

## MINUTES

### **ORDINANCE COMMITTEE MEETING Meeting of July 20, 2021 – 8:00 a.m. Burleigh H. Loveitt Council Chambers**

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

Also present: Council Chairman Pratt; Town Manager, Ephrem Paraschak; Public Works Director, Robert Burns; Director of Community Development, Tom Poirier; Town Planner, Carol Eyerman; Executive Assistant, Jessica Hughes.

#### **1. Consideration of the minutes of the June 22, 2021 meeting.**

Councilor Shepard noted that North Gorham should be struck from page three of the minutes. A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to accept the amended minutes of the June 22, 2021 meeting. Unanimous vote.

#### **2. Current Business**

- A. Perform a full overview of the Firearms Ordinance and provide recommendations to the Town Council (referred by the Town Council on February 2, 2021). The committee agreed that the proposed map was fine – no changes needed.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to send the proposed ordinance and map to the Town Council for review and consideration at their next meeting.

- B. Prepare an ordinance that would classify certain sidewalks for winter maintenance within the Town of Gorham as the responsibility of the abutting property owner, as well as classify those which would be the responsibility of the Town of Gorham (referred by the Town Council on April 6, 2021).

A discussion ensued regarding school buffers. Mr. Burns said he would calculate linear footages and get costs.

Mr. Poirier asked if the Town has looked into putting flashing beacons on Narraganset Street to which Mr. Burns said that the School Department has requested that a crosswalk be installed on Route 202/Main Street where it intersects with Bouchard Drive in the school zone.

Councilor Shepard asked if any kids walk at the Route 202/Main Street intersection to which Mr. Burns said – yes, and he hasn't seen an official proposal from the School Department yet.

A brief discussion ensued regarding a request for proposal process for pedestrian flashers in which no votes or action was taken.

Councilor Wilder Cross asked if the Town could look at additionally maintaining the area between Gorham High School and the Middle School to which Mr. Burns said – yes.

Mr. Burns distributed hardcopies of an email from Gorham School Department Transportation Director Norm Justice reflecting a map of the estimated busing and walking program, and said that he will correspond with Mr. Justice and add/subtract sidewalks; he will need to get miles to calculate the estimated costs.

A brief discussion ensued between Councilor Hartwell and Mr. Burns in which Mr. Burns described last year's winter storm events and average inches of snow accumulation, and who should be responsible for clearing snow from sidewalks previously cleared by the Town or residents.

Town Manager Ephrem Paraschak recommended that the committee draft an ordinance now, not in early winter months.

Mr. Burns said that the additional miles of sidewalk will require more employee labor time and programming as it will take longer to get through the rotation.

Councilor Shepard said that if the Town is going to maintain all sidewalks, the time to complete the work will be longer. He would like to understand what the worst case scenario will be to maintain everything, not including subdivisions outside of walking distance to which Mr. Paraschak said that staff can bring back data.

Councilor Shepard said that the Town should maintain the areas where kids walk to and from school.

Councilor Wilder Cross said that we need to inform the public and School Superintendent of new responsibility.

Councilor Shepard said that we need to be clear that the homeowner is responsible for clearing sidewalks after the Town has plowed.

Mr. Burns referred to an old map reflecting sidewalks connected to a main road that is plowed and asked if the Town should be responsible for clearing that area to which Mr. Paraschak recommended using the walking buffer as a guide for the Town to clear.

A discussion ensued regarding the walkout area on the map provided by Mr. Burns in which Councilor Wilder Cross asked if the committee and staff should begin drafting an ordinance to which Mr. Paraschak said that the Town Council could approve a policy on sidewalks.

Mr. Burns noted that there are 23 miles of sidewalk in Town of which 10 are maintained. The additional sidewalk area that the committee recommends including will increase the number to 18 miles to be maintained by the Town.

Councilor Wilder Cross asked if a homeowner could challenge the ordinance to which Mr. Paraschak said that we are going to find a solution to a problem that doesn't exist now. He added that there is legal immunity for homeowners that shovel their sidewalk.

Councilor Shepard asked how to make a homeowner responsible for maintaining sidewalk to which Mr. Paraschak said that you pick a provision in another ordinance without a penalty. Mr.

Paraschak further said that the Town Council determines which sidewalks are essential for the Town to maintain.

