



# ***CITY OF GARDINER***

6 Church Street, Gardiner, Maine 04345

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## **ORDINANCE REVIEW COMMITTEE**

**Monday September 25, 2017 @ 3:00 PM**

### **Meeting Notes**

Members Present:

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

Members Absent:

John Burgess            Clare Marron

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 September 18, 2017.**

Louis Sigel moved to accept the minutes. Les Young seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion Passed

Pat Hart arrived

**New Business**

#### 4.) **Complete Review of the Sign Section of the Ordinance**

Mark went over his memo dated 9/21/17. It covers the changes from the August 23, 2017 draft for existing districts – see attached.

Members changed the definition of Pylon Sign - Maximum Height: delete the word “pylon” - the next to the last word in the sentence.

Members discussed uniformity of signs. The property owner can make it more restrictive. Mark created Appendix A which shows how to calculate and measure certain types of sign area. He will add it to the Ordinance, Section 10.25

Mark added a maximum residential sign size for residential uses in the Rural District as well as editing the provisions for the Cobbossee Corridor District to increase the total sign area and to allow for wall signs on facades that do not face a street. He added Note A, calling for the filing of a master sign plan.

Other updates made to the Cobbossee Corridor District sign chart were to change the maximum total sign area per lot for nonresidential from 60 SF to 120 SF plus 20 SF for lots with frontage on 2 or more public streets.

He added a note for the property owner or manager to be responsible for determining the number, size & location of wall signs on each façade in accordance with a master sign plan.

Mark added 2 notes in the Central Business District sign chart – A the same as described in the last paragraph and another concerns multiple public entrances in a façade. Again the property owner or manager shall be responsible for determining the number, size and location of projecting signs. He also added, when entrances are close together, the signs shall be placed close to the entrances, but shall be located to provide separation between signs to the extent feasible.

In the Central Business District sign chart Mark changed Wall Signs Upper Floors to allow 1 per business on an upper floor but only if there is no projecting sign located at the public entrance to the upper floor.

Mark will delete Section 10.25 Sign Use Table. He also suggested the proposed changes be distributed to the Historic Preservation Commission members, Gardiner Main St and the City Attorney for review. When finalized, he will set up a repeal and replace provision.

CEO Barbara Skelton moved to send this to the Planning Board for review after the City Attorney's review with restrictions agreed upon, delete Section 10.25 in current Ordinance and add Appendix A as 10.25 and make changes to definition on pylon sign maximum height – delete the word pylon. Louis Segal seconded the motion. Vote 6 in favor. 0 opposed. Motion passed.

CEO Skelton talked about 2 properties in the High Density Residential District concerning signs. The first is the Bed & Breakfast owned by Shawn Dolley on School St. She described the type of sign – a projecting sign that he could have instead of the one that is there now. They also discussed lighting. The second one is at the Faith Christian Church – the sign they want is too big. The one that is there now is large, but is grandfathered.

She also noted that the signs Mr. Farris wanted will be possible with the changes in the proposed sign ordinance.

## **5.) Greenhouse/Indoor Growing Facilities**

Mark went through his memo dated September 21, 2017 covering possible amendments to the Ordinance reference Indoor Cultivation Facilities – see attached.

He added a sentence to the definition of Commercial Agriculture concerning Retail Marijuana Establishments – as defined by the state are not considered Commercial Agriculture- “Commercial Agriculture does not include Retail Marijuana Establishments including Retail Marijuana Cultivation Facilities as defined by state law. He said he believes this allows medical marijuana grow facilities to continue to operate and be included under Commercial Agriculture as well as home growing. He also added indoor cultivation facilities to the definition of Commercial Agriculture. This does not include retail marijuana cultivation. Mark will look at.

He amended the Ordinance – Table of Land Uses to allow Commercial Agriculture with review in the Planned Industrial/Commercial, Central Business, and Cobbossee Corridor Zoning Districts.

