

## MINUTES

### ORDINANCE COMMITTEE MEETING

Meeting of February 18, 2020 – 8:00 a.m.

#### Conference Room A

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

Also present: Town Manager, Ephrem Paraschak; Director of Community Development, Thomas Poirier; Town Planner, Carol Eyerman; two members of the public; Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the January 21, 2020 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to accept the minutes of the January 21, 2020 meeting as distributed. Unanimous vote.

2. **Current Business**

- A. Review and consider developing an amendment to the Land Use & Development Code to allow varied density in the Village Center and Urban Commercial District and recommend updates to the Town Council (referred by the Town Council on February 6, 2019).

The Director of Community Development, Tom Poirier, referred to attachment A/his memo and advised that the committee agreed at their last meeting to set the footprint instead of setting the density. Regarding parking in the Village Center and Urban Residential Districts, currently the Land Use & Development Code does not allow for parking in any set back; however, the committee could consider adding a provision that landscaping should be installed with parking allowed on the side and rear, which will allow greater flexibility for developers. This amendment would allow developers to show that they can utilize less parking in these districts under Section 8 e. (page three of the memo provided).

Town Planner, Carol Eyerman, commented that the proposed amendment would be an incremental approach to allowing flexibility. Mr. Poirier added that the provision identifies the number of spaces for on-site parking. Councilor Hartwell commented that per previous discussions regarding South Street, urban trend is moving toward narrow streets; he would rather see the amendment have an administrative approach that could be appealed to the Planning Board. Mr. Poirier replied that staff could provide more guidance on the standard referencing more narrow streets.

Ms. Eyerman commented that she sees a parking management issue in Gorham, not specifically a parking issue. Town Manager, Ephrem Paraschak, commented that the Land Use & Development Code does currently require too much parking. The committee discussed and agreed to revise the amendment to require parking on the side and rear.

Councilor Hartwell commented that regarding Section 2 a., it seems that like the parking requirement could be waived if there is public transit/public parking within close proximity. Mr. Poirier advised that the parking requirement applies only to applicants going through the site plan process. The committee discussed and agreed that the parking requirement under Section 2 a. should be waived if there is public transit/public parking within 500 feet. Councilor Hartwell added that he would like to eliminate the extra 1/2 parking space requirement under Section 2 a. if the parking is within 0.25 miles, or 1,340 feet of public transit. Mr. Poirier added that under the current

open space requirement, the Urban Commercial District requires that 25% of the land contain open space. Councilor Hartwell suggested requiring a development transfer fee. Ms. Eyerman suggested looking at the question as a landscaping requirement, and Mr. Poirier added not impervious area.

Mr. Paraschak asked the committee to consider if the open space/landscape requirement should be in relation to a building or lot, to which Councilor Hartwell commented that he wants to utilize space to attract more people and not focus on the open space/landscape requirement.

The committee discussed and agreed to strike the “open space” provision from the Urban Commercial District. Councilor Hartwell commented that there should be some open space.

Mr. Poirier advised that the Village Center and Urban Commercial Districts have a building height maximum of 35 feet. The committee discussed and decided to strike the 35-foot building height maximum. Mr. Poirier will revise and provide additional definitions and a memo at the next meeting.

- B. Review and consider amending the Land Use & Development Code to allow for the commercial adult use cultivation, manufacturing and processing of marijuana and bring back recommendations to the Town Council (referred by the Town Council on October 1, 2019).

Ms. Eyerman reviewed attachment B/her memo that now includes language regarding the manufacturing process and references state law. The memo and proposed amendment also includes language regarding odor control, definitions, the 20 licenses per year limit, as well as adjusted language to be concurrent with state law. Additionally, the amendment now includes the ability for applicants to use existing agricultural buildings in rural districts. The Committee discussed and agreed to strike the entire last paragraph of the last page. One member of the public spoke and agreed that the license language in the last paragraph on the last page should be omitted since the Town’s license maximum per year is 20.

Tom Poirier advised that staff will draft the license application form so that it is ready for use when/if approved.

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Wilder Cross and VOTED to forward the proposed amendment to the Land Use & Development Code to allow for the commercial adult use cultivation, manufacturing and processing of marijuana to the Planning Board for public hearing at their next meeting, then onto the Town Council for public hearing. Unanimous vote.

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

The Committee did not discuss the items below.

- A. Review general updates provided by Town staff to the Employee Personnel Policy and make a recommendation (referred by the Town Council on January 7, 2020).
- B. Review and propose amendments to Chapter 2, Section 2-4 of the Land Use & Development Code, Clustered Residential Development, and bring back recommendations for updates to the Town Council (referred by the Town Council on February 4, 2020).
- C. Review and propose amendments to the Streets and Sidewalks Ordinance to allow for more on street parking in the Gorham Village for Town Council review (referred by the Town Council on February 4, 2020).

4. **Other Business**

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

Mr. Poirier review his memo dated February 15, 2019 that he had previously provided to the committee for discussion at their meeting held March 5, 2019, which referenced standards for accepting private ways that were provided by civil engineering firm, Milone and MacBroom. Under the new standards, the occupants/residents on all private roads previously accepted as Town roads would be required to bring up the roads to the new standards; when additional homes were to be added onto a subdivision, the road would need to be dug up and have new gravel laid. Mr. Poirier asked the committee to consider if they want to bring this item back to review and adjust. Specifically, the Committee would need to confirm if they agree with the required paved private way standard for subdivisions with 25 lots/dwellings.

Mr. Paraschak recommended not requiring residents to maintain private roads. Councilor Hartwell asked if the Committee should change the reference of private ways to public easements, to which Mr. Poirier replied that it could be done, but would be tedious as the private way term is widely used in the Land Use & Development Code. Councilor Shepard recommended including a reference to private ways being known as public easements under the definitions section.

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Wilder Cross and VOTED to forward the amendment to the municipal road acceptance of private ways that will include the private road standard with the omission of the maintenance standard to the Town Council for review and consideration at their next meeting. Unanimous vote.

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

The next meeting of the Committee is scheduled for Tuesday, March 17, 2020 at 8:00 a.m. The following items will be discussed at the next meeting:

- A. Review and consider developing an amendment to the Land Use & Development Code to allow varied density in the Village Centers and Urban Commercial District and recommend updates to the Town Council (referred by the Town Council on February 6, 2019).
- B. Review and propose amendments to the Streets and Sidewalks Ordinance to allow for more on street parking in the Gorham Village for Town Council review (referred by the Town Council on February 4, 2020).
- C. Review general updates provided by Town staff to the Employee Personnel Policy and make a recommendation (referred by the Town Council on January 7, 2020).
- D. Review and propose amendments to Chapter 2, Section 2-4 of the Land Use & Development Code, Clustered Residential Development, and bring back recommendations for updates to the Town Council (referred by the Town Council on February 4, 2020).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Wilder Cross and SECONDED by Councilor Hartwell and VOTED to adjourn. Time of adjournment: 9:35 a.m.

Respectfully submitted,

Jessica R. Hughes, Executive Assistant