

Ordinance Review Committee Meeting Minutes February 1, 2024

(Approved by Committee on 2-15-24)

Call To Order: Barry Jordan, Chairperson, called meeting to order at 6:11 PM.

Roll Call: Marcy Laliberte

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

Members Absent: Paul White

Public Present: David Cohoon, Andrew Plummer, Alan Tabor, Kevin Hale, Michael Hawkes, Roger Robinson, Jim Jansz, Marjie Jansz

Secretary's Report: Barry asked if there were any corrections or comments on the January 25, 2024 meeting minutes. There were none.

David M made a motion to accept the January 25 meeting minutes as written.

Lori seconded motion.

Motion passed with all in favor.

Public Comments:

Marjie Jansz thanked the committee for their hard work.

Old Business:

Large Scale Water Extraction

Bob discussed that he added the couple of changes to the ordinance that was suggested at the last meeting. These changes updated the list of people to report to on #13 and #19 so they are consistent and added the word "point", to driven wells, so it now reads "driven point wells". Bob gave a short summary of the **draft Large Scale Water Extraction Ordinance** key points to the public in attendance and stressed that this is not to shut things down but to add some controls and do it carefully.

David M explained to the public that the Ordinance Committee prioritized some items to address first that might impact the town negatively, and these are Commercial Solar Energy, Large Scale Water Extraction, Short Term Rentals, and Commercial Wind Energy.

The committee decided to not write an ordinance regarding Commercial Wind Energy but to add "**No**" to the Use Table. These items are currently listed on the moratorium.

A question was asked if wind energy can be restricted legally. This will be addressed with legal.

Commercial Solar Energy Discussion and Comment Summary

1. A question was asked if there was anything that limits or regulates the visibility of solar panels.
 - The ordinance has buffers built in both fencing and vegetative, so as not to be visible from the lake.

- There is a 150 ft setback for vegetation land, 200 ft setback for open land, 50 ft buffers. These setbacks and buffers accounts for about 20% of the land use for the solar farm. There is also a 10 ft height limit and a restriction of 100 acres maximum for the town with a 20 acre limit per solar farm, so there could only be a total of 5 solar farms in Sebago.
- 2. A question was asked if there was a “view shed analysis” included in the ordinance that the applicant must pay for. This view shed analysis would include a photo of what the project would look like, and it gives a line of sight from different areas. This proves the impact of the project.
- 3. A question was asked regarding the building of Infrastructure.
 - The infrastructure would need to be under contract before starting the project.
 - Decommissioning and reclamation details are also included in the ordinance.
- 4. Many solar farms have been on hold as they cannot get the equipment or transformers in order to connect to CMP. These have been back ordered for over 2 years but companies still get subsidies to start the project.
 - There are currently more solar farms on a smaller scale, 1-2 megawatts, instead of 5-10 megawatts.
 - It takes 12 solar panels to power one electric vehicle and 27-29 solar panels to power a house, so a lot of panels are needed.
- 5. A question was asked if fire prevention is in the ordinance. Different towns have different requirements such as building a cistern or having access around the perimeter and wider roads withing the solar farm to accommodate larger fire equipment that might be needed. Suggested asking the fire department for their recommendations on this.

David M commented that he would like to move this ordinance along but would like to add the following to the ordinance: **Not** visible from Douglas Mountain, **not** visible from the lake and add **view shed analysis to be done**. This ordinance will be a standalone ordinance like the Water Extraction.

It was requested all members review the solar draft again and to discuss and finalize at the next meeting.

Barry discussed the following steps in the process for ordinance approval. The Water Extraction Ordinance is ready, the Commercial Solar Ordinance will be ready after our next meeting, the Commercial Wind Energy will be a “NO” on the Use Table and all will be ready for the next Select Board meeting for their approval, then they will be given to the Attorneys.

Short Term Rentals

Lori discussed that she has written key points for the **draft short term rental ordinance** but it is not done yet. She shared a few thoughts and concerns regarding all the people that currently do short term rentals in Sebago and how this ordinance might affect them. Lori referenced the ordinances from Casco, Falmouth, and Bar Harbor. Jim commented that this ordinance can exempt these existing Short Term Rentals.

Lori explained to the public in attendance the importance of having an ordinance. Tourist towns are having large amounts of rentals that are disturbing neighbors and gave an example of a large barn converted into a dorm like place that has 20 beds in it. She worried about regulations for fire safety, egress, septic issues. An inspection should be done to protect people. Also, it is about being a “good neighbor”.

