

Ordinance Review Committee Meeting Minutes October 19, 2023

(Approved by Committee on 1-4-24)

Call To Order: Barry Jordan, Chairperson, called meeting to order at 6:08 PM.

Pledge of Allegiance

Roll Call: Marcy Laliberte

Members Present: Barry Jordan, Chairperson, Bob Laliberte, Vice Chairperson, David Welch, Lori Cohoon, Bev Vucson, Jim Seymour

Members Absent: Paul White, David McCarthy

Public Present: Andrew Plummer

Secretary's Report: Barry asked if there were any comments on the minutes for September 14. There were none.

Barry asked for a motion to accept the minutes as written.

Lori made a motion to accept the minutes as written.

Bob seconded the motion.

Motion passed with all in favor.

Public comment. There were no public comments at this time.

Old Business:

Continue discussion on the moratorium items.

Commercial Solar Energy Discussion

David W referred the committee to the copy of Otisfield's Solar Ordinance. He states it is comprehensive and some changes will need to be made regarding the timeline and also the application procedure.

Barry states regarding our timeline, he would like the committee's drafts on the ordinances given to the attorneys for review as soon as possible. Then they will go to the Planning Board in November for review and to be put on the Planning Board agenda with a public hearing in December, and then to the Select Board for review and a public hearing in December. Barry would like the town meeting by the end of January or beginning of February.

Barry states the Select Board will need to extend the current moratorium on these items as time will run out before we can get them finalized.

Barry states that Bev's revisions on Land Use Ordinances Section 1,6,7 are currently being reviewed by the attorneys. They have a few concerns, so Phil Lowe, Barry, and Bev will be meeting with the attorneys to discuss their concerns the beginning of November, so as to have it ready for the next meeting in November.

Bev stated that at our last meeting the committee changed the notification of abutters from 250 ft to 500 ft, so we need to be sure to change that on the ordinance. Also, in reviewing the Otisfield ordinance it talked about a site plan walk. Bev stated we need to be sure that we include that in ours and that the site walks are public.

Jim states that stand alone ordinances must follow the Sebago site plan review process.

Bev added that maybe we make all solar projects major projects.

Jim states that these megawatt solar projects will need to come under the DEP regulations, and the shoreland ordinances must be followed as well.

Andrew Plummer spoke and suggested looking at the Standish ordinance as it addresses major and minor solar projects.

Jim states that the Otisfield ordinance is one of the better ones. A one megawatt solar requires clearing about 10 acres, so this will automatically mean a major project.

Barry asked what needs to be done to clean up some of the language of this ordinance for Sebago.

Here is a summary of the discussions that occurred regarding the moratorium items to adapt them for Sebago.

Solar Ordinance Discussion---Reviewed the Otisfield Ordinance

- Both Bob and Bev made comments to drop section 3.
- Bev stated we could drop some of the application process as we have our own process.
- Jim suggested getting rid of a lot in article 4 and reference back to our application process. Under 5, keep (b and c) and strip out (a).
- Jim states (h) deals with public safety/fire prevention. Do we want to run it by the fire department as each town's fire department wants different things.
- Barry suggested keeping it the same for now, and give this to our fire department.
- Jim discussed the type of fence used being 6-8 ft tall, and an agricultural fence.
- Bob questioned article 5. If using less reflectivity, does it decrease productivity or longevity.
- Jim states page 11, 7(H) is satisfactory. Page 15 (b) Buffers and alternating landscaping. Ordinance wants setbacks at 200 ft, and talked about "planting zones". Not sure about terminology. We don't have a standard for planting zone. Can we change terminology to 50ft for landscape buffer strip done by a landscape architect.
- Lori states if removing "planting zone" on page 15 on #3, then on #4, use buffer strip.
- Jim states we should use same definitions that are in the Sebago's ordinance definitions and not adopting other town's definitions.
- David discussed article 7 (c) and 9 (f) depth of removal, and he agrees with Bob to do 48 inches instead of 24 inches, unless on ledge. Add clause to be flush with rock or ledge. Jim said this would be consistent with DEP.
- Bev has concerns over the definition of owner. Owner is defined as the person who owns the land. Also, bonds of 150% are posted, so money is there. Is the land owner on the hook? Is it property owner or business/facility owner that would be responsible, if land is leased.

