



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	09/22/2021	<b>Department</b>	Planning/Economic Dev
<b>Agenda Item</b>	4.e) First Reading of the proposed amendment to the Land Use Ordinance (Planning Board Notice Requirements)		
<b>Est. Cost</b>	n/a		

**Background Information**

The City Council asked the Ordinance Review Committee to review the meeting notice requirements in the Land Use Ordinance to assure that abutters/neighbors receive notice of all Planning Board meetings including workshops where a development proposal or potential development proposal will be discussed. This also addresses a related concern that abutters/neighbors have the opportunity to participate in the process before a formal application is submitted. The ORC identified four areas where the process may be improved.

The planning board moved to send this amendment to City Council for first and second read.

<b>Requested Action</b>	"I move to send the proposed amendment to the Land Use Ordinance (Planning Board Notice Requirements) to a Second Read scheduled for 10/6/2021."
<b>City Manager and/or Finance Review</b>	The Acting City Manager approves the above action."
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

To: Gardiner City Council  
From: Planning Board/Ordinance Review Committee/Mark Eyerman  
Subject: Planning Board Notice Requirements  
Date: August 16, 2021

The City Council asked the Ordinance Review Committee to review the meeting notice requirements in the Land Use Ordinance to assure that abutters/neighbors receive notice of all Planning Board meetings including workshops where a development proposal or potential development proposal will be discussed. A related concern is also that abutters/neighbors have the opportunity to participate in the process early before a formal application is submitted. The ORC identified four areas where the process can be improved as follows:

1. Create a "generic" notice requirement in Section 6.3 that requires the Planning Board to provide written notice to abutters/neighbors of any Planning Board meeting, workshop or site walk at which a development proposal or potential development proposal will be discussed if there are no applicable requirements for an applicant to provide written notice. In most cases the applicant is required to provide written notice but there may be a few situations where that is not required. This change would fill that possible gap in the notice requirements.
2. Require an applicant that requests an informal review of a development proposal by the Planning Board to provide written notice to abutters/neighbors. Currently there is no notice requirement for these informal reviews.
3. Create a provision for a required informal neighborhood meeting prior to the submission of an application to the Planning Board for larger projects subject to Site Plan Review and Major Subdivision Review. This is intended to allow abutters/neighbors to meet with applicants or potential applicants early in the process before a development proposal is fully developed.
4. Require the applicant to post a notice of the development review and pending public hearing or review meeting on the property for projects requiring planning board review or site plan review and for subdivisions.

Attached are proposed amendments to the Land Use Ordinance to address those four areas. The Planning Board held a public hearing on the proposed amendments and made some minor edits to the Ordinance Review Committee's draft which have been incorporated into the attached material.

## Proposed Amendments to the Land Use Ordinance Notice of Planning Board Meetings

Proposed additions to the ordinance are underlined;  
proposed deletions are ~~struck out~~.

1. Amend Section 6 to add a new Section 6.3.7 Notice of Planning Board Meetings to read:

### **6.3.7 Notice of Planning Board Meetings**

Written notice of any meeting of the Planning Board including workshops and site walks at which a development proposal or potential development proposal will be discussed shall be provided to all property owners within two hundred (200) feet of the subject parcel where the development activity may occur. If other notice provisions of Sections 6 and 14 do not require an applicant to provide such written notice, the City on behalf of the Planning Board shall provide the notice. Notice provided by the City under this provision shall be mailed by first class mail to the owners of record as shown on the City's property tax records at least fourteen (14) days prior to the meeting. The notice shall contain the date, time, and place of the meeting and a brief explanation of the development or potential development proposal to be discussed. Failure of any property owner to receive such notice from the City shall not delay the meeting or invalidate any action taken at the meeting.

2. Amend Section 6.4.5.1 to read as follows:

**6.4.5.1** An applicant for site plan review may request an informal sketch plan meeting with the Planning Board prior to submitting a formal application. The applicant requesting an informal meeting shall inform the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board and ask to be placed on the Board's agenda. The Code Enforcement Officer shall place the request on the Board's agenda for consideration. If the Planning Board agenda is extensive, the Code Enforcement Officer may schedule the sketch plan consideration for the following regularly scheduled meeting of the Planning Board. The applicant shall provide written notice of the Planning Board meeting at which the sketch plan will be discussed to property owners in accordance with 6.4.6.5. The applicant shall not be required to meet any submission requirements for the sketch plan meeting.

3. Amend Section 6.4.5.2 to read as follows:

**6.4.5.2 Neighborhood Meeting.** The Planning Board shall host a neighborhood meeting for any application or potential application for a project requiring site plan review prior to any other consideration of the project by the Planning Board. The neighborhood meeting

shall be an informal session to allow the potential applicant to discuss the concept for the project and for neighbors to provide feedback on the development concept. The City on behalf of the Planning Board shall provide written notice by first class mail to all property owners within two hundred (200) feet of the development parcel as shown on the City's property tax records. The neighborhood meeting shall be convened by the Chair of the Planning Board but shall be directed by the potential applicant or their representative(s). There are no requirements for what information the potential applicant must provide at the meeting. Members of the Planning Board may attend the meeting as observers but shall not participate in the discussion. The potential applicant shall provide for the audio or video taping of the neighborhood meeting and shall provide a copy or transcript of the recording to the Planning Department within ten (10) days of the meeting.

6.4.5.3 Following the neighborhood meeting, an application for Site Plan Review shall follow the procedures for Planning Board Review (see 6.4.4).

4. Amend Section 6.4.6 Public Hearing Requirements by adding a new subsection 6.4.6.8 to read as follows:

6.4.6.8 At least fourteen (14) days prior to the public hearing, the applicant shall post the notice of the public hearing on the subject property. The posting shall conform to the following requirements:

6.4.6.8.1 The public hearing notice shall be a minimum of eleven (11) inches by seventeen (17) inches, shall be readable from a distance of five (5) feet, and shall contain the information included in the notice published in the newspaper.

