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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

ORDINANCE REVIEW COMMITTEE

Meeting Minutes

Monday February 22, 2021 @ 5:00 PM

VIA Virtual Conferencing

**In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19*

1.) Call the meeting to order-Chair Willis called the meeting to order at 5:05pm

2.) Roll Call- Chair Willis, Lester Young, Mayor Pat Hart, Rusty Greenleaf, and Louis Sigel absent- Clare Marron. Also present- Mark Eyerman- City Planner, Patricia Buck Welton, Kris McNeill- Code Enforcement Officer, Tracey Desjardins- Economic Development Director, and Angelia Christopher- Planning and Development Assistant.

3.) Review of January 25, 2021 meeting notes- Chair Willis asks if there any corrections, comments. No. Rusty Greenleaf makes a motion to accept the minutes as presented. Louis Sigel offers a second motion. No further discussion. Roll call vote: Rusty Greenleaf- yes, Lester Young- yes, Louis Sigel- yes, Kris McNeill- yes, Chair Debby Willis- yes. All in favor.

4.) Finalize draft amendments to the Land Use Ordinance dealing with Marijuana establishments- Mark Eyerman went over the changes that he has made and sent out in his memo. At the last meeting, the committee went through the zones in the City, to decide where establishments would be allowed. Mark Eyerman asked committee members if anything else needs to be changed or discussed. He then asked if this was ready to go to

the Planning Board for public hearing and their review. Chair Willis asks the others on the committee how they feel, is this ready? Kris McNeill points out that some of the uses will likely need to come out of the PIC zone. Due to federal funding associated with the park, marijuana based businesses might not be allowed. The Planning and Development Dept. is working to get answers on this. The issue is federal funds were used to pay for the infrastructure of Libby Hill business park. Phase II of the park is out of the question, but the City is unsure of Phase I and is waiting for more answers. The options for this are to table, and come back next month, or vote to move it forward to the Planning Board pending answers about Phase I. Phase I has expired over time and is over 20 years old. Phase II is within the last 20 years, so that makes this part of Libby Hill business park a definite no for marijuana businesses at this time. Chair Willis states that they can add it to the City's LUO, but they cannot get around federal law. Chair Willis states that it would be ideal to move to the Planning Board, and eventually City Council for passage. Hopefully they will have answers about the legal interpretation and this will be modified to reflect that decision before it goes to City Council.

Rusty Greenleaf makes a motion to move this forward to the Planning Board. Lester Young suggested that the motion be rephrased to reflect the legal interpretation and decision about the park. Rusty pulls the previous motion and makes a motion to move this forward to Planning Board pending legal interpretation and their decision. Louis Sigel offers a second motion. No further discussion. Roll call vote: Rusty Greenleaf- yes, Lester Young- yes, Louis Sigel- yes, Kris McNeill- yes, Chair Debby Willis- yes. All in favor. Motion passes.

5.) Review revised draft of cemetery rules- The idea for cemetery rules has come from City Council and concerned City staff. There have been a number of problems with cemeteries within the City and ORC was asked to look into it. Mark Eyerman looked at the rules of a handful of other towns' rules, and is working on setting up operational rules for Gardiner. He incorporated information that Rusty Greenleaf had suggested, which consisted of giving City staff the authority to make changes if a grave was in disrepair, or not being maintained. The rules that Mark Eyerman has outlined include seasonal clean up, what can be placed on graves and how to handle graves in disrepair. Kris McNeill asks if it has been discussed how to post these rules. Whether there be a sign at the cemetery, or a notice, that will alert cemetery visitors to the rules. Mark Eyerman states that if the Council adopted rules, then they should be posted at the cemetery. Rusty Greenleaf feels it will be a good move to send this forward. Louis Sigel feels they should be posted. Lester Young- 'if Rusty is happy with them, we are good, he is the expert'. We could also put the rules online, on the City's website.

Louis Sigel moved to send these rules to City council. Rusty Greenleaf seconds the motion. No further discussion. Roll call vote: Rusty Greenleaf- yes, Lester Young- yes, Louis Sigel- yes, Kris McNeill- yes, Chair Debby Willis- yes. All in favor.

6.) Discuss possible approaches for improving notice of PB meetings and decisions on applications. Mark Eyerman states that this came about when he was asked to take into consideration the councilors' concerns about public notice. City Council would like to see all permits issued, and approved by the CEO to be available for public viewing. There should also be public accessibility of Planning Board applications and decisions. There should also be notice for neighbors of scheduled Planning Board workshops and neighborhood meetings. Having all permits and approvals on the City's website, would enable abutters, neighbors and other interested parties, the opportunity to view permits that have been issued. Providing notice this way, would also trigger the appeal timeline. It is being suggested that there be a place on the City's website that could list the permits and approvals that have been issued by the CEO. This could be done at least once a week.

Another area that needs to be addressed is Planning Board action- If a project is approved, this too would be posted on the City's website. Chair Willis agrees that the Board needs to start NoD, Notice of Decision, and it needs to be posted, so the public can see it. There also needs to be some changes to the NoD, in the way that it needs to be more in-depth/ cover more detail.

Mark Eyerman brings up the issue of certain people not having or using the internet. He goes on to state that there is a population that does not have access, or is not comfortable using the internet or a computer. Lester Young feels if people want info on a topic they are interested in, they will find it, despite computer access. Mayor Hart asks how much of an administrative burden this will be. The information can be generated rather quickly, and the website will be set up so that items can be viewed easily. Planning Board applications are already on the website, but will be linked to the NoD.

Lester Young stated that in some places, it is mandatory for a developer to hold a meeting before going to the Planning Board. Kris McNeill and Mayor Hart both think this is a great idea. In order to do this, there would need to be a clear cut line, of when such a meeting would need to happen- how far in advance before the actual Planning Board meeting. The Committee discussed some parameters, which would trigger the need for a neighborhood meeting for a planning board application. This can be a valuable tool for members and the public to gather necessary information. The key is to establish what kinds of applications would need a neighborhood meeting. Mark will work on this, and bring it back for review.

Mark Eyerman summarizes what he has heard on this topic.

- There will be a log created of CEO permits and approvals that will be on the website. This will be addressed administratively. Basis information, straight forward.
- Planning board apps are already on the website, and will need to figure out how to add notice of decision.
- Public notice of new proposals coming to the planning board, at least larger scale activities. A community meeting would be mandatory for those types of projects.

Mayor Hart, was busy for the first few minutes of the meeting, and asked how the Committee did working on marijuana amendments. The issue of marijuana establishments in Libby Hill was brought up. The Committee discussed the issue with federally funded areas not allowing marijuana businesses. Mayor Hart asked what about downtown, and the CDBG façade grants. Tracey states the difference is when the recipient received the façade grant they did not have a tenant in waiting for a marijuana business. Tracey stated that the legal dept. at EDA is working on this, and whether or not federally funded areas can be used. Members ask if marijuana shops are legal downtown, with CDBG being federally funded. Anything funded in part by USDA, will need to carefully look at as well. The Committee agrees that any place that federal dollars were used, will need to be reviewed closely.

Other: Next meeting will be held on March 22, 2021 at 5pm.

Adjourn: Rusty Greenleaf moves to adjourn, Mayor Hart second. Roll call vote: Rusty Greenleaf- yes, Lester Young- yes, Louis Sigel- yes, Kris McNeill- yes, Chair Debby Willis- yes. All in favor. Adjourn at 6:30 pm.