



# CITY OF GARDINER

## PLANNING BOARD

Gardiner Planning Board  
City of Gardiner, Maine

June 9, 2009  
Regular Meeting 6:00 PM

### ROLL CALL

Present: Pat Hart Judith A. Dorsey Deborah Willis  
Pamela Mitchel Ronald Condon

Absent: Edward Lawrence James Montell

Also Present: David Cichowski, Code Enforcement Officer  
Dorothy Morang, Planning Board Recording Secretary  
Bill Najpauer & Sarah Flaks, Contracted Planners

David Michaud	Tim Michaud	Al Michaud
James Purington	Andy Dunbar	David Silver
Mike Snow	Chip Downey	Jean Claveau
Mona Hachey	Carl Wallace	Dwight Denham
Doreen Denham	Marianne Ringel	Bob Clunie
Ted Purington	Judy Purington	

**1.) Call the Meeting to order.**

Chair, Pat Hart called the meeting to order at 6:00 PM and welcomed everyone.

**2.) Roll call taken.**

**3.) May 5, 2009 Minutes.**

It was noted that on page 2, 3<sup>rd</sup> paragraph, "he" should be changed to "they". Also, in paragraph 6, for clarification, add "(Planned Development)" after commercial/residential.

Pam Mitchel made a motion that we accept the May 5, 2009 minutes with corrections noted. Judy Dorsey seconded the motion.

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

## **May 12, 2009 Minutes**

Pam Mitchel made a motion that we accept the May 12, 2009 minutes as written.

Vote: 4 approved. 0 opposed. 1 abstained (Pat Hart not at meeting). Motion passed.

Chair Hart went over the schedule for this meeting.

### **4.) Public Hearing – Minor Site Plan Review**

**Northeast Radiant Technology, LLC is seeking minor site plan approval to construct a 3,000 SF, 2 story commercial office/warehouse space for the manufacturing and selling of radiant floor heating products. The property, located at 11 Technology Dr, is within the Planned Industrial/Commercial (PIC) Zoning District, City Tax Map 7, Lot 18A-13.**

Tim Michaud introduced himself and noted that he is a civil engineer and represents his brother David. He went over the site plan. He said that it will be a 3,000 SF building in the Libby Hill Business Park. There will be a 4' below grade loading area and an on-grade loading area. There will be a little over 1 acre of clearing. The building will house offices and a warehouse.

David Michaud, who lives in Randolph, said that he has been in this business for seven years at 26 Winter St. in back of Loads of Fun Laundromat. His business is designing and making panels for radiant floor heating systems for residential and commercial. Most of his work is done within this country. An example locally is the old Central St School where he installed solar panels and radiant heating. His business allows for the integration of other heating options. He is not an installer – just design and sales. The first floor will be the warehouse and light manufacturing and the second floor will be the offices. He expects the manufacturing will be small scale – one board a week. There will be no noise beyond the building. Based on a full build-up of the business, there may be 1 – 2 trailer trucks a week and 15 people. Currently there are 6 – 7 employees. He expects there will be growth in the business in the design area not in industry or sales.

Judy asked if he were assembling rather than manufacturing. David said that he assembles control panels for the radiant heat.

The Board reviewed the Application for completeness. Chair Hart noted that they had received a copy of the deed, Board of Trade transfer of the lot and financial capacity information this evening. It was determined that the Application was complete with a waiver request for Section 5.H.5.r.

Pam Mitchel made a motion that we grant the waiver for Section 5.H.5.r. Judy Dorsey seconded the motion.

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

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

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

6:45 PM – Open Public Hearing

David Michaud said that currently the business park has big, flat roofed buildings and paved yards. He is proposing a different kind of building – a research and technology business. He wants to put solar panels on the roof and samples of other forms of heat to show customers. The old Central St School has a great system and he would like to encourage more of this locally.

6:48 PM – Close Public Hearing

The Board reviewed Section 3 of the Land Use Ordinance and determined that Performance Standards A, C, F, L, O & S apply.

Pam Mitchel made a motion that the following Standards do apply – A, C, F, L, O & S. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that Standard A has been met. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that Standard C has been met. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that Standard F has been met. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that Standard L has been met. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that Standard O has been met. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that Standard S has been met. Judy Dorsey seconded the motion.

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

The Board reviewed Section 5.Q. Site Plan Review Criteria and skipped Review Criteria 1 and 2 to the end.

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

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

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

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

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

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

Pam Mitchel made a motion that we accept Review Criteria 6 as provided by the Applicant on the site plan. Judy Dorsey seconded the motion.

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

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

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

Pam Mitchel made a motion that we accept Review Criteria 8 as written by the Applicant. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that we accept Review Criteria 9 as written. Judy Dorsey seconded the motion.

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

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

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

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

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

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

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

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

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

Pam Mitchel made a motion that we accept Review Criteria 14 as written. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that we accept Review Criteria 15 as written. Judy Dorsey seconded the motion.

