



6 Church Street, Gardiner, ME 04345
Phone (207) 582-4200

Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD

Meeting Minutes

Tuesday September 12, 2023 @ 6:00 PM

- 1. Call the Meeting to Order-** Chair Willis called the meeting to order at 6pm.
- 2. Roll Call-** Board members: Debby Willis, Pam Mitchel, Zachary Hanley, Jacob Waltman, and Shawn Dolley. Applicants: James Graham- President of Core Cutter, Jim Coffin- Coffin Engineering, Peter Latouf and Courtney Garrison- Owners of Smiling Pine Campground. City staff- Kris McNeill- Code Enforcement Officer, and Angelia Christopher- Planning and Development Admin.
- 3. Public Hearing:** Core Cutter LLC is looking to construct an 11,520-sf building and associated parking for their manufacturing company at City Tax Map 002 Lot 020-026 in the PIC zone at the Libby Hill Business Park.

Chair Willis opened the application. She stated that the applicant has standing and asks if there is anyone on the board that cannot hear this application in an unbiased manner. No. Chair Willis asked if city staff requested any outside assistance with this application and if there was any public interest. No.

Jim Coffin, Coffin Engineering introduced the president of Core Cutter, James Graham who gave a description of the business and what they are working to achieve. The company started out in a small building with three machines to manufacture solid cutting tools. The company has grown significantly, and now they are out of space. Mr. Coffin states that they have already filed a conditional compliance permit with DEP. The project will require a pump station for sewer. There is extensive buffering on the lot already and there will be a partial screen on the front of the lot that faces Technology Dr.

Chair Willis opened a public hearing at 6:19pm- seeing no response, she closed the public hearing at 6:20pm. The board will start to review criteria. Pam Mitchel inquired about the cost of the project. Mr. Graham reports that this project will cost approximately \$2,750,000 for the building and all the earthwork. She also asked for information about the outside lighting. They will be using dark skies wall packs on the outside of the building.

6.5.1.1 The application is complete, and the review fee has been paid. **The application is complete and the Site Plan Review fee of \$250.00 has been submitted.**

6.5.1.2 The proposal conforms to all applicable provisions of the Ordinance. **The project conforms to all applicable provisions of the LUO.**

6.5.1.3 The proposed activity will not result in water pollution, erosion, or sedimentation to water bodies. **The application contains all pertinent erosion and sediment control devices needed for the project. All runoff flows south to the existing pond shown on the Phase II Lotting Plan of the Libby Hill Business Park.**

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste. **Public sewer is available for the project and all wastewater associated with the bathrooms, break room, etc. will be sent to a new pump station located at the end of Technology Drive. The pump station will flow into the existing manhole shown on the site utility plan (C-2), which will be converted into a valve pit. The LHBP Phase II DEP permit allows the twelve lots to discharge up to 18,000 GPD to the City's wastewater treatment facility. A letter from Doug Clark (Director) of the Gardiner Sewage District is included indicating that the Gardiner Sewage District has sufficient capacity to serve the proposed addition. The applicant is anticipating having up to fifteen employees associated with the proposed development. A dumpster enclosure is shown on the Site Plan (C-1) that will provide adequate disposal of solid waste. The LHBP Phase II DEP permit allows the twelve lots to produce up to twenty-four tons per year or 120 cubic yards of solid waste.**

6.5.1.5 The proposal will not have an adverse impact upon wildlife habitat, unique natural areas, shoreline access or visual quality, scenic areas, and archeological and historic resources. **The Maine Historical Preservation Committee (MHPC), the Maine Department of Inland Fisheries & Wildlife and the Maine Department of Agriculture, Conservation & Forestry (MNAP) have all provided letters that are included with this submission. There are no concerns with MHPC or MNAP, but the IF&W letter mentions deer wintering areas and recommends that any further softwood removal be kept to a minimum. There is very little tree cutting needed on site so this will not be an issue. The letter also mentions bat species, but the IF&W does not anticipate significant impacts to any of the bat species. The letter mentions vernal pools and mapping them. Vaughn Smith has reviewed the site and marked wetlands as shown with no vernal pools in the area.**

