

MINUTES
TOWN OF GORHAM
ORDINANCE COMMITTEE MEETING
Meeting of January 25, 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; and Assistant Town Clerk Kimberly Getchell

1. **Consideration of the minutes of the December 21, 2023 meeting.**

A motion was MADE by Councilor Siegel to amend the minutes to correct the motion to adjourn, SECONDED by Councilor Simms and VOTED to approve. Unanimous vote.

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

2. **Current Business**

- A. 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 if available from the Legislature (referred by the Town Council on June 7, 2022).

Councilor Gagnon began by saying that he would like to see adjustments to shrink the Density Bonus Zones. He wanted to take time to make decisions.

Director Poirier went to the map to show the areas being discussed, pointing out the yellow growth districts – currently zoned rural.

Councilor Siegel wanted to know how each area would be affected by the density bonus.

Director Poirier said based on the Comprehensive Plan it is 2 ½ a district base's density. These areas were identified in the Comprehensive Plan as growth areas.

Councilor Gagnon asked if the Comp. Plan was created before or after LD 2003. The answer was before. Councilor Gagnon thought that the Comp. Plan should be revisited to make adjustments that would complement LD 2003. He went on to say that it didn't make sense to create a density zone where there isn't any infrastructure (water-sewer-sidewalks-bussing)

Director Poirier said that even if we are revising the Comp. Plan the developer can still sue Gorham because we are out of compliance. He suggested the committee move forward then review the Comp. Plan, which will take time as it is a long process.

Councilor Gagnon stated that it didn't make sense that North Gorham, which is not developed, is in the proposed area. He stated that he thought the proposed area be shrunk so that the bus line could be utilized, and other infrastructure put in place.

Manager Paraschk asked if the growth area changed, do provisions also change? Director Poirier answered yes., but the Town is still at legal risk.

Councilor Simms wanted to clarify that LD 2003 excludes Rural Zones. Director Poirier stated that it's rural areas and areas that don't allow multi-family units.

Councilor Siegel stated he wasn't worried because he didn't think it would be widely utilized. The exception being Avesta whose model is affordability.

Director Poirier reminded the group that it didn't have to be just multi-family housing that the density just increases and some are more affordable. It could be single family homes.

A discussion began about the question and what it would mean in overall planning, and a discussion was held about possible increases in density. Councilor Gagnon thought this was a lot, Councilor Siegel disagreed. Both agreed the zoning should be changed to rein in the area. Zoning changes would have to go to the Town Council first (after reviewing the Comp. Plan), then to the Planning Board, with a hearing.

Director Poirier said that they could send it to the Town Council with revised areas. To this Councilor Seigel wanted to know when the Comprehensive Plan would be revised. Director Poirier said they are looking at a 2025 implementation.

Councilor Siegel mentioned the amount of time it takes to revise the Comp. Plan and the cost of being out of compliance.

Councilor Gagnon brought up the Economic Development study. He had forgotten about this and thought it should be considered with the density bonus. It should be done first then the Comp. Plan. He wanted thoughtful planning, not sprawl or sporadic development.

Councilor Simms asked if an amendment could be made if the area in tan on the map was reduced? Could the Comp. Plan be changed and then amend the map?

Director Poirier that they could remove the North and West Zones and just keep the Little Falls area.

Town Manager Paraschak asked if the map needed to go to the Planning Board? The answer from Director Poirier was yes that there is an expectation.

Another discussion began about multi and single -family housing and how this would affect both.

Councilor Siegel didn't see the need for public transportation in the designated areas. Those in affordable housing have cars.

Councilor Simms stated that this may be denser than currently allowed but it wasn't a huge difference. He also stated he would like Planning Board input.

Director Poirier stated that they could pick areas that had public water and add sewer later.

Councilor Gagnon thought these builds would be easier to put in where there is existing infrastructure.

Councilor Simms wanted to know if LD 2003 encourages separate affordable housing areas or a blend within existing areas.

Director Poirier said it is both. To have the density bonus you need affordable housing.

Councilor Siegel asked how many units had been built to date? Director Poirier and Planner Eyerman both stated none.

Councilor Gagnon doesn't think it is proper planning to just push this through.

Planner Eyerman said she saw his point that having affordable housing put where the current infrastructure is makes for good town planning. In addition, they don't want to be sued by the State.

Councilor Gagnon said he was not worried about litigation; he just didn't want a situation where there are sidewalks going nowhere.

A motion was MADE by Councilor Simms, SECONDED by Councilor Gagnon, and VOTED to send to Town Council and then the Planning Board for recommendations. Unanimous vote.

B. 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 the Committee could tweak the Home Occupation Standard in the Village or drastically change the size of the UR District or they could keep the size the same and add retail sales area or change all the standards to include other Home Occupations. They could use the Small Dwelling Unit Overlay District as a boundary or open it to UR.

Councilor Siegel asked Director Poirier to clarify what he was asking them. The group then discussed it and said yes to both scenarios.

Councilor Simms said he wants more buildings where people live and work.

Planner Eyerman stated that with a Home Occupation the goal is:

- The owner lives there
- The maintenance is done by the owner
- This may be a small start-up business

If you leap out of this to mixed use, then it really isn't a Home Occupation any longer.