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

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

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

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

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

Pam Mitchel made a motion that we accept Review Criteria 18 as submitted by the Applicant. Judy Dorsey seconded the motion.

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

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

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

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

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

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

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

Pam Mitchel made a motion that (Review Criteria 2) this proposal meets the provisions of all regulations and ordinances of the City and meets the intent of the Comprehensive Plan as amended. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that (Review Criteria 1) this proposal meets all applicable standards and meets all site review requirements. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

**Pam Mitchel made a motion that we accept this Application. Judy Dorsey seconded the motion.**

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

5.) **Public Hearing – Minor Site Plan Review**

**Thomas L. Purington and James P. Purington, Applicants are seeking minor site plan approval to construct a 4,000 SF car and truck wash facility with one automatic bay and four self-serve bays with associated site improvements. The property, located at 396 Brunswick Av, is within the Planned Development (PD) Zoning District, City Tax Map 23, Lots 6B & 22B (Lot 6B to be merged with Lot 22B).**

Jim Purington, Co-owner of the project introduced himself and others with him and noted that the car/truck wash proposal will encompass two lots, which they plan to combine into one lot. Andy Dunbar of Thayer Engineering gave an overview of the proposal.

Andy noted that the property is located at 396 Brunswick Av – just past Dave’s Diner. It has a combined acreage of 4.94 acres and is surrounded by Tilbury Park, Brunswick Av and Dave’s Diner. The property slopes down from Brunswick Av and is wooded to the north and east. The project will occupy 30,000 SF at the southwest corner of the property. There will be a vacuum island, 1 automatic bay and 2 other self-service bays. The bay on the end is large enough to handle boat trailers and RVs.

The entrance and exit permits will be issued by the City as the property is within the Urban Compact Zone. The site distance is very good – about 650’ to the north and over 1,000’ to the south. They have worked with Paul Gray and Chuck Applebee for the utilities, which will be City water and sewer. They will recycle a large percentage of the wash water and the stormwater will go to a retention pond. The buffering is the existing woods along with a planned 6’ fence and plantings of additional large sugar maples, arborvitae and juniper shrubs. The snowmobile trail that goes across the property will be moved to accommodate the proposal.

Chair Hart asked about the north side, which is a residential development – how will the trees buffer the business from them. Andy noted that you can see Tom Purington’s house in that neighborhood because he took down some of the trees and the underbrush on his property. He said the wooded buffer is pretty substantial to the Tilbury Park Development. He said the new building would be 22’ 7 ½” above grade and the land slopes downward.

Chair Hart asked if there will be sufficient room for cars to queue up to the various bays. Andy said there will be room for at least 11 – 12 in the auto bay alone. He said there will be a lot of room to queue up and in addition, they plan to stripe the lanes and have directional signage. Andy said there will be a dumpster in the back corner that will be fenced in.

Judy asked about the hours of operation. Andy said the automatic washer will be from 6:00 AM to 9:00 PM and the self serve will be 24/7. He said the facility will be unattended except for service work – about 3 – 4 hours per day. Judy said she was concerned that it could be a place for kids to gather. Chip Downey who designed the building said that he has designed these for a number of towns and has met with the police chiefs about safety concerns. Since the bays are lit and have no doors, there are usually no issues. They plan to have a security system with full camera security. Pam asked how late the lights would be on. Chip said dawn to dusk. Judy asked about the change machines and vending machines. Chip said that it will be a 5’ area next to the automatic bay. The machines with carwash products will be facing the street and have glass doors. Judy asked about semi s. Chip said it was not designed for semi s. Ron asked if a bus could fit in. Chip said yes.

Pam requested that they do a site walk. The Board decided to have the site walk on Tuesday, June 16, 2009 at 4:00 PM. It will be a public meeting and the agenda will be on the web as well as posted on the board in the lobby. The Board members will meet in the parking area just south of Dave’s Diner.

The Board reviewed the Application for completeness.

Section 5.H.5.j. - Natural Features. Andy said that he had consulted with Inland Fisheries and Wildlife (IF&W), the Comprehensive Plan – archeology plan and determined that there are no natural features in or around this site. Chair Hart asked that they download a picture of the site and surrounding area on Google Earth and submit it. Andy said he will provide it at the site walk. Ron asked if they could get a letter from IF&W. Andy said he had downloaded their map, but could get a letter also if needed. Pam asked what the map would show. Andy said deer wintering areas and eagle nests. Bill noted that IN & F also has a prehistoric site map of the area. Chair Hart asked if there were any snowmobile or hiking trails from Dave’s Diner to the Gardiner estate. Andy will check into it and get a map of them, if there are any.

Chair Hart noted that the Applicant had asked for a waiver for 5.H.5.r. and read into the meeting the letters from the Fire Chief, Police Chief and Chuck Applebee of the Waste Water Treatment Plant. Chuck had listed a number of conditions and Andy said he has been working with Chuck on these.

Pam Mitchel made a motion that we grant the waiver of the requirement to note the trees of 12" caliper in the wooded area which is 5.H.5.r. Judy Dorsey seconded the motion.

