



CITY OF GARDINER

PLANNING BOARD

Planning Board Meeting Minutes

Tuesday, October 10, 2017 @ 6:00 PM
Site Visit @ 18 Camp Ruth Trail

Regular Meeting immediately following site walk
City Hall Council Chambers

Members Present: Chair Debby Willis Diane Morabito Pam Mitchel
Joel Alexander Les Young Zachary Hanley

Also Present: Barbara Skelton, Code Enforcement Officer (CEO)/Assistant Planner
Dorothy Morang, Administrative Assistant

Becky Roak, Applicant Ben Murray, Applicant

Site Walk Minutes

Members gathered at the 18 Camp Ruth Trail property to view the existing shed and its location. They also noted an old outhouse location. Becky Roak showed members around.

Les asked if they demolish the shed and rebuild, will it be stick built. Becky said yes and they plan to place it on sono tubes and concrete below the frost line. CEO said the building code doesn't require it be frost protected. Becky said they have to rebuild in order to acquire insurance.

Becky asked if they turn the position back they can get more length with the door on the driveway side. Les said they would have to excavate as the shed sits lower than the driveway. Becky said they plan to elevate the new shed. Chair Willis asked if

they can swing the shed back and not hit the stone wall. She said it looks like it holds back water.

Zach asked if the expansion is 30%. Becky said yes. Pam asked if the shed cannot be higher than the house. CEO Skelton said yes. She said it's 30% area & volume. Becky said they also hope to get it a little higher. Les said he doesn't know that it can go back further because of the stone wall.

Chair Willis said she doesn't think it reasonably could be moved to another location. Diane asked why it couldn't be placed across the other side of the driveway. CEO Skelton said it would cause more erosion – this is cleared, developed land. Chair Willis said it isn't practical to put it there and tear down the side of the hill.

Members returned to City Hall for meeting.

1.) Call the Meeting to Order

Chair Willis called the meeting to order and welcomed everyone.

2.) Roll Call

3.) Review of Meeting Minutes of August 8, 2017

Les Young moved to approve the minutes with spelling correction of Mitchel. Pam Mitchel seconded the motion.

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

New Business

4.) Public Hearing – Shoreland Zoning Permit Review

Mary Parker & Becky Roak are seeking approval to tear down a seasonal camp w/shed and rebuild with 30% expansion. The shed needs to be elevated and put on blocks. The property, located on 18 Camp Ruth Trail, City Tax Map 1A Lot 10 is in the Shoreland (SL) District.

Becky Roak noted that they are not planning to tear down a seasonal camp w/shed, just the shed with a 30% increase.

Chair Willis asked members if they thought they could hear this application in an unbiased manner. Pam Mitchel disclosed that she had Becky as a student at the University of ME Farmington a while back but feels she can review this application in an unbiased manner. Other members were ok with this and also feel that they can review the application in an unbiased manner.

6:34 pm Chair Willis opened the Public Hearing.

Chair Willis asked staff if they had received any comments on this application.

CEO Skelton and Dorothy both said no.

6:34 pm Chair Willis closed the public hearing.

Chair Willis directed the members to Nonconformance Section 3.6.2 of the Land Use Ordinance concerning Expansion. She read the section. Pam noted that on the site walk, they saw the existing shed and its closest point to the water. There are creative ways to do this. Les asked if the applicant would have to do a site plan and get a building permit. CEO Skelton said yes. Becky said they would like to expand it if they are allowed to turn the building and if not, expand in volume. Pam said the members had to look to see if there were any other place it could go – it is up to you & the CEO on the rest.

Section 5.6 Shoreland Activities reviewed. OK

Section 8 General Performance Standards

8.4 Accessory structures

Pam said if the building stays where it is, no vegetation will be moved. She noted the maximum volume expansion is 30% and the building could not be over 15' in height.

Section 9 Environmental Performance Standards

No change to air or water quality. Diane asked about erosion control. CEO Skelton noted that they will need a demolition permit and it requires information concerning erosion control and methods of disposal.

Section 13 Shoreland Zoning

Pam said the only thing that might apply would be clearing of vegetation and after the site walk, it didn't appear that there was any to remove.

Section 13.9 & 13.9.4

Pam noted that after the review of the site, they did not want the applicant to move the structure. 13.9.4 is a CEO issue.

Section 6.5.1 Review Criteria

6.5.1.1 OK

6.5.1.2 Skip for now

CEO Skelton said these don't apply to a Shoreland Permit – it's only criteria is that it does meet to the practical extent.

Pam Mitchel moved that having visited the site, it is clear that there is no other place that the shed could be reasonably placed. It cannot be moved. Zachary Hanley seconded the motion.

