

**MINUTES
TOWN OF GORHAM
ORDINANCE COMMITTEE MEETING
Meeting of February 27, 2024 - 10:00a.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; Town Manager Ephrem Paraschak; Town Engineer Charles Norton; Assistant Town Clerk Kimberly Getchell

Audience: Ben Brooks from Nouria Energy; Susan Robie, Gorham; Daniel Nichols, Economic Development Corporation; Suzanne Phillips, Town Councilor.

1. **Consideration of the minutes of the January 25, 2024 meeting.**

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

2. **Current Business**

Item #2024-2-1 Review zoning in the Gorham Village Districts to increase economic development (referred by the Town Council on February 7, 2023)

Director Poirier began by saying that at the last meeting regarding Home Occupation Standards they discussed including more options for commercial uses in the Village Occupation area. He referred to page four (4) of attachment A, which outlined the additions. (A-D and D-1). He also pointed out that medical marijuana caregivers would not change, it is mandated by State Law.

Councilor Simms thought that this was a good beginning and that he wanted to highlight the language regarding small retail spaces. He said that he found that Me State Planning used the term “Neighborhood Scale”, how the business fits into the neighborhood. He went on to say that it would be easier to determine what they didn’t want in an area rather than what they did want.

Councilor Gagnon asked Director Poirier if this would allow for marijuana sales in a residential building?

Director Poirier replied that yes, the State says we must allow Medical Marijuana caregivers in home occupations. They can sell from their homes, and we can’t change that.

Councilor Gagnon asked if children were in the home would that matter, how does that work?

Director Poirier said yes, they can sell even if children are present in the home. There are limitations on how much they can grow. In Gorham you can't grow marijuana outside but can use a greenhouse or accessory building. (Section E page 3) There are also odor requirements. There are no limitations as far as distance from a school. This is different than growers who follow different guidelines. Right now, we are making changes to Home Occupation uses in the small dwelling overlay by increasing the size from 20% to 50% of the total floor area, instead of up to 2 people, the occupation can have up to 10 people and retail space up to 500 sq ft will be added.

Councilor Gagnon wanted to clarify that marijuana stores were not being added, they were always allowed. He also questioned laundromats as a Home Occupation. Laundromats are loud, they give off an odor and he was concerned with traffic and loitering. Who would enforce these changes?

Councilor Siegel pointed out that traffic is discussed under item seven (7) in attachment A.

Director Poirier stated that laundromats do not fall under section #11 for allowed uses. The guidelines would fall under the Codes Office to ensure compliance.

Councilor Gagnon said he wants to get ahead of issues, that he wants a hard line so there aren't a lot of complaints.

Planner Eyerman said that the neighborhood will monitor and make their feelings known.

Councilor Gagnon said he would like to be more conservative to start and pull back over time.

Councilor Siegel said that there are existing rules for Home Occupations that aren't new and aren't changing.

Councilor Gagnon pointed out that changes were being made and it needs to be done correctly, they need to listen to the neighbors.

Councilor Simms asked for suggestions. If they were to add to section 16 of attachment A what would E or F be to mitigate concerns?

Councilor Gagnon replied that neighborhood because that modifications were made to reduce impact to any neighborhood, because they were expanding the area.

A discussion ensued about the area not really expanding and that changes were being made to the existing home occupation standard to make it easier for small businesses to come into the area. This allows a little more flexibility within the overlay.

Councilor Gagon stated he thought the area was expanding.

Councilors Simms and Siegel both said no, it was an incremental change.

Councilor Gagnon said that if that was the case, he didn't have a problem.

Director Poirier said this would have to go to the Town Council then to the Planning Board.

A motion was MADE by Councilor Gagnon and SECONDED by Councilor Simms and VOTED to send to Town Council and Planning Board. Unanimous Vote. 3-0

Mrs Susan Robie asked if there were any time limits on businesses. (i.e. opening and closing)

Planner Eyerman said there were not any under Home Occupation.

