



CITY OF GARDINER

6 Church Street, Gardiner, Maine 04345

www.gardinermaine.com

ORDINANCE REVIEW COMMITTEE

Monday July 24, 2017 @ 3:00 PM

Meeting Notes

Members Present: Chair Debby Willis Joel Alexander John Burgess
Les Young Clare Marron Patricia Hart, City Councilor
CEO/Assistant Planner, Barbara Skelton

Members Absent: Louis Sigel

Also Present: Dorothy Morang, Staff to Ordinance Review Committee
Mark Eyerman, Planner
David Legloahec

- 1.) **Welcome**
Chair Willis opened the meeting and welcomed everyone.
- 2.) **Roll Call**
- 3.) **Consideration of meeting notes of June 26, 2017.**
Les Young moved to accept the minutes. Joel Alexander seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

3:12 pm Pat Hart arrived.

Old Business

Mark went over the research that he has prepared for this meeting. He provided handouts on the topics of chicken keeping, bee keeping and a continuation of the work on signs.

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

Mark said in reviewing information for this meeting he put the issues into two categories.

1. the housing and maintenance of chickens and, 2. minimizing nuisance aspects to owners and neighbors. He reviewed zones, lot size, coops, runs, etc, storage of food, bedding and rodent proofing the coop.

He looked at other towns and how they handled backyard chickens. He looked at a few possibilities such as permits, permits with review, annual permits issued by the CEO or City Council, 1 year renewable permits with the possibility of a longer one, perhaps 5 years if no complaints after a couple of years.

Mark referred to his memo dated July 20, 2017 Back-Yard Chickens – beginning on page 2. He gave a summary of the City’s current regulations and looked at possible revisions. He divided the possible revisions into 3 categories: Administrative Procedures; Facility Requirements; and Minimizing Nuisances.

Administrative Procedures - Mark said currently a permit is issued and unless there is a complaint, nothing more is done. Les said there needs to be something in the Ordinance to allow random unannounced inspections. Joel said he likes South Portland’s provisions where they a license and if problems, can be revoked. CEO Skelton said she would like licensing permits with provisions to inspect in the Ordinance. She said the Chicken Keeping provisions have been in the Ordinance for about 6 years. Pat asked if we start with a blank slate, how would we administer it. CEO Skelton said we would have to check with the City Solicitor on how to handle those where permits have been issued previously.

CEO Skelton said she doesn’t like an annual permit. Les asked, since there are potential health issues, should it be a part of a building permit. In the case of a rental property, he would want the owner’s approval. CEO Skelton said we could put conditions on the review and permit citing the Ordinance sections. We don’t have the opportunity to amend the State Building Code, so we would need to put in in the Ordinance. She would like to be able to do periodic inspections and have the right to revoke. Chair Willis referred to Section 3.6 of South Portland’s Ordinance dealing with the permit application process, etc.

Mark said he will work on the administrative procedures based on members' comments.

Facility Requirements – Members discussed the current requirements of setbacks and yard area. Mark noted that South Portland amended their Ordinance that chickens must be kept in a covered pen – thus minimizing nuisances.

3:56 pm John Burgess arrived.

Minimizing Nuisances – Members discussed requiring rodent proof containers and keeping the yard free of manure, etc.

Mark will work on this section.

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

Mark spoke with Jen Lund, the State Apiary Culturist about bee keeping to see if she might be able to provide some information to the Committee. She wasn't sure that she could come here to speak.

Mark said he looked at 6 ordinances concerning bee keeping in urban areas and information that the State Bee Keepers Association put out. He provided a copy of the Louisiana's model.

Mark noted that under the current Ordinance, bee keeping falls under Accessory Animal Husbandry and is allowed in some districts but not in all districts.

David Legloahec who resides on Central St brought the subject up at the City Council a while back. He would like to keep bee hives, but it is not allowed in the High Density Residential District (HDR) where he lives. Mark said he spoke with the towns of South Portland and Westbrook and found that they consider bees safe in urban areas. He said that in guidance documents, it shows that honey bees are generally safe. It's only the perception that they aren't. They do often limit them in areas where large congregations of people are such as schools, parks, etc. David said in South Portland a person can have 4 hives on a 1/4 acre of land. Clare said she stayed in an Airbnb in Canada and they had 4 hives on the roof and had no problems.

Chair Willis said if we remove bee keeping from the Accessory Animal Husbandry category, we would have no standards, but she thinks requiring someone to have a minimum of 40,000 SF is too much and suggested we separate it out. Members said they like the Louisiana Model Beekeeping Ordinance. Mark said the Maine Bee Keepers Association has some regulations also. David said honey bees are generally not bothered

by anything within 5' from the hive , but they do need a water source nearby. Mark will work on this.

6.) Continued discussion of draft sign amendments

Mark asked if the chart he designed for signage by zone worked. Members liked it. Mark went over what it covered. CEO Skelton suggested that we could merge some zones. Les suggested one page per table. Mark said he would like to have all of this ready and gone to the Planning Board and City Council by the end of the year.

Mark said there are 3 areas not looked at – the South Gardiner industrial district area (Planned Development - PD); Cobbossee Planned Development (CPD) and Planned Highway Development (PHD) Districts. Members discussed the various areas and the availability of public sewer. The Comp Plan gives an overview of the future land use plan for each zone. The goals also speak about how to provide opportunities for middle class and younger people (future minded people).

CEO Skelton said she would like to have what is completed – Section 8 and signs begin the adoption process. Mark said we have 2 ½ months before the end of the year, if not diverted. It was agreed to use both ORC dates each month to get this accomplished.

Other

Mark said he will check to see if the State Apiary Culturist, Jen Lund come to the next meeting. Chair Willis said we could use the State's Best Management Practices & the Louisiana Model Beekeeping Ordinance. Mark will run those by Jen and ask if there is any lot too small.

John noted that due to commitments within his family and other committees he is on, he will probably be resigning from this Committee soon. He will stay through August.

Les said he will be unable to make one of the August meetings and asked if he could call in and participate. Mark said in his experience, members could participate in meetings as long as it was on a speaker phone and no formal votes were taken, but could be used to establish a quorum. Chair Willis will check into it with the City's Attorney.

Chair Willis noted that a recent site plan review needed a minor amendment and will have to go through the whole site plan review process again as the current Ordinance, unlike some previous ordinances that allowed some minor changes to be made by the CEO, requires the new review. She would like an amendment to the current Ordinance to allow the CEO to decide if a review is minor and something the CEO can review and approve. All agreed.

Upcoming meeting dates with tentative topics:

August: 21st – complete chicken & bee keeping
 28th – signs

September: 18th –
 25th -

7.) Adjourn