



CITY OF GARDINER

PLANNING BOARD

Gardiner Planning Board
City of Gardiner, Maine

September 12, 2006
Regular Meeting 6:00 PM

ROLL CALL

Present: Pat Hart Deborah Willis James Montell
Pamela Mitchel Judith A. Dorsey Ian Burnes

Absent: Edward Lawrence

Also Present: Dorothy Morang, Planning Board Recording Secretary
Mitchell Rasor, Planner
David Cichowski, Code Enforcement Officer (CEO)

Peggy St. Pierre Louis Parent Nick Beaulieu William E. Lovely

- 1.) **Chair, Pat Hart called the meeting to order at 6:02 PM and went over the schedule.**
- 2.) **Roll call taken.**
- 3.) **Pam Mitchel made a motion to approve the August 8, 2006 minutes as written. Deborah Willis seconded the motion.
Vote: 5 in favor. 0 opposed. 1 abstained (Ian Burnes was not a Board member at that time) Motion passed.**
- 4.) **Shoreland Zoning Permit Approval
Louis C. Parent is seeking a Shoreland Permit approval to refurbish a cabin on his property. The property, located at 181 Cobbossee Stream, is within the Shoreland (SL) Zoning District, City Tax Map 19, Lot 55.**

Louis Parent said that he had filed for an application in 2004 for a permit to refurbish his camp and got the permit. He has been working on it since then. In July of 2006, the CEO came over and asked for additional information and Mr. Parent said he was told he had to come here and he's not really sure why.

David Cichowski, the CEO, referred to the memo he wrote and said if he were beginning this project and had issued the permit, he would have called for inspections to be done early

on and would have caught the problem earlier. The original permit was vague and did not mention that Mr. Parent was going to tear down the whole building. David called Rich Baker of the Maine Department of Environmental Protection (MDEP) and Rich said to get an after the fact Shoreland Permit.

Pam Mitchel asked, if the footprint has not changed and the structure is not any higher, isn't it grandfathered? David said it is an existing non-conforming structure.

Mitchell Rasor said that with not knowing what was done before, he would also suggest that Mr. Parent get an after the fact permit and Mitchell referred to the memo he wrote that explains some options.

Pat Hart said that what struck her when going through this is that the Planning Board doesn't have a process for this situation. Board members discussed how they might handle this. They also discussed whether it was one lot or two, a single family dwelling or an accessory structure. David said he had spoken with the Assessor and he believed that there was no division between the land with the camp on it and the other buildings. There is one deed, but two parcels mentioned. The tax maps and records show two separate lots, each with a dwelling unit.

Pam Mitchel thought that Mr. Parent had exceeded the permit. Ian Burnes said that refurbish was a vague definition. He asked if the former CEO went down to look at the site. Mr. Parent said that he thought that he did. David said that the former CEO didn't remember.

The Board members looked at the situation as if it were coming in new – would it need Site Plan Review and if the City blew it, whose responsibility is it. Deborah Willis said that in the future, if more than 50% is destroyed or in disrepair, then the process would be Non-Conforming, Shoreland and Site Plan Review. They also mentioned that a seasonal cabin is not defined in the Ordinance. Mitchell Rasor referred them to Section 6 for standards and said he thinks it's a new structure and a clear case of not dealing with a legally non-conforming structure.

Pam Mitchel asked if it was two camps or one. Mr. Parent said he refurbished the front part of the camp and the back part, the brown part is the original part of the camp that he has not finished yet because the CEO, David brought up these issues in July.

Board members discussed market value. Pat Hart thought that tax value was pretty low. Ian Burnes said that they need to look at market value rather than assessed value. They determined that the three issues are: value, volume and expansion. Also, whether the use was discontinued for more than 1 year.

Mr. Parent asked to make some comments. He said he doesn't understand the process. In 2004 he came to the City CEO to find out what he would need to do to repair his cabin. He relied on the City's expertise as he didn't know the rules. He has been working on the cabin

for the last two years. David, the CEO spoke with Mr. Parent in July. David said Mr. Parent would have to go to the Planning Board to get the Shoreland Permit and to determine the setback. David said he would put this on the agenda for September. Mr. Parent said he needs to close the camp up for the winter. Now he finds the Planning Board wants him to do a Site Plan Review for a permit that was already issued. The Camp was built in the 1920's and Mrs. Parent added that the building has not been expanded.