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. **Vaughn Smith Associates has provided the wetland delineation and our surveyors located his wetland flags. This information is shown on the topographic plan included with this submission.**

6.5.1.7 The proposal will provide for adequate storm water management. **Lot 26 has an allowable impervious area of 1.5 acres per Phase II Overall Plan. The total impervious area after this project has been constructed will be 1.25 acres. All lots in the LHBP have been pre-designed for stormwater with wet ponds for Phase II and detention ponds for Phase I.**

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. **The project is not within Shoreland Zoning and this section is not applicable.**

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements. **The project is not within the 100-year flood elevation per the FIRM Map and this section is not applicable. Rev 05/10**

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. **A letter has been sent to Zach Lovely of the Gardiner Water District asking if there is sufficient water capacity for the proposed project.**

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity. **The project will connect to public water at the end of Technology Drive for domestic water service and a letter has been sent to Zach Lovely asking if there is sufficient capacity to serve the proposed development. Groundwater quality and quantity will not be adversely affected with the proposed project.**

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development. **The proposed site is being utilized for manufacturing with offices associated with the applicant's operation. Pedestrians will not be able to walk around on site as this is the case in almost all of the parcels within the Libby Hill Business Park. Tractor trailer trucks can access and negotiate the site as needed with loading docks along the north side of the building. The site has been designed to allow 67' long tractor trailer trucks to enter off Technology Drive and drive in a counterclockwise direction around the proposed building and turn around on the north side of the building without multiple turning movements. There is more than enough area for vehicle circulation associated with the site.**

6.5.1.13 The proposal will not result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development. **A letter has been received from John Cameron (Public Works Director) stating that he has no issues with the project.**

6.5.1.14 The applicant has adequate financial and technical capacity to meet the provisions of this Ordinance. **E.S. Coffin Engineering & Surveying has the technical ability to complete the project. The applicant will provide a financial statement indicating that they have adequate financing to complete the project.**

6.5.1.15 If the property contains an identified historic or archeological resource, the proposal shall include appropriate measures for protecting the resource, including but not limited to modification of the proposed design of the site, the timing of construction, and limiting the extent of excavation. **A letter is included from the Maine Historical Preservation Commission, who have indicated that there are no historic properties affected by the proposed project.**

Additional Site Plan Review Criteria

All applications for Site Plan Review shall meet the Review Criteria contained in 6.5.1 and the additional criteria contained in this section.

6.5.2.1 The proposal will be sensitive to the character of the site, neighborhood, and the district in which it is located including conformance to any zoning district specific design standards; **The parcel is surrounded by other commercial/industrial parcels except on the east side where it abuts a CMP easement. There are no design standards in the PIC District.**

6.5.2.2 The proposal shall not have an adverse impact upon neighboring properties. **The only residential properties are located to the east side parcel, which has at least a 500' buffer to any residence. It will be virtually impossible to see the building except from Technology Drive. Dust will be controlled during construction by using water or calcium. The project will not have an adverse impact on neighboring properties.**

6.5.2.3 The proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land uses. **The project is required to implement a partial screen along Technology Drive and a full screen along the rear and side property lines. The site plan depicts a Full Screen with Option #2 consisting of 3 canopy trees and three understory trees with at least a 4-foot-high berm per 100' linear feet along the east property line. Partial Screen Option #2 consisting of nine shrubs per 100' on a 3-foot-high berm will be utilized along the property line abutting Technology Drive. The property lines to the north, west and south sides require a full screen per the Land Use Ordinance (LUO), but there are wooded areas that meet or exceed the Land Use Ordinance requirements in place.**

6.5.2.4 The building site and roadway design shall harmonize with the existing topography and conserve natural surroundings and vegetation to the greatest practical extent such that filling, excavation and earth moving is kept to a minimum. **The proposed driveway into the site is at the end of Technology Drive at an elevation where the building finish floor elevation is about 4.5-feet higher. With the proposed entrance all traffic entering the site either utilizes the parking area along the south or east side of the building. The site has been graded to send runoff away from the building in all directions and the cuts/fills have been minimized as much as possible with the existing topography of the parcel.**

6.5.2.5 The proposal shall reflect the natural capabilities of the site to support the development. Buildings, structures, and other features should be located in the areas of the site most suitable for development.

