

Ordinance Review Committee Meeting Minutes January 4, 2024

(Approved by Committee on 1-25-24)

Call To Order: Barry Jordan, Chairperson, called meeting to order at 6:05 PM.

Roll Call: Marcy Laliberte

Pledge of Allegiance

Members Present: Barry Jordan, Chairperson, Bob Laliberte, Vice Chairperson, David Welch, Bev Vucson

Members Absent: Lori Cohoon, Paul White, David McCarthy, Jim Seymour

Public Present: Phil Lowe, Jim Libby, Andrew Plummer

Secretary's Report: Barry asked if there were any comments on the minutes for October 19. David W stated that a correction was needed regarding the Solar Ordinance that was reviewed. It was the Otisfield Solar Ordinance not Raymond as was stated in the minutes. David made a motion to accept the minutes with the stated adjustment to read Otisfield Solar Ordinance.

Bob seconded the motion.

Motion passed with all in favor.

Public Comments:

Jim Libby discussed a couple of the proposed amendments to the Land Use and Shoreland Ordinance. The Planning Board has a public hearing on this Ordinance scheduled on January 9.

Jim Libby stated that he had a concern regarding a couple of changes that were made to the Land Use Ordinance. He stated that he read all 106 pages and in Section H the start date and finish date of a project didn't allow for enough time. It states the project should start in one year and to be completed in 1 year. He didn't see the option for an extension. Jim stated with new regulations and difficulty getting supplies two years would be a problem.

David W responded and said there is a provision for a 1 year extension on projects and referred to Section H page 6-5.

Bev added that this keeps projects moving, you get a permit and you need to start in one year. You can't sit on it for years. It also allows for personal issues that happen, and things that you can't control. The goal is not to stop business.

Barry stated you would need to pay for an extension fee, but not the full permit fee.

Andrew Plummer voiced a concern with the ordinance change regarding having a town planner. He stated it would cost the town a lot of extra money to pay for a planner to review all the applications. He stated that if the majority of the applications are given to the planner, that it would be a lot of paperwork to review at a large cost to the town.

Bev responded that having a planner will help the town, because they have the expertise and knowledge to review all the applications. He would act as the gate keeper.

Jim stated he was glad to see the increase opportunity for comments from the public.

Barry stated that this was the driving factor based on comments from the public and comments from applicants. The town approved having a planner so now the ordinance needs to be changed to match having a planner.

Barry continued saying the statute says that you can't have two public hearings. That is why there will be an informational hearing to give the public a chance to find out what is going on early in the application process, and then will have a public hearing.

Phil states we must be very careful about the language on this and we have the best lawyers working with us.

Andrew asked for clarification regarding how the process will work when an application is submitted.

Bev stated if the application is for a major project, then the planner will review and send it to the Planning Board possibly recommending a study, as well as an escrow account to be set up to do the study.

The Planning Board will have the informational hearing for the public to be informed and for the public to be able to provide additional information to the Planning Board. The Planning Board may or may not choose to incorporate any or all of the information gathered before deeming the application complete later in the process. The Planning Board calls the shots.

Phil states that the people will have a voice before the application becomes complete. It gives the public an opportunity to be involved and able to change things.

There was a lengthy discussion regarding the charging of fees, establishing escrow accounts, and the role the Planning Board and Select Board have in this process.

Bev stated that these changes to the Land Use Ordinance deliver the best product to the town out of the gate, and it will save thousands of dollars down the road. We are trying to get our house in order efficiently and cost effectively, and feel the attorneys did an excellent job.

Phil agreed, and said this product is outstanding.

Barry stated that the Planning Board public hearing is on Tuesday, January 9. After the hearing the Planning Board will write a letter with their recommendations to the Select Board for review. Once the Select Board has approved the ordinance and legal has approved the ordinance then the Planning Board cannot change the ordinance. He continued to say that ordinances can come from different places but it all ends up at the same place, with a public meeting.

Andrew continued to have concerns regarding having a town planner in our ordinance stating he was unable to find any other town with a planner listed in their ordinance. He would like to see a comparison from other towns with planners in their ordinances.

LD 2003

Bob discussed and stressed the need to address LD 2003 that will be in effect as of July 1, 2024. He is going to attend the Inter Town meeting on Wednesday, January 10, and will gather more information on what other towns are doing to address this.

Bob offered to take the lead on drafting the key points needed to be submitted to the attorneys for LD 2003.

Phil states legal should be notified soon to let them know this is coming. He discussed a couple ways to deal with LD 2003. It could be a standalone ordinance and becomes a new section or we could add a few words here and there, a snip-it here and there to satisfy the law.

Writing of Ordinances

Bev discussed that when she was meeting with the attorneys, they told her that it would be more economical and less time consuming for Sebago if this committee did not give them a written ordinance. We should gather as much information as we can. Give them a written memo with bullet items of what we want in a particular ordinance, what we like from another town's ordinance, what we don't want, list of concerns, and they will write the ordinance. Phil states he and Bev learned a lot about the process and the best way to provide information to the lawyers for them to write ordinances for Sebago.

Discussion took place regarding prioritizing what ordinances to focus on immediately to present to the lawyers within the next few weeks. The goal is to have them completed by June.

The items prioritized are as follows:

Commercial Solar Energy, Commercial Large Scale Water Extraction, Short Term Rentals, LD 2003, and Commercial Wind Energy

Bob states he will take the ordinance he wrote on Large Scale Water Extraction and write a summary and have it ready shortly. David asked how to determine the amount of water taken out of the aquifer. Is it measured from the high water level or the low water level. David recommended the low water mark.

David W discussed that he really likes the Otisfield's Ordinance and he will use this for Sebago. He will eliminate the process and definitions as Sebago already has this, and will highlight what to use from the Otisfield ordinance for Sebago. He felt the committee needed to decide what this town would require for acreage for a solar farm. He figured that a commercial 30 acre solar farm would power all of Sebago. He stated we would need to define who the owner would be. Jim Libby stated that we could lease the land and that would generate income.

The committee decided that they would meet every two weeks for a while, so as to have ordinances ready for public meeting before the moratorium expires.

Here are the future dates for the Ordinance Review Committee Meetings. All meetings are on Thursdays at 6 :00 PM at the Town Office.

January 18

February 1 and 15

March 7 and 21

April 4 and 18

Barry asked for a motion to adjourn the meeting.

Bob made motion to adjourn the meeting.

Barry seconded the motion.

Motion passed with all in favor.

Meeting was adjourned at 7:58 PM.

Next meeting will be Thursday, January 18, 2024, 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.