

MINUTES

TOWN OF GORHAM

ORDINANCE COMMITTEE MEETING

Meeting of September 20, 2022 – 8:00 a.m.

Gorham Municipal Center, Conference Room A

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

Also present: Town Manager, Ephrem Paraschak; Director of Community Development, Tom Poirier (remotely via Zoom); Town Planner, Carol Eyerman, and Executive Assistant, Jessica Hughes.

1. **Consideration of the minutes of the August 16, 2022 meeting.**

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to accept the minutes of the August 16, 2022 meeting. Unanimous vote.

2. **Current Business**

- 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).

Director of Community Development Tom Poirier reviewed the amended language in the attachment A that was discussed at the committee's last meeting.

Regarding the effective dates of the ordinance, Councilor Hartwell said the language must reference the applicable Maine Revised Statutes to make the ordinance retroactive. He asked if the committee should revise and refer to the amendments to which Mr. Poirier recommended listing the effective dates for the new ordinance to supercede the old ordinance.

Councilor Hartwell said that he sees no reason to make the ordinance retroactive.

Councilor Shepard asked where the point belongs in the second paragraph within section B of the attachment.

After a brief discussion, the committee agreed to leave the second paragraph within section B as-is.

Councilor Hartwell asked what the 911-acre community open space referenced in the attachment consisted of to which Mr. Poirier said it was any town-owned property that is conserved. Mr. Poirier added that it could include a clustered subdivision and Presumpscot Regional Land Trust-area, which he said was the reason why that acreage number increased.

Town Planner Carol Eyerman recommended that the word “which” in section D-4 should be switched to the word “where.”

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to make the recommended change that Mrs. Eyerman noted. Unanimous vote.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to send the amended ordinance to the Town Council. Unanimous vote.

- B. Create a White Rock Mixed-District consistent with the Town’s Comprehensive Plan (referred by the Town Council on August 2, 2022).

Mr. Poirier referred to the attachment B provided, which included language from the Comprehensive Plan regarding the vision for the mixed-use district and a draft copy of a proposed White Rock Mixed-Use district for the committee’s review. He noted that development standards should be tied to density.

Councilor Shepard asked where the closest public water stops up in the area to which Mr. Poirier said in the gravel section up by Wescott and Barstow Road.

Councilor Hartwell commented that the draft language referencing drive-thru services under Section 1-B, 14 is inconsistent with the Comprehensive Plan.

Mr. Poirier said that staff could add the definition for drive-through services for financial institutions.

Councilor Hartwell recommended striking that language as he doesn’t see how drive-through uses fit in the area.

A brief discussion ensued regarding drive-through uses in the area.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to strike Section 1-B, 14 from the proposed language. Unanimous vote.

A discussion ensued between Councilor Shepard and Mr. Poirier regarding the maximum building height in which Mr. Poirier confirmed that it was 40 feet or three stories.

Regarding parcel number 91-16’s boundary, Councilor Hartwell said it would make sense to extend the northerly line to the cemetery. He asked if it was possible to have a parcel fall under two different zones to which Mr. Poirier said - yes, but staff try to avoid that.

A discussed ensued between Councilor Hartwell and Mr. Poirier regarding boundary lines.

Town Manager Ephrem Paraschak asked how much flexibility there is with expanding the map under the Comprehensive Plan to which Mr. Poirier said there is latitude available.

Mrs. Eyerman commented that if it makes sense at the time, you could do that.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to include the portion above parcel number 91-16 in the district.

A discussion ensued regarding the triangle above the parcel number 89-14 in which Councilor Hartwell recommended including that section in the district as well.

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to include the triangle above parcel number 89-14 in the district.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Shepard, and VOTED to send the proposed district and language to the Town Council as amended. Unanimous vote.

- C. Develop a long-term plan for pedestrian improvements consistent with the Town's Comprehensive Plan (referred by the Town Council on August 2, 2022).

Mrs. Eyerman said that staff did a review of the Comprehensive Plans and several other plans that the Town has in place already; she said that a plan already exists in the Gorham Village for pedestrian and bike access, and they are listed within the attachment, as well as online. To do a long-term plan, she recommended packaging all plans so that they are readable as one document. She recommended identifying gaps in the pedestrian and bike networks, and put those on a map. She further recommended addressing issues in the ordinances that the Planning Board is using to direct developers to add sidewalks and bike networks. She commented that there are a sporadic bunch of ordinances that are in multiple places, so she added those references in the attachment provided so the committee can see what that looks like.