Mr. Paraschak said that if there is any desire to make a stand-alone ordinance or add a provision, it could be added in the streets and sidewalks ordinance that the homeowner is responsible for winter maintenance. He added that staff can prepare draft language or a provision making it clear what areas are essential, as well as bring back a list of cost for additional linear miles.

The committee discussed and agreed that the proposed language should align with the start of the new school year.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell, and VOTED that staff draft language or a provision, as well as a list of costs and bring back the information for review at the next Ordinance Committee meeting. Unanimous vote.

- C. Review the feasibility of adding requirements to the Land Use & Development Code that would require phased buildouts of subdivisions and report back to the Town Council with a recommendation (referred by the Town Council on April 6, 2021).

Director of Community Development Tom Poirier referred to the memo provided. A brief discussion ensued between Councilor Hartwell and Mr. Poirier regarding the growth management law. Mr. Poirier noted a consultant confirmed that the phased buildout requirements would not trigger the growth management law.

A discussion ensued in which Council Chairman Pratt asked if a number below 50 lots should be phased and if the threshold should be based on a percentage, and Councilor Shepard asked at what point do you not phase development to which Mr. Poirier said that the requirements could go as low as 25 lots in a subdivision to be phased.

Mr. Poirier commented that a developer that doesn't normally do subdivisions and typically constructs roads would likely challenge the phased buildout requirement.

Town Planner Carol Eyerman commented that it is hard to know the financial construct of each developer to tailor the ordinance to them.

Councilor Hartwell asked if limiting buildouts to 25 lots per year would affect anything to which Mr. Poirier said – not really.

Mr. Paraschak asked if phased buildout requirements could affect the street acceptance process – is the Town extending the timeframe of heavy vehicles on a road to which Mr. Burns said that he hasn't seen effects on roads yet. Mr. Burns said that the Town could recommend a developer paying for an overlay. He said that when CMP put in a substation, the Town required that CMP pay for a shim and overlay on the impacted road.

Mr. Paraschak asked what the committee wants regarding infrastructure that may be needed for separate phases to which Councilor Hartwell said the developer should put in all infrastructure needed in the first phase.

Mr. Burns commented that a developer cannot build too large of a pump station before it is in full use as it will not work right.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Hartwell, and VOTED that staff update the proposed language to say “phasing will not prohibit construction of all infrastructure in right of way” and forward the recommended language for review by the Town Council at their next meeting. 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).
- B. Review and provide recommendations for amendments to applicable Town Ordinances to allow for Medical Marijuana Caregiver Retail Stores in the Town of Gorham pursuant to 22 M.R.S. § 2429-D (referred by Town Council on May 4, 2021).
- C. Review and prepare an amendment to the Land Use and Development Code requiring annual inspections of gravel pits to be conducted by a third party inspector and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).

Mr. Poirier said staff could draft something for review at the next meeting. He further said that the Department of Environmental Protection is looking at gravel pit rules.

Councilor Hartwell commented that the City of Sanford has an extensive mineral extraction policy.

- D. Review and prepare an amendment to the Land Use and Development Code to streamline the performance guarantee and site plans process as recommended by staff and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).
- E. Review and prepare an amendment to the Fire Suppression Systems Ordinance to allow for an exemption of residential dwellings under 400 square feet and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).

4. **Other Business**

Mr. Paraschak shared that future Ordinance Committee meetings could be recorded and alleviate the need for meeting minute transcription and free up staff time. Staff could still provide a transcript if the committee desired and the video would be uploaded to the website just as done with Town Council meetings.

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

The next meeting of the committee is scheduled for Tuesday, August 17, 2021 at 8:00 a.m. in Conference Room A. The following items will be discussed at the next meeting:

- A. Prepare an ordinance that would classify certain sidewalks for winter maintenance within the Town of Gorham as the responsibility of the abutting property owner, as well as classify those

which would be the responsibility of the Town of Gorham (referred by the Town Council on April 6, 2021).

- B. Review and prepare an amendment to the Land Use and Development Code requiring annual inspections of gravel pits to be conducted by a third-party inspector and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).
- C. Review and prepare an amendment to the Land Use and Development Code to streamline the performance guarantee and site plans process as recommended by staff and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).
- D. Review and prepare an amendment to the Fire Suppression Systems Ordinance to allow for an exemption of residential dwellings under 400 square-feet and refer the recommendation back to the Town Council (referred by the Town Council on July 6, 2021).

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

7. **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: 9:15am.

Respectfully submitted,  
Jessica R. Hughes, Executive Assistant