

MINUTES
TOWN OF GORHAM
ORDINANCE COMMITTEE MEETING
Meeting of December 21, 2023- 8:30a.m.
Gorham Municipal Center, Conference Rm A

Present: Councilors Seven Siegel – Chair, Phillip Gagnon, Lou Simms.

Also Present: Director of Community Development Thomas Poirier; Town Planner Carolyn Eyerman; Assistant Town Planner Damon Yakovleff; one member of the public – Susan Robie, and Executive Assistant Jessica Hughes.

1. **Consideration of the minutes of the October 16, 2023 meeting**

A motion was MADE by Councilor Gagnon SECONDED by Councilor Simms and VOTED to approve. Unanimous vote.

2. **Current Business**

- A. Review zoning in the Gorham Village Districts to increase economic development (referred by the Town Council on February 7, 2023).

Director of Community Development Tom Poirier addressed the committee and explained that a lengthy memo was provided in their packet regarding this item. He said the memo identifies all the existing districts in the Gorham village area in the current zoning district and current performance standards, which includes the Gorham Village Center District, the Urban Commercial District, and the Office Residential District. He added the memo also explains what is in the Comprehensive Plan for each of these districts, as well as the Village Center District. He said the back page references the current zoning, which is above what we have for the Gorham Village Center District, Urban Commercial and Office Residential Districts.

Councilor Gagnon asked if Mr. Poirier could provide any information on what projects have been completed in the last decade that have subdivisions.

Town Planner Carolyn Eyerman said – yes, pages three and four on the supporting attachment reference the things only related to the village and these zoning districts, which included the recommended changes for the village future land use map.

Councilor Gagnon said he was looking for what projects have been completed by developers in these areas. He said that to determine the effectiveness of our ordinance, we have to see what's been put there, either in the last year, five years, or 10 years, and whether or not this has created growth. He said that since he's been on the council, he can only think of a few projects in these areas, but Planning staff would have access to all projects.

Mr. Poirier said that staff would have to get a comprehensive list. He asked if the criteria that Councilor Gagnon wanted was new builds.

A discussion ensued regarding different developments, including the condominium or housing development across from Cumberland Farms, Junction Bowl, and the Subway restaurant.

Councilor Gagnon asked if a list from staff would be possible so that the committee could look to see what changes could be made to the ordinance to stimulate more development or targeted development.

Mrs. Eyerman said that staff could prepare something. She added that the things that were implemented in 2021, '22, or '23 so we might need to wait a little bit to get results.

Councilor Siegel said that he has a ton of ideas, and he has emailed some of them to the group, and some of them are already kind of in motion. He said if we want to develop at the village center, one of the things we need to try to strive to do is continue with placemaking down there and create more places where people are going to want to congregate. He said just looking at the satellite imagery of it right now, he would like to see us find ways to have more a pedestrian-friendly focus. He said the tree-lighting event in Baxter Park was an awesome event and there were tons of people there, with a lot of people possibly able to walk from the surrounding area.

A brief discussion ensued with what to call the lawn and open space between Baxter Memorial Library and the Municipal Center.

Councilor Siegel said that the lawn is a place that he would love to see us focus on getting more activity down there. He said if we want to expand and increase economic development in the Gorham Village Center, we can also look at expanding the footprint of the village center incrementally, because a lot of it's like the parking lot around there and there's only so much we can do with parking lots. He said he think there's a lot of opportunities still and he would love to look at some ways to potentially try to expand some of the area where we can have this sort of mixed-use development that's going to encourage more pedestrian movement.

Councilor Gagnon asked how Councilor Siegel would expect that to happen.

