

MINUTES
TOWN OF GORHAM
ORDINANCE COMMITTEE MEETING
Meeting of April 19, 2022 – 8:00 a.m.
Gorham Municipal Center, Conference Room A

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

Also present: Town Manager, Ephrem Paraschak; 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 February 15, 2022 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to accept the minutes of the February 15, 2022 meeting. Unanimous vote.

2. **Current Business**

- A. Review and recommend amendments to the Land Use and Development Code to adopt the South Gorham Corridor Commercial District as identified by the Town's Comprehensive Plan (referred by the Town Council on September 7, 2021).

Planner Keith McBride with North Star Planning (NSP) referred to "attachment A" provided and the changes made based on the committee's last discussion.

Regarding the overview and second bullet item, Councilor Wilder Cross asked if O'Donal's [Nursery] would be considered a landscape contractor to which Director of Community Development Tom Poirier said – no, and described other uses that qualify as landscape contractors. He said that the Town Council wanted small contractor yards in the rural zone, and this new district will not be rural.

Mr. McBride said that NSP mashed all allowed uses in the first draft with proposed amendments for the new district.

Regarding item iii on page six of attachment A, Councilor Wilder Cross asked to clarify what that provision meant. She asked if someone would have to use different materials to delineate the sidewalk from the drive to which Mr. McBride said that the design or material would need to be different as currently written, and the Planning Board could grant an exception.

Town Manager Ephrem Paraschak asked Town Planner Carol Eyerman and Mr. Poirier to give an example of a business that has 50 vehicle trips per day.

Mr. Poirier said maybe Cumberland Farms and Aroma Joe's.

Mrs. Eyerman said maybe Burger King.

NSP Principle Planner/Owner Ben Smith said daycares [would see 50+/- vehicle trips per day].

Councilor Hartwell asked how NSP defines small manufacturing to which Mr. Smith said that the Town of Gorham ordinance defines small manufacturing as small batched specialty products, and light industrial.

Councilor Hartwell said that he never opposed the opening of Harvey Performance, and that business was identified as light industrial.

Mr. Paraschak said he believes a big component of the definition is having operations being contained entirely inside, with outside operations not being allowed.

Mr. Poirier said that small manufacturing is defined as the fully-enclosed assembly of manufactured goods.

Mr. Smith commented that small manufacturing as defined was not the actual making of a product, but processing it as part of something – one step removed from raw materials.

Mr. Paraschak said that Hammond Lumber in Portland has outside storage to which Mr. Poirier said that would be considered large retail, because of the sales component.

Mr. McBride said that the committee could put in a light industrial provision that limits square footage.

Mrs. Eyerman said that Erin Flett's business could be considered as light industrial, because of the second floor operations.

Mr. Smith gave broad examples of light industrial uses.

Mrs. Eyerman said that it seems like we should have two separate industrial uses. She asked about the definition of home occupation in which light industrial use be part of, which applies a limit to a certain square footage.

Councilor Hartwell said that the committee had talked about larger businesses being further away from the road.

Mr. Poirier said that they had a conversation about not having a minimum road frontage for commercial uses.

Mr. Smith said road frontage requirements is something that the group still needs to figure out. He said that the attachment A does not specify frontage requirements for back lots, and incorporating that would allow space for development, which the committee is aiming for.

Regarding master planning, Mr. Paraschak asked what the cost would be for a developer to do that on a five-acre lot to which Mr. Poirier said \$5 to \$10,000.

Mr. Paraschak asked how many other towns have done this to which Mr. Smith replied that Portland and Falmouth have. Mr. Smith said that it added an incremental amount of additional work, and it helps shape things that staff will work with. He said that an alternative would be more prescriptive. He said his concern would be that the Town would get unintended consequences versus being more collaborative.

Mrs. Eyerman said that Rock Row is a good example of pre-planned lots.

Mr. Paraschak said that he doesn't see a Rock Row development coming to Gorham. He asked how we are going to get there and how quickly do we want to get there.

Councilor Shepard said that Rock Row was one property, and the Town of Gorham can't compete with that since we have 20 to 22 different properties.

Mr. Paraschak said he thinks we're [the committee is] on the right track.

Councilor Shepard said he thinks we'll see a lot of lots being sold by homeowners. He asked about camper/trailer sales in the proposed zone.

A discussion ensued regarding uses defined in the proposed district.

Mr. Poirier said that as currently written, trailer sales are not an allowed use in the proposed district.

Mr. Smith said that the opportunity for re-development is pretty real; there would be some consolidation of properties. He recommended a more collaborative approach based on property configuration.

Mr. Poirier said an unknown is what the turnpike spur will do to that corridor.

Councilor Wilder Cross said she would rather take a black and white approach to avoid arguments, and that leading into deciding if something is good or bad is a bad idea.

Mr. Smith said the flexibility would not be in the uses, and would instead be in the size and relation to the road and other buildings.

Mrs. Eyerman asked if motorhome sales is in any definition to which Mr. Poirier said that trailer sales could be defined under a used car lot.

Councilors Shepard and Wilder Cross said they see no problem with trailer/camper sales in the zone.

Mrs. Eyerman said that the corridor will open up speed.

Mr. Paraschak said if we allow an additional use in this district, we can change to accommodate fairly quickly.

Mr. Poirier said we need to agree on offsite sidewalks.

Regarding street frontage, Mr. Paraschak said that the minimum street frontage could be zero when sharing driveways.

