

# MINUTES

## TOWN OF GORHAM ORDINANCE COMMITTEE MEETING Meeting of May 17, 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; Director of Community Development, Tom Poirier; Town Planner, Carol Eyerman; Fire Chief Ken Fickett, and Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the April 19, 2022 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to accept the minutes of the April 19, 2022 meeting. Unanimous vote.

2. **Current Business**

- 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).

Fire Chief Ken Fickett said the state requirements under titles 25 24.52 are to be done annually for antifreeze loops, which is alignment with the current ordinance. He added that the other type of inspection should be done periodically on the system, whereas the Town's ordinance requires all inspections to be done annually.

Regarding inspections conducted by the Gorham Fire department on buildings previously inspected by a third-party, Chief Fickett noted that issues are identified.

Town Manager Ephrem Paraschak said the NFPA [National Fire Protection Association] suggests a one-year inspection on antifreeze loops. He asked if the inspection is required to be performed by the Town or if a third-party can inspect to which Chief Fickett responded that inspections have to be done by a sprinkler contractor, and the Town can extend the frequency on required inspections.

Mr. Paraschak said it is a big hurdle for the Town to require sprinklers in homes. From a practical sense, he asked if the current three-year requirement could be extended to five years.

Chief Fickett said some systems could be inspected every five to 10 years before antifreeze needs to be replaced, and others will be diluted in less than five years. He commented that Gorham is the only town that requires and enforces inspections. He further said that

frequent/annual inspections help protect the Town since the Gorham Fire department will have records [of inspections].

Councilor Wilder Cross commented that she is in support of less restriction.

Mr. Paraschak asked what the Chief's recommendations were for any amendments to which Chief Fickett said he would recommend adjusting the requirement to be every four years to have a system inspected.

Councilor Hartwell said that the Town ordinance requires systems to be inspected when a home is sold.

Mr. Paraschak said he was comfortable with linking the antifreeze loop inspection with a whole system inspection every four years with a letter being issued to homeowners by the Fire department recommending NFPA standard.

A discussion ensued between Mr. Paraschak and Chief Fickett regarding liability and smoke detectors in which Mr. Paraschak said there were no required inspections except that a seller has to indicate that they're in working order.

Mr. Paraschak said in lieu of a prior inspection, Gorham Fire could still facilitate inspection certification classes as a public benefit. He asked if inspections could be required every five years.

Chief Fickett and Councilor Shepard had a brief discussion regarding mechanical systems failing.

A discussion regarding the importance of the certification course ensued.

Chief Fickett said that he agrees with homeowners performing annual inspections, and that a certified inspection should be required every four years.

Mr. Paraschak asked if the committee felt confident that a residential house not in compliance with the ordinance should be taken to court to which Councilors Shepard and Wilder Cross said – yes.

A consensus was reached through additional discussion in which the committee agreed that inspections should be done every five years with classes, and a waiver saying that homeowners agree with risks of not performing more periodic inspections.

Staff will bring a draft back at the next meeting with the adjustments discussed.

Regarding compliance and a two-hour fire wall with 1.5-hour fire-rated door, Mr. Paraschak asked what other municipalities require, and what the state requires.

Chief Fickett said he promotes those installments, and that he would provide the NFPA and IBC [International Building Code] requirements. He added that having staff available for system inspections is another factor.

A discussion ensued regarding fire barriers through fire-rated sheet rock and fire paint.

Chief Fickett commented that the ordinance and fire barriers were in place per the prior Fire Chief Lefebvre's management.

Mr. Paraschak said that the fire suppression systems ordinance can be a growth management tool. He commented that it can be hard to defend sometimes when Gorham is the only town with the requirements.

A discussion ensued in which Councilor Hartwell asked how many fires start in garages. When considering a 2,500 square foot home, he asked how much it would cost to require fire sheet rock to which Mr. Paraschak and Chief Fickett said – a minimal amount.

The committee agreed that the ordinance should be amended to say that inspections would be required for new construction up to five years; a waiver for homeowners would be added in the appendix of the ordinance; the amendment would be for one-to-two family homes, and inspections could be done voluntarily every year per the waiver.

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

- 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).

Director of Community Development Tom Poirier shared an update that Recreation Director Cindy Hazelton needs to sit with the Town's GIS person to map out the square feet of athletic fields, open space, and trails. He added that Town Attorney Alyssa Tibbetts has done her portion of the legal work. He anticipates having a draft for review at the next meeting. He also has a call into Rachelle Curran Apse of the Presumpscot Regional Land Trust. He further said that he will get a list of new items to add to Recreation Impact fees, and anything else the committee can think of can be added. He will email the list to the committee for review and input.

Councilor Hartwell said he had some concerns with the way the ordinance was written. He added that currently the language says fees can be used for recreation facilities and trails to protect, although it seemed like a hard fit to get a trail easement.

Mr. Poirier said the fees can't go for existing trails, only new - to which Councilor Hartwell asked what Councilor Suzie Phillips' intent was for sponsoring the item. He interpreted it as being to get an easement on existing trails.

Town Planner Carol Eyerman said if the easement is new, she's not sure if it would work out legally.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to table the item for further discussion at the next Ordinance Committee 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).

Mr. Poirier said that the Planning Board held a workshop last night - May 16<sup>th</sup> on the village expansion areas and the Planning Board will have a public hearing on the next phase in June. He said that Brackett Street and South Street are being re-zoned, along with a small section of the SR [Suburban Residential] district. He added that notices went out to all abutters, which included approximately 200 people, and the item should be on the July Town Council meeting agenda.

The committee agreed that this placeholder item language should be removed from the Ordinance Committee agenda since it was being managed and followed through by the Planning Board process.

- B. Review and propose amendments to the Land Use and Development Code that would provide for dwelling unit growth caps in the Town of Gorham while promoting development toward growth areas and away from the rural zones (referred by the Town Council on May 3, 2022).

Mr. Poirier said staff would start on building permit numbers and get the information to legal.

Councilor Hartwell said that staff could copy a lot from Yarmouth.

Mr. Poirier shared that legal said growth permits should have a time limit.

Mrs. Eyerman asked if the committee means for growth caps to be for single family homes or all residential; implementing a growth cap could create market affordability issues, so she wants the committee to be aware of that.

Councilor Hartwell said the intent is not to have the cap apply to designated growth areas, and to reduce sprawl.

Per Mr. Poirier, legal said there can be different caps for subdivisions and outside those areas; staff can have a draft ready by the next meeting.

4. **Other Business**

Councilor Hartwell said he would like to have an item on a future Town Council agenda to have legal explain the effects of LD 2003 by the deadline of April 30, 2023 to which Mr. Poirier said the item is on staff's radar.

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

The next meeting of the committee is scheduled for Tuesday, June 21, 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 Recreation Impact Fees and provide recommendations to the Town Council on expansion of eligible projects (referred by the Town Council on February 1, 2022).
- B. Review and propose amendments to the Land Use and Development Code that would provide for dwelling unit growth caps in the Town of Gorham while promoting development toward growth areas and away from the rural zones (referred by the Town Council on May 3, 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: 9:12am.

Respectfully submitted,  
Jessica Hughes, Executive Assistant