

MINUTES

ORDINANCE COMMITTEE MEETING

Meeting of June 22, 2021 – 8:00 a.m.

Burleigh H. Loveitt Council Chambers

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

Also present: Public Works Director, Robert Burns; Police Chief, Christopher Sanborn; Director of Community Development, Tom Poirier; Town Planner Carol Eyerman; Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the May 18, 2021 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell, and VOTED to accept the minutes of the May 18, 2021 meeting. Unanimous vote.

2. **Current Business**

- A. Perform a full overview of the Firearms Ordinance and provide recommendations to the Town Council (referred by the Town Council on February 2, 2021).

Councilor Hartwell commented that rounds can travel far distances and provided an example of the state of Michigan's limited firearms zone. He recommended using the language referenced on the example in place of the existing section 1.3 on the Town's Firearms Ordinance.

A brief discussion ensued between Councilor Hartwell and the Director of Community Development Tom Poirier regarding straight-walled cartridges; Councilor Shepard said that a 22" magnum can be used to hunt deer in Maine.

Mr. Poirier recommended adding the Michigan language under Section 2 as proposed by Councilor Hartwell and said the heading should be changed to reflect what is allowed.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell, and VOTED to ask staff to make the recommended changes and bring the item back for review at the next Ordinance Committee meeting. Unanimous vote.

- B. Create or amend Town Ordinances to classify sidewalks for winter maintenance (referred by the Town Council on April 6, 2021).

A discussion ensued between Councilors Wilder Cross and Hartwell regarding how to determine the responsibility of sidewalk winter maintenance.

Councilor Wilder Cross strongly feels that sidewalks should be cleaned between Weeks Road and Morrill Avenue since most kids walk to and from school in this area.

Councilor Hartwell does not support the Town being responsible for cleaning sidewalks that do not connect to anything and recommends abandoning sidewalks if they are on abandoned roads.

Public Works Director Bob Burns said that the Town Council can override approved subdivisions and remove sidewalks.

Councilor Shepard said he is comfortable continuing to maintain sidewalks near schools and he does not support maintaining sidewalks in subdivisions that do not connect.

A discussion ensued regarding school buses and the circled areas and buffers on the provided attachment B reflecting the sidewalk winter maintenance for the Gorham Village, North Gorham, and Little Falls areas. No recommended actions were made.

Mr. Burns said that if an area is increased that that the Town will need to maintain, the Town Manager will need to identify additional funding. He further said that if there is no additional funding, the time to maintain (remove snow) will increase from the end of a storm. He recommends not putting a time restriction on sidewalk cleanup and he does not want the Public Works crew to be painted in a corner. He added that cleanup is typically completed in eight hours.

Town Planner Carol Eyerman commented that most walkable areas are .25 miles, which aligns well with the school buffer as shown on the provided winter maintenance maps. She added that the furthest distance out is the middle school and that the walkability of the village in the winter months further helps economic development.

Councilor Shepard asked if the Falcon Crest subdivision is plowed to which Mr. Burns replied – yes.

Councilor Shepard said that he agrees with the Gorham High School winter maintenance buffer.

Mr. Burns said that Public Works should work with School Facilities Director Norm Justice and School Superintendent Heather Perry to review and determine what is in and what is not, and present a modified proposed map or list.

Mr. Poirier recommended adding a “private sidewalk” legend category to the winter maintenance maps.

Councilor Hartwell cautioned maintenance on private ways to which Mr. Burns said that some towns plow camp roads.

Mr. Burns will increase the “red strip” on the Gorham Village sidewalk winter maintenance map. Councilor Shepard commented that he didn’t understand why the Town is maintaining Falcon Crest - the main drag, and sidewalk.

- C. Prepare an ordinance that would classify certain sidewalks for winter maintenance within the Town of Gorham as the responsibility of the abutting property owner, as well as classify those which would be the responsibility of the Town of Gorham (referred by the Town Council on April 6, 2021).

Councilor Hartwell said that the Town should consider something that requires sidewalks to be maintained by abutters. He supports using a radius or buffer to maintain sidewalks due to vicinity of schools.

Councilor Shepard recommends continuing to maintain sidewalks in the Little Falls and North Gorham areas and the new sidewalk put in by the senior center.

