



# CITY OF GARDINER

## PLANNING BOARD

Gardiner Planning Board  
City of Gardiner, Maine

June 30, 2009  
Special Meeting 5:30 PM

### ROLL CALL

Present: Pat Hart Judith A. Dorsey Deborah Willis  
James Montell Ronald Condon

Absent: Edward Lawrence Pamela Mitchel

Also Present: Dorothy Morang, Planning Board Recording Secretary  
Bill Najpauer & Sarah Flaks, Contracted Planners  
Jason Simcock, Planning/Development Director  
Cory Spurling, Planning/Development Intern

Thomas Purington Andy Dunbar David Silver  
Jeff Cole Chip Downey Arek Galle  
Marianne Ringel Brian Kent Jack Fles  
Mike Snow

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

Chair, Pat Hart called the meeting to order at 5:35 PM and welcomed everyone.

**2.) Roll call taken.**

**3.) June 9, 2009 Meeting Minutes and June 16, 2009 Site Walk Minutes.**

Deborah Willis made a motion that the June 9<sup>th</sup> regular meeting minutes and the June 16<sup>th</sup> Site Walk minutes be approved as written. Judy Dorsey seconded the motion.

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

Chair Hart went over the schedule for this meeting.

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

**The City of Gardiner, Applicant is seeking approval of an amendment to the previously approved (July 12, 2005) Minor Site Plan to conduct shorefront revitalization and stabilization. The property, located on Water St and River Av is within the Central Business (CB) and Resource Protection (RP) Zoning Districts, City Tax Map 37, Lots 155 and 156; Map 35 Lot 29; and Map 34 Lot 144.**

Chair Hart asked the Applicant to introduce himself and to give an overview of the project. Jason Simcock, representing the City of Gardiner, introduced himself, Kylie Mason, a design consultant with Sebago Technics and Arek Galle from Gates-Leighton Design Consultants.

Jason said that the proposal is to improve the gateway entrances, the overlook area off Water St, the Visitor Center (Maine Av pump station), the amphitheater and update the parking configuration. He noted that they may have to phase some of these things in. They will know more when the bids come in. They also want to finish the green space and board walk.

Kylie showed renderings of the two areas on River Av and Water St that they will be working on as well as the new parking configuration. She noted that there will be an arbor near the pedestrian plaza and at the top of the amphitheater.

Jason explained that there are two sets of plans. Gates-Leighton is representing the Savings Bank of ME's contribution and Sebago Technics has been meeting on a regular basis with the Waterfront Committee to merge the two designs together.

Arek Galle, a landscape designer and planner, spoke about the design for the transition into the Waterfront Park - Bailey Ln, Steamboat Ln, the interpretive plaza and Depot Sq.

Chair Hart asked if any of the Board members had anything to disclose. Chair Hart said that she is a member of the Rotary Club and has raised money for it, but does not benefit monetarily and believes she can review this application without being biased. The other Board members were fine with her reviewing this Application.

Ron Condon asked, due to the possibility of having to phase some of these projects in, if the project isn't finished within a certain period, does the approval become moot? Bill Najpauer said that there isn't a timeline for the Planning Board approval, only for the building permit.

The Planning Board reviewed the Application for completeness. The Board determined that the Application is complete.

Debbie Willis made a motion that the Application is now complete. Judy Dorsey seconded the motion.

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

Chair Hart noted that the Board is looking at just the changes in this amended Application and not the whole plan, which was approved in 2005.

Chair Hart asked if the City had received any public comment. Jason Simcock noted that he had received an email from a neighbor asking what was being done. Dorothy said that she had not received any written or oral comments.

5:57 PM Public Hearing. No comments.

5:57 PM Close Public Hearing

The Board reviewed Section 3 - Performance Standards of the Land Use Ordinance to determine which of the standards apply to this Application.

Debbie Willis made a motion that only Performance Standards L, S and Y apply to this Application. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Performance Standard L has been met. Judy Dorsey seconded the motion.

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

Judy asked about the amount of parking required at the Waterfront. Kylie explained that the number is based upon the square footage of the park as noted in the IT manual and the parking exceeds those requirements. Bill agreed. Jason noted that when the City wrote the grant application for funding, one of the conditions for obtaining the grant money was that there had to be a balance of green space. Jack Fles, Chair of the Waterfront Committee said that the Committee spent a lot of time on this issue as they were limited by the amount of green space needed.

Debbie Willis made a motion that Performance Standard S has been met. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Performance Standard Y has been met. Judy Dorsey seconded the motion.