Councilor Simms said that every time we say, "Gorham villages," he thinks different groupings get picked, so he wants for the committee to define where we're talking about at least for Town staff, so they have more clarity. He thinks the big question is also do we count urban expansion as part of the village? And then are we including Little Falls and the White Rock Mixed-Use? He said he wants to make sure that we clarify where we're talking about, then figure out how we can work within the rules of the Comprehensive Plan, figure out a way to increase specifically economic development; a lot of the area that we're talking about is either built up or zoned residential. He added if we can figure out ways to actually specifically increase economic development. He said when he knocked on doors in Park South, Samantha Drive and a little bit further down South Street, citizen feedback was that if we want to have a village, it's got to be more than just houses; the village has the other things that people can walk to where they can buy a loaf of bread or a cup of coffee.

Councilor Gagnon said each district is distinct and it has its own quasi-economy and that he likes Councilor Simms' idea. He asked how Councilor Simms would get people wanting to traverse to the center of town, because currently there is a lot of diversity, and he has said in the past, the lower village fields have activities like baseball or softball tournaments that get people there; activities that draw interest, while we don't not have activities that draw interest to the center of town.

Councilor Simms said he agrees 100% that we need more activities. He pointed out that the exception to that is the tree-lighting where hundreds of people attended. He said if we have events, people will come. He also suggested having a food truck more frequently and near the lawn outside of the library

as it would bring more dollars into existing businesses that write taxes, which is a long-term play. If we create a more walkable area, it becomes a more attractive area for developers to want to come build in, and then more development come over time, but as you know, the existing buildings that are there, maybe a new developer comes in and finds a way to creatively either improve the existing buildings that are down there or find some space to find some space to build new development as well. You can't have development if there's nothing there.

Councilor Simms asked what the committee envisions for the village center. Do we need to bump it out or move it; just changing one thing is not going to be conducive to rack development. He said one thing to look at is parking requirements - we don't necessarily want to have to surrender the limited space available to more parking spaces. He said he believes in the past that Town has talked about a municipal parking area, where he thinks there's sometimes parcels that have come up for sale. He said you could, theoretically, demo the building and make parking. He said he thinks there's one over by the corner of Water Street. While that is a corner lot, some of those are very deep in that building that's next to it where Party Time Rental is, which would be perfect. He said he understands that we have a historical district so we need to be careful where we're encroaching and how we adjust things.

Mr. Poirier said there are two things here: one is looking at bigger items for the committee to kind of digest regarding things outside the comp plan, and the second being how we move economic development and opportunities for this area. There are some easy Comp. Plan processes that are already identified that you could recommend changes on. One of them is if the committee looks at Preble Street, that's identified as Village Office to be rezoned. The committee can make a recommendation to the council to say that they recommend moving forward with that area to be rezoned as office residential, which the Council would then refer to the Planning Board. What that does is if those residential units turned over, there's the ability for them to be thought of more than just residential units. Maybe they have offices on the first floor, residential on the second floor.

Mr. Poirier said that by having more commercial uses, it would support the retail businesses in the downtown area.

Councilor Gagnon asked how having residential would increase our tax base to which Mr. Poirier said it allows for more commercial.

Mr. Poirier said the tax values depend on the type of development; if it's a commercial-use on the bottom floor and there's additional level residential on top, then you really get more property value per acre.

Councilor Simms said the more we can slow down traffic in the village center, it helps create a more walkable area, too; in knocking on a number of doors, people were complaining about the traffic going too fast. We could look at some additional stop signs.

19:14

Mr. Poirier referred the committee to look at the bottom map on Preble Street, the brown area, between the Gorham Village and the Urban Commercial District.

A discussion ensued regarding whether the committee members wanted to send small things piecemeal to the council since some of these items entail big revisions, which would allow some stuff to be changed as quick as possible or wait and make all the changes and send to the council at once.

Councilor Gagnon said he would like to wait.

Councilors Siegel and Simms said they would like to do a little bit at a time.

Mr. Poirier said that the committee should be aware that the longer it takes for an item to come from the committee and the bigger the package, the more goes to the planning board and the bigger the package they get, equating to more time for them to review. If it is going to take three or four months to get through it and you then refer it to the Planning Board, it's going to take three or four months for them to review through their process.

