

MINUTES
TOWN OF GORHAM
ORDINANCE COMMITTEE MEETING
Meeting of December 21, 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 November 16, 2021 meeting.**

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

2. **Current Business**

- A. 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).

Keith McBride, Planner at North Star Planning, reviewed the proposed performance standards.

Principle Planner and Owner of North Star Planning, Ben Smith, said that the proposed performance standards were written with the intent of being flexible with the uses, and to focus on sites and how they will work with streets – how projects will connect with other projects around them.

Director of Community Development, Tom Poirier, asked Mr. Smith to review how residential density was calculated to which Mr. Smith said they did not - they wanted to let each site meet codes and performance standards.

Councilor Hartwell asked if the Town should consider Form Based Code (FBC) to which Mr. Smith said that would be a very different approach with how it is administered; most text is taken up with the design approach, although it could be considered a FBC-hybrid.

Town Planner Carol Eyerman asked if the committee should look at dimensional standards. She noted that principle buildings have a maximum front setback. If the committee wanted to lean into more FBC, the performance standards could incorporate more maximum setbacks. She added another consideration of omitting maximum building heights.

Mr. Smith referred to the discussion had at the previous meeting regarding maximum building height – he recalled that the group wanted to cap building heights based on that discussion.

Town Manager Ephrem Paraschak said he was curious about lighting and that the language in the Land Use and Development Code seems overly restrictive. He asked if that was a place where FBC or other performance standards could be applied.

Regarding exterior lighting, Mrs. Eyerman said that because of the pandemic, many businesses have string lighting for outdoor dining. She suggested defining exterior defining in two different sections, and to use something to the effect of “doesn’t go off the lot lighting.”

Mr. Paraschak asked if the proposed lighting standard allows the Town to mimic aesthetic lighting seen in other municipalities.

Councilor Shepard is in support of the lighting standard being less restrictive, while enhancing properties.

Mrs. Eyerman asked about standards for streetscaping or if that would fall under master planning to which Mr. Smith said that streetscaping hasn’t been something that North Star Planning has proposed yet. He said if that is something that the committee wants to incorporate, now would be the time do it.

Councilor Wilder Cross said that she is very much in favor of setting up standards.

Mrs. Eyerman recommended adding bicycle racks.

Councilor Wilder Cross suggested adding charging stations.

Councilor Hartwell suggested incorporating parking spaces for food trucks.

Town Manager Ephrem Paraschak recommended adding definitions of charging stations. He referred to page four, section 3-A, and asked if that standard will conflict with road acceptances. Regarding section 4-A, he said that the Station Square development has parking in front of the building in the setback, not in the Right of Way (ROW). He asked if that was good or bad, and if we should encourage that or not to which Mr. Poirier said that we should encourage that.

Mrs. Eyerman said it makes sense on lower order streets, not on arterials or collector roads, so it depends on the roads.

Councilor Hartwell said that he received an email from Bob Lowell of the American Journal regarding the Wildlife Sanctuary, which hadn’t been discussed at the time of the last amendment to the Comprehensive Plan. He noted that the white zone on the proposed performance standards is in the South Gorham area, and he said that we should take some kind of approach to preserve the sanctuary.

Mr. Paraschak asked how to do that and not violate property owner rights to which Mr. Poirier said it was a request of the landowner to preserve that land. He noted that the landowner is a descendent of Robie, and that hunting is not allowed on that land.

Councilor Hartwell said he believes that the sanctuary statute was created in the 1950’s.

Mr. Poirier said that he thinks there will be some areas left available for wildlife since it is not buildable.

Councilor Hartwell said that the Maine Turnpike Authority (MTA) owns a large parcel.

Mr. Paraschak said that of the conversations had with the MTA included that the MTA will have to offset wetlands.

A brief discussion ensued in which the committee and staff discussed sewer infrastructure and density.

Mr. Paraschak asked if there was any downside to sending performance standards to the Town Council to refer to the Planning Board to which Mr. Poirier said – no, and that the Planning Board will have a long process.

