

MINUTES

TOWN OF GORHAM ORDINANCE COMMITTEE MEETING Meeting of March 15, 2022 – 8:00 a.m. Gorham Municipal Center, Conference Room A

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

Also present: Town Manager, Ephrem Paraschak; Town Planner, Carol Eyerman; North Star Planning - Principle Planner/Owner, Ben Smith; North Star Planning - Planner, Keith McBride; one member of the public – Keith Nicely, and Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the February 15, 2022 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to accept the minutes of the February 15, 2022 meeting. Unanimous vote.

2. **Current Business**

- A. Review and propose amendments to the Land Use and Development Code for outside dining requirements and propose permanent changes that would reflect positive experiences promoting outdoor dining during the COVID-19 pandemic (referred by the Town Council on November 9, 2021).

Town Planner Carol Eyerman referred to the standards added to the language.

A brief discussion ensued regarding using the Town right of way (ROW) and food trucks in which Councilor Shepard asked if the ROW effects the food truck ordinance to which Mrs. Eyerman said she would verify that.

Councilor Wilder Cross noted a typo that said “addictions” and should be “additions” on the first page of attachment A.

Councilor Hartwell said that a serial or oxford comma should be used after declarations on page three.

Regarding section one, Town Manager Ephrem Paraschak said that the committee should consider either requiring or not requiring the Fire department review. Regarding section two, Mr. Paraschak noted that the 25 percent limitation may be too low, and a consideration could be if a business has less than 10 parking spaces, maybe increase to 50 percent.

Councilor Hartwell suggested leaving the language as-is and have an allowance.

The committee discussed and agreed that section two should be amended to say that the Fire department review was “required,” and to add the oxford comma.

Staff said they would review the food truck ordinance.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to accept the proposed amendment and forward it to the Town Council for review and consideration at their next meeting. Unanimous.

- B. Review and recommend amendments to the Land Use and Development Code to adopt the South Gorham Crossroads District and South Gorham Corridor Commercial District as identified by the Town’s Comprehensive Plan (referred by the Town Council on September 7, 2021).

Planner Keith McBride with North Star Planning referred to the attachment B provided and said that the Town’s Comprehensive Plan called for mixed-use, larger uses away from the street, smaller uses closer to the street. After their review of the contract zones, he said that many call for similar uses, and that North Star Planning staff looked at those uses and talked about master planning for this district, and they adopted a lot of standards from the commercial district for the contract zone. He added that the attachment provided is a draft zone and they are looking for feedback. He recommended that the committee look at the uses. He said that they tried to keep larger property uses, although they didn’t seem in line with the comprehensive plan and vision. He noted that there is a lot of room for adjustments.

A brief discussion ensued between Councilor Hartwell and North Star Planning regarding what qualifies as agricultural use.

Principle Planner/Owner Ben Smith of North Star Planning recommended that the committee be mindful of potential future use, and put down all current uses so there is no non-conforming uses out the gate.

A discussion regarding existing uses ensued.

Mr. Smith said that the PACTS [Policy, Executive, Technical, Planning and Transit] study looked at the corridor; he’s not sure if there’s been a discussion with Scarborough.

Mr. Paraschak said that the bigger conversation with Scarborough has been regarding trying to get sewer/water infrastructure in the corridor.

Mrs. Eyerman said that the area should not have large retail store frontages like that of a Walmart size. She added that a walkable distance is .25 miles, so a goal for this area should be to try to make things as walkable as possible with small streets and building frontages.

Councilor Wilder Cross said that we should encourage mixed-use development.

Mr. Paraschak said that Route 22 is like a super highway, and that we could allow on-street parking on the 22 when the turnpike is built. He asked how the committee wants to encourage commercial growth. He said most Town Councilors and people say to address commercial growth now, and add sidewalks later.

Regarding building heights, Mrs. Eyerman said that proposed district standards are 50 feet or four stories.

Councilor Shepard is open to the proposed building height standard along the street, and allowing higher height back further away from the road.

Mr. Smith asked how regimented should we be with design standards along the street if the goal is to create a busy downtown on a busy thoroughfare to which Councilor Shepard said he was comfortable with the way that Route 1 in Falmouth was planned.

Mr. Paraschak said that some buildings would be in the ROW of the turnpike.

A discussion ensued regarding setback requirements with new construction.