Manager Paraschak stated that this could be something discussed by the Planning Board.

Item 2024-02-2

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)

Director Poirier stated that the Town Attorney was drafting an ordinance for them. Did the Committee want to view it when it was done or forgo that and send notices to businesses who are affected to voice their opinions and concerns?

Councilor Siegel said he didn't need to review it first that the language was going to be very similar to what other towns have drafted.

Ben Brooks from Nouria asked to speak. He said that he has had experience with bans on flavored tobacco in Massachusetts and New Hampshire. He attended this meeting to see where Gorham was in the process. He would like to work with the committee and give insight to consumers. He pointed out that bans by states were more effective than community bans. He found that consumers just went to the next town over to buy flavored tobacco and vaping products. He also felt that Rockland, ME had a more reasonable ban. Rockland banned all vaping products but kept menthol cigarettes. Nouria currently sells mostly menthol flavors not the fruity flavors. He went on to say he would like to meet with the Town Council to discuss this ban.

Councilor Siegel said he would like to have anyone who has comments or concerns voice those at the next meeting.

Councilor Gagnon said he has similar concerns about banning one item when we have others available to us (marijuana, alcohol) seems a bit hypocritical. The State

has allowed more access to other substances and then uses the money to create ads for addiction help/treatment.

Councilor Siegel asked Director Poirier if staff had everything they need to move forward, and he replied yes.

Item 2024-02-3

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

Director Poirier began by saying that currently only the Planning Board can grant waivers. This would expand that to the Site Plan Review Committee. He then referred to 8A through 8F on attachment C.

- a) Mixed use
- b) 200ft parking
- c) No change
- d) Small change
- e) Phased parking lots. The owner plans for a larger lot but only develops what is needed at the time. Can develop extra parking later if needed without a site plan or review.
- f) New language for Site Plan Committee

Councilor Siegel questioned the 200ft of on-street parking. He was considering 1350ft. which is ¼ mile.

Councilor Simms agreed, it could increase the potential opportunities.

Planner Eyerman stated that it had already been changed to 1350ft in another part of the Ordinance, so this would line up.

Councilor Gagnon wanted to know where people would park. What about buses? Would you be congesting the area?

Director Poirier stated that the ordinance allows for two things: On-street parking and two businesses sharing parking during off hours.

Councilor Gagnon wanted to know if a business wanted to expand could they if they had an area set aside for parking? How do we know what a business will need in the future?

Councilor Simms pointed out that we don't know the answer, it would be the market that would decide.

Planner Eyerman said that businesses that have experience with other locations use those as a model to determine parking needs. There is also a manual that they use to determine parking needs.

Councilor Gagnon said he thought this discourages people from going downtown during peak hours. USM has restricted parking by charging a per hour fee, so people are parking in town to use the bus line. The Town needs some sort of satellite parking or parking garage. He also stated he would like to see more or at least the beginnings of infrastructure in place before changes are made.

Councilor Siegel replied, saying Gorham doesn't have a parking problem, it has a walking problem based on the pedestrian study. At any given time, certain on-street spots are empty, such as Preble St.

Councilor Gagnon commented that it's the peak times that are an issue such as after events. He also said it wasn't right to cannibalize parking from larger businesses like Hannaford or Ace Hardware

Councilor Simms stated he would like to see more parking spaces.

Director Poirier said that we can't utilize any parking at a business without a written letter from the business itself. The Planning Board and Site Plan Review Committee can discuss waivers.

Councilor Gagnon said he didn't want this left up to the Planning Board, he doesn't feel they can be relied upon.

A motion was MADE by Councilor Siegel, SECONDED by Councilor Simms and VOTED to change the footage from 200ft to 1350ft. Motion passed 2-1.

A motion was MADE by Councilor Siegel, SECONDED by Councilor Simms, and VOTED to discuss at the next meeting. Motion passed 2-1

Director Poirier asked if he could take the agenda out of order and talk about Impact Fees next. The Committee agreed.

