



# *CITY OF GARDINER*

6 Church Street, Gardiner, Maine 04345

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## ORDINANCE REVIEW COMMITTEE

Monday November 13, 2017 @ 3:00 PM

### Meeting Notes

Members Present:

Chair Debby Willis Joel Alexander  
Louis Sigel Clare Marron  
Patricia Hart, City Councilor  
CEO/Assistant Planner, Barbara Skelton

Members Absent:

Les Young John Burgess

Also Present:

Dorothy Morang, Staff to Ordinance Review Committee  
Mark Eyerman, Planner

1.) Welcome

Chair Willis opened the meeting and welcomed everyone.

2.) Roll Call

3.) Consideration of meeting notes of October 23, 2017.

Louis Sigel moved to accept the minutes. Clare Marron seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Pat Hart arrived.

## **Old Business**

### **4.) Complete Cobbossee Planned Development (CPD) w/signs & other standards**

Mark went over the November 7<sup>th</sup> document he prepared, Proposed Amendments to the Land Use Ordinance to Implement the Adopted Comprehensive Plan, noting the updates he made concerning the Cobbossee Planned Development (CPD).

As he reviewed this with the members, several issues were noted:

Pg 4 1<sup>st</sup> paragraph – the word “attractive”. Dot thought this was too subjective – one person’s idea of attractive, such as a blue, metal roof – could be an issue. We should be more specific in concept. Mark will look at.

Pg 5 Downtown Fringe (DF) District – Dot noted that Middle St, between McDonalds and Spring St is all residential properties – not certain where the DF and HDR zones divide - had concerns that some residential uses might not be allowed on residential properties.

Section 6 – CEO Skelton brought up Dot’s concern about whether a use designated as a Code Enforcement Review in the Land Use Chart could be bumped up to a higher review at the CEO’s discretion and whether it is covered in Section 6. After a discussion, Mark will review this and it was suggested a note be added to this section to allow it.

Pg 19 Min Lot size w/sewer should be none – crossed out 7,500 SF

Pgs 24, last para, last line – change the word “with” to within and Pg 26, 5<sup>th</sup> para, last line – change the word “with” to within.

Pg 27, it was asked, since most of these properties have existing businesses, do the buffer areas and other standards apply to new development and not existing businesses. Mark said yes.

Pg 28, Section 7.8.12.5.4 - questions were asked about constraints. Mark will look at. Members want to ensure that the constraints were of the property and not constraints a developer might come up with.

Pg 42, Lighting Standards and Pg 45 Noise Standards – CPD Zone was added to the charts.

Pg 70, CPD Zone was added to the Residential Growth (RG) Sign Chart.

**5.) Review & vote on Site Plan, Minor changes, Section 6.4.5**

**6.) Review & Vote on Hours of Operation 6.2.3.2.8**

Members discussed Hours of Operation for new uses in the Central Business (CB) & future Downtown Fringe (DF) Zoning Districts. Clare said she polled the Downtown residents/owners and most were fine with 11:00 or 12:00 pm. After discussion, it was decided to change to hours to 7:00 am to 11:00 pm and if a business with a new use wanted to be open later, they would have to go to the Planning Board for review.

CEO Skelton moved to change the wording in the Land Use Ordinance by adding to Section 6.2.3.2.8.d Operation of the new use between 7:00 PM and 7:00 AM, except in the CB and future Downtown Fringe Districts, which will be 11:00 pm and 7:00 AM.

Joel Alexander seconded the motion.

Vote: 6 in favor. 0 approved. Motion passed.

**7.) Home Occupation/Accessory Business Discussion**

Mark went over his memo dated November 9, 2017 – HDR Standards. He noted several recommendations that were made in the Implementation Strategy in the Comprehensive Plan. The Plan recommends reviewing the standards for the High Density Residential (HDR) District and making necessary revisions. He identified three areas that he feels need to be looked at:

Action 1.8.2 recommends providing for accessory business uses in the HDR District for properties that front on certain streets. This would allow for small scale non-residential use where the building is not owner occupied. Mark will craft language for this.

In the Future Land Use Plan – it recommends the status quo with some tweaking. It proposes including provisions for accessory apartments and townhouses and for accessory business uses. It also proposes reducing the road frontage requirement and a reduced lot size for townhouses. Mark noted that some of this has been done. He will make the updates for review at the next meeting.

The third is in Section 4 of the Other Land Use Policies in Chapter 6. It refers to enhanced standards for infill residential development in established residential neighborhoods. Most of these are in the HDR District.

Members discussed allowed uses in the HDR and agreed to add Tradesperson's Office with review. They also agreed that there should be a size limit on some of the institutional uses such as community nonprofit facilities & museums in the HDR and RG Districts.

Mark has recommended reducing the street frontage from 100' to 75' with public sewerage as most of the existing lots in older neighborhoods do meet the 100' requirement. He also recommends revising the dimensional table for minimum lot size to 5,000 SF per dwelling unit for townhouses and multi-units.

Mark also had recommendations for District Performance Standards. He noted that many lots & structures in HDR do not conform to the standards in the dimensional table and Section 7.8.4 provides a way to establish the setbacks for nonconforming structures. He said this provision should be cleaned up & referenced in the dimensional table through a note. He would also consider applying this to vacant lots or the redevelopment of lots and add height. Mark will re-do this provision. He included standards that South Portland uses as an example.

Mark will add a definition for Accessory Business Use.

## **7.) Rural Standards**

Mark went over his memo dated Nov 12, 2017 concerning Comp Plan discussions of Rural Standards and issues such as discouraging significant development in designated rural areas; allowed uses and tying the scale of nonresidential uses to the size of lots; revising the dimensional requirements to discourage stripping off lots that front on existing roads; and encouraging open space style residential development with smaller lots & preserved open space. He had suggestions for changes in allowed uses; dimensional requirements; performance standards; and open space subdivision standards.

Mark has asked that members review the standards addressed in his memo for the next meeting on November 20, 2017. In addition, we will review Open Space subdivision standards, the uses, dimensional standards & performance standards for HDR, R & PR as well as Section 6.4.8.2 unique circumstances.

## **Other**

### **Upcoming meeting dates with tentative topics:**

November 20<sup>th</sup> Review Accessory Dwellings – standards for High Density Residential (HDR); Professional Residential (PR); & Rural (R)

December 18<sup>th</sup>

## **8.) Adjourn**

Meeting adjourned at 4:36 pm.