Councilors Shepard and Hartwell agreed with Mr. Paraschak's suggestion.

Councilor Shepard asked how to ensure people use their shared driveway to which Mr. Poirier gave an example of zero road frontage requirements.

Regarding having buildings front roads, Mr. Smith said that the Town may need to see if that changes anything; there could be multiple lots using one driveway.

Mr. McBride said that the master planning approach would entail bike/pedestrian improvements on internal drives, as well as including on-street parking.

Mr. Poirier said we would just need to have an internal drive when allowing zero street frontage.

Mr. Paraschak said that the goal is to get this draft to the Town Council at the next meeting.

Mr. Poirier summarized that the committee wants to add camper/trailer sales. He said we'll need to work with NSP on bike/pedestrian master planning, and we'll need to tie in uses in relation to commercial/mixed-use, and any products that may have mixed-use.

Councilor Hartwell strongly recommended putting sidewalks in this zone.

Mrs. Eyerman said staff has a workshop idea on sidewalks and how to make ordinances more realistic.

Mr. Poirier said there should be a sidewalk system down Route 22/ 114 as part of the Town's plan for the corridor, and this aspect should be part of the conversation.

Councilor Hartwell recommended looking at how Saco used impact fees.

Mr. Poirier gave an example of Harvey Performance not having paying for the whole pavement of sidewalk and drainage installation; he said the Town always tries to have a partnership with businesses.

The committee agreed to modify existing road frontage requirements from 40 feet to zero feet.

Councilor Hartwell said we should add camper/trailer sales to the definition as allowed.

Councilor Shepard said that item b-i on page five should say “provide” instead of “prove.”

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to send the proposed amendments to the Land Use and Development Code to adopt the South Gorham Corridor Commercial District as identified by the Town’s Comprehensive Plan to the Town Council for review and consideration at their next meeting. Unanimous vote.

B. Review of recommended items from Comprehensive Plan Implementation Strategy.

Mr. Poirier said that the committee asked staff to provide recommendations on next items for comprehensive plan implementation.

A discussion ensued regarding low and high value, vernal pools, and limited impacts.

Mr. Poirier said that the Planning Board would have to get the word out regarding vernal pools.

Mrs. Eyerman said that we would need to have a scientist locate all vernal pools, and we would have to work with the DEP. She added that there have been a lot of development discussions and focus around vernal pools. She said there is an upcoming workshop on the subject of vernal pools that will be facilitated by two towns and a scientist – she said she would send the information to Mr. Paraschak to send to the Ordinance Committee members.

Councilor Hartwell said that the committee could take up the review of a vernal pool transfer program, pedestrian improvements, complete street standards, and create a mixed-use district for White Rock.

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to send the committee’s recommendations of comprehensive plan implementation items, including revising standards for curb cuts on arterials and designated collectors, the creation of a White Rock Mixed-Use District, exploring a vernal pool transfer program, and developing a long-term plan for pedestrian improvements, to the Town Council for consideration and referral back to the Ordinance Committee for future action. Unanimous vote.

Councilor Hartwell commented that the comprehensive plan did expand the zone from commercial into a parcel that his grandmother used to own, but the plan no longer includes the area. He would recommend drafting border boundaries in the future. He added that traditionally, comprehensive plans were more conceptual for future land use.

- C. Review Recreation Impact Fees and provide recommendations to the Town Council on expansion of eligible projects (referred by the Town Council on February 1, 2022).

Mr. Poirier said that he and Mr. Paraschak met with the Town attorney Alyssa Tibbetts to start drafting updates to impact fees. They are hopeful to have a draft available at the next meeting.

Mr. Paraschak said that they have to find out the formula for the calculation, which is why the process is taking more time and has been very difficult.

Mr. Poirier said that the Recreation Director has to update their list of all open fields.

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to table the item for further discussion at a future 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 referred to the map – attachment 3-A provided, and said that the Planning Board is moving forward with the urban expansion phase two.

Councilor Shepard and Mr. Poirier had a brief discussion regarding Lowell and Longfellow Road staying rural and not changing or being rezoned.

Mr. Poirier said the item should be on the June Planning Board meeting agenda, and should be on the July Town Council meeting agenda for adoption.

- B. Review the Fire Suppression Systems Ordinance to evaluate increasing the length of time between required third-party inspections for residential systems and to provide recommendations back to the Town Council (referred by the Town Council on April 5, 2022).

There was no discussion on this item.

4. **Other Business**

Mr. Paraschak said that the Town will need to look at LD 2003 [a bill to address the affordable housing crisis] and any implications.

Mr. Poirier said it shouldn't impact Gorham, and he explained the reasoning – he added that the bill will affect faster growing municipalities. He said he was unsure if there are growth caps.

Mrs. Eyerman said that a goal is to provide affordable housing.

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

The next meeting of the committee is scheduled for Tuesday, May 17, 2022 at 8:00 a.m. in Conference Room A. The following items will be discussed at the next meeting, with the second item being a tentative item for discussion depending on whether legal and staff have received back all information to prepare a draft with recommendations:

- A. Review the Fire Suppression Systems Ordinance to evaluate increasing the length of time between required third-party inspections for residential systems and to provide recommendations back to the Town Council (referred by the Town Council on April 5, 2022).
- B. Review Recreation Impact Fees and provide recommendations to the Town Council on expansion of eligible projects (referred by the Town Council on February 1, 2022).

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: 9:32am.

Respectfully submitted,
Jessica Hughes, Executive Assistant