Another proposed amendment would add Section 10.3.5.5 “All buildings and structures used for indoor cultivation of plants in the CG, CC, and PIC Districts including greenhouses, indoor cultivation facilities and similar structures must be permanent structures designed and constructed to remain in place year-round. Temporary or seasonal structures for indoor cultivation are not permitted in the CB, CC, and PIC Districts.” He asked if this goes far enough. CEO Skelton noted that MUBEC covers

insulation and ventilation. Mark noted that state law prohibits the City from being more restrictive than the Best Management Practices.

Pat Hart moved to approve the changes to the Land Use Ordinance dealing with Indoor Cultivation Facilities included in Sections 7.6 and 10.3.5.5. Joel Alexander seconded the motion.

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

Mark noted that Section 7 gets messy when you amend the tables – there are already 3 different versions in progress. He feels they should be repealed & replaced.

It was suggested that they do a workshop in November to include both the City Council and the Planning Board members before sending Sections 7, 8, 9 & 10 to the Planning Board.

The final drafts on Beekeeping and Chicken Keeping Residential will go to the Planning Board for review on October 10, 2017.

CEO Skelton gave an update from the Marijuana Task Force. Retail is ok where allowed. The areas not decided are social clubs, production, cultivating and testing.

## **Other**

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

October: 23<sup>rd</sup> – Finalize Sections 7, 8, 9, & 10

Begin work on the new Cobbossee Planned Development  
(CPD)Zone – Signs & add to the omnibus

November: Shoreland

## **6.) Adjourn**

**To: ORC**  
**From: Mark Eyerman**  
**Subject: Sign Amendments**  
**Date: September 21, 2017**

Attached are two versions of the completed draft of the sign amendments – one version includes both the existing and proposed zoning districts while the other includes just the existing districts. In the latter version, I simply deleted the draft provisions for the new districts and indicated those sections as reserved. I think that will work but could be a little messy in the short term since the provisions for the existing districts have been developed based on having the new districts. So areas like outer Brunswick Ave could be a bit of a hodge-podge until the new districts are adopted.

Here is an overview of the changes from the August 23rd draft that the committee reviewed:

- I added a definition for the maximum height of a pylon sign
- I also added a definition for a Master Sign Plan (see CC and CB below)
- In the section dealing with the calculation of sign area (10.24.5.1) I inserted a reference to Appendix A. We will add the drawings as an appendix to the ordinance
- I added a maximum residential sign size for residential uses in the Rural District
- I edited the provisions for the CC District to increase the total sign area and allow for wall signs on facades that do not face a street. I also added Note A that calls for the filing of a Master Sign Plan. We should review these.
- I inserted the provisions for the CB District. I included some notes to try to deal with multiple occupant properties. Again we should review that entire section.
- I cleaned up a couple of formatting and typo issues
- I set it up as a repeal and replace provision – remove the current section and replace it with a complete new section.

I am still working on finalizing Appendix A and will send that along when it is completed.

To: Ordinance Review Committee  
From: Mark Eyerman  
Subject: Indoor Growing Facility  
Date: September 18, 2017

Here are a couple of observations:

1. I don't see a definition of greenhouse in the ordinance.
2. Greenhouses are only mentioned as part of the definition of commercial agriculture.
3. Commercial agriculture includes the growing as well as the related processing and storage of plant crops and specifically calls out buildings/structures for storage and accessory processing.
4. Commercial agriculture is **NOT** permitted in the PIC, CB, ECR, CC and is allowed in all the other districts with various levels of review except in the Rural District
5. The performance standards require a minimum lot of 40,000 SF for commercial agriculture or for processing.
6. Buildings for storage or processing have to meet the setbacks for the district in which they are located.

If the objective is to allow indoor growing facilities in the PIC District, we good revise the definition of commercial agriculture to allow "greenhouses and other buildings for the indoor cultivation of plants" and make commercial agriculture a use permitted with review in the PIC. Storage and processing would already be allowed as part of commercial agriculture. This would allow someone to farm in the PIC but I do not see that as a significant issue and might be a reasonable short term use of lots in the industrial/business parks. The 40,000 SF minimum lot size would still apply and "protect" residential neighborhoods.