

## **MINUTES**

### **ORDINANCE COMMITTEE MEETING**

**Meeting of January 19, 2021 – 8:00 a.m.**

#### **Zoom Webinar**

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; Acting Fire Chief, Ken Fickett; Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the December 15, 2020 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to accept the minutes of the December 15, 2020 meeting. Unanimous vote.

2. **Current Business**

- A. 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).

Director of Community Development Tom Poirier referred to attachment A/his memo referencing the new subsection K, which outlined the exemption for well drilling work from 7am to 7pm, that with prior approval from the Town of Gorham Police Department, can be extended beyond daytime hours to accommodate well drilling activities during times of severe drought.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to accept the proposed new language and refer the item to the Town Council for review at their next meeting. Unanimous vote.

- B. 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).

Mr. Poirier referred to attachment B/his memo referencing a new section to address the Zoning Board of Appeals' request to address new buildings and additions not meeting the required setbacks. The new language outlines when a boundary survey is required and when a foundation needs to be set and pinned. Mr. Poirier added that staff wrote the language to be consistent with other Towns and address concerns with variances.

A discussion ensued in which Councilor Shepard asked if the Code Office has plot plans on file for all homes in Town, to which Mr. Poirier said no – Code staff have a tax map that shows roughly where houses are on lots. Councilor Hartwell recommended that staff make an information card or sheet, and he referenced a recent personal experience in which pins on a property were set

back much further on the north side of a lot vs. the south side of a lot. Councilors Shepard and Wilder Cross agreed that an information card would be helpful. Mr. Poirier explained that a survey has to be done and pins have to be placed before a foundation is poured.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to accept the proposed new language and refer the item to the Town Council for review at their next meeting. Unanimous vote.

- C. Review mixed-use in the area of Mosher's Corner as called for by the Comprehensive Plan and provide recommendations to the Town Council (referred by the Town Council on November 10, 2020).

Mr. Poirier referred to attachment C/his memo referencing draft amendments to the Mosher's Corner Mixed-Use District to bring the existing zoning district into compliance with the uses, design standards and performance standards as outlined in the Comprehensive Plan. Mr. Poirier asked the committee how they would like to proceed with the revised zoning district boundary. He also provided draft language in the attachment from the Comprehensive Plan, so the committee could see what staff is trying to achieve with the proposed amendments.

Mr. Poirier pointed out that "Service Establishments/Uses" are a permitted use in the Comprehensive Plan in the existing district, and staff are unclear on what that is referring to, so they proposed to amend that to say "Business Services." Staff interpreted "service establishments" to mean overall services. A brief discussion ensued between Councilor Hartwell and Mr. Poirier regarding the definition of personal services and the interpretation of "service establishments." Additional uses were added under permitted uses to be in alignment with the permitted uses in the Comprehensive Plan. New residential space standards and setbacks were added under section D as they are required under the Comprehensive Plan, as well as non-residential uses. New language was added under section E – Performance Standards. Councilor Wilder Cross pointed out a typo in the section referencing lot layout in which Main Street is listed twice, and the second reference should be to Mosher Road, and another typo in the section regarding the location of generators, storage areas and dumpster pads, in which "may allow" is listed twice. Additional language and a waiver provision was added under the utilities section. Buffer requirements were added, which are in line with the Narragansett District. Building design standards were added that keep in tradition with New England Village character, and access management provisions were added. This section refers to how many entrances there can be on arterial collector roads, including Mosher Road and Main Street, which should limit and consolidate the number of driveways to facilitate a more orderly and safe flow for traffic.

