

MINUTES

ORDINANCE COMMITTEE MEETING

Meeting of March 16, 2021 – 8:00 a.m.

Zoom Webinar

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

Also present: Town Manager Ephrem Paraschak; Public Works Director/Town Engineer, Robert Burns; Fire Chief Ken Fickett; Police Chief Christopher Sanborn; Town Planner Carol Eyerman; Fire Inspector Charles Jarrett; Code Enforcement Officer Freeman Abbott; one member of the public - Aaron Hill; Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the February 16, 2021 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to accept the minutes of the February 16, 2021 meeting. Unanimous vote.

2. **Current Business**

- A. Review requirements and restrictions in place for the installation of commercial and residential solar systems and bring back recommendations to the Council for revisions in ordinances to help encourage installation of such systems (referred by the Town Council on December 1, 2020).

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to table further discussion until the next meeting. Unanimous vote.

- B. Review and recommend adding additional allowed uses to home occupations in the Land Use & Development Code (referred by the Town Council on January 5, 2021).

Town Planner Carol Eyerman shared that staff are researching how to apply broader and more current provisions. Mr. Paraschak said that the preferred option would be to amend the current language to add similar and comparable items so that staff/the Code Enforcement Officer can make sense of the language. Another option would be to allow special exemptions, which Mr. Paraschak does not recommend since it puts undue burden on the applicant and Planning Board to go through that process. An additional option would be to remove the list of allowed home occupations and give all authority to the Code Enforcement Officer, which may put the Code Officer in a bad position. Lastly, additional uses could be added as needed, which takes time.

Councilor Wilder Cross suggested that it may be easier to list what business services are not allowed versus what businesses are allowed.

Ms. Eyerman said that staff are looking at generalizing a list that would include a broad category like commercial or professional and provide examples, as well as provide performance standards for any limitations. Ms. Eyerman noted that other towns list more broad categories for business services instead of listing many types of businesses, and that zoning normally lists things that are not allowed.

Mr. Paraschak noted that categories should be broader with specific conditions to address noise concerns.

Councilor Shepard commented that he wants to be sure that whatever services are allowed do not degrade or negatively impact a neighborhood.

Ms. Eyerman commented that all zones have performance standards that protect against issues like noise and traffic, which requires enforcement. The Town would need to be sure that public safety can scale up to cover additional enforcement.

Mr. Paraschak commented that if enforcement becomes a bigger issue for Gorham PD after a provision is amended, it should not have been allowed in the first place.

Councilor Wilder Cross gave a hypothetical example of her operating a clock repair business in her home; if the service is contained inside her home and does not cause additional significant traffic, pollution and/or noise, she feels the service should be allowed.

Ms. Eyerman commented that adding performance standards can address concerns with noise and traffic and that most people will conform.

Councilor Hartwell commented that he supports a stronger performance standard approach with broad examples given, not a long list of specific business services allowed.

Mr. Paraschak said that staff can make more broad/less defined categories, and add clear performance standards, to which the committee members agreed.

Attendee Aaron Hill commented that he agrees with and supports the items discussed and the proposed changes.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to ask staff to draft and bring back the proposed changes at the next meeting for review.
Unanimous vote.

- C. Review and recommend adding agricultural event centers and agricultural tourism uses to the Land Use & Development Code (referred by the Town Council on January 5, 2021).

Ms. Eyerman said that the several years ago, the initial proposed ordinance was robust, and that applications would be reviewed by the site plan review committee, which is comprised of staff, and the application would allow up to 25 events per year. Staff then prepared an agritourism ordinance with performance standards that allowed similar events. Staff then discussed that there is an existing outdoor event ordinance that allows up to 1,000 people to gather outdoors. Staff has since discussed a hybrid of all three ordinances that would include performance standards.

Councilor Hartwell commented that farm owner Norm Justice proposed and sponsored the agricultural special event centers ordinance. He further shared the history of the ordinance.

Councilor Wilder Cross asked if the ordinance would allow or include outdoor concerts and Maine Maple Sunday, to which Councilor Hartwell said that performance standards could help

with limitations. Councilor Shepard commented that music venues concern him as they could easily grow out of hand and larger than 1,000 attendees.

Mr. Paraschak asked the committee what approach they want to take – the agritourism approach would be less restrictive versus the original ordinance; however, if we tack on too much, there could be too many restrictions for farms.

Ms. Eyerman commented regarding the agritourism ordinance that general performance standards are already written in the zoning ordinance. She suggested referring to the zoning ordinance for performance standards, as well as determining if the committee has any concerns with Maine Maple Sunday events, and considering if there should be any parameters in place.

Police Chief Christopher Sanborn commented that the largest issue with Maple Sunday is traffic; prior to events, some farms reach out to plan traffic control.

Fire Chief Ken Fickett said that Fire and Police departments work together to support traffic control needs. He recommended focusing any amendments or provisions on outdoor events such as weddings with 1,000+ guests and concerts.

Councilor Hartwell commented regarding the parking issue that to require farms to put in gravel parking lots for a few events a year is not feasible or practical. He supports there being a permit and allowing up to five events per year; with permits for events with 250 people or less, he recommends that the permit be submitted to the Code Office.

Councilor Shepard asked if there is a way to exempt Maple Sunday. He wants to be sure that performance standards cover music venues.

