



*CITY OF GARDINER*

6 Church Street, Gardiner, Maine 04345

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ORDINANCE REVIEW COMMITTEE (ORC)

Monday February 26, 2018 @ 3:00 PM

Meeting Notes

Members Present:

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

Members Absent:

Les Young   Louis Sigel

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 February 12, 2018

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

Old Business

4.)    Review Appeal Procedures Amendments

Mark went over the draft that he had prepared. After a discussion by the members, a few changes were made.

Section 2.4.4.1 OK

Section 2/4/4/2 2<sup>nd</sup> sentence - change notification time from 21 days to 28 days. 3<sup>rd</sup> sentence – change it that the Board of Appeals will make the notification to the various boards rather than the appellant.

Section 2.4.4.3; 2.4.4.4; & 2.4.4.5 OK

Section 2.4.4.6 Add: or representative to both the Planning Board and the Historic Preservation Commission

Section 2.4.4.7 OK

Section 2.4.4.8 Add: The Board shall also notify the Chair of the Historic Preservation if the appeal involves a decision of the Commission.

**Pat Hart moved to send the amendments to the Planning Board for their review and recommendation to the City Council. Joel Alexander seconded the motion.**  
**Vote: 5 in favor. 0 opposed.**

(See attached - 2/27/2018 updated amendments)

5.) **Complete Subdivision Amendments**

Mark went over the proposed amendments that he had prepared.

Pages 14-1 – 14-4 ok.

Pages 14-5 14.5.5 - members had issues with minor subdivision going from review directly to final plan. Mark will look at it.

14.5.6.2 & 14.5.8.3.2.4 concerning rescheduling site visits & delaying reviews due to snow – it was brought up that other issues could be the reason for not being able to get onto property besides snow.

14.5.8 Mark took out informal sketch plan and included a pre-application phase with the CEO being the gatekeeper.

A question was asked about the site inventory and should it be for both minor and major. Mark will look at it. CEO Skelton suggested it should be integrated into the pre-application phase.

14.5.8.3.2.1 – In sentence 3, after the words set forth in – add 14.5.8.3.3 & in 14.5.8.3.2.2 – 2<sup>nd</sup> sentence – the same. Also change Superintendent of the Greater Augusta Utility District to Superintendent of the Wastewater Treatment Plant. Last sentence in this section – the applicant will provide the notice to abutters rather than the CEO.

14.5.8.2.7 Include electronic copy of final plan.

A question was asked about contours. It was decided to use the USGS map – 20' - unless the CEO decides a different interval is needed.

Mark will make changes and work on the remainder of the subdivision section for the next meeting.

## Other

Upcoming meeting dates with tentative topics:

March 12, 2018 – Complete Proposed Subdivision Amendments

March 26, 2018 – Review Proposed Signage Amendments

### 7.) **Adjourn**

Meeting adjourned at 4:48 pm.

February 27, 2018

## Proposed Amendments to Section 2.4.4 of the Land Use Code Dealing with Notice Requirements for Appeals

Proposed additions to the Code are underlined;  
proposed deletions are ~~struck through~~.

Amend Section 2.4.4 to read as follows:

### 2.4.4 Appeal Procedure

**2.4.4.1** In all cases, a person aggrieved by a decision of the Code Enforcement Officer, ~~or~~ Planning Board, or Historic Preservation Commission shall commence his/her appeal within thirty (30) days after a final decision is made. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

**2.4.4.2** Following the filing of an appeal, the Board of Appeals shall hold a public hearing on the appeal within forty-five (45) days. The Board of Appeals shall notify the Municipal Officers, Code Enforcement Officer, ~~and the~~ Chair of the Planning Board, and the applicant, at least twenty-eight (28) ~~14~~ days in advance, of the time and place of the hearing. If the appeal involves an action of the Planning Board, the Board of Appeals shall also provide the required notice to the members of the Planning Board and the Town Planner. If the appeal involves a decision of the Historic Preservation Commission, the Board of Appeals shall provide the required notice to the members of the Commission. The applicant shall publish notice of the hearing not less than fourteen (14) days in advance in a newspaper of general circulation in the area. The notice shall include a description of the nature of the appeal and the time and place of the public hearing.

**2.4.4.3** The applicant shall notify ~~the Code Enforcement Officer and~~ by certified mail the owners of all property within one hundred (100) feet of the property involved if the property is in a Residential or Central Business district and within two hundred (200) feet of the property in all other districts, at least fourteen (14) days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing. ~~The applicant and~~ shall furnish proof of such notification to the Board prior to the public hearing.

**2.4.4.4** The owners of property shall be considered those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

**2.4.4.5** At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause.

**2.4.4.6** The Code Enforcement Officer or designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he/she deems appropriate for an understanding of the appeal. The Chair of the Planning Board or the Board's representative and/or the Chair of the Historic Preservation Commission or the Commission's representative may attend the hearing dealing with an appeal of their action and may present material they deem necessary for an understanding of their action.

**2.4.4.7** The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chair~~man~~.

**2.4.4.8** Within twenty (20) days of the public hearing, the Board of Appeals shall reach a decision on an appeal. Within seven (7) days of making its decision, the Board~~and~~ shall inform, in writing, the appellant, the Code Enforcement Officer, the City Manager, the Mayor, and the Chair~~man~~ of the Planning Board of its decision. The Board shall also notify the Chair of the Historic Preservation Commission if the appeal involves a decision of the Commission.

**2.4.4.9** Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall forthwith issue a building permit in accordance with the conditions of the approval.

**2.4.4.10** A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within 1 year of the date on which the appeal is granted, and if the work or change is not substantially completed within 2 years of the date on which the appeal is granted.

**2.4.4.11** If a variance expires, to continue work in progress or to commence construction, a person shall apply for a new variance or the person shall be in violation of this Ordinance.

**2.4.4.12** A variance granted by the Board of Appeals shall be recorded in the Kennebec Register of Deeds within 90 days of the date of written approval of the variance pursuant to 30-A M.R.S.A. Section 4353, Subsection 5. The variance is not valid until it is recorded.