



CITY OF GARDINER

PLANNING BOARD

Gardiner Planning Board
City of Gardiner, Maine

October 14, 2008
Regular Meeting 6:00 PM

ROLL CALL

Present: Pat Hart Judith A. Dorsey Deborah Willis
Pamela Mitchel Edward Lawrence

Absent: James Montell

Also Present: Dorothy Morang, Planning Board Recording Secretary
David Cichowski, CEO
William Najpauer, Planner contracted by the City of Gardiner as
advisor to the Planning Board

Nick Beaulieu Bridget Condon Ronald Condon
William Guilmette Stanley Guilmette Ruth Guilmette
Rebecca Thayer Steve Martin Priscilla Martin
Wentworth Goodwin Roxane Genovese Andy Haskell

1.) Call the Meeting to order.

Chair, Pat Hart called the meeting to order at 6:09 PM and welcomed everyone.

2.) Roll call taken.

3.) August 12 & 14, 28, 2008 Minutes.

Pamela Mitchel made a motion that we accept the August 12 & 14, 2008 Meeting Minutes Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Chair Hart went over the schedule for this meeting. She noted that this was a new Application and the previous Application was still pending. She suggested that it

be disposed of. Pam Mitchel noted that in her motion to table the Application at the last meeting it was required that the Applicant submit a letter to the CEO to withdraw the Application if significant changes were made and a new Application submitted. The Applicant, Nick Beaulieu, has not done this. Nick said that he has withdrawn the subdivision portion of the Application and submitted a new Application but did not submit a written notice to the CEO.

Pam Mitchel made a motion that we consider the previous Application that included the subdivision to be withdrawn and are considering a completely new Application. Judy Dorsey seconded the motion.

Vote: 4 in favor. 0 opposed. 1 abstention (Ed Lawrence has done contracted work for the Applicant). Motion passed.

Chair Hart asked if any of the Board members felt that they could not hear this Application in an unbiased manner.

6:16 PM Ed Lawrence recused himself because he has done contract work for the Applicant.

4.) **PUBLIC HEARING – Subdivision/Minor Site Plan Review**

Nicholas J. Beaulieu, Applicant, is seeking approval of a 5-lot Subdivision and Minor Site Plan approval to develop a 10-lot RV/Campground named Colonial Heritage Resorts RV Park. The property, located on Longwood Dr, is within the Residential Growth/Shoreland (RG/SL) Zoning Districts, City Tax Map 16 Lot 7.

Chair Hart asked if anyone had questions for Bill Najpauer because he has to leave by 6:30 PM.

Judy Dorsey noted that the Ordinance covering Campgrounds requires fire places – the Application says fire pits. She asked if there was a difference. Bill said that a fire pit is generally a metal ring or stone surrounding a fire area. A fireplace is usually some type of stone or steel with a chimney. He said that what is important is that there is a safe and contained fireplace for each site. He also noted that the Fire Chief wants to look at these and have some say in them.

Mr. Condon noted that the Application defines them as a moveable fire ring, not a pit.

Chair Hart asked the Applicant to give an overview of the project.

Nick Beaulieu introduced himself and said that his intention is to build a 15-lot campground and infrastructure. He plans for it to be open from May to October and to rent on a daily basis. If he is successful, he might go to seasonal renting. He plans that the campground be similar to a state park with a pool area to gather at and he plans to make it nice. It will have gated access. He said that it will bring in dollars to the community and from what he's observed, things like this survive.

Pam Mitchel asked where the gate would be. Nick said at the entrance to the campground and would close at 8:15 PM to the general public.

The Board reviewed the Application for completeness.

Judy noted that the financial capacity letter is very general and was dated November 2007. She asked if in this economy, they should have more to show that the Applicant is able to do this. Nick said that he has the financial capacity to do this. The Board members were ok with the letter.

Pam Mitchel made a motion that the Application is complete. Judy Dorsey seconded the motion.

Vote: 4 in favor. 0 opposed. Motion passed.

