

Ordinance Review Committee Meeting Minutes February 15, 2024

(Approved by Committee on 3-14-24)

Call To Order: Bob Laliberte, Vice Chairperson, called meeting to order at 6:03 PM.

Roll Call: Marcy Laliberte

Members Present: Bob Laliberte, Vice Chairperson, David Welch, Bev Vucson, Jim Seymour, Town Planner

Members Absent: Barry Jordan, Chairperson, David McMarthy, Lori Cohoon, Paul White

Public Present: Phil Lowe, Jim and Marjie Jansz, Carolyn Calarese

Secretary's Report: Bob asked if there were any questions, corrections, or comments on the February 1, 2024 meeting minutes. There were none.

Bev made a motion to accept the February 1 meeting minutes as written.

David W seconded motion.

Motion passed with all in favor.

Public Comments:

Phil Lowe asked what ordinances are currently ready for the Select Board.

Bob responded that the Large Scale Water Extraction Ordinance is ready for review by the Select Board and then to be forwarded to the Attorneys.

Phil shared his concern regarding the Large Scale Water Extraction Ordinance. Due to the complexity of this proposed ordinance and the potential weaknesses of definitions and language, Phil recommended saying “no” on the Use Table at this time.

Jim recommended using the word prohibit.

David W discussed that the Town of Denmark states if something is not on the Use Table than it is not permitted in their town.

Old Business:

Large Scale Water Extraction

Summary of Discussion

- Absolute Dominion Rule states a land owner also owns the water under the land.
- Water under your land is always moving, so it could be coming from your neighbor.
- Water contamination could be an issue. There are ground water rules and testing that apply.
- Should the ordinance state “if not on Use Table then it is not allowed”? The answer was “yes”.
- This ordinance is to prohibit only commercial large scale water extraction, we do not want to over regulate.
- Bridgton allows large scale water extraction in one zone only and has put a limit of 50,000 gallons in one day or one million gallons in one year. They do not allow wind farms.

- A key definition for what commercial means would be important.
- Specify for on site usage, transporting off site prohibited.

Commercial Wind Energy

Summary of Discussion

- The town has allowed communication towers already, so one could say a wind tower is allowed. May want to think about changing the Use Table.
- Everyone is in agreement to writing “no” on Use Table for Commercial Wind Energy and possibly excluding private residences and farms.

Commercial Solar Energy

Summary of Discussion

- A question was asked if CMP or large substations are regulated in town. Are essential services, accessory structures on the Use Table, is it private utilities or public utilities.
- A large gas power company can put in their lines through right of ways or roads and we can't stop them.
- Solar farms are having difficulty getting operational. Permits are expiring while waiting for supplies and getting hooked up to the grid. The infrastructure is not in place to process all the permits, and CMP is having difficulty handling everything.
- Massive solar battery storage is an issue, solar only produces during the day.
- The purpose of the solar ordinance is not to prevent a small business from having solar. We don't want to prevent commercial solar to run a small business, thinking the ordinance would be more for large industrial solar farms.
- The large Industrial energy solar farms go straight into the grid for profit, versus commercial or residential solar would go to the grid for their own use.
- Not sure if towns can prohibit solar farms completely, it would be best to put limits so that it is not feasible to develop a large solar farm. There is a state statute to encourage solar development.
- A question was asked If a roof cannot hold the weight of the panels needed, can one buy land to put the panels on.
- Must be very careful with writing the definitions for the ordinance.
- Need to isolate the uses and support the primary benefits for the consumption of energy. Have limits as to how it supports the use or make it very difficult with limitations so they won't build. Look at commercial business buffers versus buffers for commercial solar that would be more.
- Tracker solar systems are more efficient and work well. Current proposal limits height to 10 feet.

A lengthy discussion occurred regarding writing “no” on the Use Table and to continue working on the ordinance. Discuss writing “no” on Use Table for Water, Wind, and Solar at this time and continue working on the ordinances. Limits can be temporary and can be changed. Technology is changing rapidly.