- Jim states that is a question for the lawyer, you don't want to chase down the land owner, so whoever pays the tax bill, should be the owner. Maybe talk with the assessor as to who pays the taxes when there is a lease situation. The town holds the decommission money.
- Bob questioned article 6 A-1 regarding the approval process and Bob states we talked before about removing approval with conditions and either approving or denying an application. This shows up in multiple places. Bev agreed to remove and make reference to the approval process, site plan review. She will correct.
- Bob questioned article 7 C-9, under decommission should it be the planning authority or CEO. Jim states CEO.
- Jim states that Page 17, 23 #9, should be a CEO task as it requires a site walk.
- Barry spoke and said that we have the use table that prohibits certain things so can we just add solar there? Jim states to add the wording Solar Energy Generation Systems.
- Bev discussed article 9-18, stating that this duplicates what we already have except for B.

Bev states she bought new software to convert PDF to Word, so she could make the changes and send it to committee before next meeting.

Wind Ordinance Discussion---Reviewed the Orland Ordinance

- David states the Orland Wind Ordinance is 44 pages long and complicated, so not sure what to do with this.
- Bev suggested finding a wind ordinance that would fit Sebago better?
- Jim states the biggest thing with wind is the noise. Suggested checking with the DEP for requirements and review during the next month. Focus on scenic beauty.
- Barry states to keep scenic beauty and asked if we should include no clear cutting near and visible from the lakes.
- David talked about the decibel levels that seem to be high in this ordinance and if our decibel limits are less, this would restrict it.
- David said wind acreage was limited for the entire town. Planning Board could create these limits.
- Jim said to check with NEPA (National Environmental Protection Act) regarding scenic vista, historical sites, nesting wildlife.
- Bev states on page 9 #6, is the scenic part of this ordinance that we can add to.

Large Scale Water Extraction Discussion---Bob gathered material from several ordinances to write the Sebago Ordinance draft being discussed

- Bob states he will check that scenic vistas are included. Also, he will make changes to reference Bev's application process. Bob asked if the 3,000 ft wellhead protection zone on page 5 is an appropriate size.
- Jim states that #3 doesn't make sense to him. What is being asked. Bob states this was a number that was reference in several ordinances. It is about notification of people within 3000ft. This applies to limiting water extraction to 5000 gallons per day.

- Barry discussed that the Splash water truck holds 10,000 gallons of water. Can the Splash truck take water from the lake?
- Lori states there is a difference between extracting or drafting.
- Barry suggested putting something to clarify extraction versus drafting. Jim asked what is an acceptable amount of water to draft. Bob states he will look into this.
- Jim suggested that maybe water extraction is limited to certain areas of town such as the lake or pond, something that has high flow.
- Bob states he built in impact fees in the ordinance.
- Bob also discussed he has alert and action measures included that he took from the Denmark ordinance. There is something in the ordinance to alert us if water is drawn down to a certain level. If water level drops lower than that than there is an action measure to be taken. Bob discussed a 50% sustainable withdrawal rate out of wellhead for safety and wellbeing. Jim asked if they need to provide a study for recharge rate, Bob said “yes”. Bob will add definitions and a Table of Contents to this ordinance.
- Jim states on page 9 Performance Standards, asking if vehicle trip impacts are included. Each truck is equivalent to 2 car trips. Bob will check on this. Jim states may want to include road maintenance.
- Barry states the full water truck will weigh 100,000 lbs. The water weighs 80,000 lbs and the truck weighs 20,000 lbs.
- Lori asked why in article 4 page 9 G (#a) appeals, it states Appellate review and not Denovo review. Bob responded that it is in several ordinances. Lori states in her recent training they stressed Denovo review.