6:28 PM Public Hearing

Chair Hart went over the procedure for the public hearing. She suggested if abutters had letters or memos or any information concerning this Application that they wanted heard, to give it at this hearing, even though some had submitted it previously. This is a new Application and to be included in this Application, it must be submitted again.

6:29 PM Bill Najpauer left the meeting.

Chair Hart asked Dorothy if she had received any written information. Dorothy gave her a memo that was resubmitted from the Chadburns.

Stan Guilmette, a brother to abutter Ruth Guilmette who lives at the corner of Brunswick Av and Longwood Dr. He stated that they have an objection to this proposal. He noted that Ruth's property runs 119' from pin to the center of Longwood Dr. Ruth's mortgage company also objects. Mr. Beaulieu had contacted Ruth's mortgage company as he wanted to obtain a right-of-way and the mortgage company refused. Stan said Mr. Beaulieu cannot have increased

traffic over a road that he doesn't own. He said the issue is still pending and has not been settled.

Andy Haskell of 41 Longwood Drive said that he purchased the property in 2005. He and his wife liked Gardiner and moved here to what they thought was a small residential neighborhood. At that time, the developer informed them that it was going to be a residential area with 6 lots. He is opposed to the campground. He doesn't want it in back of him. He is concerned about the liability on the road and increased maintenance, the character of the neighborhood and continues to have concerns about safety as there is a hill by their property making it is difficult to see vehicles coming when pulling out of their driveway. He is also concerned about this affecting the re-salability of their home. The subdivision was designed to be residential and that is why they invested in this neighborhood. They do not want to live near a campground or have to deal with it.

Roxane Genovese, an abutter, said that she is concerned about the width of the road. This week, while driving to his house in his truck, her husband came by a gas truck and there was not room for them both to get through. There is no more land to manipulate. In the summer there will be 15 campers or whatever and she is concerned about the road.

Bridget and Ronald Condon, Longwood Dr, provided written information – some submitted previously and some new. Some of the issues included in the memo are concerns about the common lot water access – over burdening the subdivision, road and the liability; Traffic access – increase in traffic and potential for damage to road; moveable fire rings; size of the RV pads; width of road; Letter from ME Inland Fisheries & Wildlife submitted in Application – dated 2005 that was for the 6-lot subdivision and is not relevant to this proposal; stormwater calculations inaccurate; by-laws concerning public use of the road and financial capacity of Applicant.

In addition, they went over their new concerns and information, which included two Supreme Court decisions and case law that deal with overburdening a subdivision. They said that their traffic estimation differs from Bill Najpauer's and Nick's and Terra Magna's report also differs. The number of houses that use Longwood Dr is 8, not 7. They also feel that all of the lots on the water should be figured in as they are all buildable for year-round dwellings. The Marquises use Moonlight Dr Extension but are not shown on the map. Seventeen additional parking spaces have been added to the campground plus 2 for staff. They believe that the traffic count exceeds 200 per day and the Ordinance calls for 2 means of

egress when the vehicle trips exceed 200 per day. Some motor homes could be towing a car and asked how that would be factored in.

Another issue is, according to Bill Najpauer's report, the campground is clearly a commercial venture. Also in the report, they noted that there is an attempt to change the language to temporary living quarters, which does not include campers and RVs. There is no definition of temporary living quarters in the Ordinance and their understanding of a temporary dwelling unit that charges daily, weekly and long-term rates would be like that of a hotel or motel and neither are allowed in the Residential Growth Zone. The road standard from Brunswick Av to the campground should be the commercial standard if it is determined to be a commercial venture and the grade of the road is currently 10% below the subdivision and the Code does not allow for a grade of over 5%. If a person brings in a camper after 8:15 PM and pulled up to the gate, the camper would be sticking out into the roadway.

Another concern is the pad size, which they feel is too small for motor homes and RVs. They have concerns about the stormwater calculations as the size of the subdivision is incorrect. The DEP representative, Ms. Lemelin is of the understanding that the subdivision is only 6 acres, which is not correct and nothing shows that the Applicant has corrected that with her. The operation is 6 months. By the Ordinance, there is a 120 day limit.

