

**MINUTES**  
**ORDINANCE COMMITTEE MEETING**  
**Meeting of January 15, 2019 – 8 a.m.**  
**Conference Room A**

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

Also Present: Town Manager, Ephrem Paraschak; Fire Chief, Robert Lefebvre; Town Planner, Tom Poirier; Executive Assistant, Jessica Hughes.

1. **Consideration of minutes of December 18, 2018 Committee meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Smith, and VOTED to accept the minutes of the December 18, 2018 Ordinance Committee as distributed. Unanimous vote.

2. **Current Business**

- A. Review new and existing Impact Fees and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).

Town Planner Tom Poirier advised that the Town Attorney would prepare a new calculation for the Middle School Impact Fee and staff will bring back at the next meeting. Town Manager Ephrem Paraschak advised the committee that it may be best to involve a consultant when considering adding additional impact fees. Ephrem further shared that a homeowner sold his home to CMP, which was torn down by CMP; the homeowner then built a new home to replace the former home; however the homeowner was assessed an impact fee. Councilors Wilder-Cross, Shepard and Smith are in support of refunding the impact fee to the homeowner and other homeowners that are in the same circumstance and only if the new home is rebuilt in the Town of Gorham. Staff can research if there are other homes that fall into the same situation and advise the committee.

Staff will also look at and obtain Scarborough's impact fees and advise the committee at the next meeting. Staff will draft a provision to impact fees to allow a refund if the new home/construction is rebuilt in Gorham.

- B. Review municipal road acceptance of private ways and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).

Town Planner Tom Poirier reviewed the memo that includes recommendations discussed at the last meeting.

Fire Chief Robert Lefebvre shared concerns regarding public safety with the design standards of private ways; fire apparatus are unable to gain access on private ways that are not maintained with plowing/sanding and tree/vegetation management. Chief Lefebvre asked that enforcement of maintenance of private ways be clearly written in the street acceptance of private ways. Tom Poirier suggested looking at comparative town standards for maintenance of private ways, such as Freeport. Councilor Hart-

well asked if the Town has the ability to require a Homeowners Association (HOA) and Tom Poirier advised that the Town can; however, the HOA requirement is very general. Tom Poirier advised that staff can look at maintenance standards. Chief Lefebvre added that if Fire personnel found a private road unpassable, he would like to give the HOA a 24-hour notice before the Town cut back overgrowth and charged back the HOA. Town Manager Ephrem Paraschak cautioned charging back property owners/HOAs for maintaining roads as it could expose the Town for liability. Ephrem further said that the current model of accepting private roads as Town roads is not sustainable. Tom Poirier advised that the Town engineer will make changes that the Public Works Director needed for pavement to private way standards. Tom Poirier further advised that he will speak with the Town Attorney regarding enforcement and maintenance of private ways, and utility vendor access and bring back at a future meeting.

- C. General discussion regarding mixed use/density standards (Form Based Code) for the Gorham Village Center District.

Staff will prepare a visual presentation of Form Base Code and performance standards, as well as a memo that will include feedback from other towns regarding the process and bring back at a future meeting.

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

- A. Review and consider developing an amendment to the Land Use & Development Code to incorporate the requirements of the South Gorham Crossroads and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).
- B. Review and consider developing an amendment to the Land Use & Development Code to incorporate the requirements of the South Gorham Commercial Center and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).
- C. Create an Invasive Plants Species Ordinance and recommend to Town Council (referred by Town Council on August 7, 2018).

Councilor Hartwell discussed that the Town of Falmouth implemented an ordinance several years ago. An area to perhaps focus the ordinance would be in cemeteries. Councilor Hartwell added that the State government created a list of invasive species dated January 1, 2018. Staff will obtain Falmouth's Invasive Species Ordinance and bring back at the next meeting to review.

- D. Review adding requirements to the Land Use & Development Code for drinking water testing (referred by Town Council on April 3, 2018). Staff will draft language that works within state law and provide at a future Ordinance Committee meeting.
- E. Review the Special Amusement Ordinance and recommend updates, if any, to Town Council (referred by Town Council on January 2, 2018).

4. **Other Business**

Town Manager Ephrem Paraschak asked if the committee would approve of staff looking into items A and B that were referred by Town Council for future meetings/action to begin processing. The committee approved of staff reaching out to various consultants and sharing an update at a future meeting.

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

The next meeting of the Committee is scheduled for Tuesday, February 19, at 8 a.m.

- A. Review new and existing Impact Fees and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).
- B. Review municipal road acceptance of private ways and recommend updates, if any, to Town Council (referred by Town Council on August 7, 2018).
- C. Create an Invasive Plants Species Ordinance and recommend to Town Council (referred by Town Council on August 7, 2018).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Smith and VOTED to adjourn. Time of adjournment: 9:24 a.m.

Respectfully submitted,

Jessica Hughes, Executive Assistant to the Town Manager & HR