Councilor Siegel suggested starting with just sending the item for rezoning.

Mr. Poirier referred to the memo provided and explained that the district under consideration for rezoning is an occupation or profession, which is accessory to a residential use, and it's customarily carried in a dwelling unit or in a building or other structure accessory dwelling unit carried on by a member of the family residing dwelling unit, clearly incidental and secondary to the use of the dwelling unit for residential purposes. He said that he thinks there is an opportunity to just remove the clearly incidental and secondary to the use of the dwelling unit for residential purposes language. If we remove that portion, it will give an opportunity for still including home occupations. But they don't just have to be these incidental things, and this is where the hope is of attracting community-based businesses, whether it be a small cafe, tiny bakery, a co-working space, something that can fit within the footprint of the area, and still work within the constraints that we have around the Comprehensive Plan. It's still carried on by a member of family residing in the dwelling unit, and it's still a home occupation, it allows for that business to be there.

Councilor Siegel agreed with the suggested change and said that it would be an incremental change that the committee could move forward with that might not lead to a bunch of additional tax revenue overnight, but it would be an incrementally a positive change.

Councilor Gagnon how that would be different at the village center. He said the description allows for residential dwelling units, part of mixed-use development and what you're describing - if somebody converted their fairly large house into a mixed use, that's their home occupation on the first level, and their residential dwelling on the second floor as an example - it wouldn't be different than that opportunity.

Councilor Siegel asked what zones they were referring to, because he would like to include the Urban Residential Zone in this as well, because when we talk about the village, it really ends up becoming this area like this.

A discussion ensued regarding the coloring of the zones on the map provided.

Councilor Gagnon said that instead of saying urban residential, he would look at where the defined lines are on the map and try to see if it fits or who would benefit from it. Another consideration is if it is going to be a benefit to that area. I guess that's because you're talking about adding a bakery; say somebody has a sweet shop or something - they're still going to need the proper cooking and everything else, which means that they would be converting their house per se into a business, which would mean fire suppression equipment and sprinklers.

Mr. Poirier said that the goal here is to increase economic development and just by changing this definition slightly, it increases the opportunity for people to have home occupations, which makes sense.

Councilor Gagnon said he would want to see the areas zoomed in because he was confused, but he would want to see how many structures would be part of the rezoned area.

Mrs. Eyerman suggested changing the definition of home occupation instead, which is allowed everywhere and allow mixed-use development in that zoning district where it might not be allowed now to which Councilor Gagnon asked if that put us out of line with the Comp. Plan.

Mr. Poirier said you could have a different performance standard for home occupations in the urban residential district which could keep us in alignment with the comp plan.

A discussion ensued regarding the addition of another definition for community-based commercial activity or something along those lines.

Councilor Siegel said it sounds like one point is going to be developing a new set of performance standards. He said that the semicolon in the definition still gives him a little pause, because it really limits stuff. For point two, he recommended creating a list of community uses, which still gets the Town within what the comp plan says for allowable uses. He added that the old barrels greenhouse property might have an HOA still today and every subdivision. He expressed his dislike of HOAs.

A discussion ensued regarding HOAs and the allowance of home occupations in which Mr. Poirier recommended working on what the committee can change, because the Town cannot enforce HOAs.

Mr. Poirier suggested an easy tweak to the language would be in numerous events, you increase the level of percentage allowed rather than district.

Mr. Poirier said staff could look at the uses and bring back recommendations. He added that parking would also have to be considered, because if your business is drawing multiple people and you have a single use driveway that only houses two cars, it's not going work.

A motion was MADE by Councilor Siegel, SECONDED by Councilor Simms and VOTED to direct staff to review the home occupation performance standards and community-use definitions. Unanimous vote.