Mrs. Eyerman said that developers are not following the language throughout the ordinances unless she specifically tells them where the language is referenced in different places. She said that staff can continue that process, or the language can be repackaged into one section and put it into the Streets and Ways ordinance, as well as added into the figures that the Town has for people to follow.

Mrs. Eyerman said that staff also recommends that the Town adopt a Complete Streets ordinance.

Councilor Hartwell voiced his support of consolidating ordinances. Regarding Complete Streets, he said that he overheard at one point that the Maine DOT [Department of Transportation/MDOT] was willing to work with towns to help them adopt a Complete Streets ordinance to slow traffic down to which Mrs. Eyerman said that MDOT has adopted their own Complete Streets ordinance, so she has begun to draft one for the Town of Gorham based on MDOT's version, and tailored it to fit the Town's language and needs.

Mrs. Eyerman said that MDOT has created a policy internally that varies from how the language has been written for decades, and the intent was to partner with towns to help them re-engage their villages, including slow down traffic. She said the MDOT has gone through a policy change, and the Town has taken advantage of the MDOT's village partnership initiative.

Mr. Poirier said that the Complete Streets policy is important, but identifying the map is more important. He said that when the Planning Board goes through a site plan or subdivision review, the question that inevitably comes up is "is that where we want sidewalks to be extended to."

Especially in the rural districts, he said what we are trying to do is identify a map that we want to be adopted by the Town Council that would advise developments when they come in that would serve to specifically 1.) advise the Planning Board of those areas that we need to build sidewalks and close loops, and 2.) call out those areas that we don't need to build sidewalks, so that it is clear to everybody involved when a sidewalk is required and when it is not. Those conversations take time and the person that is developing doesn't want to do sidewalks, which then involves back and forth at the Planning Board about when sidewalks are required and when they're not. He added that a map would take out all of the guessing game, and it would ensure when projects come in that an area that needs to have a sidewalk will have one. He suggested that he work with Mrs. Eyerman to prepare a draft map that staff will send to the committee when it is done that will reflect the obvious loops that staff believe should be done for sidewalks, and then the committee can have a discussion about whether to add a sidewalk or not. He added that the Complete Streets policy can be prepared by staff, too, but staff are attempting to compartmentalize the process so the preparation and work are more manageable.

Mrs. Eyerman referred to the map provided with the attachment, and said that it directly and visually tells the reader what the language is in the ordinance. She said that the ordinance currently says where someone is going to put sidewalks in every single growth area, which includes North Gorham and the most western part of Gorham. She said that when she tells developers that they're going to put sidewalks out there, because that was what the ordinance says – developers, as well as Planning Board members and staff are usually in disbelief. She added that the light blue spots on the map reflect where the ordinance is currently requiring sidewalks.

Mr. Paraschak commented that the map does more than just put the ordinance on paper; he said it gives the reader the visualization that, for the most part, sidewalks are required in growth areas and in the village. He said there are the outliers occasionally here and there, which we need to take care of, but our network is expanding within the urban area. He added that the other component to this is that will affect the Town a little bit is the adoption of a Complete Streets policy. He said that many municipalities do not want to have to conform to the PACTS policy, which is separate from the DOT policy and is more restrictive and detailed. He noted that a lot of towns have adopted their own Complete Streets policy separate from MDOT and PACTS.

Mrs. Eyerman said that the map provided only reflects the sidewalks network, but another map could be prepared for bike paths, because part of the language in the ordinance said that if it is connected to a trail network, a pedestrian way needs to be added. She asked the committee to consider whether they want a sidewalk from the Cross Town trail or a multi-use path network.

Councilor Hartwell said that there should be at least two different categories for trails, because we have a trail as an alternative way of connecting things such as the Mountain Division trail, and then we have these other trails that have their own loop that maximizes distance, but doesn't actually go anywhere.

A brief discussion ensued regarding adding additional overlays on the map to reflect other connections.

Tom asked if the committee approved of staff drafting a map that would reflect the areas that should have sidewalks with the Public Works GIS Coordinator, Ethan Moskowitz, and staff can also start working on a separate map that shows all mobility trails and recreation trails.

