phillips; Town Manager, Ephrem Paraschak; Director of Community Development, Thomas Poirier; Town Planner; Town Planner, Carol Eyerman; Human Resources Director, Christie Young; two members of the public – Shawn Moody and Donna Foster; Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the September 17, 2020 meeting.**

Councilor Wilder Cross asked to make an amendment to a statement that she made regarding wellness programs at the September 17th meeting within the fourth full paragraph on the third page of the minutes; she shared how she had arranged for her employees to receive periodic neck massages by a licensed massage therapist as part of wellness incentives that she offered as an employer, but was not suggesting that the Town provide the same benefit to all employees. She requested that this statement be removed from the minutes.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to amend minutes of the September 17, 2020 meeting. Unanimous vote.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to accept the amended minutes of the September 17, 2020 meeting. Unanimous vote.

2. **Current Business**

- A. 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).

Town Manager Ephrem Paraschak referred to the two memos provided that included Human Resources Director Christie Young's responses to the committee's questions from the last meeting, and a memo from Finance Director Sharon Laflamme that provided the costs for proposed amendments to the policy that were tied to fiscal notes.

Mr. Paraschak reviewed Ms. Young's response on her memo to a question that Councilor Hartwell had regarding the ability in the future to use a format closer to what the military uses for disciplinary and corrective action. Mr. Paraschak said that Ms. Young was confident that the language in Section 3.19 described a format that could be used in the future, which says that verbal warnings and all other actions have to be properly documented. Mr. Paraschak said that he would be hesitant to tie the procedure to a specific form.

Mr. Paraschak then reviewed Ms. Laflamme's memo regarding the cost of the proposed amendments that were tied to fiscal notes and said that the costs provided were based on the

maximum number of employees utilizing the benefits and maximum payouts. Regarding the proposal to add a fifth week of vacation after 20 years of service to the Town, the maximum cost would be \$19,000. This is on the assumption that every employee that would be eligible would retire and cash out the maximum amount of vacation time, which is not likely or probable.

Regarding the proposal to add a formal recognition program that offers additional days off, Mr. Paraschak reviewed that this was estimated to cost \$220 per day. Employees would not be eligible for the additional days off to be paid out at separation. Instead, it would translate to a loss of productivity for the Town.

Regarding the proposed maternity/paternity leave benefit, Mr. Paraschak said that the cost would vary. Potentially, it would cost the Town \$3,300 for three weeks of paid leave, or two times that number for six weeks of paid leave. The cost to the Town would also vary depending on the position if a temporary employee needs to be hired. A temporary employee would more likely need to be hired to fill an administrative position, not a department manager position.

Regarding the proposed bereavement leave benefit, Mr. Paraschak said that it is estimated to cost the Town \$220 per day.

Regarding the health insurance buyout provision, Mr. Paraschak said that it is estimated to cost approximately \$6,000 total per year based on the number of employees that currently do not have health insurance through the Town and that is assuming that those six employees take the buyout. Mr. Paraschak foresees that there would be an initial cost to the Town and as the years go on, it would cost the Town less than offering health insurance coverage to those employees. Mr. Paraschak summarized that there are many more changes as reflected in the proposed draft of the Employee Personnel Policy, but the items listed on the memo were just the items with financial components. A discussion ensued between Councilor Shepard and Mr. Paraschak regarding the initial upfront cost to the Town for the benefit and the long run gain when employees decline health insurance and opt to take the buyout. Mr. Paraschak added that there was one additional component that staff was looking into adding if the Town's attorney advised that it was legal, which was a one-line provision that says if an employee receives their health insurance coverage as a covered dependent or spouse of an employee of the Gorham School department that the buyout would not apply, which would ultimately save money for taxpayers. Under Section 4.11, the line would read, "employees who have group medical insurance coverage through the Gorham School department are ineligible for the buyout option." Since this still needs to be reviewed by legal, Mr. Paraschak said that he is not 100 percent sure that this component is possible, but if it is, he would recommend it since it logistically makes sense. Councilor Wilder Cross asked if there are any instances where this clause would apply to which Mr. Paraschak did confirm that there are instances where Town employees are currently covered by a spouse's health insurance through the Gorham School department. He further said that if the proposed draft of the Employee Personnel Policy goes before the Town Council for review at their next meeting without this updated provision, a Town employee would be eligible for the health insurance buyout while they receive health insurance coverage as a covered spouse or dependent of a Gorham School department. Councilor Wilder Cross asked if there are any married couples that both work for the Town in different departments to which Ms. Young confirmed – yes. Ms. Young explained, however, that the couple would not be eligible for the

buyout as their health insurance coverage has to be through a different source, not the Town's health insurance coverage.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to add the additional clause to Section 4.11 that employees who have group medical insurance coverage through the Gorham School department are ineligible for the buyout option. Unanimous vote.

