

Ordinance Review Committee Meeting Minutes January 25, 2024

(Approved by Committee on 2-1-24)

Call To Order: Barry Jordan, Chairperson, called meeting to order at 6:12 PM.

Roll Call:

Members Present: Barry Jordan, Chairperson, Bob Laliberte, Vice Chairperson, David McCarthy, David Welch, Lori Cohoon

Members Absent: Bev Vucson, Paul White

Public Present: No public present

Secretary's Report: Barry asked if there were any comments or corrections on the January 4, 2024 meeting minutes. There were none.

Bob made a motion to accept the secretary's report for the January 4th meeting as written.

David W seconded motion.

Motion passed. Lori and David M abstained due to their absence at the January 4th meeting.

Public Comments:

No one from the public present at tonight's meeting.

Legal Fees for this Committee

Barry started the meeting by explaining that at the Town Meeting last June, the people voted to appropriate money for the Ordinance Review Committee to conduct business. By conducting business, the committee is using legal fees. If the money were still in the bank, then the committee would not be doing their job and nothing would be getting done. It is a double edge sword when people see the committee is spending money on legal fees. People should have anticipated this when they voted to approve the money for legal fees to develop ordinances.

Old Business:

Commercial Solar Energy

David W handed out the **Proposal for a Commercial Solar Energy Ordinance for Sebago**. He stated that he used some of the Key Points from the Otisfield Solar Ordinance and added additional key points that he felt would benefit the Town of Sebago. A summary of a few Key Points from this proposed ordinance are as follows:

- The Intent of the Solar Ordinance is to maintain the rural character of the town as defined in the Comp Plan, avoid creation of an industrial landscape, unrestricted solar development serves little benefit to the community beyond what would be necessary to meet the Town's electrical needs.
- 22,000 solar panels would be required to meet the town's needs.
- 30 acres of land would be required to meet the Town's needs.
- Allow a maximum of 100 acres for the entire town for present and future.
- Solar arrays not to exceed a maximum of 20 acres for any ground mounted solar system.

- There are set back requirements (ie 150 ft for vegetative land), natural and manmade buffer strips required (ie 50 ft), fencing at least 6 feet tall.
- Solar panels not to exceed 10 feet in height when installed and operating.
- Liability and Environmental Insurance shall be required, escrow account as required.
- A Decommissioning Plan would be required.
- Requirements for Periodic Inspections and updates.

The committee had a few questions and there was discussion regarding a few of the Key Points. It was decided that all members should read the Otisfield Ordinance again and be prepared to discuss this solar energy proposal at next week's meeting.

All were in agreement that the Solar Energy Ordinance should be a standalone Ordinance.

Barry asked about **Wind Energy** and suggested that maybe **Industrial Wind Farms** be prohibited in the Use Table. He feels there is no need to write an Ordinance, just put "**NO**" for **Industrial Wind Farm in Use Table**. All members in agreement.

David W mentioned there is confusion regarding industrial versus commercial, Barry agreed. David M suggested writing a definition in the regular ordinances explaining industrial wind and commercial wind. He felt this would also help the Planning Board.

David W asked if copies of other solar ordinances that the attorneys have written for other towns be obtained. He feels this would be helpful when writing the Ordinance for Sebago. Other committee members agreed that other ordinances would be helpful as well. Barry stated that he will contact the attorneys and hope to have information for next meeting.

Barry discussed that this solar ordinance is a priority. He would like to send it to the attorneys soon for their review and hopefully have it all done for town meeting in June. However, if it can't be completed, the moratorium will be extended again. The moratorium is able to be extended as this committee has been actively working on the ordinance.

Barry discussed that at the last Select Board meeting the Town Manager made a reference to a letter he received from FEMA stating that **Flood Plain Maps and ordinances** need to be updated. He will speak to the Town Manager and gather more information. Barry stated this is very important when dealing with home insurances.

David M questioned what would be the process for this committee to be able to address some items that the Planning Board doesn't have time to address.