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

The Board reviewed Section 5.Q. of the Land Use Ordinance – Site Plan Review Criteria and skipped 1 & 2 for now.

Debbie Willis made a motion that we accept Review Criteria 3, Utilization of the Site, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that we accept Review Criteria 4, Traffic Access, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that we accept Review Criteria 5, Pedestrian Access, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that we accept Review Criteria 6, Buildings, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that we accept Review Criteria 7, Storage of Materials, as written. Judy Dorsey seconded the motion.

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

Judy asked if the DEP allows the stormwater runoff to be dumped into the River. Kylie said that they have a Permit By Rule that allows it. It will cross a large vegetative area that will absorb a lot of the run off.

Debbie Willis made a motion that we accept Review Criteria 8, Stormwater Management, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that we accept Review Criteria 9, Erosion Control, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that we accept Review Criteria 10, Water Supply, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that we accept Review Criteria 11, Sewage Disposal, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that we accept Review Criteria 12, Utilities, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that we accept Review Criteria 13, Natural Features, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that we accept Review Criteria 14, Groundwater Protection, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that we accept Review Criteria 15, Water Quality Protection, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that we accept Review Criteria 16, Hazardous, Special and Radioactive Materials, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that we accept Review Criteria 17, Shoreland Relationship, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Judy asked about financial capacity - since some of the projects might have to be phased in. Jason said they won't know for certain if they will have to phase things in. It will depend on the bids they get.

Debbie Willis made a motion that we accept Review Criteria 18, Capacity of the Applicant, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that we accept Review Criteria 19, Solid Waste Management, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that we accept Review Criteria 20, Historic and Archaeological Resources, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that we accept Review Criteria 21, Floodplain Management, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

The Board reviewed Section 6.H. of the Land Use Ordinance - Shoreland Zoning and determined that Standards 11, 13 and 18 apply.

Debbie Willis made a motion that Standard 6.H.11., Parking Areas, has been met. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Standard 6.H.13., Principal and Accessory Structures, has been met. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Standard 6.H.18., Storm Water Runoff, has been met. Judy Dorsey seconded the motion.

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

The Board returned to Section 5.Q. of the Land Use Ordinance and reviewed Review Criteria 1 and 2.

Debbie Willis made a motion that Review Criteria 2, Compliance with City Ordinances and Codes, has been met and this proposal meets the provisions of all applicable 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.

Debbie Willis made a motion that Review Criteria 1, General, has been met and this proposal meets all standards and regulations. Judy Dorsey seconded the motion.

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

**Debbie Willis made a motion that we approve this Application. Judy Dorsey seconded the motion.**

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

**5.) Continuation – 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).**

Chair Hart noted that the Board has reviewed the Application for completeness, held a public hearing and conducted a site walk. Additional information that was requested has been provided.

Debbie Willis made a motion that the Application is complete. Judy Dorsey seconded the motion.

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

The Board reviewed Section 3 of the Land Use Ordinance – Performance Standards and determined which of the Standards apply to this Application.

Debbie Willis made a motion that Performance Standards A, C, F, L, O, P, S, and Y apply to this Application. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Performance Standard A, General Requirements, has been met. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Performance Standard C, Access Management, has been met. Judy Dorsey seconded the motion.

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

Judy asked that a condition be placed on this Application that no trees be removed beyond what have already been removed. Andy Dunbar said that they will need to remove a few more in order to move the snowmobile trail. Bill said that it would be cleaner to set up a distance for the buffer instead. He noted that the Ordinance lists a 25' buffer, which is usually adequate, but the Board could add to it. Andy noted that the plan shows the required buffers and existing conditions. Judy said she is concerned about the neighbors – that the Applicant had agreed to this at the site walk and now is saying something different.

Tom Purington said that he wants to be a good neighbor and would agree to doubling the required buffer to 50'. He has no plans to cut any closer and would agree to put this on the plan. Andy noted that this approval depends on meeting DEP stormwater requirements. The stormwater numbers are attached to the piece of property and any substantial cutting of trees would alter that.

Jim Montell asked if the new snowmobile trails have been shown on the plan. Andy said yes – it will follow the woods road. Jim asked how many trees will be removed for this. Andy said only a few – it will have minimal impact. He noted that from the snowmobile trail to the nearest residence is about 125' of wooded area. Tom noted that they will remove about 20 smaller trees along the trail for safety.

Ron Condon noted that at the site walk, a few of the home owners noted that the snowmobile trail is a major thoroughfare to Dave's Diner. Tom said that the new trail

will be across his lawn. There are about 10 snowmobilers a week going to Dave's Diner. The Diner is open for breakfast and lunch only and Friday night.