Councilor Shepard asked the committee if they feel comfortable with providing a three-week or six-week maternity leave to which Councilor Wilder Cross responded that she supports providing a six-week leave. The committee conversed regarding the number of employees that took maternity leave in the last several years. Councilor Hartwell asked if the same benefit has been to be provided to the mother and father, or can the Town provide six weeks for maternity leave and provide three weeks for paternity leave. He would prefer to offer this instead of equal leave for both parents. Mr. Paraschak said that staff can look into the legality. Councilors Shepard and Wilder Cross reiterated that they would be comfortable offering six weeks of equal maternity and paternity leave. Ms. Young suggested including a limitation for the benefit to be used every two years if cost was a factor to which Councilor Hartwell that this was an issue based on principle for him and not based on cost.

Regarding Section 4.8, Councilor Hartwell asked to change the maximum pay differential for military leave from the two weeks as currently written to four weeks.

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Wilder Cross and VOTED to change the maximum pay differential for military leave under Section 4.8 to four weeks. Unanimous vote.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to offer six weeks of equal maternity and paternity leave. 2 yeas, 1 nay (Hartwell).

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to refer the proposed amendments to the Employee Personnel Policy to the Town Council for review at their next meeting. Unanimous vote.

- B. Review adding requirements to the Land Use & Development Code requiring that taxes be paid before the issuance of permits and bring back recommendations to the Town Council (referred by the Town Council on July 7, 2020).

Director of Community Development Tom Poirier referred to his memo and reviewed that the ordinance will be a stand-alone ordinance that will not be included in the Land Use and Development Code, and it can easily be amended by the Council should they choose.

Mr. Poirier said that the committee recommended at their last meeting to remove Section 1.2 from the ordinance. The section had been recommended by the Town attorney, which required anyone with pending legal action from the Town to remedy that before they could submit an application for a permit. Due to concerns that the committee had with whether the situation was in violation or not, and how it could proceed and potentially impact someone that was not

truly in violation if they went through a legal proceeding and won, the committee decided to strike out that section.

Additionally, Mr. Poirier said that the committee also discussed at the last meeting that in order for applicants to have a purchase and sale agreement for a site plan approval, they would need to be current on their taxes when they moved through site plan subdivision approval. This provision was added under Section 1.1 – E.

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Wilder Cross and VOTED to refer the proposed ordinance requiring that taxes be paid before the issuance of permits to the Town Council for review and approval at their next meeting. Unanimous vote.

- C. Review the Narragansett Mixed-Use District to allow for personal services and to address side and rear setbacks and recommend amendments (referred by the Town Council on September 1, 2020).

Mr. Poirier shared that staff are working with Shawn Moody as he would like to split a lot in the Narragansett District and staff were reviewing what his side setback would be. During that review, the current language read that the minimum side setback would be 20 feet or two times the building height. If a building is over 10 feet tall, a greater setback would be required. For buildings with a standard height, the setback requirement to have two times the building height does not make sense. Instead, the setback requirement should be 20 feet for structures of a certain height, and then anything above that the requirement should be two times the building height. Staff are recommending adding that language and Mr. Poirier is recommending that the minimum setback be two times the height of structures that are taller than 35 feet. He provided this information as a starting point in the discussion and is not certain if the committee agrees. Councilor Shepard commented that a structure can then be up to 34 feet, 6 inches and it would need a 20-foot setback to which Mr. Poirier responded – yes, that was correct. Mr. Poirier said that as soon as the building structure is 35 feet or higher the setback would need to be two times the building height.

Town Planner Carol Eyerman asked if the idea of the Narragansett District is to look and feel like more of an urban-type district to which Mr. Poirier said – no, because it is a mixed-use district, so you need a mix of commercial and residential uses. Ms. Eyerman asked if the vision for this district is to be dense and walkable. She added that greater setbacks lead to more of a suburban feel, whereas if the intent is to have a more dense, walkable, village kind of feel, the committee may want to consider less of a setback. She suggested that the committee could also consider maximum setbacks rather than minimums, which would give people options if the area has setbacks now that are large – it reverses the thought process. Councilor Shepard said that for example, buildings could be closer together like the Village Center District to which Ms. Eyerman said – yes, which adds to the walkable element. Mr. Poirier said that the committee could strike out the requirement and just have a 20-foot setback for everything. Councilor Hartwell said that he agreed with Ms. Eyerman’s suggestions with having maximum setbacks. If you don’t have the maximum and allowed things to be spaced out, it allows for it to be infilled later. Councilor Shepard said that by allowing greater density, there could be land left over to develop later. He added that Shawn Moody may want to speak regarding this item. Councilor Hartwell said that he wanted to allow flexibility for existing property owners in this district, and also options to