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

5.) **Public Hearing – Planning Board Review**

Casey's Sports Pub, Inc, Owner, E. S. Coffin Engineering & Surveying, Inc., Benjamin Murray, PE. Applicant/Agent is seeking approval to add a small addition to the rear of the building for additional seating. The property, located at 14 Main Av, City Tax Map 037 Lot 135A is in the Central Business (CO) and Shoreland Overlay (SO) Zoning Districts.

Chair Willis read the agenda item. Ben Murray introduced himself and said he is with Coffin Engineering. He is representing Steve Casey from Casey's Sports Pub, Inc. He noted that currently there is a small addition being added. The CEO can only approve up to 500 SF, so as it exceeded the 500 SF, they did the project as a phased project. This is the second phase to add a small addition to the rear of the building (82 SF) seating area, so they can make it more comfortable and move the exit door. All of this is within the property lines and it is within the flood zone and they have addressed it with the CEO.

Chair Willis asked members if they felt they could hear this application in an unbiased manner. Pam disclosed that she does go there, but doesn't feel it would be a problem. All agreed and felt they could review this in an unbiased manner.

6:59 pm Public Hearing

Chair Willis asked staff if they had received any comments. They had not. No public in the audience.

6:59 Closed public hearing.

Members reviewed various sections of the Land Use Ordinance
Section 8, 9 & 15 – do not apply

Section 6.5.1 Review Criteria

6.5.1.1 Ok

6.5.1.2 Skip for now

6.5.1.3 thru 6.5.1.6 Ok

6.5.1.7 Ben noted that the roof drains were separated from the sewer system and put into a catch basin. Ok

6.5.1.8 through 6.5.1.14 OK

Pam Mitchel moved (6.5.1.2) that this application conforms to all applicable provisions of this Ordinance. Diane Morabito seconded the motion.

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

Pam Mitchel moved to approved this application. Joel Alexander seconded the motion.

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

6.) Ordinance Changes

Section 7.6 Land Use Table

Section 10.3.3 Chicken Keeping Residential

Section 10.3.2 Standards for Accessory Animal Husbandry

Section 10.3.4 Standards for Commercial Animal Husbandry

Section 10.3.6 Standards for Beekeeping

Section 17 Definitions

Section: 2.1.1.14 Code Enforcement Officer

Section 2.2.1 Enforcement

Section 2.4.4.1; 2.4.4.2; 2.4.4.6; 2.4.4.8 Appeal Procedure

Section 2.4.5.1 Administrative Appeals

Section 2.4.5.2 Planning Board & Historic Preservation Commission Appeals

Section 2.4.5.3 Variance

Chair Willis gave an overview of the proposed changes to the sections in the Land Use Ordinance relating to the keeping of bees. Les said he thinks, as proposed, this is good – it protects the neighborhood. Diane had a concern that hives are allowed closer to the property lines than chickens. CEO Skelton said that the Planner, Mark Eyerman did a lot of research – there didn't appear to be concerns with property lines, just schools and public places.

Chair Willis gave an overview of the proposed changes to sections of the Land Use Ordinance relating to Residential Chicken Keeping. She said most of the problems are when people don't take care of the chickens properly – keeping them within the pens, keeping the pens clean and proper storage of the food. It draws rodents and other animals.

Les had a problem with Section 10.3.3.6.6 - he has a problem that it doesn't require a cover and doesn't specify a pen height. CEO Skelton said the second most common complaint is about chickens getting out of the pen and going to their neighbors' property. Les also feels there should be a minimum volume per bird – the larger the pen, the lower the height.

Members discussed possible heights and coverings. Pam said if the pen is 6' high, she doesn't feel it needs a cover. Zach said to just tell them that the chickens have to be kept in the pen and let them do it however they need to. After a long discussion, the following changes to this draft were proposed:

Section 10.3.3.6.6. The perimeter fence for the pen or enclosed area must include a wire screen with openings no larger than one (1) inch that is 6' high and extends a minimum of one (1) foot below the ground surface. Pen or enclosed area must be covered to contain the birds.

Chair Willis noted the changes to Section 2 Administrative as it relates to Residential Chicken Keeping and appeals.

Pam Mitchel moved that we recommend that these proposed changes to the Land Use Ordinance be sent to the City Council with a note showing additional changes to Section 10.3.3.6.6. Les Young seconded the motion.
Vote: 6 in favor. 0 opposed. Motion passed.

7.) ADJOURN

Les Young moved to adjourn. Zach Hanley seconded the motion.
Vote: 6 in favor. 0 opposed. Motion passed.
Meeting adjourned at 8:47 pm.