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

Pam Mitchel made a motion that the Application is not complete – we require copies of the IF&W Significant Wildlife Inventory Map, a note explaining the movement of the old snowmobile trail to the new area and a Google Earth map of the area showing natural features within 250' of the site. Judy Dorsey seconded the motion.

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

8:51 PM – Public Hearing

Dwight Denham, who lives on Tilbury Park, shared some of his concerns. He doesn't know if the property will support two ponds. There is a 50'x100' pond there now. There is a diversion ditch on Tilbury Park that goes eventually to the River. He is on his third septic system as are several of his neighbors. The hill drains down toward his property and the Hachey property and they had to extend the diversion ditch to a wall that divides his property and the Applicant's.

Dwight said that with all of the tree cutting, his neighbors, the Lemars, can see Dave's Diner from their back yard now. He is concerned about light, traffic and water coming down the hill and the noise. They are already hearing traffic like they've never heard before. He is also concerned about detergents, oil, etc coming down through his drainage ditch and into his organic garden area.

Another concern he has is the blasting. It appears to him that the whole hill is one piece of rock. He is concerned how it will affect his property and foundation. Carl Wallace, the regulation supervisor for Drilling & Blasting said that pretty much everywhere in Maine is a single ledge. He said that they set up a seismograph near each structure that can predict the impact and offers to do a pre-blast survey for any abutter's property for free. Jim Purington said that when they blast, they do it with a video and still pictures so that they can go back and check to see if any damage occurred.

Dwight noted that there is a snowmobile trail near Lincoln St Extension that has a sign that says, "Dave's Diner This Way." He uses the trail to snowshoe and cross country ski to the Gardiner Estate.

Marianne Ringel, who lives on Tilbury Park, shared her concerns. She is concerned about the water run off, the visibility of Brunswick Av and the hours of operation. She asked about the process and could she ask questions at the site walk and at the continuance meeting. Chair Hart said that she usually lets people ask questions at all meetings. Marianne asked if there would be any further cutting of trees. Bill Najpauer said that the Board could make a condition that the balance of the wooded area will remain or specify that a minimum buffer remain uncut. He said that the Planning Board can make a decision to do that based on the peculiarities of the site.

Marianne also asked about the lighting – how late they will be on. Andy said that the automatic bay will be open from 6:00 AM – 9:00 PM. The lights will come on at dawn and go off at dusk. Judy asked about the blowers in that bay. Andy said they did a sound study and can meet the daytime residential standards. Chair Hart noted concern about the headlights coming through the bays. Andy said the City's thresholds are met. Jim Purington said that he will change the automatic drive-through hours of operation to 7:00 AM – 7:00 PM to remedy the situation. Ron asked if the lighting plan was based on any time of the year. Andy said it won't change during the year.

Marianne asked about the grass buffering. Andy said that a little of the site drainage goes forward and the rest goes back to a ditch with grassy swale and rip rap on the slope to a detention pond. On the other side, all of the drainage will be collected in a grassy swale to the same rip rap apron and then to the detention pond, which exists on the site now. They will be building up the berm around it. All of their water will go to the detention pond and then diverted onto Mr. Purington's land in the rear. This should help with water issues on Mr. Denham's property. Pam asked about the runoff after it crosses Mr. Purington's property. Andy said it goes straight out back to the Gardiner woods.

Mona Hachey, who lives next to the Denhams, shared her concerns. She said that her property abuts Tom's property. If they divert the water onto Tom's property, what prevents water coming from his property to her property? She noted that she is also on her third septic system in 40 years. The area is all clay. She said that until Dave's Diner updated their septic system, it all drained into their yards. Andy said that a culvert and basin currently exists. Beyond there, it is not very wet. It will be about 210' away from the Hachey's property. Andy noted that the buffering might help with the noise.

Chair Hart asked David and Dorothy if they had received any correspondence. David said that he had been contacted by several people about the property owners cutting the trees and moving large areas of soil. There were rumors that the plan was already approved. Debbie Willis said that she had heard only positive things about it.

9:35 PM – Close Public Hearing

Chair Hart noted that the site walk has been scheduled for Tuesday, June 16, 2009 at 4:00 PM and the Board should continue this meeting to June 30, 2009.

Ted Purington said that if they wait another month, the hot top plants will be closed. He asked if they can start the project now. Chair Hart said no, not until they have approval by the Planning Board. Judy noted that the Application says completion date – March 2010. Ted said that the plans have changed.

Chair Hart said that they need to take the time and do the process right. If they cut corners, there is a danger of the application falling into appeal. That process would extend the time considerably.

**Pam Mitchel made a motion that we table the Application to the June 30, 2009 meeting. Judy Dorsey seconded the motion.**

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

Chair Hart cautioned the audience that because this is an open application, they can't discuss it with the Board members.

**6. OTHER**

None

**7.) ADJOURN**

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

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

Meeting adjourned at 9:43 PM

Chair Hart thanked the members of the Board, the Applicants, the abutters, audience and the web audience.