Director Poirier pointed out that this is really allowing business in the residential area. The term "incidental" in the standards speaks to the size/space. Under 51% is considered incidental, this is for all Home Occupations.

A discussion began about how this would be monitored. Manager Ephram said they don't seek out violations. Neighbors are going to complain if there is too much traffic, noise, annoying smells. So, the Committee needs to make sure it will fit in with the existing neighborhood.

Councilor Simms wanted to know if there could be a 2-15A and have relaxed requirements within this.

Director Poirier suggested a revision of numbers #10 and #15 and #11.

A discussion ensued about the homeowner being the person who lives in the building, and about the number of employees that can work there. It was agreed that the owner should live there and that no more than 10 employees outside the family can be employed.

A discussion about section #11 (uses designated as Home Occ.). The group began listing off businesses they would not want as Home Occ. Businesses such as, vape/tobacco/marijuana stores, dog kennels or dog training facilities, laundromats. They also talked about the effects on the neighborhood. What would they see out the window? Traffic, lots of people, trash, storage. Should there be retail with restrictions? Placement was also discussed. The Home Occupation should be along a main corridor. Not tucked away on a side street.

Councilor Siegel asked if the total floor area could be changed to no more than 50%? The group agreed on this change.

Director Poirier brought up a scenario. There is a building in town that has several units. The owner could add on and have plenty of density. However, if they tore down the old building and built a new one in the same spot, they could not build the same number of units. Some older buildings wouldn't be able to convert to Commercial simply because of the age of the building. It wouldn't be cost effective with the standards required today.

Councilor Gagnon brought up the small village feel. Freeport has maintained this feeling.

A discussion began about the increase in density and if it took away from the village feel.

Councilor Gagnon stated he would prefer to build new and bring the building up to standards. Councilor Siegel agreed, but with the village character.

Planner Eyerman asked a pointed question. What was Councilor Gagnon's vision of village feel? Councilor Gagnon replied that it was that sleepy village feel, not like North Windham with its strip malls, but appealing architecture, open space, feels more urban and is walkable.

The committee agreed that the "village feel" term is subjective. Councilor Simms agreed with wanting walkability but that also means that buildings are close enough to walk to and setbacks are minimal.

A motion was MADE by Councilor Siegel, SECONDED by Councilor Simms, and VOTED to send the following items to the Planning Board; 1) change of Development Transfer Overlay District to include mixed use, 2) add 500sqft minimum per dwelling and 3) change commercial space to 25% of gross floor area. Unanimous vote.

A motion was MADE by Councilor Siegel, SECONDED by Councilor Simms, and VOTED to table the remainder of the item pending staff input. Unanimous Vote.

- C. 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 Town Council on November 14, 2023)

Director Poirier pointed out that the committee was given three (3) examples of ordinances from other towns (Bangor, Brunswick, and South Portland). He informed everyone that a Public Notice would be required under State Law to be sent to everyone who sells in the town. He recommended that staff draw up a draft first, then send out a notice that the committee is reviewing this and to please provide input for this meeting. The committee should indicate which ordinance they like and then the attorney could review, and it can be brought back to the committee.

Councilor Simms said it would be good to get input from the people/businesses who are affected.

Councilor Siegel said he thought some of the stats in the Brunswick ordinance were very concerning, i.e. 80% of youth e-cigarette users use flavored products.

Councilor Simms reminded everyone that they were not proposing to ban tobacco only flavored products that are marketed to young people. He would like to hear from sellers as to how this will affect them and how to mitigate concerns. Usage has gone down in the Portland area since their ban.

Councilor Siegel noted that Massachusetts has a statewide ban and has not seen a drop in revenue with the ban.

Councilor Siegel stated that vaping is a gateway to lifelong smoking. He also stated that he really likes South Portland's ordinance but preferred Brunswick's enforcement. They're only slightly different.

Manager Paraschck noted that this needs to be sent to the attorney and asked who would enforce this ordinance?

Councilor Siegel said that the police in Brunswick and South Portland enforce it.

Manager Paraschak thought it would fall under the code office. Director Poirier was not in favor of this.

Director Poirier said if it fell under the code office it would take a lot longer.

Councilor Siegel said he thought this was why these towns went with police as the department for enforcement.

Director Poirier stated again that a Public Notice would be required, and the group agreed.

Councilor Siegel asked if this would be just a cut and paste document. Director Poirier said yes, but the attorney needed to look at it and make sure it complied with the Charter. It would be done

in time for the February meeting. They could then do outreach in March and if all goes well it would go to the Town Council in April with a Public Hearing

Manager Paraschak stated that he has access to the legislature's website, and it looks like no action has been taken at this time.

A motion was MADE by Councilor Siegel, SECONDED by Councilor Simms and VOTED to table until the next meeting. Unanimous vote.

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 int eh Twon 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 Committee discussed what would be on the next agenda. Private ways, impact fees, vaping, 1-lot private ways and back lots and road standards.

The Ordinance Committee will meet, Tuesday, February 27, 2024 at 10a.m. and on Tuesday, March 26, 2024 at 10a.m., in Conference Room A.

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

Respectfully submitted,
Kimberly Getchell
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