Councilor Hartwell asked if residents are responsible for sidewalk cleaning outside of buffers, can Public Works then clear sidewalks after trucks plow to which Mr. Burns said that increased sidewalks would add a lot of work with additional cleaning after a plow pushes snow onto homeowner-maintained sidewalks.

Mr. Burns said he will prepare a list of the costs for increased areas for winter maintenance.

Mr. Poirier said in addition to the list of costs, staff will bring back updated maps at the next Ordinance Committee meeting.

Councilor Shepard asked if sidewalk clearing could be contracted out in areas that the Town plow pushes snow back onto sidewalks that are cleared by residents to which Mr. Burns said that it would be very difficult to contract out sidewalk clearing.

A brief discussion ensued regarding the types of equipment used for sidewalk clearing.

Councilor Shepard recommended adding a provision making homeowners responsible for snow removal and keeping sidewalks clear after the Town clears sidewalks.

Councilor Hartwell said that the Town Manager was going to look into leveraging Tax Increment Financing (TIF) funds for sidewalk clearing, which is not currently included in the ordinance.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell, and VOTED to ask staff to make the recommended changes to the maps and bring back the materials for review at the next Ordinance Committee meeting. Unanimous vote.

- D. 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).

Mrs. Eyerman referred to the attachment D provided, which included the committee's recommendations and was reviewed by legal.

Councilor Wilder Cross noted "ranch" should be struck out, and she noted that she could not find the recommended language "enjoyment of farm environment" to which Mrs. Eyerman said that legal recommended not including that language.

Councilor Hartwell said that it was an issue of pre-emption/home rule, and that a municipality in New Hampshire challenged the issue and it was approved. He recommends including the "enjoyment of farm environment" language since it will not prevent weddings.

Mr. Poirier said that staff can include the language.

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Wilder Cross, and VOTED to include "enjoyment of farm environment" in the applicable performance standards and definitions section in the Land Use and Development Code. Unanimous vote.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell, and VOTED that staff make the recommended changes and forward the item for review by the Town Council at their next meeting and referral to the Planning Board for the Land Use and Development Code amendment. Unanimous vote.

- E. Review the feasibility of adding requirements to the Land Use & Development Code that would require phased build outs of subdivisions and report back to the Town Council with a recommendation (referred by the Town Council on April 6, 2021).

Mr. Poirier said that he started working with the Town attorney and that he should have something for review at the next Ordinance Committee meeting.

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

- A. Review expansion of the remaining village areas, other than the village expansion zone 1/Little Falls area, as called for by the Comprehensive Plan and provide recommendations to the Town Council by or before February 2024 (referred by the Town Council on November 10, 2020).
- B. Review and provide recommendations for amendments to applicable Town Ordinances to allow for Medical Marijuana Caregiver Retail Stores in the Town of Gorham pursuant to 22 M.R.S. § 2429-D (referred by Town Council on May 4, 2021).
- C. Review and prepare an amendment to the Land Use and Development Code requiring annual inspections of gravel pits to be conducted by a third party inspector and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).
- D. Review and prepare an amendment to the Land Use and Development Code to streamline the performance guarantee and site plans process as recommended by staff and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).
- E. Review and prepare an amendment to the Fire Suppression Systems Ordinance to allow for an exemption of residential dwellings under 400 square feet and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).

4. **Other Business**

Mr. Poirier recommends that a committee member sponsor the South Gorham Crossroads item at the next Regular Town Council meeting to refer back to the Ordinance Committee to which Councilor Hartwell said that he will do that.

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

The next meeting of the committee is scheduled for Tuesday, July 20, 2021 at 8:00 a.m. The following items will be discussed at the next meeting:

- A. Perform a full overview of the Firearms Ordinance and provide recommendations to the Town Council (referred by the Town Council on February 2, 2021).
- B. Create or amend Town Ordinances to classify sidewalks for winter maintenance (referred by the Town Council on April 6, 2021).

- C. Prepare an ordinance that would classify certain sidewalks for winter maintenance within the Town of Gorham as the responsibility of the abutting property owner, as well as classify those which would be the responsibility of the Town of Gorham (referred by the Town Council on April 6, 2021).
- D. Review the feasibility of adding requirements to the Land Use & Development Code that would require phased build outs of subdivisions and report back to the Town Council with a recommendation (referred by the Town Council on April 6, 2021).

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: 9:20am.

Respectfully submitted,
Jessica R. Hughes, Executive Assistant