

## M I N U T E S

### TOWN OF GORHAM ORDINANCE COMMITTEE MEETING Meeting of November 16, 2021 – 8:00 a.m. Conference Room A

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

Also present: Town Manager, Ephrem Paraschak; Director of Community Development, Tom Poirier; Town Planner, Carol Eyerman; North Star Planning - Principle Planner/Owner, Ben Smith; North Star Planning - Planner, Keith McBride, and Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the October 19, 2021 meeting.**

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Wilder Cross, and VOTED to accept the minutes of the October 19, 2021 meeting. Unanimous vote.

2. **Current Business**

- A. Review and provide a recommendation for amendments to the Land Use and Development Code to allow for a refund of Zoning Board of Appeals application fees when a determination of a Code Enforcement Officer is overturned by the ZBA (referred by the Town Council on September 7, 2021).

Director of Community Development - Tom Poirier said that staff added a provision for the refund of appeals, and added an exception under Section 1, and language under the new Section 14 as requested at the last meeting, all of which changes Town Attorney Mark Bower has reviewed and agreed with.

Councilor Wilder Cross asked if there are legal fees involved for the Town on appeals to which Mr. Poirier said – yes.

A discussion ensued regarding the reimbursement of legal fees in which the Town Manager Ephrem Paraschak said that the Town does not refund any legal fees as written.

A motion was MADE Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to send the proposed amendments to the Land Use and Development Code to allow for a refund of Zoning Board of Appeals application fees when a determination of a Code Enforcement Officer is overturned by the ZBA to the Town Council for review and approval as written. Unanimous.

- B. Examine performance standards for multi-family housing to promote effective multi-family development in the Town of Gorham and recommend amendments to the Land Use and Development Code (referred by the Town Council on September 7, 2021)

Mr. Poirier said that staff are looking at writing an amendment, but the committee needs to decide if multi-family housing belongs in the rural district, and if so, staff can write the

amendment. If not, he said we could have performance standards for the suburban residential district.

Councilor Shepard asked if the Town currently allows multi-family housing in the rural district, and why would we not to which Mr Poirier said that the rural district is not really a growth district and he then described goals for growth districts.

Councilor Wilder Cross said that she would like to see more dense housing so that the Village grows, and she does not want to have sprawl like Westbrook on Rust Farm. She said she would be much happier with keeping growth in the Village as long as it looks good.

Mr. Paraschak said that the intent of this item was that we realized performance standards in rural areas are more restrictive. He asked if the committee wants to allow multi-family housing in rural districts, and if so, what kind of standards.

Mr. Poirier said that the multi-family housing performance standards in rural areas are so restrictive. He asked if the committee wants the current standards that are restrictive in two districts.

Councilor Hartwell asked what the timeline was for the Planning Board to which Mr. Poirier said that the anticipates the item taking three months at the Ordinance Committee level, then Town Council for referral to the Planning for their recommendation, so it would likely be in the spring/summer 2022.

A discussion ensued between Mr. Poirier and Councilor Wilder Cross regarding density in the suburban residential area.

Councilor Wilder Cross asked what protects single family homes in rural areas to which Mr. Poirier said performance standards with buffering.

Mr. Poirier said staff can amend all performance standards for multi-family performance standards.

Mr. Paraschak said that amending performance standards for multi-family housing in rural districts may attract the wrong attention rather than amending performance standards for multi-family housing all at one time.

Town Planner Carol Eyerman suggested focusing on a bus route and transportation. She said that we need density and ridership to pay for it.

Councilor Hartwell said that he is hesitant, and is trying to envision an alternative to sprawl. He said you could use farmland to get a number of units that may end up keeping more land working. He asked if there is the same land requirements for multi-family housing in the rural district versus the Village to which Mr. Poirier said – yes.

Mrs. Eyerman said it doesn't make sense to have performance standards in the rural district, and her recommendation is that the focus should be on the university, and along Route 25.

Mr. Poirier said that one benefit to keeping multi-family housing in the rural district is that Longfellow Road has water and sewer infrastructure that could be tapped into.

Northstar Planning Principal Planner - Ben Smith asked if the item before the committee was to determine where multi-family housing is appropriate in Gorham or how to apply performance standards to which Mr. Poirier said they need to determine where.

Councilor Hartwell said he would like to put people on notice now; he is not ready to take the multi-family housing option away.

Mrs. Eyerman said that in some cities, rural districts require clustered subdivisions.

Councilor Hartwell said he wants to make sure rural land is left economically viable.

Councilor Wilder Cross said she doesn't want to raise red flags.

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to table the item for further discussion at the next meeting. Unanimous vote.