Councilor Siegel said something he would love to see in these areas that could increase economic development would be a reduction of the setbacks or changing of the setbacks to a maximum.

A discussion ensued regarding HOA standards and governance in which Mr. Poirier said that the Town can more restrictive, we just can't be less restrictive. He said HOAs are a complex entity of rules - sometimes they enforce them, sometimes they don't, but if we've got a permit application before us that says X setback, we're going to that; we're not going to need to wait.

Mr. Poirier said he understands that the committee was to look at zero setbacks or no setback, which is another item that staff would get. He said the easiest way is to first look at the existing zoning districts for the village in the urban commercial, and then see if we can expand that a little bit. but how we do that, and we can bring back to work Patient setbacks?

Councilor Gagnon said he doesn't want front setbacks to be adjusted.

Councilor Siegel said the only one he cares about is front setbacks. He said anytime he looks at a place and thinks, "wow this place is cute and nice," it's because the setbacks are zero.

A discussion ensued in which Mr. Poirier asked how committee feels about the areas of town that we have zero setbacks, such as in the square, or or where there is an established definitive setback like along Main Street; there's a lot of those older structures that are lined up in a row, for the most part. Does the committee want to utilize that as a setback or do you want to allow flexibility in front of them.

A brief discussion ensued regarding the setback used in front of Walgreens, and the setback in front of John Smith's property across the road.

A discussion ensued in which Councilor Siegel asked how we can incrementally expand the area where a building like GHOP is possible to be built. He said those types of buildings can make an impact on the bottom line since the profit margin for the town's revenues can help us; those are going to be a notable increase in the amount of property tax coming in for that acreage.

Mr. Poirier said he thinks staff got a good sense of where the committee wants them to look so they will bring back a recommendation regarding setbacks that the committee can look at.

Mrs. Eyerman said that the Comp. Plan is our leader and, in some cases, it talks about setbacks. So, we need to check in this general vicinity

Councilor Siegel recommended directing staff to look at encompassing urban residential, to look at setbacks, and height restrictions, because the other goal here is allowing for more building, so it allows for more property value to be built, which in turn allows for more property tax to generated from each lot.

Councilor Siegel said an example he keeps coming back to the Junction Bowl and buildings at Railroad Station where he believes it is higher than our height restriction in the contract zone, but it looks awesome, and it fits in perfectly. He said then there is the Village Mall that was built within the same restrictions and our current New England architectural characteristics.

A motion was MADE by Councilor Siegel, SECONDED by Councilor Simms and VOTED to direct staff to bring back recommendations on adjusting existing setbacks and height restrictions in the Urban Residential zone. Two yeas, one nay (Gagnon).

A discussion ensued in which Councilor Siegel asked what the difference was between form-based standards versus form-based code. He asked if staff could send information on the subject to which Mrs. Eyerman said – yes.

Mr. Poirier explained the difference between existing performance standards versus form-based code and Mrs. Eyerman further explained form-based code.

A motion was MADE by Councilor Siegel, SECONDED by Councilor Simms and VOTED to send an item to rezone Preble Street as Office Residential in alignment with the Comprehensive Plan, and to send to the Planning Board for their public hearing and comment. Two yeas, one nay (Gagnon).

A motion was MADE by Councilor Gagnon, SECONDED by Councilor Siegel, and VOTED to table the item pending staff input.

A motion was MADE by Councilor Gagnon, SECONDED by Councilor Simms, and VOTED to ask staff to bring back a list of new buildings that have been done, including commercial and residential properties in the Gorham Village District Center, Urban Commercial and Office Residential to also include what the taxable-value is for nonprofit and for profit entities. Unanimous.

A discussion ensued regarding how the list and information will demonstrate whether rezoning will help further economic development.

Mr. Poirier said the GHOP fire and renovations allowed a bigger space for an apartment over the business; he will look at the Comp. Plan and development since 2016.