Mr. Parent said that they first took off the porch area to get under the building floor. If they had known this was going to be a problem, they could have kept the old roof. Now they need a Site Plan Review. If they have to move it back, they would have to hire someone to come in with heavy equipment and it would cause the road to be torn up and have to cut numerous trees just to get in there. If he had known this two years ago, he'd have just put in a trailer. He's invested a lot of time and money in this. Pat Hart said that she knew it was frustrating, but others have had to go through this also. Judy Dorsey asked what things needed to be done before winter. Mr. Parent said shingles, doors and windows.

Chair Hart said that Mr. Parent could work with the CEO and Planner to put together a Site Plan Review for the October meeting.

7:55 PM Break

8:00 PM Meeting resumed.

5.) **PUBLIC HEARING – Minor Site Plan Approval**

Nicholas Beaulieu is seeking Minor Site Plan approval to construct a 32'x60' warehouse with attached 6'x12' utilities room. The property, located at 576 Brunswick Av, is within the Planned Development (PD) Zoning District, City Tax Map 19, Lot 50A.

Nick Beaulieu said that this project was for a new building for the Non-Profit Gardiner Area Food Center that serves those less fortunate in the area. The building will provide a better working environment for those receiving and distributing the food. The land will be donated. He's changed the plan due to the definition of a Through Lot and reduced the number of parking spaces in order to conform to the performance standards.

Mitchell Rasor asked who would be parking. Nick said just the workers. The food recipients will drive through and receive the food at the pick-up area.

Planning Board members reviewed the Application for completeness. The Applicant requested waivers or Section 5 H. 5 b and 5 H. 6 i.

Pam Mitchel made a motion to grant the request to waive the requirements for 5 H 5 b and 5 H 6 i. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that the Application is complete. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

8:29 PM Meeting opened for public comment. None made. Chair Hart asked Dorothy if she had received any comments, written or oral. Dorothy said no. David said that he thought that one person might have called and asked a question – he wasn't sure.

8:29 PM Closed public hearing.

Planning Board members reviewed the Performance Standards in Section 3 of Gardiner's Land Use Ordinance to determine those that are applicable.

Pam Mitchel made a motion that the following Performance Standards do not apply: B, D, E, G, H, I, J, K, M, N, Q, R, T, U, V, W, Z, AA, BB, & CC. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard A has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard C has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard F has been met with the condition that the Applicant plant white pines that are a minimum of three feet high along both sides of the lot and along the driveway to shield the building from the residences. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard L has been met with the condition that the Applicant changes the lighting to cut-off luminaries. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard O has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard P has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard S has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard X has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that Performance Standard Y has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Board members reviewed Section 5 of the Land Use Ordinance, Site Plan Review Criteria. They skipped Criteria 1 & 2 for now.

Pam Mitchel made a motion that we accept Review Criteria 3 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 4 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 5 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 6 as written with a note that the structure dimensions have been changed to 44'x46'. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 7 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 8 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 9 as written with a note that a silt fence and hay bales are part of Best Management Practices (BMP). Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 10 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 11 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 12 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 13 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that the information provided in the Application indicates that the groundwater will be protected and Review Criteria 14 has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that based on the information provided in the Application for Review Criteria 15 has been met. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 16 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 17 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 18 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 19 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 20 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we accept Review Criteria 21 as written. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that (Review Criteria 2) the Application does meet the provisions of all applicable regulations and ordinances of the City and meets the intent of the Comprehensive Plan, as amended. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that (Review Criteria 1. b) the proposed development adequately meets the standards where applicable. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that (Review Criteria 1.a) this development conforms to the requirements of the district in which it is located and to other pertinent requirements of this Ordinance and the Performance Standards in Section 3. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Pam Mitchel made a motion that we approve the Application with the conditions that there be more screening along both sides of the lot and in the back of the lot and the lights be changed to cut-off luminaries. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed.

Chair Hart thanked everyone for their participation.

6) ADJOURN

Pam Mitchel made a motion to adjourn. Deborah Willis seconded the motion.

Vote: 6 in favor. 0 opposed. Motion passed.

Meeting adjourned at 9:23 PM