Environmentally sensitive areas including waterbodies, steep slopes, floodplains, wetlands, significant plant and wildlife habitats, scenic areas, aquifers, and archeological and historic resources shall be preserved to the maximum extent. The proposed building is situated on the most desirable location on lot #26. It allows the building to be viewed from Technology Drive and the entire development does not impact any wetlands. Vaughn Smith Associates was hired to delineate the wetlands on site, and they are depicted on the Topographic Survey. The Maine Historical Preservation Committee, the Maine Department of Inland Fisheries & Wildlife and the Department of Conservation have all provided letters that are included with this submission.

6.5.2.6 The proposal shall provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area. **The system shall connect building entrances/exits with the parking areas and with existing sidewalks if they exist or are planned in the vicinity of the project. There are not any sidewalks on Technology Drive nor along any road within the LHBP. The general public can drive into the site, find a parking space, and enter the office area, but this entire site is geared towards a manufacturing facility with tractor trailer trucks and other construction vehicles moving continuously around the east side of the building. It does not make sense for any pedestrian access to occur other than the sidewalks abutting the parking areas.**

6.5.2.7 In urban and built-up areas, buildings shall be placed closer to the road in conformance with setback requirements and parking areas shall be located at the side or rear. **In rural or sparsely built areas, buildings shall be set well back from the road to respect the rural character of the area. Front parking areas shall be landscaped to reflect the rural area. The proposed building is situated on site in one of the only locations available due to grades and the existing pond location. There is parking along the east and south sides of the building. There is not any “Rural Character” associated with the Libby Hill Business Park as there are only commercial and industrial uses. The proposed parking areas are all adjacent to the building so that headlights point towards the building. There has been additional landscaping added near the parking areas to soften the paved areas.**

6.5.2.8 Proposals with multiple buildings shall be designed and placed to utilize common parking areas to the greatest practical extent. **There will not be multiple buildings on the parcel. Twenty-one parking spaces are required per the Land Use Ordinance and there are twenty-four parking spaces shown on the site plan (C-1).**

6.5.2.9 Building entrances shall be oriented to the public road unless the layout or grouping of the buildings justifies another approach. **The entrance to the building will be on the south side of the proposed building, which faces Technology Drive.**

6.5.2.10 Exterior building walls greater than fifty feet in length which can be viewed from the public road shall be designed with a combination of architectural features with a variety of building materials and shall include landscaping abutting the wall for at least 50% of the wall. **There are not any building design standards in the PIC District and therefore this section is not applicable.**

6.5.2.11 Building materials shall match the character of those commonly found in the City and surrounding area and include brick, wood, native stone, tinted /textured concrete block, or glass products. **Materials such as smooth-faced concrete block or concrete panels and steel panels shall only be used as accent features. Materials shall be of low reflectance, subtle, neutral or earth tone colors. High-intensity and bright colors shall be prohibited except when used as trim or accent. Building materials for industrial or commercial buildings located within an approved industrial park or subdivision shall not be required to follow this provision. There are not any building design standards in the PIC District and this section is not applicable.**

6.5.2.12 Building entrances and points where the development intersects with the public road and sidewalk shall be provided with amenities appropriate for the area such as benches, bike racks, bus stop locations and other similar landscape features. **The site is located off from a dead-end road (Technology Drive). The proposed site is being utilized for manufacturing with office space associated with the applicant's operation. Pedestrians will not be able to walk around on site as this is a manufacturing operation. There are picnic tables and a bike rack shown along the west side of the building.**

6.5.2.13 A proposal which includes drive-through service shall be designed to minimize impact on the neighborhood. **Drive-through lanes shall be fully screened from adjacent residential properties and communication systems shall not be audible on adjacent properties. There are no drive-thru lanes associated with the project and this section is not applicable.**

In regard to the General Performance Standards in Section 8 of the LUO.