Barry responded that in the ordinances it states that the Planning Board writes a report to the Select Board at least once a year addressing any deficiencies that they have discovered that needs to be addressed. They have an obligation to report to the Select Board. The Select Board would then develop or revise ordinances or bring to this committee.

David M stated for example notifications for private roads, public easement roads, and adding some definitions would be helpful.

Bob asked if this committee could speak to the Planning Board about their thoughts on what needs updating.

Inter Town Group

Bob gave an update on the **Inter Town Group** that he attended on January 10, 2024. He states the following was discussed.

There are new rules regarding septic systems coming from the state.

LD2003 Deals with Accessory Dwelling Units that goes into effect July 1.

LD 772 Deals with vested rights for Land Use permits. Barry stated that once an application has been deemed complete the town cannot put in a moratorium. This takes away the ability for towns to protect themselves.

David M asked if the MMA is lobbying against this. Suggested maybe Select Board could ask the Town Manager to write a letter to the legislature, and maybe the Town Planner as well.

LD 1672 Takes away some of the town's ability to review and regulate affordable housing developments.

LD2101 Strengthens Shoreland Zoning Enforcement, so if there is a violation, besides fines, it would allow towns to put a lien on the property.

David M stated that a lien is more effective than a fine.

Other Comments on Liens

Lori stated she would like to see liens put on properties that are behind on paying taxes. She stated the 5% penalty late fee doesn't cover the town cost. Maybe the town could have a hardship clause.

Barry stated that at the last town meeting it was proposed to increase that penalty late fee to 8%, but the towns' people turned it down. Barry thinks the procedure for setting these fees is state statute so not sure Sebago can have a hardship clause.

Commercial Large Scale Water Extraction Proposed Ordinance

Bob handed out the **Key Points to the Proposed Large Scale Water Extraction Ordinance**. He stated that he added the feedback that he already received from David W, David M, and Phil regarding some of the Key Points. The changes include:

- #5 Large scale water extraction will be classified as commercial or industrial with no permits given in the Shoreland Zone.
- #10 Individual wells not to exceed 25% sustainable capacity and will be assessed at the annual low water point.
- #19 Ongoing operations annual report to go to the CEO, as well as the Select Board, Town Manager, and Planning Board. The operations annual report will include daily, monthly, and annual water extraction data, water testing results, alerts and action taken.
- #23 Bob discussed routine assessment of streams flowing into the lake. A monitoring system should be put in place and also do a control charting analysis. The committee agreed this would be a good thing to do.

Barry would like #13, #19 to have the same people listed to report to. Bob will make that change.

David M asked if it would be a better measure to monitor deep artisan wells. There is so much surface interference with surface wells. What is the best way to truly reflect what we are trying to measure.

Barry said deep wells may not necessarily be in aquifers, versus driven point wells sit on the aquifers.

Barry requested Bob add driven point well, not just driven well to #13.

Lori suggested adding a hydrogeologist recommendation and how often the monitoring wells should be recalibrated.

David M stated he feels this water extraction ordinance would be a standalone ordinance. The committee agreed.

Bob asked what the process would be to inform people about a new or revised ordinance. Could a draft version of the ordinance be obtained from the attorney to be reviewed and shared with the Select Board, Planning Board, and the public before moving forward.

Barry stated that this committee could use a draft version and have a public hearing on a draft ordinance. He will ask the attorney about a draft.

Short Term Rentals

Lori stated that she has not completed the key points for Short Term Rentals, she will have it ready for next week's meeting.

Barry stated that by the time this ordinance gets approved it will almost be too late for this summer's rentals. We need time to inform the people of the ordinance, so we would include an appropriate start date.

Lori made a motion to adjourn the meeting.

David W seconded motion.

Motion passed with all in favor.

Meeting adjourned at 7:33 PM.

Next meeting is scheduled for February 1, 2024, at 6:00 PM at 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.