Barry briefly reviewed that in our new ordinance it states the Planning Board has 30 days to complete the Finding of Facts and that allows for 30 days for an appeal. Do we need this here in this ordinance, as it is stated elsewhere, so we can make reference to that.

Jim states that the finding of Fact of Facts is voted on by the Planning Board and that this is a decision binding document and it should be as specific as possible.

Bob states that he will wait for Bev’s application process revision to be finalized before he references it into the ordinance.

Short Term Rental Discussion----Lori used the Casco Ordinance and changed it to write the Sebago Ordinance Draft being discussed

- Lori discussed using hosted property versus un hosted and it will require an emergency contact to respond within 3 hours.
- Lori made adjustments to the septic system to include bedroom as well as number of people.
- Violations will go to the CEO.
- An individual violation can go to the Board of Appeals.
- Registrations will be for one year. Application fee is \$100 per year in Casco but it is not included in this ordinance. Barry states fee schedule are set by the Select Board in Sebago, but not renewal fees.
- “Be a Good Neighbor Flyer” discussed and whether to add to the ordinance.

- Revoking a registration goes to the Select Board.
- Violations can go to Board of Appeals or be corrected with the CEO.
- Lori states she will add dogs not allowed on public beaches to the ordinance.

Andrew Plummer made a comment stating that he owns a rental in an association that has waterfront, but other back lot properties that rent, the renters are not allowed to use the public beach. The association does not allow these short term rentals to use the public beach. Barry states our beach regulations state owners and their guest can use the beach. He doesn't want to restrict the beach usage at this time.

Barry asked how to communicate all of this to the public, use town website, on tax bills, can inform the rental agencies as well. Lori said maybe word of mouth as well.

Barry states this completes the moratorium items.

Moving on to discuss the **Fire Hydrant Ordinance** originally written in 2010 but not enacted. Barry states that this has been discussed before and asked if it is ready to give to the attorneys, discuss further, or not do anything with it. The committee's consensus is that this ordinance is important to have, so discussion occurred.

- Bob discussed page 2, deeding the fire hydrant to the town versus the association owning it.
- Jim states if it is given to the Association, who maintains it, who will test it? If the town owns it and it is on private property, this is an issue. If private, will need to have annual testing done and reported to the town. Jim states other towns have listed options such as sprinklers, turn arounds, cisterns, etc and they impose them on homes and subdivisions. Jim states that fire hydrants are expensive to maintain.
- Barry states he has seen fire hydrants not work because kids have stuffed rocks in them.
- Jim suggested looking at Bridgton.
- Lori suggested looking at Gorham ordinance. Suggested adding turn arounds for tanker trucks. Jim states road turns, cul-de-sacs, hammerheads, can all be put in the appendix under street ordinance.
- Lori volunteered to do more research on fire hydrants.

New Business

Barry stated that Bev's application process revision section 1,6,7 is at the attorneys and they have a couple of questions. Barry states he, Phil Lowe, and Bev will meet with the attorneys soon to review. Barry also stated that the Gravel Ordinance is still at the lawyers being worked on.

There is not much being done on the Septage moratorium.

Jim feels that the state will deal with this and that there will be no need for an ordinance. Barry stated that this moratorium can be ended. He will make some calls on this.

Jim brought up the information regarding turn arounds, hammerheads, cul-de sac designs, etc. He will resend this information. Typically, this would be put in the appendix.

Barry thanked Brandon Wholley, CEO, for his attendance, time, and work on this committee.

Andrew Plummer made a comment for committee to check out the Standish solar ordinance regarding having a major solar ordinance and a minor solar ordinance.
David and Bev will look into this.

Next meeting is scheduled for Monday, November 20, 2023, at 6:00 PM at the Town Office.

Barry asked for a motion to adjourn the meeting.
Lori made a motion to adjourn the meeting at 8:10 PM.
David seconded the motion.
Motion passed with all in favor.

Respectfully submitted,
Marcy Laliberte

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