build more dense structures to make the area more walkable. He also said that if there is no maximum setback and the district allows things to be spaced out, it will allow the opportunity for property owners to infill in the future. In other words, if you have a maximum of a 20-foot setback, you can't infill in a 20-foot space very well if things were to change in the future. A discussion ensued between Councilors Shepard and Hartwell in which Councilor Shepard commented that the maximum setback of 20 feet would also, conversely, give more space to develop if you are keeping the buildings closer together. Mr. Paraschak asked Mr. Poirier what would happen if the Town imposed a maximum setback - what would that scenario do to existing structures or developments on which the owners wanted to expand. He would want this scenario to be fully vetted by legal. Mr. Poirier commented that staff could strike out everything, but there should be a minimum setback. He recommended a minimum of 20 feet, or the committee could consider reducing the minimum setback to 15 feet.

One member of the public, Shawn Moody, was then invited to participate in the discussion. He shared that he has experienced maximum and minimum setbacks in the different communities in which he has developed. He shared an example in the City of Sanford, which has a maximum setback, which is a very dramatic difference between a minimum setback. The minimum gives the developer or landowner the flexibility to go back the required setback or have a minimum buffer between the abutter. Then depending on the lot configuration, the setback could be moved back more if desired to provide more green space or landscaping to lend an aesthetic feel to the property. If a maximum setback is required, a building could be built too close to the road as Mr. Moody explained happened when he was developing a property in the City of Sanford, which he personally did not like as the building is now nearly on top of the road and it prevented him from being able to have any softscaping. Mr. Moody supported Mr. Poirier's recommendation to require a 20-foot minimum setback and he would not discount the height maximum, because you don't want to have someone build a very tall multi-use structure too close to the sideline, because you might have a lower level building next to it. There is a practical compromise to go with a having a minimum setback that is two times the height of a building that is taller than 35 feet to keep everything in proportion. Ms. Eyerman commented that Mr. Moody made a good point, which is that the committee needs to determine what aesthetic look they are envisioning for the Narragansett District. Mr. Moody commented that the existing ordinance requires very strict guidelines for vegetation and setbacks. He further said that if someone were to drive down Narragansett Street, they would see a very well landscaped and buffered approach along Route 202. The landscaping lends to a green appeal before entering into the campus, which required minimum setbacks to provide those things. On the side yard, there were 20 or 25 foot required setbacks.

Councilor Shepard asked Mr. Poirier if the committee should vote on making the minimum setback be 20 feet, and then make the minimum setback for structures be either double that or 40 feet. Mr. Poirier said that the committee could decide to make the setback two times the building height for buildings taller than 40 feet, which he said could work as well. Councilor Shepard said that the minimum setback could be 1.5 times the building height for buildings taller than 40 feet, which would provide more space between a taller building than a smaller adjacent building to which Mr. Poirier said could work also. Councilor Wilder Cross asked to clarify if the setback being discussed was for the front or side of buildings, to which Mr. Poirier said it was the side setback.

Mr. Moody commented that he supported what the committee has discussed and said it was a practical compromise. He said that if there was a 40-foot structure, the additional required setback would give the abutting property owner a good buffer. He also agreed that there should be a minimum setback to protect the abutting landowner.

Mr. Poirier summarized the committee's requested changes, which were to have a minimum side and rear setback of 20 feet. For structures taller than 40 feet, the required setback will be 1.5 times the building height, to which Councilors Shepard and Wilder Cross agreed with those changes. Councilor Hartwell said that he will support the changes now and may want to reevaluate his position in the future after staff's value per acre presentation at the Town Council's Workshop on October 27, 2020.

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Wilder Cross and VOTED to refer the proposed amendments to the Narragansett Mixed-Use District to address side and rear setbacks to the Town Council for review at their next meeting. Unanimous vote.