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

Mr. Poirier said that this is a continuation and to bring the new members up to speed of where we are at. We've been working on this for several months. He said there are two parameters: off street parking and on street parking, and the committee previously reviewed on street parking and made recommended changes that have already gone forward to the council to make changes. The committee started to review the parking standard, so if you look at the August 15 memo, we looked taking our current standards for parking and removing them and going with standards as outlined in this memo. He further said this is a review of what the committee said last time, and this is what the new list of parking standard requirements would be, which has been provided for your review. The next step is to look at the design requirements for parking lots, as well as a waiver provision for the parking lot. In this memo, most of what has been provided to you is a lot of requirements regarding parking, which is kind of complicated, because it's not clear what we're talking when it says business district. He said he thinks there's a way that we can make it clear that if you're a commercial use, you meet these standards for your residential and you meet these requirements. If we want landscaping and landscape islands to break up parking lots, he thinks the committee can make recommendations on that piece. We do have a landscape architect that we can tap into to provide recommendations to the committee to hear some design standards that they typically see communities do for parking that we can kind of wrap in. On page three and four, the number eight is the reduction for parking waivers. When the development comes in for review, and the planning board is reviewing the development, and it says you don't meet the parking requirements, the applicant can ask for a waiver. That section is where the Planning Board goes down for the project and says you need one of these criteria, you can get a waiver.

Mr. Poirier asked if there is anything here that the committee has concerns with regarding waivers.

A discussion ensued regarding the areas that would fall under this requirement.

Mr. Poirier said a parking standard and the design requirements in our village are going to be totally different than a parking in our industrial district that's in a park. The amount of landscaping will be different than in both of those. We're figuring out how we better clarify those.

A lot of this here is to make it easier for businesses to not have as many costs, and also make it so that our downtown isn't just parking lots, avoiding the 302 feel.

Councilor Simms said the more parking requirements we have, the more cost we're adding to any potential development, the more space we're taking of land that could be used for higher value per acre. He said he would like to reduce the required additional parking first. And then turn it and make the Planning Board have to approve for more parking instead of instead of less parking. He said he thinks that here's a fair amount of parking and we can even try to be more creative with the parking that exists like the parking in the municipal lot here.

Councilor Simms further said he thinks this is going to be also very impactful when we're talking about these small businesses because they just don't have the lot sizes to build a parking lot.

Mr. Poirier said that the Planning Board would have two different standards for reducing parking; there would be one for the urban areas that the committee can identify that you want to add to this, and have this other standard for parking waivers, and then have a different parking waiver, if needed for industrial or larger commercial use suburban.

Mr. Poirier said that staff can move forward with drafting a waiver and reduce the parking minimums and just separations for the village or more urban development, which will serve as a checklist that the Planning Board will have to work through. He said staff can put the information together for the committee to react to.

Councilor Simms suggested looking at a distance to a public transit stop and any bike racks.

A discussion ensued regarding shared parking between businesses.

Mr. Poirier said that staff will provide a list of all the districts and the committee can identify which ones go because there's a lot of new districts.

Councilor Gagnon said he wants to look at the study and make a thoughtful decision before we just arbitrarily start picking areas that we want to apply; he also said he thinks the discussion is going to take up a longer portion of the committee meetings. He said he would also like to have a site visit and walk the area with Tom to see how Hannaford's parking is situated in relation to another lot – no need to rush.

A motion was MADE by Councilor Gagnon, SECONDED by Councilor Simms, and VOTED to table the item pending staff input.

- C. Examine performance standards for multi-family housing to promote effective multi-family development and recommend amendments to the Land Use & Development Code once LD 2003 is available from the Legislature (referred by the Town Council on June 7, 2022).

Councilor Gagnon recommended tabling this item to the next meeting, given there's no punitive measures and there's nothing in the pipeline to make us worry that we'd be taken to court anytime soon.