Mr. McBride said that it almost feels like the area in question is really two separate districts.

Mr. Smith said that many buildings are close to the road via a Google Earth survey. He said regarding County Road, we could let density guide development. He recommended being thoughtful of setbacks and frontage maximums.

Mr. Paraschak said that Dunstan corner and Broadturn Road where it connects with Route 1 may be a good example of mixed-use development and setbacks. He said we could reduce frontage and require a shared parking entrance.

Mr. Smith said that we could have two thirds of the language in proposed standards in the Town's site plan ordinance instead - he wouldn't recommend waiting to add the language to the site plan ordinance.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to table the item for further discussion at the next meeting. Unanimous.

- C. Review Recreation Impact Fees and provide recommendations to the Town Council on expansion of eligible projects (referred by the Town Council on February 1, 2022).

Mr. Paraschak said that recreation impact fees cannot be used for capital items. He said that the Town Council is looking at the fees since they haven't been updated in 20 years.

Regarding the attachment C, Councilor Hartwell said he doesn't see how the maintenance of a trail easement could be added under open space; he sees that function going under recreation facilities.

Mr. Paraschak recommended putting on a parameter for easements.

Councilor Shepard said we need to know where and how all the trails connect to the street to which Mr. Paraschak and Mrs. Eyerman said that most or all trails are reflected as a layer in the GIS system.

Mrs. Eyerman said she will recommend doing a recreation open space plan to have it in one place.

Mr. Paraschak said that staff can work on this - the committee could put the Cross Town trail on the list, staff could also start updating the calculations on fees, and send to the attorney to verify where our fees compare with today's dollars, as well as compare our fees with other towns.

Regarding the open space portion of fees, Councilor Hartwell said we could improve a trail as long as it is on conservation land, but not improve an easement on private property. He said that he is not opposed to improving a trail easement on private property, but it should come out on the recreation facilities portion of fees.

Mr. Paraschak said staff can look at what category to add easements, update the calculations to calculate impact fees, and make a recommendation for fees.

Councilor Shepard said he would like to see both accounts, then make a decision.

Councilor Hartwell said we could use TDR [Transfer of District Rights] funds.

Mr. Paraschak said the item may not be ready by the next meeting since it will need to go to the attorney.

Member of the public, Keith Nicely, said that he reached out to Mrs. Eyerman regarding a 20-acre property on Day Road that has access to use for agriculture. He said he was involved on a property a few years ago that the Town shut down development on. He said he is trying to put options on the Day Road property, and figure out how to go forward with developing the property, and how to determine the selling price. He further said that resident Paul Gore wants to connect the roads. He is looking for recommendations on how to develop the property.

Mrs. Eyerman said that Mr. Nicely needs to do a calculation on the cost to run water, which can be down via a cost estimator on the Town website, and the Planning Board will then look at the numbers.

Mr. Paraschak said that one half of the property in question is in the new South Gorham Crossroads District.

Mrs. Eyerman said that another developer is waiting for the rezone and they have already gone through the pre-application process.

Mr. Paraschak said that the remaining Town Council members would need to weigh in. He added that Mrs. Eyerman can help Mr. Nicely with the calculations.

Mr. Nicely said that he is trying to head off a challenge and now knows what the Town is thinking.

Mrs. Eyerman recommended that Mr. Nicely look at the South Gorham Crossroads rezone draft, which Executive Assistant Jessica Hughes can send to Mr. Nicely.

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to table the item for further discussion. Unanimous.

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).

The committee did not discuss this item.

4. **Other Business**

No items were discussion under “Other Business.”

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

The next meeting of the committee is scheduled for Tuesday, March 15, 2022 at 8:00 a.m. in Conference Room A. The following items will be discussed at the next meeting:

- A. Review and recommend amendments to the Land Use and Development Code to adopt the South Gorham Crossroads District and South Gorham Corridor Commercial District as identified by the Town’s Comprehensive Plan (referred by the Town Council on September 7, 2021).
- B. Review of recommended items from Comprehensive Plan Implementation Strategy.
- C. Review Recreation Impact Fees and provide recommendations to the Town Council on expansion of eligible projects (referred by the Town Council on February 1, 2022).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Shepard and SECONDED by Councilor Wilder Cross and VOTED to adjourn. Time of adjournment: 9:48am.

Respectfully submitted,
Jessica Hughes, Executive Assistant