Regarding personal services, Mr. Poirier said that the owners of the Maid for You Cleaning Services wanted to open a tanning salon in the Narragansett Mixed-Use District; however, staff reviewed and confirmed that personal services are not among the permitted uses in this district. The owner then brought forward a recommendation to add personal services as a permitted use in the Narragansett Mixed-Use District. Many personal services are located in the Village Center District and the Narragansett Mixed-Use District is set up to support, but not compete with the Village Center District. Staff provided some material regarding the Comprehensive Plan for the committee's review and consideration and if the committee wishes to move forward with any amendments to the Narragansett Mixed-Use District, Mr. Poirier recommends requiring properties to be a mixed-use development if they have a personal service use. Then extra requirements could be added so as not compete with the Village Center District. Councilor Wilder Cross commented that if the vision is to make the Narragansett Mixed-Use District a walkable area and a couple of multi-family buildings are built, the committee should consider adding personal services as a permitted use to further encourage and support the vision. She further said that she does not see competition between the Narragansett Mixed-Use District and the Village Center District as a bad thing, to which Councilor Hartwell agreed if the area is densely populated. He favors the idea that the requirements are mixed-use, because the personal services use would grow the customer base and create residential growth.

Councilor Shepard asked Mr. Poirier how staff would propose the amendment to add personal services as a permitted use in the Narragansett Mixed-Use District to comply with the Comprehensive Plan and existing codes. Mr. Poirier shared that there are parameters within the Comprehensive Plan requiring that uses have to be part of a mixed-use development in this district. He will look at those parameters and have mixed-use language for the committee to review at the next meeting. Councilor Shepard said that he does not want to overwhelm the Narragansett Mixed-Use Development with uses that may slow down development or prevent roadside commercial development.

Mr. Moody shared that he supports what the committee has proposed and also referred back to his time spent on the Comprehensive Plan Amendment Committee in the 1990's, during which there were seven or eight dairy farms and the agricultural industry in general was in duress in

Gorham. The committee at that time were trying to find a way through policies and land use to allow the farms the options to find additional uses that could sustain them and make them viable. Although the committee's intentions were good, he felt that they were not as aggressive as they could have been and consequently many good businesses and farms were lost. He feels that today, small micro businesses are at a similar crossroad and finding it extraordinarily difficult to operate profitably and sustainably. Allowing small businesses to expand and find a niche market through adding additional permitted uses will be beneficial in the long run to the Town's culture and economy.

Donna Foster, owner of Maid for You, addressed the committee and thanked them for reviewing this item on the agenda. She further said that she is not certain of what the committee's vision is, but she appreciates the committee's consideration. Councilor Shepard advised Ms. Foster that the committee has discussed the item and will further review proposed amendments to allow personal services in the Narragansett Mixed-Use District at the committee's next meeting.

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

- A. Recommend regulating performance standards for Medical Marijuana Caregivers (referred by the Town Council on August 4, 2020).

Mr. Poirier said that he will email some information that had been reviewed by the Town attorney to the committee. He further commented that there will be two provisions: a home occupation provision regarding smaller caregivers that live on a property, which will have certain performance standards, including allowing people that live on the property to grow 500 square feet of plant canopy on the property. Regarding anything above commercial medical marijuana use, there will be a provision that mirrors the adult-use ordinance. Medical marijuana growers and manufacturing will be tied to the same performance standards as the adult-use ordinance. Staff has to make a number of adjustments to the recent marijuana ordinance that the Town recently adopted to add these provisions. Mr. Poirier will email it to the committee for review in advance prior to the next meeting.

- B. Review Article VI, Building Additions, in the Fire Suppression Ordinance, and bring back recommendations to the Council for review and approval (referred by the Town Council on October 6, 2020).

Mr. Paraschak said that staff can be prepared to discuss this item at the next meeting. He will work with staff to have them provide a number of proposed adjustments for review at the next meeting. Councilor Shepard said that he would recommend tying the requirement to square footage as opposed to value.

- C. Review Chapter 2, Section 2-1, Subsection H, Noise Abatement, of the LUDC, to provide an exemption for well drillers during a time of Severe Drought; and forward recommendations back to the Council for review and approval (referred by the Town Council on October 6, 2020).

- D. Review provisions in the LUDC that would require surveyors to identify setbacks to ensure that structures are within the required setback zone defined in the code and bring back

recommendations to the Council for review and approval (referred by the Town Council on October 6, 2020).

4. **Other Business**

No other items were discussed under 'Other Business.'

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

The next meeting of the Committee is scheduled for Tuesday, November 17, 2020 at 8:00 a.m. The following items will be discussed at the next meeting:

- A. Review the Narragansett Mixed-Use District to allow for personal services and recommend amendments (referred by the Town Council on September 1, 2020).
- B. Recommend regulating performance standards for Medical Marijuana Caregivers (referred by the Town Council on August 4, 2020).
- C. Review Article VI, Building Additions, in the Fire Suppression Ordinance, and bring back recommendations to the Council for review and approval (referred by the Town Council on October 6, 2020).

6. **Recent Items Sent to Town Council with Committee Recommendations**

7. **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: 9:04 a.m.

Respectfully submitted,

Jessica R. Hughes, Executive Assistant