

# MINUTES

## TOWN OF GORHAM ORDINANCE COMMITTEE MEETING Meeting of June 21, 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; Director of Community Development, Tom Poirier; Town Planner, Carol Eyerman, and Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the May 17, 2022 meeting.**

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to accept the minutes of the May 17, 2022 meeting. Unanimous vote.

2. **Current Business**

- A. 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).

Director of Community Development Tom Poirier said that Recreation Director Cindy Hazelton met with GIS Coordinator Ethan Moskowitz and completed measurements for athletic fields, open space, and trails. They also reviewed the existing list of recreation impact fees and added some items that were missing. Mr. Poirier said that staff will have the information at the next meeting.

Councilor Wilder Cross asked if recreation impact fees could go toward maintenance to which Mr. Poirier said - no - that was not an allowed use.

A brief discussion ensued between Councilor Shepard and Town Manager Ephrem Paraschak in which Councilor Shepard asked if irrigation systems were really needed. Mr. Paraschak said that they do get a lot of use and you can tell which fields are irrigated and those that are not.

Councilor Hartwell said he would be curious what the cost would be for the installation of irrigation systems.

Mr. Paraschak said that the Town has not looked at recreation impact fees in 20 years, so it is out of whack.

A discussion ensued regarding the intent of this item being referred from the Town Council to the Ordinance Committee in which Councilor Hartwell said he believed it was to protect open space and farmland. His understanding was that trail easements are not part of open space.

The committee discussed the history of fields.

Mr. Poirier said he believed that Councilor Phillips' intent of sponsoring this item was to pull trails out.

Mr. Poirier added that staff received a list to reset ball fields from Owens McCullough of Sebago Technics. As it stands, he said that impact fees may increase substantially.

Councilor Hartwell questioned if they should consider reworking the title of section 7-3 in the Land Use and Development Code from "Recreational Facilities and Open Space Impact Fee." He also suggested adding items under the description.

Mr. Poirier said that the committee could prepare a plan for an interconnected trail network.

Councilor Wilder Cross said she thought trail easements were for uses already acquired under open space.

Mr. Poirier said that the Maine Conservation Grant license gives the Town the right to use land on Route 202 for five years.

Councilor Shepard asked what the benefit was for landowners allowing easements if at some point they decide to sell.

Councilor Hartwell said the Maine Farmland Trust pays about 70 percent of loss value for conservation easements.

Mr. Paraschak asked if the Town should be looking at a broader study of open space corridors and priority areas to consider for conservation to which Mr. Poirier said – yes, if the goal is to save land. He would then recommend a study being done.

Regarding interconnectivity, Councilor Wilder Cross asked if the committee is talking about connecting trails through neighboring towns like Westbrook.

A brief discussion ensued regarding other interconnected trails like the Mountain Division Trail.

Mr. Poirier said staff will have the language and updated numbers at the next meeting.

Councilor Hartwell said he would like to see something like a table system from Cherry Hill trail to the Mountain Division Trail.

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 vote.

- B. Review and propose amendments to the Land Use and Development Code that would provide for dwelling unit growth caps in the Town of Gorham while promoting development toward growth areas and away from the rural zones (referred by the Town Council on May 3, 2022).

Councilor Hartwell said that the memo provided with a draft ordinance and sample ordinances from Cumberland, Scarborough, and Falmouth did not address if we're only targeting a rural, zone and not looking at applying growth caps town-wide. He asked if we are still limiting the cap to 110 percent to which Mr. Poirier said that he doesn't think we are limited to just 110 percent; Mr. Poirier said we can go up to 110 percent, and exempt family lot splits from the calculation, so that it would not come out of that.

Mr. Poirier said that a stand-alone ordinance will be easier for the Town Council to amend by sending to the Ordinance Committee.

Councilor Shepard said that the ordinance can technically note a limit of 33 units in the rural zone, and steer housing in areas you want it to go.

Mr. Poirier said he would not address the percentage in other areas.

Councilor Hartwell said another provision could be getting a lot exemption if you have a family emergency or other illness.

Councilor Shepard asked how you prevent a developer from getting all permits to which Mr. Poirier said you can tie a timeline to multiple building permits.

A brief discussion ensued regarding development timelines.

Mr. Poirier said that a certain number of growth permits within subdivision lots and outside of those lots could be identified to break it down more.

Mr. Poirier said that staff will prepare a stand-alone ordinance and look at allocating a certain percent for areas, and not addressing the percent for outside areas. He added that under the new ordinance of phasing subdivisions, a developer could build a whole road, and have 90 percent occupancy before they can record the next plan.

Mr. Paraschak said there is a lot of anxiety from landowners with subdivisions being built in someone's backyard, which is based –not on how quickly they'll be built, but that they'll be behind their property.

A discussion ensued regarding growth in the village.

Mr. Paraschak said that caps may cause developers to look at changing development behavior.

Councilor Wilder Cross asked if there is a way to incentivize senior housing since there would be more people living in housing to which Mr. Poirier said it could be exempted in the draft ordinance.

Councilor Shepard asked if the Town owns any land that could be dedicated for that use.

Mr. Paraschak said that there was land at the Public Works facility, and in the new industrial park. He said he was not aware of any other substantial land with water or sewer.

A brief discussion ensued in which the committee said there may be land by where the new bypass would be built, and the Village School could be converted.

Mr. Paraschak said if we exempt senior housing, it could help promote that type of development.

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 vote.

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

- A. Re-examine performance standards for multi-family housing to promote effective multi-family development in the Town of Gorham and recommend amendments to the Land Use and Development Code (referred by the Town Council on June 7, 2022).

Mr. Poirier said that staff will ask the Town attorney to look at this, and they will tie the ADU [accessory dwelling unit] to a single family home.

Mr. Poirier added that with the passing of LD-2003, it will allow up to three additional growth units on a lot.

A brief discussion ensued between Councilor Wilder Cross and Mr. Poirier regarding subdividing lots and requirements.

Mr. Paraschak said that there are a lot of unknowns, and that staff can ask legal to facilitate a workshop, as well as ask legal attend the next Ordinance Committee meeting to speak on this.

4. **Other Business**

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

The next meeting of the committee is scheduled for Tuesday, July 9, 2022 at 8:00 a.m. in Conference Room A. The following items will be discussed at the next meeting:

- A. 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).

- B. Review and propose amendments to the Land Use and Development Code that would provide for dwelling unit growth caps in the Town of Gorham while promoting development toward growth areas and away from the rural zones (referred by the Town Council on May 3, 2022).
- C. Re-examine performance standards for multi-family housing to promote effective multi-family development in the Town of Gorham and recommend amendments to the Land Use and Development Code (referred by the Town Council on June 7, 2022).
- D. Review the Fire Suppression Systems Ordinance to evaluate increasing the length of time between required third-party inspections for residential systems and to provide recommendations back to the Town Council (referred by the Town Council on April 5, 2022).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Wilder Cross and SECONDED by Councilor Shepard and VOTED to adjourn. Time of adjournment: 9:15am.

Respectfully submitted,  
Jessica Hughes, Executive Assistant