

M I N U T E S
TOWN OF GORHAM
ORDINANCE COMMITTEE MEETING
Meeting of September 18, 2023 – 8:30 a.m.
Gorham Municipal Center, Community Development Office

Present: Councilors Ronald Shepard, Seven Siegel, Virginia Wilder Cross – Chairperson

Also present: Town Manager Ephrem Paraschak; Town Planner Carol Eyerman; Assistant Town Planner Damon Yakovleff; Director of Community Development Tom Poirier; Fire Chief Kenny Fickett; Assistant Town Clerk Kimberly Getchell

1. Consideration of the minutes of the August 21, 2023 meeting

A motion was MADE by Councilor Shepard, SECONDED by Councilor Wilder Cross, and VOTED to accept the minutes of the August 21, 2023 meeting. Unanimous vote.

2. Current Business

- A. Review revising parking ordinances and forward any recommendations to the Town Council for Consideration (referred by Ordinance Committee on January 17, 2023).

Director Poirier began explaining the waiver provisions to the parking standards. The Staff recommended that there will be (a), legal on-street parking located within 1,000ft of a non-residential or mix-use development if it meets some or all of the demand and that it is safe and convenient, and (b), that there be Publicly supplied off-street parking within 1,000ft of a non-residential or mixed-use development and the Board or Committee deems it will be pedestrian and vehicular safe, convenient and able to meet some or all of the parking demand. With regard to item (d), Reuse or redevelopment of a parcel in a mixed-use district, the Board or Committee determines that the new use will not significantly increase the demand for parking compared to the former use.

There has also been discussion about parking maximums and minimums in the Village Center or Urban Commercial District, Director Poirier said he doesn't recommend this, that a waiver should be allowed. This would allow for a 30% reduction in off-street parking requirements as long as it doesn't increase congestion on adjacent streets.

The staff also proposed Parking Held in Reserve. A development would be approved for a larger lot but build fewer parking spaces until more parking is needed. This unused portion is set aside for a later date.

Councilor Wilder Cross stated that she thought these ideas were good.

Councilor Siegel wanted a maximum limit so there isn't too much parking

Planner Eyerman stated it was like Walmart; they always want a minimum amount of spaces regardless of the location

Town Manager Paraschak asked the group, how many lots in the last (30) thirty years have been put in but not used? The group agreed that it was mostly old businesses.

Planner Eyerman brought up Summit Church. They have a lot of spaces but part of the lawn is in

reserve parking. They hold lots of events there so the property is used more often.

Director Poirier said they couldn't make the leap to a big box store. They will build if they want to. They are limited to a certain amount of impervious surface so within that they will build how they see fit. He also stated he thought there were more issues with maximums on parking, the Town then becomes the bad guy because it's turning businesses away because there isn't enough parking.

Councilor Shepard wanted to know what would stop businesses from having people park on the lawn?

Assist. Planner Yakovleff stated they could do that and it would be acceptable as long as there were erosion controls.

Manager Paraschak asked if the Planning Board had talked about Illegal on-street parking?

Planner Eyerman said that no one has asked for it – it is easier to do on-site. She would have to check to see if designated parking is available for businesses.

Manager Paraschak commented that it will be interesting to see the results of angle parking at GHOP. Should the committee look at approvals or pay to park?

Director Poirier stated there wasn't an ordinance for pay to park.

It was also asked if the High School and Colleges should be separated?

Manager Paraschak asked if there were any particular businesses that would have the largest amount of push-back? The group consensus was daycares.

Planner Eyerman stated that daycares could get by with a drive-thru area and a few parking spaces. Director Poirier said that sometimes daycares have family events such as a graduation and they need parking for each child and relatives, etcetera. Planner Eyerman agreed and said that it also depends on the location of the daycare. Some have really good parking as well as on-street and some do not.

Manager Paraschak asked if they should look at the elementary schools? The school model has changed with regard to drop-off and pick-up

Councilor Siegel said he opted for a drive through scenario. He hated to accommodate for a yearly event when that much parking isn't needed on a daily basis.

Director Poirier posed the question; what's reasonable and safe?

Manager Paraschak asked if he ran a small business could he get a waiver without the cost of hiring a traffic engineer? Planner Eyerman replied yes. Those that own businesses in multiple locations know how much parking they need and can show this. A new business however, really doesn't know and it is a fine line between helping them and guiding them.

Councilor Shepard said he thought that we already hired someone to do just that. Manager Paraschak said they have the position but it hasn't come to fruition yet.

Director Poirier thought that the issue would lie with the larger businesses that would need to pay for engineering, such as a Market Basket. To which Manager Paraschak noted that Costco would use all parking.

Councilor Siegel asked for an explanation of a parking matrix. Director Poirier stated that certain spaces would be used for a business but when not in use could be shared by another business.

Planner Eyerman pointed out that the bowling alley has approximately (8) eight businesses and 33 housing units that share about (60) sixty spaces. The housing units do have some garage parking but the lot is not overly used.

The group discussed how this is a good situation because it is in the Village and there is also on-street parking available. Businesses such as Sebago need to have everything on their location. Maybe there needs to be a waiver provision for (2) two different situations.

Councilor Shepard wanted to know what would happen to the parking near GHOP if there were a new business within a 1000ft. The group discussed that it would be the same as with Amatos and MK Kitchen. The parking would be shared among those businesses within 1000ft.

Manager Paraschak posed the question, isn't it a good problem to have?

Planner Eyerman brought up that there isn't a way for people to find parking that isn't obvious. They can go on line but that takes preparation. Why couldn't people park in the municipal parking lot when it's not in use?

