

MINUTES

ORDINANCE COMMITTEE MEETING

December 14, 2015 – 8:30 a.m.

Conference Room A

Present: Councilor Michael Phinney, Chair; Councilors Sherrie Benner and Councilor Benjamin Hartwell

Also Present: Town Manager David Cole; Town Planner Tom Poirier; Zoning Administrator David Galbraith; DPW Director Bob Burns; 11 members of the public.

1. Approval of April 21, 2015 Committee Meeting minutes.

A motion was MADE by Councilor Benner, SECONDED by Councilor Hartwell, and VOTED to approve the April 21, 2015 Committee minutes as presented. Unanimous vote.

2. Current Business.

- A. Review a petition from Dick Pratt to ban thru trucks on Files Road and make a recommendation to the Town Council (referred by Council on November 10, 2015).

Dick Pratt spoke on behalf of the Files Road neighborhood. He explained that a petition was signed by 90% of the residents, who requested that the Town consider banning thru trucks on Files Road. He told the Committee that there are numerous potholes on the road surface caused by trucks hitting the potholes and also significant noise from the trucks revving engines to make it up the hills. While the neighborhood does not wish to place a burden on trucking businesses, the neighborhood is concerned about accidents involving pedestrians and children.

Tom Shaw explained that limiting Files Road to thru trucks will hurt his business and other similar businesses. The result will be that the trucks will access other country roads. His business tries to be a good neighbor too. Mark Curtis stated that he appreciates the residents' concerns and asked the residents to call them if one of their drivers is not driving safe, and the company will address it.

The Town Manager explained that the State of Maine provides insufficient funds for towns to take care of road problems. He explained that it took 15 years for the State to provide funds to repair Brackett Road and the Town paid 25% of the costs for improvements.

Councilor Benner requested that before the January Council Meeting, staff provide information on accidents on Files Road, the perspective of bus drivers on safety, and the condition of the road. She also requested that the Council receive similar information on Route 112/Route 25 intersection.

Councilor Hartwell stated that roads are connections to other roads and are available for all people. He proposed a decrease in the speed limit on Files Road to 30 mph. The Town Manager explained that requests for speed limit changes are evaluated by the State and that it can take the State up to 18 months to conduct the evaluation. It was the general consensus of the Committee that the Town Manager send a letter to the State Department of Transportation to request a review of the posted speed limit for Files Road and determine whether it should be reduced or not.

After discussion, a motion was MADE by Councilor Benner, SECONDED by Councilor Hartwell, and VOTED to recommend to the Town Council that the Council approve a ban of thru trucks on Files Road. 1-1 (Phinney) with one abstention (Hartwell).

Councilor Hartwell stated that he was abstaining from voting on the motion until after he received more information from staff on accidents and condition of the road.

It was agreed that this item will be placed on the January 5, 2016 Council agenda for consideration.

- B. Review a request from Mark Faulkner to rezone the right side of Shaws Mill Road from Suburban Residential-Manufactured Housing to Roadside Commercial and make a recommendation to the Town Council (referred by Council on November 10, 2015)

Zoning Administrator Galbraith distributed a map of the proposed rezone area and a listing of the property, owners of the property, square footage and acreage. Mark Faulkner presented his request to rezone three lots (77-14-2; 77-14-3; and 77-14-4) on Shaws Mill Road from the present zone of Suburban Residential-Manufactured Housing to Roadside Commercial. Mr. Faulkner reported that he believed the wetlands in the area will provide a good buffer.

Mr. Galbraith reported that he has talked to the owner of 77-14-4 who is very apprehensive of the rezone and how change in uses could affect his home and well.

The Committee generally discussed the proposal and explained the approval process.

After discussion, the Committee requested that staff survey the property owners in the neighborhood and also the abutting property owners to determine whether there was an interest in rezoning and to receive input on the proposed rezone.

The Committee agreed to postpone a vote on a recommendation to Council until staff has heard back from the property owners.

3. Other business

The Committee reviewed agenda items for future meetings.

The Committee asked staff to prepare draft language for revisions to Gorham's Solid Waste Flow Control Ordinance (3B on the agenda) and the Land Use and Development Code pertaining to the sale of industrial products (3D on the agenda).

The Committee revisited items that were in front of past Ordinance Committees but were authorized for removal from the agenda by the Town Council. After discussion, the Committee requested that the Council authorize the Committee to revisit the following two items: (1) Review of home occupations and (2) Review of the Narragansett Developments District. It was agreed that these two items will be placed on the January 5, 2016 Council agenda for consideration.

4. Next Meeting and Agenda items

The Committee requested that the following items referred to the Committee by the Council be placed on the next Committee agenda for discussion:

- (1) Review a request from Mark Faulkner to rezone the right side of Shaws Mill Road from Suburban Residential-Manufactured Housing to Roadside Commercial.
- (2) Review Gorham's Solid Waste Flow Control Ordinance to update, where appropriate, and to add language that commercial dumpsters must be clearly marked with the name and phone number of the contractor who owns it.
- (3) Review proposal to amend the Land Use and Development Code, Chapter VII, Impact Fees (F) by allowing the retention of impact fees consistent with a reasonable schedule.

Next meeting was scheduled for Tuesday, January 19, 2016, at 8:30 a.m. in Conference Room A.

5. Adjournment

There being no further discussion, the meeting adjourned at 10:03 a.m.

Respectfully submitted,

Jeri Sheldon, Ass't to the TM/HR Director