Judy said she still has concerns. She asked if they could draw a diagonal line across the plan for a buffer. Tom said he is willing to give a 50' buffer between the business and the Tilbury neighborhood. Bill noted that the buffer will get better, denser over time. The Ordinance specifies 25', but the Board can increase it. He feels that 50' is more than adequate.

Ron Condon noted that from Dave's Diner, you can see the houses on Tilbury Park. He thought that a fence behind there would buffer the headlights and noise.

Judy said she is very concerned. She said that Tom had agreed that he wouldn't take out any more trees and now he won't agree to it. Debbie noted that the Applicant is agreeing to double the buffer requirement to 50'. The area behind Dave's Diner has nothing to do with this Application. Chair Hart noted that the building will also be a buffer. They have to trust that the Applicant is going to leave the buffer for stormwater requirements.

Debbie Willis made a motion that Performance Standard F, Buffer Areas, has been met with the Applicant agreeing to maintain a 50' buffer along the northeasterly boundary of the property and no cutting of the canopy or understory. Jim Montell seconded the motion.

Ron asked why they couldn't require a fence along the boundary like on the southern boundary. Andy noted that the southern boundary abuts vacant property, so the Ordinance requires the fence.

Chair Hart noted that a 60' buffer would be better and marked off a 60' section along the northeasterly side of the property, buffering the Planned Development Zone from the Residential Zone. She asked the Applicant if he would agree to a 60' buffer. He said yes.

Debbie and Jim withdrew the motion and second.

Debbie Willis made a motion that Performance Standard F, Buffer Areas, has been met with the Applicant agreeing to maintain a 60' buffer along the northeasterly boundary, which runs parallel to the street with no cutting of the canopy or understory. Jim Montell seconded the motion.

Vote: 3 in favor. 2 opposed (Judy Dorsey, Ron Condon). Motion passed.

Debbie Willis made a motion that Performance Standard L, Lighting, has been met. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Performance Standard O, Noise, has been met. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Performance Standard P, Non-Residential Development, has been met. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Performance Standard S, Off-Street Parking and Loading, has been met. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion that Performance Standard Y, Signs and Billboards, has been met. Judy Dorsey seconded the motion.

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

The Board reviewed Section 5.Q. of the Land Use Ordinance – Site Plan Review Criteria and skipped 1 and 2 for now.

Debbie Willis made a motion to accept Review Criteria 3, Utilization of Site, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 4, Traffic Access, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 5, Pedestrian Access, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 6, Buildings, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 7, Storage of Materials, as written. Judy Dorsey seconded the motion.

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

Debbie Will made a motion to accept Review Criteria 8, Stormwater Management, as written. We went out to the site and believe the runoff has been improved. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 9, Erosion Control, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 10, Water Supply, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 11, Sewage Disposal, as written, noting that Application changed to City sewer. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 12, Utilities, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 13, Natural Features, as written. Jim Montell seconded the motion.

Vote: 3 in favor. 2 opposed (Judy Dorsey, Ron Condon). Motion passed.

Debbie Willis made a motion to accept Review Criteria 14, Groundwater Protection, as amended. Applicant is using City sewer. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 15, Water Quality Protection, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 16, Hazardous, Special and Radioactive Materials, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 17, Shoreland Relationship, as written. Judy Dorsey seconded the motion.

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

Debbie Willis made a motion to accept Review Criteria 18, Capacity of Applicant, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion to accept Review Criteria 19, Solid Waste Management, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion to accept Review Criteria 20, Historic and Archaeological Resources, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion to accept Review Criteria 21, Floodplain Management, as written. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that (Review Criteria 2, Compliance with City Ordinances and Codes), meets Section 2 of the City Ordinances and Codes. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.

Debbie Willis made a motion that (Review Criteria 1, General), meets all applicable standards and Site Review Criteria. Jim Montell seconded the motion.  
Vote: 3 in favor. 2 opposed (Judy Dorsey, Ron Condon). Motion passed.

**Debbie Willis made a motion to approve this Application. Jim Montell seconded the motion.**  
**Vote: 3 in favor. 2 opposed (Judy Dorsey, Ron Condon). Motion passed.**

**6. OTHER**

Chair Hart noted that the Planning Board will meet again next week, July 7, 2009 at 6:00 PM to review the proposed changes to the Ordinance, the policies and procedures, zoning map changes and an item from Rusty Greenleaf concerning crematoriums.

**7.) ADJOURN**

Deborah Willis made a motion to adjourn. Judy Dorsey seconded the motion.  
Vote: 5 in favor. 0 opposed. Motion passed.