6.4.6.8.2 The notice shall be printed or painted on the display board or laminated in clear plastic or enclosed in a clear weatherproof envelop or folio such that it can be read without having to be removed from the envelop or folio.

6.4.6.8.3 The notice shall be mounted on a ridged four (4) foot by four (4) foot display board.

6.4.6.8.4 The face of the display board shall be white or yellow and shall contain the following in black letters at least six (6) inches high:

**DEVELOPMENT REVIEW PENDING**

6.4.6.8.5 The display board shall be installed in the front yard of the property within five (5) feet of the front property line in a location that is clearly visible from the adjacent street or sidewalk. If the front wall of the building is located within five (5) feet of the front property line, the display board may be attached to the building as long as it is clearly visible from the adjacent street or sidewalk.

6.4.6.8.6 The display board shall remain in place until the Planning Board acts on the application or the application is withdrawn.

5. Amend Section 14.5.8.3.2.3 by adding the following paragraph to the section:

In addition to the mailed notices, the applicant shall post the notice of the Planning Board meeting on the subject property at least fourteen (14) days prior to the Planning Board

meeting at which the Site Inventory and Analysis will first be discussed,. The posting shall conform to the following requirements:

14.5.8.3.2.3.1 The notice shall be a minimum of eleven (11) inches by seventeen (17) inches, shall be readable from a distance of five (5) feet, and shall contain the information required in the notice to abutters.

14.5.8.3.2.3.2 The notice shall be printed or painted on the display board or laminated in clear plastic or enclosed in a clear weatherproof envelop or folio such that it can be read without having to be removed from the envelop or folio.

14.5.8.3.2.3.3 The notice shall be mounted on a ridged four (4) foot by four (4) foot display board.

14.5.8.3.2.3.4 The face of the display board shall be white or yellow and shall contain the following in black letters at least six (6) inches high:

**SUBDIVISION REVIEW PENDING**

14.5.8.3.2.3.5 The display board shall be installed in the front yard of the property within five (5) feet of the front property line in a location that is clearly visible from the adjacent street or sidewalk. If the front wall of a building is located within five (5) feet of the front property line, the display board may be attached to the building as long as it is clearly visible from the adjacent street or sidewalk.

14.5.8.3.2.3.6 The display board shall remain in place until the Planning Board acts on the application or the application is withdrawn.

6. Amend Section 14.5.8.4 to read as follows:

**14.5.8.4 Major Subdivision Review Procedures**

Prior to the submission of any application materials for a major subdivision, the Planning Board shall host a neighborhood meeting on the potential application prior to any other consideration of the project by the Planning Board. The neighborhood meeting shall be an informal session to allow the potential applicant to discuss the concept for the project and for neighbors to provide feedback on the development concept. The City on behalf of the Planning Board shall provide written notice by first class mail to all property owners within two hundred (200) feet of the development parcel as shown on the City's property tax records. The neighborhood meeting shall be convened by the Chair of the Planning Board but shall be directed by the potential applicant or their representative(s). There are no requirements for what information the potential applicant must provide at the meeting. Members of the Planning Board may attend the meeting as observers but shall not participate in the discussion. The potential applicant shall provide for the audio or video taping of the neighborhood meeting and shall provide a copy or transcript of the recording to the Planning Department within ten (10) days of the meeting. **Once the neighborhood meeting has been held, the applicant may proceed to step one of the formal review process.**

The formal review process for a major subdivision is a three step process. Step one is the submission and review of a Site Inventory and Analysis. Upon the completion of the review of the Site Inventory and Analysis, the Planning Board will authorize the applicant to proceed to step two, the submission of a formal preliminary application and supporting documentation. The City will not accept or process an application for

preliminary plan review of a major subdivision until a review of the Site Inventory and Analysis has been completed. Following the approval of the preliminary plan, the Planning Board will authorize the applicant to submit the final plan, step 3 in the process.

7. Amend Section 14.5.8.4.1 to insert a new subsection **14.5.8.4.1.4** to read as follows and to renumber subsections 14.5.8.4.1.4 and 14.5.8.4.1.5 as subsections 14.5.8.4.1.5 and 14.5.8.4.1.6:

**14.5.8.4.1.4 Posting of Notice on the Property.** At least fourteen (14) days prior to the Planning Board meeting at which the Site Inventory and Analysis will first be discussed, the applicant shall post the notice of the Planning Board meeting on the subject property. The posting shall conform to the following requirements:

**14.5.8.4.1.4.1** The notice shall be a minimum of eleven (11) inches by seventeen (17) inches, shall be readable from a distance of five (5) feet, and shall contain the information required in the notice to abutters in 14.5.8.4.1.3.

**14.5.8.4.1.4.2** The notice shall be printed or painted on the display board or laminated in clear plastic or enclosed in a clear weatherproof envelop or folio such that it can be read without having to be removed from the envelop or folio.

**14.5.8.4.1.4.3** The notice shall be mounted on a ridged four (4) foot by four (4) foot display board.

**14.5.8.4.1.4.4** The face of the display board shall be white or yellow and shall contain the following in black letters at least six (6) inches high:

**SUBDIVISION REVIEW PENDING**

**14.5.8.4.1.4.5** The display board shall be installed in the front yard of the property within five (5) feet of the front property line in a location that is clearly visible from the adjacent street or sidewalk. If the front wall of a building is located within five (5) feet of the front property line, the display board may be attached to the building as long as it is clearly visible from the adjacent street or sidewalk.

**14.5.8.4.1.4.6** The display board shall remain in place until the Planning Board acts on the application or the application is withdrawn.