Councilor Hartwell commented that if someone has property in a rural zone, he approves of concerts. He also supports making “Open Farm Day” in July exempt.

Mr. Paraschak said that staff will draft the amendments to the more recent ordinances and add language allowing Maple Sunday and Open Farm Day.

Councilor Wilder Cross recommended clarifying item G – 8 as it references 10, but notes 14 in parenthesis. She also confirmed her support for state-wide events.

Councilor Hartwell asked if there is anything in the ordinance that would make someone need to apply for a contract zone, to which Mr. Paraschak commented that he would not recommend putting a contract zone in the ordinance language, and that staff will always advocate and recommend whatever avenues are available at that time.

Ms. Eyerman asked why an event with 1,000 attendee limit would not be okay, to which Councilor Shepard said that the ordinance was intended to allow a one-time event with up to 1,000 attendees, and not a weekly event with 1,000 attendees.

Ms. Eyerman asked if the ordinance and 1,000 attendee limitation should be reviewed once a year, to which Mr. Paraschak cautioned that he did not want to create a problem in search of a solution. He said that staff can attempt to prepare amendments by the April Ordinance Committee meeting.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell and VOTED to ask staff to draft and bring back the proposed changes at the next meeting for review. Unanimous vote.

- D. Perform a full overview of the Firearms Ordinance and provide recommendations to the Town Council (referred by the Town Council on February 2, 2021).

Mr. Paraschak said that clarification is needed from the committee on shotgun restricted zones in terms of where the committee wants the zones and if language should be adjusted; an exemption was added for police officers.

Ms. Eyerman said that legal recommended defining handguns in the ordinance. A concern or consideration is how far some handgun rounds can travel.

Councilor Shepard commented that some handguns can be fired with one hand, while most should be used with two hands for better control. He wants to be sure that the ordinance covers any areas that should not be allowed; he approves of the large existing area.

Councilor Hartwell commented that the new Industrial Park area is not covered in any shotgun zone and should be added. He said that section 2.2 addresses concerns with people shooting handguns on their own land. He recommends creating a list of allowed calibers, but he also approves of leaving the ordinance as it is currently written, because of the provision in section 2.2.

A discussion ensued regarding the differences between the old and new maps, in which Councilor Shepard asked to clarify the expanded areas on the new proposed map. Mr. Paraschak commented that staff decided on the proposed expanded areas after careful consideration of the additional enforcement that Gorham PD would need to provide and not wanting to impose unnecessary restrictions on people from hunting. Staff essentially used Main Street and Flaggy Meadow road as boundaries and included everything south in the expanded zone, which can be easily modified as the committee sees appropriate.

Mr. Paraschak recommends keeping changes as simple as possible, and to define the general zone and put general requirements on it.

Chief Sanborn agreed with Mr. Paraschak that keeping it simple would make it easier from a law enforcement perspective and for people interpreting the ordinance when hunting. He further said that if the zone will be expanded, giving clear boundaries that are defined by roadways would make interpretation much easier.

Mr. Paraschak shared that staff discussed and considered using the Bypass as an expansion zone and to specifically include everything that was within the Bypass on the village side, as well as include everything east of Brackett Road.

Councilor Shepard recommended that the expanded area could include everything on the South Street side of the Bypass and down to Route 22, then follow the Town lines east to Brackett Road to Main Street/Route 25 from Libby Avenue, which would include the new Industrial Park area. He does not see any need to include the west side or southern part of the Bypass, to which Councilor Hartwell agreed.

Mr. Paraschak said that staff can make the recommended amendments to the map and refine the ordinance as discussed, and bring back the proposed items at the next meeting.

Councilor Shepard said to make sure that all schools, the Lavoie Bicycle Pumptrack and Cherry Hill Farms are on the list of excluded areas in the proposed amendments.

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Wilder Cross and VOTED to ask staff to draft and bring back the proposed amendments to the ordinance and map at the next meeting for review. Unanimous vote.

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

- A. Review expansion of the remaining village areas, other than the village expansion zone 1/Little Falls area, as called for by the Comprehensive Plan and provide recommendations to the Town Council by or before February 2024 (referred by the Town Council on November 10, 2020).

4. **Other Business**

No items were discussed.

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

The next meeting of the committee is scheduled for Tuesday, April 20, 2021 at 8:00 a.m. The following items will be discussed at the next meeting:

- A. Review requirements and restrictions in place for the installation of commercial and residential solar systems and bring back recommendations to the Council for revisions in ordinances to help encourage installation of such systems (referred by the Town Council on December 1, 2020).
- B. Review and recommend adding additional allowed uses to home occupations in the Land Use & Development Code (referred by the Town Council on January 5, 2021).
- C. Review and recommend adding agricultural event centers and agricultural tourism uses to the Land Use & Development Code (referred by the Town Council on January 5, 2021).
- D. Perform a full overview of the Firearms Ordinance and provide recommendations to the Town Council (referred by the Town Council on February 2, 2021).

6. **Recent Items Sent to Town Council with Committee Recommendations**

7. **Adjournment**

There being no further business, a motion was MADE by Councilor Hartwell and SECONDED by Councilor Wilder Cross and VOTED to adjourn. Time of adjournment: 9:17am.

Respectfully submitted,
Jessica R. Hughes, Executive Assistant