

## MINUTES

### ORDINANCE COMMITTEE MEETING

February 3, 2013 – 8 a.m.

Conference Room A

Present: Committee Chair Matt Robinson; Councilors Sherrie Benner and Benjamin Hartwell

Also Present: Town Planner Tom Poirier; Town Manager David Cole; Travis Caruso; Shawn Moody

1. Approval of December 18, 2013 Committee Meeting Minutes.

A motion was MADE by Councilor Benner, SECONDED by Councilor Hartwell, and VOTED to accept the minutes of the December 18, 2013 Ordinance Committee meeting as presented. Unanimous vote.

2. Current Business

- A. Review proposed amendment to the Land Use and Development Code to add definitions for airstrips and runways (referred by Town Council on October 1, 2013).

The Committee reviewed a memo from the Town Manager and support information on this item. The Town Manager reported that current Town ordinances do not address the use of airstrips as an accessory use. He recommended that the Council decide what the Town policy should be rather than relying on an interpretation, such as the Code Enforcement Officer's interpretation, in which he stated in a 2002 letter to Allyn and Allyson Caruso that an airfield is an accessory use to a permitted use.

The Town Manager reported that the proposed amendment to the Land Use and Development Code in front of the Committee, which has been reviewed and recommended by the Planning Board, would not allow airstrips or consider airstrips as an accessory use to any permitted or special exception use and would only be allowed in those zoning districts where they are listed as a permitted or special exception use. The Town Manager pointed out that Mr. Moody's current airstrip is allowed since it is grandfathered.

Committee Chair Robinson stated that the major issues and questions in front of the Committee are: (1) do we want to allow any more airstrips in the Town of Gorham, (2) If we do want to allow airstrips, what size?, (3) Do we want to allow it in certain zones but not in other zones? and (4) what are the requirements of allowing airstrips in Town?

It was pointed out that the Committee's responsibility is to recommend to the Town Council to approve, not approve, or amend the proposed amendment. Final decision rests with the Town Council.

It was discussed that Shawn Moody received a permit for his airstrip and that he went through Minor Site Plan Review. Mr. Moody stated that that the FAA has very strict rules.

For tracking purposes, the major discussion points and questions on this item are captured in the following bulleted format:

- Should airstrips be allowed only in the rural zone or is there room in the suburban residential zone?
- Does the length of the airstrip matter? Councilor Hartwell responded that the length does not matter, Councilor Benner responded that length does matter, and Councilor Robinson responded that he did not have enough information to make a determination.
- Mr. Caruso suggested that the Town come up with a traffic pattern that does not impact the neighbors.
- Mr. Moody suggested that the Town specify that airstrips are not for commercial use but are for private use only.
- The Committee requested that staff research whether an airstrip owned by a homeowners association in a large subdivision would be considered for private or commercial use.
- Mr. Caruso suggested not allowing air parks.
- Councilor Benner stated that she was concerned about the size of fuel holding tanks. The Town Manager replied that the Town could specify a size and state that fuel holding tanks must comply with FAA regulations.
- The Committee requested staff to develop a chart that lists length of runway and what type of aircraft could land on it.
- Councilor Hartwell asked if specifying a grass or gravel limit on airstrips would alleviate the need for length limits.
- The Town Manager requested that Mr. Moody and Mr. Caruso forward any helpful information to staff such as the definition of an air park or flying community.
- Mr. Moody suggested that staff refer to the FAA website, which is extremely detailed. He recommended that the Town remain cautious and look at a minimum length for airstrips, such as 500 feet. What length would be needed for emergency management?
- Committee said they are looking for clear definitions, such as a definition of air park, etc. and requested that staff refer to the FAA website for assistance.
- There was discussion of limiting parked airplanes or airplanes kept on the airstrip property.
- Committee asked staff to prepare language based on discussions and bring it back for the Committee's review at a future meeting to be held sometime after the next scheduled meeting of February 24.

Mr. Moody and Mr. Caruso left the meeting at 9:10 a.m.

3. Items referred to Committee for future meetings:

After discussion, the Committee requested that the following items be placed on the February 24, 2014 agenda for review:

- 3A. Evaluate intersection of Railroad Ave. and Mechanic Street to determine the need for more traffic regulations to enhance safety and recommend any changes needed to local ordinances.

Councilor Robinson requested that staff refer to the picture he forwarded to the Town Manager of a similar intersection in Biddeford.

- 3B. Develop a proposal to provide more flexibility for allowing home occupation businesses for the Town Council to consider at a future meeting.

Councilor Harwell referenced Section 38-K of the Comprehensive Plan.

After discussion, the Committee requested that the following item be placed on the March Ordinance Committee Agenda (TBA):

- 3C. Review the Town's Special Amusement Ordinance and recommend to the Town Council changes that reasonably allow outdoor Special Amusement Events.
4. Other business.

Councilor Hartwell stated that as the Town approaches its work on the Comprehensive Plan, it would be useful if the Town had a cost of community services study. This type of study looks at development patterns and how property tax dollars are generated. There was a general discussion of the Town's Growth Study. The Town Manager asked Councilor Hartwell to forward to him any information that he finds on costs of community services so that he can synchronize the info during discussions of the Comprehensive Plan.

5. Next meeting.

The next meeting of the Committee is scheduled for Monday, February 24, at 8 a.m. in Conference Room A.

6. Time of adjournment.

A motion was MADE by Councilor Benner, SECONDED by Councilor Hartwell, and VOTED to adjourn at 9:54 a.m. Unanimous vote.

Respectfully submitted,

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