

MINUTES

TOWN OF GORHAM ORDINANCE COMMITTEE MEETING Meeting of January 18, 2022 – 8:00 a.m. Online via Zoom

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 December 21, 2021 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to accept the minutes of the December 21, 2021 meeting. Unanimous vote.

2. **Current Business**

- 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).

Town Planner Carol Eyerman referred to attachment A, which was a memo she wrote referencing the current outdoor dining policy. Mrs. Eyerman noted that she and staff added things that could allow businesses the flexibility to do almost anything with regard to outdoor dining, and there are 16 policy parameters. Staff ran into one thing that is currently not allowed in the ordinance, which is string lighting. Mrs. Eyerman said that string-lights are not Christmas lights, and that the ordinance says as long as they are not holiday lights, they could be left up temporarily, but had to be taken down.

Councilor Wilder Cross said that she has no problem with outdoor string-lighting like Sebago Brewing and Station Square. Regarding the policy parameters and public sidewalks, she asked if snow would make item 4 regarding the use of parking lots for outdoor dining difficult. She also asked if sectional fencing referenced under section 9 provides safety for diners.

Director of Community Development Tom Poirier said that the Town hasn't had any outdoor dining in any right of way (ROW) of any Town road. He added that if someone wanted to do outdoor dining on a public sidewalk, Public Works may have to review.

Council Chairman Pratt commented that he sponsored this item with the goal to make this the least restrictive ordinance that the Town has. For the barriers, he said that falls into the

business's own liability at that point, and that jersey barriers are a great way to protect outdoor diners. He said that it [string-lighting] should be kept simple, so that it is tasteful and unobtrusive. He further said that outdoor dining has been a great thing for local businesses, and he wants to make this ordinance permanent, but not so intrusive. He added that the way it is written is good, and the outdoor lighting is a key discussion point.

Councilor Shepard said that he has no objection to outdoor string-lighting. He added that lighting should not flash, and should be solid - on/off. As long as it is tasteful, Councilor Shepard supports the proposed amendments to allow string-lighting.

Councilor Hartwell commented that there is a huge difference in the type of light that is on the market; some LEDs can be as bright as the holiday decorations seen in Westbrook, which might be an issue.

Mr. Poirier said if the Town is going to proceed with allowing outdoor string lights permanently, we will need to nail down that outdoor string-lighting is allowed as part of outdoor dining, because other business types like a car dealer may want to have string lights running all over the place. He said that bigger bulbs seem to be an accent to other things, and that staff can look into the type of lighting. Regarding the barriers, if they are going serve alcohol, he said they may be required to have barriers, so that may take care of itself.

Councilor Hartwell commented that if a restaurant puts seating in a public ROW on a sidewalk, which is not being done at this point, that may be a place where we do not want lights.

A brief discussion ensued regarding the height of lights and barriers in which staff and the committee determined it was a non-issue.

Mr. Poirier said that staff will draft an actual ordinance that the committee can review next month that can be forwarded onto the council.

A motion was MADE Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to table the item for further review by the committee at the next meeting. 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).

Mr. Poirier said that the Planning Board has finished reviewing the Urban Residential (UR) expansion district. As proposed in the map provided, the next section will be the UR expansion district. He noted that this item has not been reviewed by the Ordinance Committee yet.

Councilor Hartwell asked if this area was different from the Village expansion zone to which Mr. Poirier said that the titles were synonymous.

A motion was MADE Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to review this item at the next meeting. Unanimous.

4. **Other Business**

A. General discussion regarding solar projects and land-use in Gorham.

Councilor Hartwell said that the Town does not have any specific ordinances for land owners regarding solar projects in Gorham. He commented that his family has an option agreement for a solar project that will be coming in for pre-application soon. He said that one thing that has popped up in the papers a couple times is the amount of good farm land that is being taken out of production by solar farms. He noted that the Town's Comprehensive Plan mentions the importance of agriculture, and a farmland classification map, which references the better farmland soils. He said that the media attention raises the question if there should be policies around siting these facilities, and not taking good land out of production. He is not sure what to do, but this is a thought.

Councilor Wilder Cross asked how somebody would judge what earth shouldn't be used for solar, and should only be used for agricultural reasons to which Councilor Hartwell said that U.S.D.A. soil maps provide the soil types, which the farmland classification map is based on.

Mrs. Eyerman said she remembered looking at the farmland classification map, and seeing that a lot of the already developed land in the village has a lot of that good soil. She believes the map is listed in the Comprehensive Plan appendix.

Councilor Hartwell added that the characteristics that make farmland good also make it most desirable for development. He commented that some farms are already competing for development, and some are now competing for subsidized solar projects.

Councilor Wilder Cross commented that she believes that sometimes good soil is scraped off land and brought somewhere else, because her own property had good soil and the builder scraped it off, and now there is an inch and a half of good soil remaining.

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

The next meeting of the committee is scheduled for Tuesday, February 15, 2022 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).

- B. 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).

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: 8:37am.

Respectfully submitted,
Jessica Hughes, Executive Assistant