Following is a summary of the discussion and comments regarding Short Term Rentals.

- There are fire codes that limit the number of people in one room.
- A question was asked to Jim what the requirement/capacity for water and septic are for a three bedroom home.
 - Jim explained that the standard is 90 gallons of water per day per bedroom. The age of the septic system is important as older septic systems do fail. The life expectancy for septic systems is 25-30 years. Four season rentals don't allow time for septic systems to recharge.
- Septic systems should be pumped out every 3-5 years.

Jim asked how will complaints be regulated or tracked so as to prevent a nuisance.

- An association can have rules such as back lot homes cannot use the beach.
- The ordinance cannot ban certain things but an association can.
- Some public access is written in the deed.
- The idea of the ordinance is not to prohibit but stay respectful.
- Post in the rental the maximum number of people allowed.
- The fire department should be aware, just in case.
- CEO's do not have the time nor the manpower to police these rentals/Airbnb.

David M asked how are these rentals going to be managed/policed regarding septic and other things.

- May need to outsource for enforcement as towns do not have the manpower. Be sure to include exemptions such as campgrounds as they have their own rules. Campgrounds are different as they are more commercial.
- Having an ordinance puts the responsibility on the owner.
- Parking complaints and noise complaints will be documented.
- Baldwin attempted fines and then talked about liens.
- There was a concern that liens could be seen as government overreach.
- Some towns have significant fines ranging from \$500-\$1500 depending if it is a minor or major violation.
- The fee should be enough to cover the cost of outsourcing policing.
- If there are violations there should be a certain amount of time to comply and fix the violation.
- A comment was made that owners are not looking to have bad tenants, so they deal with them directly. People call owners before the police.
- If fines aren't paid then an option is to suspend the permit.

Barry discussed that this ordinance will not go into effect until the 2025 season in order to give ample time for owners to implement the changes.

Summary of Short Discussion regarding Water Extraction

The committee was asked if there is anything in place for water extraction as this could be a major threat to Sebago.

- Barry responded and said “yes” there is a moratorium in place for any water extraction while the ordinance is being written. The ordinance being written is for ground extraction.
- A question was asked what drafting water from rivers meant.
 - An example was given regarding the Splash Water truck for pools taking water from the river at Chute’s dam.
 - Policing this was a concern.
 - The draft ordinance specifies that water extraction from Sebago stays in Sebago.

LD2003

Following is a summary of the discussion and comments regarding LD2003

Bob discussed that he and Bev will be working on LD2003 and thinks the best approach will be to work with the ordinances already in place and make adjustments, rather than write a standalone ordinance.

Jim agreed and recommended addressing the state definitions and requirements and implementing them directly into the town’s existing ordinances. Jim explained that **LD2003** allows single family homes to build **Additional Dwelling Units** on existing lots without density requirements.

A question was asked if they can be banned in certain zones.

- Jim responded that they cannot be banned from residential zones but towns can add restrictions to the ordinance for setbacks.

A question was asked if a restriction can be added so that it is not used for an Airbnb, can this be prevented?

Several questions were asked to Jim regarding tents, yurts, limiting square footage, travel trailers/RVs, crates/freight containers.

- Jim briefly discussed the regulations in LD2003 that states the dwellings must be conforming structures and meet all building codes, fire codes, occupant codes etc, square footage is limited.

Bob commented that the goal of LD2003 is for affordable housing so if a development is listed as affordable the developer can add more houses to each lot.

A comment was made that towns are facing corporate buy outs of homes. They buy a lot of houses and turn them into many Airbnbs.

LD1976

Jim discussed LD1976 that deals with growth managements programs, identifies growth areas, it deals with comprehensive plans. It is very costly for towns to refresh/update their comprehensive plans but it makes sense to do so.

David M commented that Sebago's Comprehensive Plan was written in 2006 and that it is still working.

Floodplain Maps

Barry discussed that the Town Manager received a noticed from the federal government regarding floodplain maps.

Jim said the state is coming out with new floodplain maps and that towns must adopt them and must update ordinances to match.

Barry asked if the town must vote to adopt them or can the Select Board just adopt them. Legal will be consulted on this.

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

David M made motion to adjourn the meeting.

Bob seconded motion.

Motion passed with all in favor.

Meeting was adjourned at 7:35 PM.

Next meeting is scheduled for February 15, 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.