Mrs. Eyerman recommended staff focusing on the pedestrian network and map overlay first.

A brief discussion ensued regarding the legend and items reflected on the map provided.

Mr. Paraschak said that he believed the conversation on this matter was originally based on two components – one from the maintenance and long-term care of the sidewalk infrastructure, and the other from a business component for businesses that have to pay to connect a sidewalk that may not even reach their business. He said the committee could look at long-term strategy and determine if it make sense to have sidewalks in specific areas.

Mrs. Eyerman said there are multiple facets to look at in terms of walkability, but generally speaking – people are not going to walk more than a half mile. She said one of the first things she did in Gorham was create a walkability map from the village square since that was where a lot of density is, but not all.

Mr. Paraschak commented that the other component to sidewalks is who is paying for them, and maybe it makes sense to have developers pay for certain sections of road, but it may be hard to pass along the cost for sidewalks for other sections of road. Another consideration is whether the Town will regret not requiring a residential or commercial developer to install a sidewalk in 20 years from now.

Councilor Hartwell would like to look into where we often require developers to connect to existing sidewalks. He knows that they usually don't want to pay for sidewalks for land beyond where they are developing, and believes that there are some communities that have taken more of an impact fee approach, so the areas in between become the town's responsibility. He said he would be interested in knowing more about that.

Mrs. Eyerman said that she has been talking with Mr. Poirier about a transportation plan that would include all modes of transportation including, but not limited to pedestrian, bicycles, etc. and how to build a network using an impact fee.

Mr. Poirier said we are kind of using offsite requirements like a de facto impact fee. He referred to the Narragansett sidewalk project that is being constructed now, for which the state provided half of the funds, and the developer and Town split the rest. He added that without all three pockets of money, there would be no way that the sidewalk would be built.

A conversation ensued regarding sidewalk maintenance and build standards.

The committee discussed next steps and asked staff to prepare a larger, proposed overlay map, and work on the proposed amended ordinance language that will be repackaged as one section under the Streets and Ways ordinance.

Mr. Paraschak asked if made sense to have two separate ordinances or have a section in the Land Use and Development Code that is specifically for streets. He said our job is to help developers through the process, but we also need to provide ordinances that they can understand.

Mr. Poirier said he would need to think about the long-term process.

Mrs. Eyerman suggested accomplishing the committee's requests in two ordinances, because the Town needs to tell developers where the map is, and if it's going to be an overlay map, that will probably be in the zoning ordinance. She said that the design could then be in the Streets and Ways ordinance.

Mr. Poirier said that he foresees that staff will need to tweak the language in those zoning amendments that have sidewalks to refer to that map.

Councilor Hartwell asked if there was money in the budget for changing the way our codes and ordinances were accessible to the public to which Mr. Paraschak said - yes, and that staff just selected a vendor from the RFP process.

Councilor Hartwell commented that an advantage to be gained from the codification will be that there will be cross-references to the language via hyperlinks.

Councilor Wilder Cross asked about the section "a", at the bottom of page four as it read strangely to which Mr. Paraschak said that staff may totally gut most of the language.

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 committee's meeting next month. Unanimous vote.

3. **Items Referred by Town Council to Committee for Future Meetings/Action**

- A. Review revising standards for curb cuts on arterials and designated collectors, and exploring a vernal pool transfer program consistent with the Town's Comprehensive Plan (referred by the Town Council on August 2, 2022).

Mr. Poirier said that staff could take on these items and provide materials at the committee's next meeting.

4. **Other Business**

No items were discussed under this section.

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

The next meeting of the committee is scheduled for Tuesday, October 18, 2022 at 8:00 a.m. in Conference Room A. The following items will be discussed at the next meeting:

- A. Develop a long-term plan for pedestrian improvements consistent with the Town's Comprehensive Plan (referred by the Town Council on August 2, 2022).
- B. Review revising standards for curb cuts on arterials and designated collectors consistent with the Town's Comprehensive Plan (referred by the Town Council on August 2, 2022).
- C. Explore a vernal pool transfer program consistent with the Town's Comprehensive Plan (referred by the Town Council on August 2, 2022).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Shepard and SECONDED by Councilor Wilder Cross and VOTED to adjourn. Time of adjournment: 9:15am.

Respectfully submitted,
Jessica Hughes, Executive Assistant