



GARDINER CITY COUNCIL AGENDA ITEM INFORMATION SHEET



Meeting Date	01/15/2025	Department	Code Enforcement
Agenda Item	4.c) First Read regarding changes to the LUO Section 6.5.4 Bonding Roads		
Est. Cost	N/A		

Background Information

Please see the attached documentation regarding changes to the LUO section 6.5.4 Bonding Roads.

Requested Action	"I move to approve changes to the LUO section 6.5.4 Bonding Roads"
City Manager and/or Finance Review	
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

6.4.3 Neighborhood Meeting

The City Manager, Mayor, CEO and/or the Planning Board Chair may require a neighborhood meeting for any application or potential application for a project that has significant impact on abutting properties prior to any other consideration of the project by the Planning Board. The neighborhood meeting shall be an informal session to allow the potential applicant to discuss the concept for the project and for neighbors to provide feedback on the development concept.

The City, on behalf of the Planning Board, shall provide written notice by first class mail to all property owners within two hundred (200) feet of the development parcel as shown on the City's property tax records. Notice of the neighborhood meeting shall also be posted at the development site being reviewed as per 6.4.7.8 below.

The neighborhood meeting shall be convened by the Chair of the Planning Board but shall be directed by the potential applicant or their representative(s). There are no requirements for what information the potential applicant must provide at the meeting. Members of the Planning Board may attend the meeting as observers but shall not participate in the discussion. The City shall provide a record of the meeting.

6.4.4 Code Enforcement Officer Review

This section shall apply to all land use activities that require a Code Enforcement Officer review and other activities as indicated in this Ordinance.

6.4.4.1 Within 14 days of receiving an application, the Code Enforcement Officer shall determine if the application is complete and notify the applicant in writing that the application is complete, or if the application is incomplete, the specified additional material needed to make the application complete. The applicant shall be responsible for submitting any incomplete information to the Code Enforcement Officer.

6.4.4.2 Within 14 days of determining that the application is complete, the Code Enforcement Officer shall render a final decision on the application and issue the appropriate permit.

6.4.5 Planning Board Review

This section shall apply to all activities that require Planning Board Review.

6.4.5.1 Within 14 days of receiving an application for Planning Board Review, the Code Enforcement Officer shall determine if the application is complete and notify the applicant that the application is complete, or if the application is incomplete, the specified additional material needed to make the application complete. The applicant shall be responsible for submitting any incomplete information to the Code Enforcement Officer.

6.4.5.2 After determining that the application is complete, the Code Enforcement Officer shall place the application on the agenda of the next scheduled Planning Board meeting, subject to

meeting all the public hearing notice and application submittal requirements. In no case shall a complete application take longer than 60 days to be placed on the Planning Board agenda.

6.4.5.3 The applicant shall, at least 20 days before the scheduled public hearing, submit 12 copies of the application including all maps and attachments.

6.4.5.4 Within 35 days of the public hearing or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application. The Planning Board may extend the review time period for the following: to conduct a site visit, to re-schedule a site visit to another time due to snow cover, for the processing of a performance guarantee, to request additional materials or to have additional reviews or studies conducted.

6.4.5.5 The Code Enforcement Officer shall issue a permit upon approval of the application by the Planning Board.

6.4.6 Site Plan Review

This section shall apply to all activities that require Site Plan Review.

6.4.6.1 An applicant for site plan review may request an informal sketch plan meeting with the Planning Board prior to submitting a formal application. The applicant requesting an informal meeting shall inform the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board and ask to be placed on the Board's agenda. The Code Enforcement Officer shall place the request on the Board's agenda for consideration. If the Planning Board agenda is extensive, the Code Enforcement Officer may schedule the sketch plan consideration for the following regularly scheduled meeting of the Planning Board. The applicant shall provide written notice of the Planning Board meeting at which the sketch plan will be discussed to property owners in accordance with **6.4.7.5**. The applicant shall not be required to meet any submission requirements for the sketch plan meeting.

~~**6.4.6.2** Following the neighborhood meeting, an application for Site Plan Review shall follow the procedures for Planning Board Review (see 6.4.5).~~

6.4.6.2 Authority to Require Bond

The Planning Board shall have the authority to require applicants to procure a performance bond payable to the City issued by a surety company, approved by the City Council. Such measures may be required to assure proper completion of some or all site improvements including, but not limited to roads, parking areas, sewage systems, water lines, open areas and sedimentation and erosion control systems. which-A performance bond shall contain the following:

- 6.4.6.2.1** Conditions Detail the conditions of the bond
- 6.4.6.2.2** Method for release of the whole or portions of the bond to the applicant
- 6.4.6.2.3** Procedures for collection by the municipality
- 6.4.6.2.4** The bond documents shall specifically reference the development of activity or activities for which approval is sought.

6.4.6.3 Amount of performance bond required

The Planning Board shall have the authority to determine the fiscal amount that the aforementioned performance bond shall be in.

6.4.6.4 Review of performance bond

Any performance bond shall be reviewed no later than (30) days before the expiration of the guarantee, and adjusted if necessary. The applicant may also request adjustments in the guarantee.

6.4.6.5 Completion of project and release of bond

Upon project completion and as a condition of the release of the performance bond:

6.4.6.5.1 An accurate set of as-built plans in paper and digital format shall be provided, and

6.4.6.5.2 A defect bond equal to 10% of the amount of the performance bond shall be provided. The term for the defect bond shall be one year plus one month, and it is permissible to include defect bond language and provisions in the performance bond.

6.4.7 Public Hearing Requirements

6.4.7.1 The Planning Board shall hold a public hearing on all Planning Board and Site Plan Review applications to receive public comment and information concerning the application.

6.4.7.2 The Planning Board shall hold a public hearing within 60 days after the determination that the application is complete.

6.4.7.3 The applicant shall be responsible for making all the public hearing notices.

6.4.7.4 A notice of the public hearing shall be published in a newspaper having general circulation in the municipality. The notice shall be published 1 time, not more than 14 days before and not less than 7 days before the public hearing. The notice shall state the purpose of the hearing and give the date, time and place of the hearing. The applicant shall give a copy of the notice to the Planning Board at the public hearing.

6.4.7.5 The applicant shall notify, by certified mail, the owners of all property within 200 feet of the proposed development at least 14 days, and no more than 30 days, in advance of the public hearing. The notice shall state the purpose of the hearing and give the date, time and place of the hearing. The applicant shall give copies of the letter and certified receipts to the Planning Board at the public hearing.

6.4.7.6 The owners of property shall be considered those against whom taxes are assessed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

6.4.7.7 The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board shall not be required to meet the notice requirements listed above for the continued public hearing.