8.7 Exterior Lighting: Wall-packs are depicted on the site plan and cut sheets of these fixtures are included with this submission. All of the fixtures will be shielded so that light shines in a downward direction. Electricity will be brought overhead to a pole at the end of Technology Drive and then run underground to the south side of the new building.

8.8 Noise: The only noise generated from the operation will be during construction activities.

8.11 Bufferyard & Screening Standards: The project is required to implement a partial screen along Technology Drive and a full screen along the rear and side property lines. The site plan depicts Option #2 with three canopy trees and three understory trees with at least a 4-foot-high berm per 100' linear feet along the east property line. The property lines to the east, west and south sides require a full screen per the Land Use Ordinance (LUO), but there are wooded areas that meet or exceed the Land Use Ordinance requirements in place. In regard to Environmental Performance

Standards in Section 9 of the LUO:

9.1 Air Quality: Dust will be controlled during construction and will be implemented by applying calcium and water as needed.

9.2 Water Quality: Stormwater runoff will be sent into the ditching and catch basins shown on the attached site plan and then into a plunge pool before going through a level rock spreader to disperse flows before entering the existing wet pond.

9.7.2 Public Sewer: The existing manhole at the end of Technology Drive will be converted into a valve pit and a pump station added upstream to it. The design of the pump station must be approved by the Gardiner Sewage District.

In regard to Special Activity Performance Standards in Section 10 of the LUO:

10.24.5.7.2 Free Standing Signs: The applicant is proposing to erect a new sign adjacent to the entrance at the end of Technology Drive as shown on the Site Plan (C-1). They will work with Kris McNeill- Code Enforcement Officer to make sure that the sign fits zoning requirements.

Chair Willis asks for a motion on this project.

Pam Mitchel moves that the application conforms to all applicable provisions of this ordinance with the condition that the two permits from DEP will be approved, information about the wall pack lights will be included in the application and a lighting plan will be reviewed by Kris McNeill- CEO. Seconded by Jacob Waltman. No further discussion. Unanimously approved. Chair Willis asks the board what they want to do with this application.

Pam Mitchel moves to approve this project with the previously mentioned conditions. Seconded by Zachary Hanely. No further discussion. Unanimously approved.

Application approved.

4. Public Hearing- Smiling Pine is proposing to set up a tent-based campground at 121 Old Brunswick Rd. City Tax Map 022 Lot 023 in the CPD/SL zone. Peter LaTouf, and Courtney Garrison are the owners of the property. Chair Willis asks if abutters were notified, and if the applicant has standing. Yes. She then asks if there is anyone on the board that cannot hear this application in an unbiased manner. No. Chair Willis asked if city staff requested any outside assistance with this application and if there was any public interest. No.

Mr. LaTouf and Ms. Garrison gave some information about what they want from this campground. This is very different from a regular campground. This property is managed by Hip Camp. Hip camp culture is a new wave and very popular. The intention of this campground is tenting only. There are no shower or bathroom facilities, and no running water. Sites do not have electricity and it is strictly a carry in- carry out. Mr. LaTouf feels the future of camping in Maine has great potential and this has been a dream to have a business like this. Chair Willis opens the meeting for public comment at 7:15pm. There is no one from the public here to speak for or against this project. There was a letter delivered to City Hall just prior to the meeting from an abutter offering his opinion. The letter that was submitted states that there were issues with the property lines. After looking at the current deed, it shows that Mr. Latouf does in fact own a 50' ROW that was in question. The letter also states that the road is unsafe, and that he is worried about emergency personnel getting to the campground. Mr. Latouf has upgraded the road that was established back in the 1950's. Mr. Latouf explains that he has added and upgraded culverts and built five turnouts. There are spots that are not wide enough for two vehicles. Planning Board members were given a copy of the letter, and Chair Willis added the document to the record. No other comment at this time. Chair Willis closed the meeting for public comment at 7:23pm.

