

MINUTES
ORDINANCE COMMITTEE MEETING
Meeting of September 19, 2017 – 8 a.m.
Conference Room A

Present: Councilor Ben Hartwell, Chair; Councilors Sherrie Benner and Ron Shepard.

Also Present: Town Manager, Ephrem Paraschak; Fire Chief, Robert Lefebvre; Zoning Administrator, David Galbraith; Town Planner, Tom Poirier; Administrative Assistant to the Town Manager/HR, Jessica Hughes; 1 member of the public.

1. Consideration of minutes of August 22, 2017 Committee meeting.

A motion was MADE by Councilor Benner, SECONDED by Councilor Shepard, and VOTED to accept the minutes of the August 22, 2017 Ordinance Committee as distributed. Unanimous vote.

2. Current Business.

- A. Review and amend the Land Use & Development Code to allow agricultural special event facilities in the rural zone and to allow the events to occur in a manner that is reasonable and fair to the surrounding neighborhood and bring back the Committee's recommendations back to the Town Council (referred by Town Council on July 11, 2017).

The Committee reviewed the proposed, amended ordinance drafted by the Planning Board, which now references the following amendments:

- Under item D. within section 2-16 - Agricultural Special Events Facilities: The evidence of agricultural production was increased from \$5,000.00 to \$10,000.00 per year in one of the 2, or 3 of the 5, calendar years preceding application for site plan review.
- 5b. under item E. within section 2-16 - Agricultural Special Events Facilities: The attendance level was decreased from 500 to 250 people per event.

Resident, Norm Justice, was in attendance for the Committee's review of this item and shared his concern that he would not be able to reconstruct a barn under the rural entrepreneurial zone after tornado damage. Additionally, Mr. Justice wants to see language specifying that a wedding spread over multiple days be considered one event. Councilor Hartwell suggested including language that allows Council to waive some restrictions. Councilor Benner does not want to see more than 25 events per year, and further explained that a property should be considered an event center/business, not an agricultural special events facility with more than 25 events per year. Town Planner, Tom Poirier, and Zoning Administrator, David Galbraith, added that current ordinances do not allow for event centers in the agricultural zone. Councilor Hartwell said that restriction pertaining to not living on the parcel where events take place should be removed. Councilors Benner and Shepard disagree and said that restriction makes sense. Councilor Shepard said that it makes sense to allow events on separate parcels if the parcel with a home/primary residence directly abuts the separate parcel. Councilor Hartwell supports the landowner who registers with

the USDA being able to hold agricultural events facilities on land even if they don't live on/near the property.

Mr. Justice shared that the statistics that a minimum of \$5,000 in agricultural revenue is five times higher than state agricultural revenue and 10 times higher than national agricultural revenue. Councilor Shepard shared that he feels the five acre minimum is too small and \$10,000 minimum for evidence of agricultural production was too high. Councilor Benner shared that the intent of the proposed ordinance was to support the farming community.

Councilor Shepard and Mr. Justice suggested adjusting the language to count weddings spread over multiple days as one event, except for wedding rehearsals.

Town Manager, Ephrem Paraschak, suggested a fee schedule and Councilor Hartwell suggested defining a wedding event.

Councilor Benner is supportive of farmers and additional ventures through special events and is in favor of the proposed amended ordinance as written.

Councilor Shepard would like to see a higher minimum on the acreage requirement; Town Planner, Tom Poirier, explained that there is a 1.5 acre requirement for residential use in addition to the five acres.

Town Planner, Tom Poirier, suggests recommending the proposed amended ordinance with the following changes (to be made prior by Planning staff) to Town Council for approval and Council can address any concerns at the Town Council meeting:

- Change language within section 5e. to allow special events over multiple days.
- Specify owner and/or operator with abutting residential use.

A motion was MADE by Councilor Benner, SECONDED by Councilor Shepard, and VOTED to recommend the proposed amended ordinance to the Town Council for approval at their October meeting. 2 yeas, 1 nay (Hartwell).

- B. Review the Sprinkler Ordinance and consider putting some limitations on what is defined as a structure and report back to Town Council with recommendation (referred by Town Council on January 3, 2017).

Fire Chief Robert Lefebvre provided the update that as long as a building frame is type 5 material, it would be required to be sprinkled. Contrarily, if the type 5 material is removed, it would not be necessary to sprinkle. If a deck was removed or not constructed, but a type 5 frame remained for more than 180 days, the type 5 frame would need to be removed.

A motion was MADE by Councilor Shepard, SECONDED by Councilor Benner and VOTED unanimously to report back to the Town Council with no changes.

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

The Committee reviewed the items and determined that the item pertaining to Food Trucks would be added to the October Ordinance Committee Agenda. Planning Staff will draft the ordinance and have examples for the Committee. There is currently no way for food trucks to operate in Gorham under current allowances, unless they are "roadside." Councilor Hartwell suggested allowing a temporary moratorium on Food Trucks. Town Planner, Town Poirier suggested the Town Manager contacting the Town's Attorney to discuss any legal implications.

The Committee also determined that the item pertaining to reviewing and recommending any changes to the Industrial and Commercial Zone would be on the October Ordinance Committee Agenda.

4. Other Business.

The Committee did not discuss other business items.

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

The next meeting of the Committee is scheduled for Tuesday, October 17, at 8 a.m. The Committee discussed and requested that the following items be placed on the agenda for discussion:

- A. Consider developing an amendment to the Land Use & Development Code to make it easier for Food Trucks and Food Carts to operate in Gorham and bring the Committee's recommendation back to the Town Council, at a later date, for the Town Council to consider (referred by Town Council on July 11, 2017).
- B. Review the permitted uses in the Industrial and Commercial Zone and recommend changes, if appropriate, to the Town Council (referred by Town Council on October 4, 2016).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Benner, SECONDED by Councilor Shepard and VOTED to adjourn. Time of adjournment: 9:45 a.m.

Respectfully submitted,

Jessica Hughes, Administrative Assistant to Town Manager & HR