Mr. Poirier said that with the LD 2003 legislation, there were several items that came out of the state that municipalities had to react to, one of them was accessory dwelling units. This committee already addressed that to meet the state standards. We've done that, so the next thing that is required is in the last one, which is the affordable housing overlay district. In those growth areas where the Town has multi-family that allows for multi-family development, you need to allow for affordable housing to be that is two and a half times the base density of that district. There are certain performance standards,

you could add to it, but there are certain things that you can't. What staff is proposing is an overlay district to add some definitions about what is affordable housing, and then have an overlay overlay district. It talks about affordable housing developments having a density of two and a half times the base density – he cautioned the committee that all the development has to do is slightly more than half the dwelling units to be affordable, and then the density bonus kicks in; it doesn't need to be the entire development. There are some sections that we identified for waste disposal; we utilize the same language that we utilize as accessory dwelling units regarding potable water district and identified those septic systems as needing to meet the state requirements/ drinking water supply - the same thing; and then the long-term affordable. We can ensure that there'll be affordable units. If a for-profit developer comes in and then identifies they are going to make 51% of their units affordable, it would be very hard for the Town to enforce that without a requirement that identifies on the plan which units are affordable and which units are not; they'll be required to remain that way. To prevent that, staff added a set a standards in there that says when you go in for a subdivision of those units, you will make clear to us which ones are affordable, because what's going to happen is we're going to get a call from someone that their rent is not affordable, we'll go to the plan and then say, “are you in one of the affordable units - yes or no?” It will be very hard for us to track who is affordable and who's not.

Mr. Poirier explained that is staff's recommendation. He added that our hands are tied on this state law. The Town attorney has reviewed the proposed language and their changes are noted.

Councilor Gagnon asked if the Town can make any changes to which Mr. Poirier said maybe a little bit, but they're very, very limited.

Councilor Gagnon said he wants to take our time with this and make sure the map is reflective of where we want these developments. He said he all about focused developments and making the best decision we can.

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

- A. Review and update road standards in the Land Use & Development Code and report back to the Town Council with recommendations (referred by the Town Council on September 6, 2023).
- B. Work with staff to review and propose public utility impact fee(s) for the purposes of expanding water and sewer availability in the Town of Gorham where extensions are possible (referred by the Town Council on October 3, 2023).
- C. Review requirements pertaining to Accessory Dwelling Units in the Land Use & Development Code and provide recommendations for changes to the code that would encourage further utilization of accessory dwelling units where permitted (referred by the Town Council on November 14, 2023).
- D. Review the possibility of new school impact fees and report back to the Town Council with a recommendation (referred by the Town Council on November 14, 2023).
- E. Review the existing one-lot private way standards and research whether to continue with a one-lot private way standard or move to a backlot provision for single lot splits meeting specific standards (referred by the Town Council on November 14, 2023).

- F. Review and provide recommendations on an ordinance that would ban the sale of flavored tobacco and vaping products in the Town of Gorham (referred by the Town Council on November 14, 2023).
- G. Review and propose recommendations for a complete streets ordinance to promote better transportation systems and safer streets for pedestrians and bicyclists in the Town of Gorham (referred by the Town Council on November 14, 2023).
- H. Review and provide recommendations on an ordinance that would ban the sale of flavored tobacco and vaping products in the Town of Gorham (referred on December 5, 2023).
- I. Review and propose recommendations for a complete streets ordinance to promote better transportation systems and safer streets for pedestrians and bicyclists in the Town of Gorham (referred on December 5, 2023).
- J. Review the Town’s waste water ordinance to allow for private clustered waste water systems (referred on January 2, 2024).

4. **Other Business**

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

Councilor Wilder Cross stated she would like to talk about the parking ordinances, zoning in the Gorham Village, and affordable housing.

6. **Adjournment**

Councilor Shepard MADE and motion to adjourn, and Councilor Siege SECONDED and voted to approve. Unanimous vote.

Respectfully Submitted
Jessica Hughes