

MINUTES
ORDINANCE COMMITTEE MEETING
Meeting of August 14, 2018 – 8 a.m.
Conference Room A

Present: Councilor Benner, Chair; Councilors Shepard and Stelk.

Also Present: Councilor Smith; Fire Chief, Robert Lefebvre; Fire Inspector, Charles Jarrett; Town Manager, Ephrem Paraschak; Town Planner, Tom Poirier; Executive Assistant, Jessica Hughes and three members of the public: Hans Hansen, Sue Smith and Joe Gallant.

1. **Consideration of minutes of July 10, 2018 Committee meeting.**

A motion was MADE by Councilor Shepard, SECONDED by Councilor Stelk, and VOTED to accept the minutes of the July 10, 2018 Ordinance Committee as distributed. Unanimous vote.

2. **Current Business.**

- A. Review adding requirements to the Land Use & Development Code for drinking water testing (referred by Town Council on April 3, 2018).

The committee reviewed the memo dated August 9, 2018 provided by Zoning Administrator David Galbraith with the subject, "Well Water Testing – Certificate of Occupancy." The memo included a draft ordinance with language to be considered for adoption in the Town's Land Use and Development Code under Chapter 1: Zoning Regulations, Section 1- 3 – Administration, Subsection F – Certificate of Occupancy, that would require well water testing to be conducted by a State of Maine certified water testing laboratory and have passed acceptable drinking water standards, and for the applicant to present that evidence to the Code Enforcement Officer before the Town could issue a Certificate of Occupancy (C.O.) for a property utilizing a drilled well. Town Planner Tom Poirier explained that the ordinance would require any subdivision/developer to perform the test prior to the C.O. being issued. Councilor Benner shared that government loans (i.e. FHA, VA, RD) require water testing prior to funding and conventional loans do not. Councilor Shepard emphasized that the ordinance would be applicable to new construction. Tom Poirier suggested referring to drinking water as potable water in the ordinance. Hans Hansen recommended not requiring drinking water testing. Town Manager Ephrem Paraschak suggested asking the Planning Board to research and refer to state standards and terminology.

A motion was MADE by Councilor Stelk, SECONDED by Councilor Shepard and VOTED to refer the draft ordinance to the Planning Board for additional research. Unanimous.

Sue Smith suggested promoting potable water testing with long time homeowners in their home 10 or more years and to engage in a public awareness campaign with that demographic. Joe Gallant suggested requiring public drinking water testing where appropriate.

- B. General discussion regarding mixed use/density standards for Gorham Village Center District.

Town Planner Tom Poirier reviewed his memo dated August 9, 2018 with the subject, "Form Based Code," which provides a basic understanding of Form Based Code (FBC). Tom Poirier noted a benefit of FBC is

that it streamlines the permit review process, although it entails a very heavy public process. Prior to a public process taking place, boundaries would need to be defined, a committee would need to be formed to shepherd the process, staff would need to be defined, a consultant hired and the planning/Code Enforcement approach would need to be defined. Councilor Stelk supports moving forward with assigning a committee. Tom Poirier noted that Planning could look at comparable towns for Form Base Code analysis and add performance standards. Additionally, Tom Poirier noted he could ask a consultant from GPCOG to speak to the Ordinance Committee at a future meeting regarding FBC. Councilor Benner suggested finding out if the Freeport McDonald's was built with FBC or performance standards. Tom Poirier clarified that FBC would only be applicable to new construction or rehabilitation. Tom Poirier further noted that Planning staff will look at Yarmouth and Freeport FBC and bring back more information to the committee. Tom Poirier suggested having a consultant speak to the Ordinance Committee prior to referring a decision to Town Council. Councilor Stelk suggested reaching out to Planners with other towns with FBC to get feedback and share with Ordinance Committee.

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

The Committee reviewed the list of items and noted to add the following items to the September Ordinance Committee meeting agenda:

- F. Review the Victualer's Ordinance and Special Amusement Ordinances and recommend updates, if any, to Town Council (referred by Town Council on January 2, 2018).
- G. Consider developing an amendment to the Land Use & Development Code, to increase the minimum lot size for new lots in the rural district and bring the committee's recommendation back to the Council, at a later date, for the Town Council to consider.

4. **Other Business.**

- A. Review sections of the Sprinkler System Ordinance that were discussed in the recent workshop (referred by Town Council on August 7, 2018).

The committee reviewed the proposed ordinance and Town Manager Ephrem Paraschak suggesting omitting the reference to a four-hour training to "a training" under Article II Definitions & Requirements, Section XII. Councilor Stelk suggested replacing all references to "sprinklers" with "suppression." Fire Chief Robert Lefebvre noted that Gorham Fire staff will revise the language under Section XII to say inspections can be done by homeowner, or if required, by Code Enforcement or manufacturer's recommendation. Councilor Stelk suggested to add, "Penalties may be waived to satisfaction of Fire Chief or designee," under the 'Fines' section of page 3.

A motion was MADE by Councilor Stelk, SECONDED by Councilor Shepard and VOTED to send the revised ordinance to the Town Council. Unanimous.

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

The next meeting of the Committee is scheduled for Tuesday, September 18, at 8 a.m. The Committee discussed and requested that the following items be placed on the agenda for discussion:

- A. Review the Victualer's Ordinance and Special Amusement Ordinances and recommend updates, if any, to Town Council (referred by Town Council on January 2, 2018).
- B. Consider developing an amendment to the Land Use & Development Code, to increase the minimum lot size for new lots in the rural district and bring the committee's recommendation back to the Council, at a later date, for the Town Council to consider.

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Stelk, SECONDED by Councilor Shepard and VOTED to adjourn. Time of adjournment: 10:13 a.m.

Respectfully submitted,

Jessica Hughes, Executive Assistant to the Town Manager & HR