Councilor Hartwell asked Town Planner Carol Eyerman if the New England Village design is compatible with the idea of mixed-use, to which Ms. Eyerman said yes – in New England. Traditional villages have mixed-design buildings, and Gorham's village has at least three to five different architectural characters. Councilor Wilder Cross referenced a typo on page 7 of the attachment under item 5 of the Access Management section, and asked to clarify if the language intent was, "Lots with access on Main Street *off.*" or "*...or,*" to which Mr. Poirier clarified it should be "*or.*" Ms. Eyerman recommended defining the age of the New England Village character that is identified under Building Design Standards. Councilor Hartwell asked if space standards implementing transfer overly should be added, to which Mr. Poirier said that would be at the option of a developer, and it is already allowed and the mixed-use is already allowed, so it does

not need to be added; however, a provision should be added under the Building Design Standards section on page 6 saying “all principle buildings and structures for non-residential or mixed-use development purposes shall be traditional New England Village design.” Councilor Hartwell recommended adding a footnote and cross reference in the minimum lot size section saying that the lots are subject to overlay zone, to which Mr. Poirier agreed. Regarding notifying the landowners that their lots are located in the new proposed Mosher’s Corner Mixed-Use District, Councilor Shepard recommended having the public outreach be done via a normal public hearing when the item is referred to the Town Council at their next meeting. Councilor Wilder Cross agreed and said that a notice should go out to lot owners when the item goes to the Council, and then forwarded onto the Planning Board. Councilor Shepard said that a notice should also be sent out to all lot owners for the Planning Board hearing, so folks have two opportunities to make comments.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to accept the proposed new language and refer the item to the Town Council for review at their next meeting. Unanimous vote.

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

- A. Review expansion of the village areas as called for by the Comprehensive Plan and provide recommendations to the Town Council (referred by the Town Council on November 10, 2020).
- B. Review requirements and restrictions in place for the installation of commercial and residential solar systems and bring back recommendations to the Council for revisions in ordinances to help encourage installation of such systems (referred by the Town Council on December 1, 2020).

Councilor Hartwell suggested asking the Council to address having an ordinance for larger scale commercial projects. A discussion ensued in which Ms. Eyerman shared the status of two commercial projects that are under construction, and three more projects that are nearing final approval. Buffering setbacks and landscape buffering concerns were addressed previously. Councilor Hartwell recommended that staff look through the town of Winslow, and cities of Belfast and Auburn’s ordinance on this matter for any areas that could lend to refining the language regarding commercial solar projects. Town Manager Ephrem Paraschak asked if it made sense for staff to draft a list of what the Planning Board has learned over the last three approvals, and staff and the committee can then work on the residential component – easing access, roof standards. If larger changes are needed with regard to commercial projects, the committee can forward them to the Council with a recommendation that they allow the committee to address the issues discovered with commercial solar. Mr. Poirier agreed with Mr. Paraschak.

- C. Review and recommend adding agricultural event centers and agricultural tourism uses to the Land Use & Development Code (referred by the Town Council on January 5, 2021).
- D. Review and recommend amending the Land Use & Development Code with regards to permitting of certain private driveways (referred by the Town Council on January 5, 2021).
- E. Review and recommend adding additional allowed uses to home occupations in the Land Use & Development Code (referred by the Town Council on January 5, 2021).

Staff will work on the language for a future meeting. Mr. Poirier made the committee aware of an illegal home occupation in North Gorham; a garage was built and after being retrofitted, a

business is now being ran out of the space. The business is too large for a home-occupation use, so staff will require the business to be moved in the future.

4. **Other Business**

No items were discussed.

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

The next meeting of the committee is scheduled for Tuesday, February 16, 2021 at 8:00 a.m. The following items will be discussed at the next meeting:

- A. Review expansion of the village areas as called for by the Comprehensive Plan and provide recommendations to the Town Council (referred by the Town Council on November 10, 2020).
- B. Review requirements and restrictions in place for the installation of commercial and residential solar systems and bring back recommendations to the Council for revisions in ordinances to help encourage installation of such systems (referred by the Town Council on December 1, 2020).
- C. Review and recommend amending the Land Use & Development Code with regards to permitting of certain private driveways (referred by the Town Council on January 5, 2021).

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

This area will be updated after the February 2, 2020 Regular Town Council meeting.

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: 8:50am.

Respectfully submitted,

Jessica R. Hughes, Executive Assistant