Rebecca Thayer, who with her husband, owns property on the stream, lives there full time in the summer and they each have a vehicle and go back and forth 2 – 3 times a day from Memorial Day through October. They've owned it for over 30 years. She noted that they were in support of the subdivision as they were told it was going to be houses. Mr. Beaulieu also assured them that the remaining land would be for expansion of the subdivision with 20 to 24 house lots. They felt a sense of security because with houses around, their camp might not be broken into. She said that Mr. Beaulieu has tried to address some of their concerns, but she doesn't feel that this is a proper fit with what's on the water or the subdivision.

Other concerns are property values, who's responsible if a fight or fire breaks out at night – who is responsible? What will happen with the rest of the land – Phase II? They believe they've been deceived. It is a commercial entity and it doesn't make sense or fit. She asked if there really is a call for this. Some people in the 1970's were going to build a campground there and ended up abandoning it. Now kids park there and worse. She has concerns about what's going to happen.

Steve Martin, who owns property on the water front, said that this property is directly behind his property. He is concerned about water run off. With 19 additional parking spots there won't be much vegetation to slow down the water and is concerned how that might add to an existing water run off problem. His lawn has water on it today. He is also concerned about the traffic. He and Mr. Goodwin plow and sand the road as they use their properties year round and have a right-of-way to their properties.

7:12 PM Close Public Hearing

Chair Hart said that there has been a lot of new information provided tonight that they need to review. Judy noted that the Planner, Bill Najpauer also needs to get this information.

Ms. Guilmette said that she has a letter coming from her mortgage company and will re-submit documents provided for the previous application.

Chair Hart noted that the grade of the road came up a couple of times. Judy said she feels that this is central to whether this is commercial or not. One of the first issues is how to treat this, commercial or not. In the deeds for the subdivision, you can't have RVs on the properties – they are residential.

Chair Hart noted that there were a lot of issues brought up and asked the Applicant if he would like to clear any of them up. Nick said that he added the inserts and a letter from his attorney concerning the right-of-way, road and common lot access. Nick said he reserved the right to amend their covenants and had agreed to contribute to the summer maintenance of the road. He also explained why he feels he has 50' access.

Judy asked the Guilmettes if they feel that this right-of-way issue has been cleared up. They said that it has not been. Their lawyer disagrees with Nick and in addition, a letter was being sent from the mortgage company stating that they will not release the right-of-way.

Chair Hart asked that anyone who is going to submit information do so as soon as possible so the Board can have it to review prior to the meeting.

Dave Cichowski, the CEO said that Mr. Condon had mentioned the 120 days for a camper to be on a campsite. He said he needs to review this as it could shorten the time the campground can be open to 4 months instead of 6 – 7 months.

Mr. Condon said that he is pursuing some things civilly. One thing is that in his Purchase and Sales Agreement that he signed, there were 17 covenants like the other owners. When he got a copy of the deed that was filed, it had been changed to include 20 covenants, one of which was that Nick had the right to change the covenant. He is proceeding with the ME Real Estate Board for deceptive practices.

Chair Hart asked if there were any further comments and hearing none, closed the public hearing. She indicated that she might take further comments from the public at any subsequent meeting.

The Board members discussed what they wanted to do next. They felt that they had received a lot of information tonight and needed time to go through it.

Pam Mitchel made a motion that we table the Application to the November meeting. Nick said that he would like to see all the new data and have a chance to respond before they meet again.

In order to give enough time for the data to come and to give the Applicant enough time to review the information and prepare a response and in looking at the schedule, including holidays in November, the Chair gave a deadline of November 24, 2008 for all of the information to be in. Pam Mitchel amended her original motion.

Pam Mitchel made a motion to table the Application to the December 9, 2008 meeting. Judy Dorsey seconded the motion.

Vote: 4 in favor. 0 opposed. Motion passed.

OTHER

5.) ADJOURN

Pam Mitchel made a motion to adjourn. Judy Dorsey seconded the motion.

Vote: 4 in favor. 0 opposed. Motion passed.

Meeting adjourned at 7:42 PM