



# CITY OF GARDINER

## PLANNING BOARD

Gardiner Planning Board  
City of Gardiner, Maine

September 8, 2009  
Regular Meeting 6:00 PM

### ROLL CALL

Present: Pat Hart Judith A. Dorsey Pamela Mitchel  
Ronald Condon James Montell Deborah Willis

Absent: Edward Lawrence

Also Present: Dorothy Morang, Planning Board Recording Secretary  
Jason Simcock, Director Planning/Development

Allie Vigue

**1.) Call the Meeting to order.**

Chair, Pat Hart called the meeting to order at 6:02 PM and welcomed everyone.

**2.) Roll call taken.**

**3.) August 11, 2009 Minutes.**

Pam Mitchel made a motion to accept the minutes as written. Judy Dorsey seconded the motion.

Vote: 4 in favor. 0 opposed. 2 abstained (Deborah Willis and Jim Montell were not at the meeting.) Motion passed.

**4.) Land Use Ordinance Change and Recommendation**

**The Gardiner Planning Board will meet to review proposed changes to the Land Use Ordinance and to make a recommendation of those changes to the City Council.**

Chair Hart noted that from the April 15, 2009 draft, typos were corrected. Judy noted that a section concerning wellhead protection for both private and public wells was updated to meet state law as well. Chair Hart thanked everyone for all of their work on the ordinance.

6:05 PM Meeting opened for public comment.

Allie Vigue introduced himself and shared his concern that the ordinance and zoning map are ready to go to the Council and the neighbors have not heard about the meetings. He thought that they would all be notified again. He said that he and other neighbors are upset about it and he and others are not happy that their lots were not changed back to Planned Development. He said that he can go across the street and do what he wants to do on his property and can't. He said it is a hodgepodge of zoning all the way out Brunswick Av now and is being made worse. It used to be all Planned Development and doesn't understand why it has changed.

Chair Hart explained the process. She noted that all of the meetings of the Ordinance Review Committee and Planning Board concerning the review of the Ordinance and Zoning Map were public meetings and they were posted on the City's web site and bulletin board as required. The initial meeting of the Ordinance Review Committee concerning possible zone changes was posted as usual, and in addition, a legal ad was run in the newspaper and all owners of parcels under review were notified in order to get their input. It was not a public hearing. She did not recall saying that they would notify individuals after that. Debbie Willis, Chair of the Ordinance Review Committee agreed. Chair Hart said that there will be a public hearing process at the City Council level with 2 or 3 readings. She encouraged Allie and any others to attend those meetings. She noted that the new, draft ordinance will be put on the City's web site. Dorothy noted that the proposed zoning map changes will be put on as well.

Allie asked if the downtown people had a chance to come to a meeting. Chair Hart said that all who came to the meeting had a chance to speak on this. She noted that this is just a proposal.

Ron Condon said that they looked at the zones as a whole. He noted that this Board doesn't have the power to change the ordinance or the zones – just to recommend. The Council has the responsibility for making changes.

Jason Simcock said that anyone can subscribe to receive announcements from the City. That would provide the agenda for the Council as well as other information and let people know when the Council will hear the review of the Ordinance and Zoning Map.

Debbie Willis gave a summary of the proposed changes to the Ordinance. She noted that they did not make a large amount of substantive changes; it was mostly revamping and reorganizing – especially in Section 6 – the procedures for reviews.

Judy explained that what used to come to the Planning Board has been split out into two levels of review. It should make things simpler and streamline the process.

Debbie said that they didn't change policies, mostly just process. She noted that even though there are different reviews, they will still be required to comply with the standards. Contract Zoning was also added. It will target certain nonconforming pieces of property that can't do what they used to do. Those will go to the Council for approval after review by the Board. An example she shared was the large nursing home on Dresden Av that has been vacant for some time.

Debbie noted that changes were made in the Use Table to allow things that were not listed before and also to have Code Enforcement Officer review rather than Planning Board review for a number of uses. They have also included the ability to ask for a performance guarantee to ensure that, as an example, roads are built to specifications. They addressed things that were problematic in the old ordinance and added things that weren't allowed before, example – chickens in most zones. She noted that in Section 11, they added the ability to require a traffic study, if necessary.

Chair Hart asked about changes the Council might make to the draft ordinance and whether it would come back to the Planning Board. Judy said that she had asked Bill Najpauer if the Council changes things, will it come back to the Planning Board for further consideration. Bill told her no – the Council can do as they wish. Debbie said she hadn't researched this, but would.

**Pam Mitchel made a motion that we recommend approval of the Land Use Ordinance as written and dated September 8, 2009. Judy Dorsey seconded the motion. Chair Hart asked if it should include: only this draft as written. Pam Mitchel asked to amend her motion. Judy withdrew the second.**

**Pam Mitchel moved to amend her motion and add: and no changes. Ron Condon seconded the motion. Dorothy noted that it didn't read well. Both withdrew their motion and second.**

**Pam Mitchel made a motion to amend her original motion to now read: That we recommend approval of the Land Use Ordinance only as written. Ron Condon seconded the motion.**

**Vote: 6 in favor. 0 opposed. Motion passed.**

Chair Hart said that she thinks that this will be on the agenda for the Council either on September 23<sup>rd</sup> or 30<sup>th</sup>.

## 5.) ADJOURN

Chair Hart adjourned the meeting at 6:53 PM