Short Term Rentals

Lori has been working on the Short Term Rental Ordinance and she was absent, so this discussion was postponed until next meeting.

LD2003

Summary of discussion

Bob stated that he and Bev have been working on LD2003 that will take effect on July 1. Bob highlighted what is included in LD2003.

- Lots without dwellings and outside a growth area can have two units on a lot.
- Lots with a dwelling and outside a growth area can add an addition or both a standalone dwelling and an addition.
- Lots in a growth area can have up to four units and this could qualify as a subdivision.
- A town can control the size of the ADU (accessory dwelling unit). Most are 800-1000 sq ft, minimum is 500 sq ft.
- Septic codes for the lot would still apply, so this could be a limiting factor.
- The issue is affordability. If the development is deemed affordable it can have 2 ½ times the density in a growth area, so technically one could build 10 units.
- The state is looking at more urban areas where public water and septic are already there
- There are a few exemptions, such as if a town has no comp plan or no village/growth area, then they don't need to comply with the density building.
- The state is looking at incentives for density, so rural is difficult.
- Look where locations would be, look at ways to restrict in Shoreland Zoning without compromising what the state wants. For example, a 600ft set back versus 250ft set back.

Jim sent ordinances from Windham and Raymond for Bob and Bev to review and this generated a few questions for Jim that were discussed.

- If someone wanted to build four houses on an open lot would this be subject to a subdivision with restrictions? The answer was "yes".
- Would nonconforming lots be disqualified? The answer was "yes".
- Can a lot size be changed? The answer was "yes", but septic requirements must be met.
- Parking on many rural Sebago roads is not allowed, so must allow for extra parking.
- Are accessory apartments the same as accessory dwelling units? The answer was "yes", so the wording would need to be changed in the existing ordinance.
- A question was asked if there are any restrictions for water usage like there is for septic. Septic is well defined. There are new rules and testing protocols regarding water and it is related to the number of bedrooms and people. The density factor could have 10 units on one lot, but the well supply and septic probably would limit this. There are strict testing requirements and documentation.
- A concern was that these ADUs would be used for Short Term Rentals. Can a town prohibit someone who applies for ADUs for the purpose of Short Term Rentals? The ordinance could have restrictions on this usage such as a 60 day rental. Certain things can be restricted and certain things cannot, it is a gray area.

Phil discussed the process for ordinance approval and time is short to have this ordinance ready to implement by July 1. Jim stated that this LD2003 should be a priority. Phil recommended this committee write a letter to the Select Board for them to send LD2003 to the Attorneys as soon as possible. Bob agreed to write this letter to the Select Board.

Flood Plain Maps

Sebago has not received the updated Flood Plain Maps. Jim states that the maps are out and he will contact Jake Hansen, GIS Specialist, as well as Brad, Town Manager. Jim suggested that maybe Jake could go to the Select Board meeting on March 5 if possible. Deadline for this is either June or July.

Inter Town Meeting held on 2-14-24

Summary of discussion.

Bob stated the following was discussed at the meeting.

- LD2101 dealing with Shoreland Violations
- Jim stated that there are two issues. During the process of a violation an applicant can apply for a permit and there is nothing to stop the town from issuing a permit.
- Towns have the burden of paying the legal fees if there is a law suit. What mechanism does a town have to get money back from violations that went to court? This would give towns leverage such as putting liens on the property.

There are certain qualifications for wetland regulation violations with the Army Corps of Engineers. Any violation would require compensation to the U.S. Army Corps of Engineers.

Storage units have minimal restrictions such as no combustibles are allowed. Should define storage and regulate what is in them. Ask to read their contract and regulate what is in them. Boat yard storage can be an issue, they can get unsightly quickly.

Bob asked if there were any final comments. There were none.

David made a motion to adjourn the meeting

Bev seconded motion.

Motion passed with all in favor.

Meeting was adjourned at 7:54 PM.

Next meeting is scheduled for Thursday, March 7, 2024, at 6:00 PM at the Town Office.

Respectfully submitted,

Marcy Laliberte

Please note that these minutes are not verbatim. A recording of this meeting is available at the Town Office.