Item 2024-2-4

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 Town Council on October 3, 2023).

Director Poirier said this about paying for the cost of sewer lines and a pump station on Main Street. The Impact Fees are used to reimburse the Town and is based on a gallons per day rate. Northstar is working on the proposed fees and language. He then referred to the maps and said some changes were made on maps A and B but they were minor. He went on to say that this would need to go to the Planning Board.

Councilor Siegel stated that he didn't have any concerns.

A motion was MADE by Councilor Simms, SECONDED by Councilor Gagnon and VOTED to send to the Planning Board. Unanimous vote 3-0.

Item 2024-2-5

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).

Planner Eyerman said this is to simplify the process for customers. A road to a back lot is essentially a driveway. With the current standards the lot would need Planning Board approval, the plan must be recorded; it requires additional money and a performance guarantee. It is a long process and a lot of money for a single-family home. So, if it's changed to a back lot, with enough of a ROW (Right of Way), to create a single-family lot that doesn't necessarily have the frontage. The provision would be to create a separate ordinance, so that the customer would go to Code Enforcement for approval. It would be an easier, cheaper process.

Manager Paraschak stated that this would not be allowed in a subdivision. Planner Eyerman replied that was correct.

Councilor Siegel wanted to know if Chief Fickett had looked at this.

Manager Paraschak said that he would surmise that the Fire Department would always want the widest road possible for ease of access with an emergency vehicle. The "driveway" would have to be maintained for emergency apparatus.

Planner Eyerman suggested a 50ft. ROW with a 12ft driveway.

Director Poirier recommended a 50ft easement with a 12ft driveway.

Councilor Simms asked if this would apply to all zones, and what would the incentive be?

Planner Eyerman replied that it is quicker and cheaper.

Councilor Simms wanted clarification; would this be for a bigger lot?

Director Poirier said no that it didn't need to be a big lot.

Manager Paraschak stated that some exist in town and the lots are small.

Director Poirier said that in driving around town you may think you're seeing a driveway when it is really a 1-lot private way. It's the same standard but would be less time and expense.

Engineer Norton commented that a private way needs an engineer which is quite a process and costs lots of money.

Mrs. Robie commented that she had a driveway built 17 years ago for a single-family home on their land. It had been very costly back then.

Councilor Siegel said he thought that 50ft was too much.

Mrs. Robie stated that 20-25ft was all you needed.

Engineer Norton commented that the standard is the minimum width of the road plus 2 times the setback. Depending on the area this could be more than 50ft. Manager Paraschak asked about a 12ft driveway with ditching and utilities. Engineer Norton said that it depended on the location and the slope. The minimum could be as low as 25ft with associated ditching.

Councilor Gagnon wanted to know about future ownership. What if the easement is fine for the current resident but then one home is sold, and the new owners have snow or sand dumped on their property because the easement isn't large enough. He also stated he thought this was a safety issue.

Councilor Siegel asked Mr. Nichols to comment. Mr. Nichols said they have a property with a 750ft foot driveway, and it has been fine. The driveway is 10ft from the neighbor's driveway and 50ft to the home. It also has underground utilities.

A motion was MADE by Councilor Siegel and SECONDED by Councilor Simms and VOTED to send to the Planning Board. The vote passed 2-1.

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

- 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 purpose 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 Twon 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 the Town's wastewater ordinance to allow for private clustered wastewater systems (referred by the Town Council on January 2, 2024)

4. **Other business**

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

The group began a discussion about items for the next meeting. Private Ways, Impact Fees, Wastewater, Complete Streets and Accessory Dwellings.

The date/time for the next two meetings was decided: Tuesday, March 26, 2024 at 10am and Tuesday, April 23, 2024 at 10am.

A motion was MADE by Councilor Simms, SECONDED by Councilor Gagnon and VOTED to adjourn the meeting. Unanimous vote.

Respectfully submitted,
Kimberly Getchell, Assistant Town Clerk
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