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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

ORDINANCE REVIEW COMMITTEE

Meeting Minutes Monday March 22, 2021 @ 5:00 PM VIA Virtual Conferencing

- 1.) Call the meeting to order- Chair Willis called the meeting to order at 5:03pm
 - 2.) Roll Call Attendance-Rusty Greenleaf, Louis Sigel, Mayor Pat Hart, CEO-Kris McNeill, Lester Young and Clare Marron were absent. Others present included: Mark Eyerman- City Planner, Tracey Desjardins- ECDD, and Justin Young is here to observe the committee. Angelia Christopher- Planning and Development Assistant.
 - 3.) Review of February 22, 2021 meeting notes- Chair Willis asked if there were any corrections. No. Chair Willis asked for a motion to accept as presented. Rusty made a motion- Louis seconds. Roll call vote All in favor
 - 4.) Draft amendments to PB notice requirements: This topic was discussed at last month's meeting. Mark Eyerman has submitted some ideas for this LUO change. When there is a project coming to Gardiner, there are notification provisions that the applicant needs to meet in order to be scheduled for a Planning Board review. There have been concerns about abutters and neighbors not being notified about upcoming projects. Mark Eyerman's suggested edits to the LUO would require written notice of any Planning Board meeting, including workshops and site walks where there is a potential development being discussed. Notice should be sent to all abutting property owners 200' from the proposed parcel for development. In the event that the applicant is not required to file notice, the City of Gardiner should do it on the Planning Boards behalf. In the event that it is the responsibility of the City to file notice, letters shall be sent to neighboring properties no less than 14 days before the meeting. Letters will be sent by first class mail, and shall contain necessary information such as date, time, method or place of meeting, and a brief explanation of why the meeting is being held. If any property owner does not receive notice from the City, it will not delay the meeting, or discredit any action to be taken by the board.
- Mark is suggesting edits to the LUO to reflect this. In regards to a site plan review for a development to go before the Planning Board, the applicant can request an informal meeting to go over application requirements before a formal application review meeting is scheduled. Applicants will need to ask the CEO to be placed on the Planning Board agenda at least 14 days prior to the meeting. Depending on the extensiveness of the agenda, the informal meeting may be moved to the next regularly scheduled planning meeting. Once the applicant knows the date of the informal meeting, they are required to provide written notice of the Planning Board meeting to property owners, following notification requirements. The applicant is not required to meet any submission requirements for the informal meeting. Planning board members are allowed to observe only at an informal meeting.

In regards to notice requirements for Neighborhood meetings- There should be a Neighborhood meeting held by the Planning board, for any potential project that requires a site plan review. This meeting will be an informal discussion to allow the applicant to explain the project and gives neighbors a chance to offer comment or ask questions.

The City of Gardiner will provide written notice, by first class mail to all property owners 200' from the project. This informal session will be opened by the Chair of the Planning board, and will be 'run' by the applicant of the proposed development. Members of the Planning board can observe the meeting, but not participate in discussion. After this informal meeting, the applicant will provide the City with documentation of the meeting, via video, or minutes.

Board members feel these suggestions are good. Mark will work on this, and bring it back for the next ORC meeting.

5.) Demolition Permits-Kris McNeill CEO- There have been several instances within the City where buildings have been torn down without a Demo permit. Part of the demo permit process is to make sure that homes containing hazardous materials, like asbestos, are taken care of properly. Just in the past year, a home was torn down in the middle of the night, and was gone by morning, that was rumored to be full of asbestos. No demo permit was obtained. DEP rule states that if there are more than three units in a building to be demolished, the law says there has to be a permit obtained. If it is less than 3 units, a permit should be obtained. Kris would like it clearly spelled out in the LUO that if a building is set for demolition, there needs to be a demo permit in place.

This needs to be clearly outlined in the LUO, if a building comes down, they need a permit. It does not need to be anything confusing, it just needs to be in the LUO. Mark will work on this and bring it back at the next ORC meeting.

6.) Solar Calculations- Municipalities in Maine are calculating fees for solar projects many different ways. Gardiner needs to clearly identify what they want to do. We need a way to spell it out, how it will be charged. Mark asks how much work it is for City staff to review a solar application. Government entities are only supposed to bill in relation to the services that they provide, not for profit. The level of effort is what we should be billing for.

Kris states that there can be a significant amount of City staff time put into a solar application. Fees need to be identified in the LUO. Mark asks if the solar calculation fee would go on the fee schedule, which is not in the LUO. Kris would like to see the calculation method in the LUO, so that people have that information. Mark will work on this and bring it back to the next meeting.

7.) Solar Array projects in Residential areas- This is coming about after questions about the placement of solar projects came about from a project that abuts homes in HDR. The committee discussed increasing the buffer when a project is near HDR. It is identified in the LUO, that there would be no solar in HDR. The ConEd project has over 9 abutters that are in HDR. Justin Young is an abutter to this project, and is now on the Planning Board as well. He states that the overall concern to the ConEd project is how close it is to people's homes. Solar is an industrial project. Buffering and screening should be solar specific to work with neighboring properties more effectively.

8.) Adjourn: Chair Willis asks for a motion to adjourn. Rusty Greenleaf offers the motion to adjourn. Second from Mayor Pat Hart. Roll call vote: Rusty Greenleaf- yes, Mayor Pat Hart- yes, Kris McNeill- yes, Louis Sigel has already left. All in favor, Adjourn at 6:30pm.

Next Meeting: The next ORC meeting was scheduled to take place on 4/19/2021, which is a holiday. The committee decided to change the April meeting date to 4/26/2021, at 5pm.