



CITY OF GARDINER

6 Church Street, Gardiner, Maine 04345

www.gardinermaine.com

ORDINANCE REVIEW COMMITTEE

Monday August 21, 2017 @ 3:00 PM

Meeting Notes

Members Present:

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

Members Absent:

John Burgess Les Young

Also Present:

Dorothy Morang, Staff to Ordinance Review Committee
Mark Eyerman, Planner
Maryann & William White

1.) Welcome

Chair Willis opened the meeting and welcomed everyone.

2.) Roll Call

3.) Consideration of meeting notes of July 24, 2017.

Joel Alexander moved to accept the minutes as they are. Clare Marron seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

3:04 pm Pat Hart arrived.

Old Business

4.) Discussion of possible amendments dealing with the keeping of chickens

Mark went over his memo dated August 10, 2017 containing the revised language that he has made based on input at the last meeting. The amendments cover the coop, pen and control of nuisances. He suggested that when this section is ready to go to the Planning Board, that we repeal and replace this section.

The chickens are allowed in single and two –family residences and are for personal use of the household only. Only 6 chickens are allowed and no roosters.

A one-time permit from the Code Enforcement Officer (CEO) will be required. In addition, reasonable access to the property to determine compliance with standards or to investigate a complaint shall be allowed. The CEO may revoke a permit if the property is not in compliance with the standards. The revocation may be appealed to the Board of Appeals within 15 days.

He went over the standards for the coop construction and the screening. He also described amendments he made to the standards for the pen. Joel asked why they had to screen the coop. CEO Skelton said the standard to screen the coop & pen was already in the Ordinance. Mark noted that in some other towns, they had restrictions with materials because people were using salvaged materials that were basically junk.

Members reviewed questions that Les Young had presented by email as he couldn't attend this meeting. He had questions on the size of the mesh & wire screening and netting to cover the top of the pen to prevent them from getting out. He also asked about eradicating rodents, etc. on neighboring properties.

Louis mentioned a situation he is having with a neighbor. They have chickens, rabbits and goats – none are penned in and they stray onto his property. CEO Skelton said to file a complaint with her and she would look into it.

Mark continued to review the revisions he had made concerning the standards for the pen and the control of nuisances. The standards also cover rodent-proof containers for food and waste materials and cleaning up any feed left on the ground. Louis asked if all of these standards would apply to his neighbor. Chair Willis said not if they have had these animals before this gets passed, they would be grandfathered.

Bill White said that if someone was making a revision to the coop, they would have to follow the new Ordinance. CEO Skelton said not if they were just rebuilding. She

explained grandfathering and non-conforming. Pat asked if a neighbor has chickens and no permit, when they come in for a permit, do they have to follow these codes. CEO Skelton said not necessarily. Mary Ann said the new Ordinance won't help them then. CEO Skelton said she would like to talk about it with her later.

Les also had asked about the term "regularly". Members discussed it and decided to take it out of 10.3.3.7.1 and 10.3.3.7.4. In 10.3.3.7.6 members added "including on neighboring properties" to the last line.

Pat Hart moved to make changes to this draft as noted and send this to the Planning Board. Louis Sigel seconded the motion.

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

5.) Discussion of possible amendments dealing with the keeping of bees

Mark went over the outline he prepared detailing his approach for dealing with bees and a draft of possible ordinance amendments - both dated August 18, 2017.

Members discussed various aspects of the standards. They talked about the setbacks - Mark said they could even put the hives on the roof if they can meet the setbacks.

The standards cover the number of hives based on the size of the lot and the location of them on the lot. The standards include requiring a minimum distance of 150' from a property that has significant pedestrian or public activity such as a park, playground, school, daycare center, recreation center or where animals are confined or tethered. Pat asked about why the maximum number of hives does apply if the hives are more than 200' from the property line. Mark said the lot size would have to be much, much larger.

The standards also define the placement of the entrance to the hives and the possible need for a flyover barrier if located within 25' of a residential property. The standards address providing a fresh water supply and the disturbance of the hives.

The new standards include requiring a one-time permit from the CEO if the standards are met. The CEO will be granted reasonable access to the property to determine ongoing compliance or to investigate a complaint. The permit can be revoked if the property is not in compliance with the standard.

The following amendments will be made to the Ordinance:

The keeping of bees will continue to be part of the allowed activities for commercial animal husbandry but will be subject to the revised Standards for Beekeeping 10.3.6.

Amend the definition to include a reference to the standards.

Bees will be deleted from 10.3.2 and 10.3.2.2 Standards for Accessory Animal Husbandry.

A new use, Accessory Beekeeping will be added to 7.6 Land Use Table and require a Code Enforcement Review in most zones.

The definition of Accessory Beekeeping will be added to 17.2 Definitions.

Standards for beekeeping will be established and applied to both commercial animal husbandry and to accessory beekeeping 10.3.6.

Bees will be deleted from 10.3.4 Standards for Commercial Animal Husbandry.

Add 10.3.4.6 The keeping of bees shall conform to the applicable standards of 10.3.6

Members liked the proposed amendments as Mark has presented them.

Louis Sigel moved to send these changes to the Planning Board. Pat Hart seconded the motion.

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

Other

Chair Willis noted that she will not be available on August 28th - she has asked Joel to cover for her.

Change of Use

CEO Skelton noted that at a recent Planning Board meeting, members discussed an application that they had just reviewed. It concerned a new business coming into an existing building on Water St in the Central Business/Historic District. The use was changing - from an office to a restaurant and brew pub. Because the hours of operation included staying open later than 7:00 pm, the business owner had to apply to the Planning for a Planning Board Review.

In reviewing the application, the Planning Board members were surprised that the hours of operation in this district are from 7:00 am to 7:00 pm. There are several eateries on

the street that stay open much later. They suggested that this be brought to the ORC to see if a change is needed.

After discussion of this issue, the ORC members decided that the Central Business District should be exempt from these hours the same as they are for parking, etc. and allow the CEO do any review necessary. CEO Skelton reminded them that the Cobbossee Corridor District standards refer back to the standards of the Central Business District. A note would have to be added to say that the CC is not exempt. Mark will take care of this.

Greenhouse gardening/Indoor growing facilities in the Libby Hill Business Park

CEO Skelton noted that we have a request from an existing business in the LHBP for greenhouse gardening to be used for composting. They are looking at it in 3 phases. 1. Greenhouse; 2. Open air composting; and 3. Anaerobic Digester. Mark said Commercial Agriculture includes greenhouses – do we want to include composting?

Pat noted that the business park was designed and constructed with infrastructure including sewer, water and power. Mark said in previous discussions it was determined that most of these such as for marijuana growing and mushroom growing fall into the category of Light Manufacturing rather than agriculture use. Pat said the City Council wants to relax the requirements for the business park. CEO Skelton said we could put a footnote under the PIC category for Commercial Agriculture to allow indoor growing facilities.

Site Plan Amendments

Need an amendment provision for Site Plan Review similar to the Subdivision Review. An applicant had come to the Planning Board with a full Site Plan for a new medical building and after the meeting, it was determined that the generator that was planned for the roof was going to be too heavy and have to be put on the ground. Because we have no amendment provision, they had to go through a full site plan review again. Mark said he will work on a procedure for a site plan amendment with the possibility, depending on the intensity, could be reviewed by the CEO.

Upcoming meeting dates with tentative topics:

August: 28th – signs

September: 18th – Greenhouse/Indoor Growing Facilities
25th –

October: 16th -
25th -

6.) Adjourn