Mr. Smith asked if the committee wants to create district-wide streetscaping standards to incorporate such things as bike racks or make changes in its ordinances.

Mr. Poirier recommends including a blanket standard.

Mrs. Eyerman is in favor of making standards available sooner rather than later.

Mr. Paraschak said that the performance standards should be as accommodating as possible. He added that realistically, the proposed performance standards will have a June adoption.

Mrs. Eyerman asked at what point should the committee talk about bus shelters, and referred to the City of Westbrook's planning of bus shelters.

Mr. Smith said that he has a sense that Westbrook included bus shelters in their master plan process, so this consideration could be written in. His assumption would be that part of planning would happen during the master plan process.

Mr. Paraschak said that the biggest hurdle will be the ability to dock a bus somewhere.

Mr. Poirier asked how do we get a bus section at the park-and-ride, then how do we tie in developments.

A brief discussion ensued regarding bus sections in other areas.

Mr. Poirier said that he is unsure how to plan for possible future bus service routes to which Councilor Wilder Cross recommended asking the Greater Portland METRO regarding how to plan for bus services. She asked how to plan for bike lanes.

A discussion ensued regarding developers and pedestrian sidewalks.

Mr. Paraschak said that the Town Council adopted road acceptance standards that has requirements of two points of connection.

Mr. Smith asked if the committee wanted a standard that would require a certain number of charging points per area to which Mr. Paraschak said that the technology is changing. He would be more interested in defining charging points.

Mr. Smith said that a standard for charging stations is something to consider, and that the conduit and infrastructure for charging stations could be installed.

Councilor Hartwell said he doesn't mind putting in the conduit, but he doesn't want to require charging stations.

A motion was MADE Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to send the proposed performance standards with requested changes as a working draft to the Town Council to refer to the Planning Board for their recommendation. 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 made an adjustment to the design standards in Chapter 2, and a new list under the urban residential zone.

Mrs. Eyerman suggested changing gross acreage.

A discussion ensued regarding streetscapes and the definition of street trees.

Mrs. Eyerman said she read something about street canopies and how they can psychologically create a "wall effect" or a pedestrian human scale environment. A consideration should be to plant some canopy trees where they will grow.

Councilor Shepard said he thinks that the proposed amendments look good.

Councilor Hartwell said they look fine to him.

A motion was MADE Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to send the proposed amendments to the performance standards to the Town Council as written for their review and consideration. Unanimous.

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).

Councilor Shepard asked where the committee left off with this item to which Councilor Wilder Cross wanted to see one more map to show the relation to kids walking to school.

A brief discussion ensued in which the committee asked the Town Manager to research and advise on the status.

Mr. Paraschak said he will need to estimate the cost to add on the additional sidewalks previously discussed.

A discussion ensued regarding the intent of the item referred to the committee, which was to consider recommending an ordinance that would require abutters to clear sidewalks.

Councilor Wilder Cross said that she still feels the Town should plow sidewalks when kids have to walk to school.

Councilor Hartwell said that when the Town pushes snow back for future storms, they should be clearing the sidewalk.

Councilor Shepard asked if we decided not to do anything with an ordinance. If so, we should go back to the Town Council to say we looked at the item.

Councilor Hartwell said that we should refer back two items to the Town Council with regard to this item, which will be to provide a list with the proposed additional sidewalks to plow, and the committee's recommendation not to propose an ordinance at this time that would require abutters to clear sidewalks.

A motion was MADE Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to send the proposed list of additional sidewalks for the Town to plow, as well as the committee's recommendation not to propose an ordinance at this time requiring abutters to clear snow from sidewalks to the Town Council. Unanimous.

- 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, January 18, 2021 at 8:00 a.m. in Conference Room A. The following items will be discussed at the next meeting:

- A. 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).

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: 9:38am.

Respectfully submitted,
Jessica Hughes, Executive Assistant