Councilor Shepard suggested people park at the Ace Hardware when it is closed. Planner Eyerman said it isn't public parking so people naturally don't park there.

Councilor Shepard also commented that there may be insurance issues with that as well.

Director Poirier asked if anyone wanted to make changes to page one of the memo regarding a 30% percent reduction in Village parking. Is this an adequate reduction?

Councilor Shepard pointed out that some businesses don't have any off-street parking and need on-street parking.

Manager Paraschak noted that there needs to be more public parking

Councilor Siegel thought it all made sense to him. Would staff be giving some guidance as to what makes sense for each business?

Director Poirier said that businesses must show what they need and they may apply for a waiver. Avesta Housing was brought up as a business who can detail their parking requirements.

Councilor Siegel wanted to know if they could use a different business as an example. Director Poirier replied yes. He also stated that the parking requirements include construction, off-loading docks and landscaping.

Councilor Wilder Cross made the suggestion that this topic be brought back for review. Director Poirier agreed.

Councilor Siegel asked if it includes bike parking spaces and Assist. Planner Yakovleff said yes it is in the plan.

Councilor Shepard MADE a motion to table until the next meeting, Councilor Wilder Cross SECONDED and VOTED to approve. Unanimous vote

- B. Discuss Aquifer Protection Zones, and send recommendations back to the Town Council (referred by the Town Council on March 7, 2023)

Director Poirier said that Bill from DEP told him this was more for high yield aquifers. It doesn't limit construction or building it is more about storage and drilling. He went on to say that the Robie Development does not affect any aquifers as it will be on public water. Things that

would really affect an aquifer would be things like oil spills and hazardous material storage.

Councilor Siegel asked what the staff was recommending

Manager Paraschak commented that it didn't seem like the DEP was all that concerned

Assist. Planner Yakovleff stated that both Scarborough and Cumberland have this in place

Director Poirier said he would bring the plan from Scarborough to the next meeting

Councilor Siegel MADE a motion to table until the next meeting, Councilor Shepard SECONDED and VOTED to approve. Unanimous vote.

- C. Review increasing the minimum square footage exemption for a fire suppression system from 400 to 800 square feet and report back to the Town Council with a recommendation (referred by the Town Council on March 7, 2023)

Director Poirier said this is an exemption to accessory dwellings. An accessory is defined as a separate building and the exemption would be for a dwelling under 800 square ft.

Councilor Shepard said he didn't have any issues

A discussion began about modular homes being exempt per state law and if that should be in the wording. Manager Paraschak said no because State Law pre-empts us.

Councilor Shepard MADE a motion to move to Town Council, Councilor Wilder Cross SECONDED and VOTED to approve. Unanimous vote.

- D. Explore a vernal pool transfer program consistent with Town's Comprehensive Plan (referred by the Town Council on August 2, 2022)

Director Poirier recommended that this be sent back to council or to put it on hold for at least a year. This would need executive direction or they could table it indefinitely. He stated he had looked at Topshams' program and the amount of land needed to pursue this is huge. He also thought the program was too rigid. He said we would need to get state approval for this, as it is not a number we can determine ourselves. It is not clear why the state has to determine this number.

Planner Eyerman said that setbacks on vernal pools were passed in the legislature. They determined 100 acres is the amount needed for animals to travel and they won't if construction is in the way.

Councilor Shepard MADE a motion not to develop a Vernal Pool Transfer Program, Councilor Siegel SECONDED and VOTED to approve. Unanimous vote.

- E. Review municipal ordinances that would restrict access of dogs on public athletic fields, and send recommendations back to the Town Council (referred by Town Council on June 6, 2023)

Director Poirier gave an overview of the changes. Essentially dogs can't be on any playing surface but can be someplace else in the facility. A person with a disability can have a dog. Cemeteries are already included in the ordinance.

Councilor Shepard asked if dogs should be eliminated from the entire facility.

Manager Paraschak suggested adding playgrounds.

Councilor Wilder Cross asked about public parks.

Director Poirier suggested the following; any municipally owned athletic field or playground or similar or like facilities.....He would consult the attorney about the wording.

Councilor Siegel said regarding dogs at large if it included voice control he was not on board. Councilor Shepard said that voice control and/or leash were in state law.

Director Poirier asked the committee if they wanted to add a fine amount? Manager Paraschak said there is already one in the ordinance.

Director Poirier suggested that it be \$150 for the first offense and double for each following offense per calendar year. He also suggested that there be a dangerous/nuisance dog fine.

Councilor Wilder Cross wanted to send this item to the Council for more specific fines and if it should be the whole facility or just the playing fields.

Councilor Shepard suggested \$350.00 - \$600.00 for nuisance dogs.

Councilor Wilder Cross wanted to include neighbor dogs.

Councilor Shepard MADE a motion to send to the Town Council for Review, SECONDED by Councilor Siegel and VOTED to approve. Unanimous vote.

3. **Items Referred for future Meetings/Action**

Councilor Wilder Cross stated they should talk about aquifers, parking, and review zoning and road standards at the next meeting,

Councilor Siegel thought they should review zoning in the Village area only, heights and setbacks.

Manager Paraschak posed the question: Could GHOP be built and approved today? The group agreed that no it would not be approved. He also wanted to know what the group likes about the village and what they want to change.

Director Poirier said that expanding the village model to other districts could be discussed.

Councilor Wilder Cross brought up that if the dance studio moves it could allow for mixed use, such as apartments.

The group then discussed heights of buildings and a lack of setbacks. The committee was okay with this scenario.

Councilor Wilder Cross stated that the next meeting would be Monday, October 16, 2023 at 8:30am in Conference Room A.

Meeting adjourned.