- C. Review and provide a recommendation for amendments to the Land Use and Development Code to adopt the South Gorham Crossroads District as identified by the Town's Comprehensive Plan (referred by the Town)

Mr. Smith shared background on their work, and advised that the packet provided reflects an updated version with comments in the margins, and strike-through's, and references questions asked during the process. He noted that a goal of the comprehensive plan was to allow higher density in South Gorham. He further said that performance standards were largely taken from the Narragansett District. He said that to proceed, direction is needed from the committee to shape amendments.

Mr. Paraschak said that the Maine Turnpike Authority (MTA) will be present at tonight's Town Council workshop to discuss the turnpike coming to South Gorham, so the area could explode. He asked what the committee wants this area to look like and said that the Comprehensive Plan gives guidance. He asked if the committee wants to allow the ability to have a hotel/conference center in the area – if so, we need to have something in place within a year of the turnpike being built.

Councilor Shepard said he can see businesses wanting to put office buildings in South Gorham, which will cause the area to lose its rural look. He further said that the Route 22 corridor will be an area of big development, and he has no issues with Sections 5, 6, and 7 in the packet. He noted that the Town will lose a lot of opportunities if we say no to multi-family housing in rural areas/the South Gorham area.

Mr. Smith said there could be residential components to allowing multi-family housing. He noted that Rock Row has higher density, and the area under review is where the turnpike will connect.

Councilor Wilder Cross said the emphasis should be on performance standards that would shield buildings with shrubbery, and said she wants to see more affordable multi-family housing, and not more high rent/unaffordable housing.

Mr. Paraschak said we need more business, and keep buffers as wide as possible in the area.

Councilor Hartwell said we've tied amendments to the Comprehensive Plan, and the proposed amendments are good. He asked if performance standards would prohibit big box stores.

Mr. Smith said what he is hearing is that the committee is open to mixed-use projects with emphasis on performance standards to keep character and landscaping.

Mrs. Eyerman said we could create a "build-to" plan if we know where the turnpike is going.

Councilor Hartwell asked if we should lay out streets ahead of time.

Mr. Smith said that there is a provision in the draft provided that requires an overall master plan that would plan out infrastructure on lots over 10 acres.

Councilor Wilder Cross said she liked the block standards.

Mr. Smith said the committee could make the focus on true mixed-use design.

Regarding permitted uses - Section T, Councilor Hartwell said that a church in Colorado developed a mixed-use development with housing, athletic fields, and retail space.

Mrs. Eyerman said that special exceptions don't have any more uses under standards. She said she would advocate for getting rid of the special exceptions category completely, and alternatively have additional performance standards. She said the special exceptions would already be discussed under site plan review.

Mr. Smith said the only thing that the special exception category does it would have to go through further review, which is done under site plan review. He said the committee can get into the specifics at the next meeting.

Councilor Wilder Cross said she really likes the idea of a street plan.

Mr. Poirier said staff can bring back the last memo that references the Scarborough Downs development at the next meeting.

Mrs. Eyerman asked if the committee wants to omit off-street parking and have two different categories.

Mr. Poirier recommend revising the parking standards.

Councilor Hartwell said he would like to minimize parking standards.

Mrs. Eyerman suggested allowing more lot to be used for a building and on-street parking, 50/50 parking on/off street.

Mr. Poirier said we need to clearly define what the parking requirements will be with parking standards under Chapter 2.

Northstar Planner - Keith McBride said that Chapter will need to be a big consideration for parking requirements.

Mrs. Eyerman asked if the committee wants parking requirements as a waiver or an option to which Councilor Hartwell said it would depend on projects and the lengths of streets. He supports reducing parking requirements and allowing developers to make decisions.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to table the item for further discussion at the 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. 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).
- C. Review and propose amendments to the Land Use and Development Code for outside dining requirements and propose permanent changes that would reflect positive experiences promoting outdoor dining during the COVID-19 pandemic (referred by the Town Council on November 9, 2021).

4. **Other Business**

No other business items were discussed.

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

The next meeting of the committee is scheduled for Tuesday, December 21, 2021 at 8:00 a.m. in Conference Room A. The following items will be discussed at the next meeting:

- A. Examine performance standards for multi-family housing to promote effective multi-family development in the Town of Gorham and recommend amendments to the Land Use and Development Code (referred by the Town Council on September 7, 2021).
- B. Review and provide a recommendation for amendments to the Land Use and Development Code to adopt the South Gorham Crossroads District as identified by the Town's Comprehensive Plan (referred by the Town Council on September 7, 2021).
- C. 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).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Wilder Cross and SECONDED by Councilor Shepard and VOTED to adjourn. Time of adjournment: 9:22am.

Respectfully submitted,

Jessica Hughes, Executive Assistant and Carol Eyerman, Town Planner