The board will start reviewing criteria. There were no waiver requests. Pam Mitchel asks what category of the Section 7 land use table this fits into. Kris McNeill feels it best fits under a campground, therefore the board will be reviewing criteria for that use.

4. Review Criteria (6.5.1)

6.5.1.1 The application is complete, and the review fee has been paid.

We have completed this application to the best of our abilities, and we paid the fee.

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance.

We feel the project complies with all applicable provisions.

6.5.1.3 The proposed activity will not result in water pollution, erosion, or sedimentation to water bodies.

We make sure nothing is affected while hosting campers on our property.

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste.

It is the campers responsibility to carry in and carry out.

6.5.1.5 The proposal will not have an adverse impact upon wildlife habitat, unique natural areas, shoreline access or visual quality, scenic areas, and archeological and historic resources.

We are trying to protect and preserve wildlife and the environment on our property.

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands.

We are trying to protect and preserve water bodies and any wetlands on our property.

6.5.1.7 The proposal will provide for adequate storm water management.

No land alterations. The storm water is not affected.

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements.

We will abide by shoreland zoning requirements.

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements.

To my knowledge this property is not in a flood zone but understood.

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development.

There is nothing being developed on the property- this does not apply.

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity.

There is nothing being developed on the property- this does not apply.

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development.

There is a road on our property that campers can drive in and out on.

There is an adequate parking area- enough for two vehicles per spot.

6.5.1.13 The proposal will not result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development. **No, it will not.**

6.5.1.14 The applicant has adequate financial and technical capacity to meet the provisions of this Ordinance.

We have purchased the property with a loan from Kennebec Savings.

It is noted that there is no letter from IFW or from the Maine Natural Areas Program. Kris McNeill points out that this is a low impact project and there is no disturbance, impervious surface or additional development. This property was forested in the past few years, and there were already spots cleared out for campsites when they bought it. There are currently four sites, and a 12'x24' cabin. They hope to add sites in the future if possible. Just tenting. There is no clearing, there were already spots cleared out when they bought it.

A lot of the review criteria do not apply to this application. The project is not changing any of the topography, and there is an existing driveway already in place. As far as the flow of traffic, there are sections of the road that do not allow for two vehicles to pass, but there are turnouts placed along the road. Right now, they are renting out sites five nights a week, and total approximately fifteen rentals a week. There will be no trailers, and nothing towed. This property has been utilized for the past year and a half as a tenting campground. Traffic has not been a problem, and it is not projected that it will be in the future.

One of the big concerns is waste management considering that there is no septic on this property. Board members question how that will be monitored to make sure that waste is being taken care of properly. Who is keeping track of the septic issues, and who monitors that? Right now, the campground is offering a temporary solution with a tent, and a lined bucket which tenters will be responsible to carry out, responsibly. If they decided to expand and have more than four camp sites, they would need to obtain a state campground license, and build an outhouse.

Chair Willis reminds the board that they can request a site walk of the property if they have questions. Jacob Waltman asks if there is a provisional approval that could be used in case there starts to be problems. Kris McNeill told the group that if complaints happen, he will investigate, which could lead to the approval getting revoked if there are too many complaints. There is a letter from the fire chief, stating that the road needs work to enable safety personnel to get there safely. Both the fire chief and police chief are concerned about a campground on this property. The condition of the road will make it difficult, if not impossible, for safety vehicles to access the site. Each site has a stone fire pit, and there are buckets available for campers to use in the event that a campfire gets out of control. Several board members and City staff are concerned about parties happening, which could lead to a fire getting out of control quickly.

The application is complete.

The board looked at Section 8- General Performance standards and agreed that none applied to this application.

Next was Section 9- Environment Standards.

Once again this is a carry-in- carry out business. Kris McNeill has visited the site several times, and reports that it is clean, and he did not find any evidence of people disposing of waste improperly.

No other areas in this section applied.

The board looked at Section 10- Special Activity Performance Standards and agreed that none applied to this application.

There will be no sign, in fact, campers have to reserve through Hipcamp, and only then is the address given out. The owners meet the campers and show them to their tent site.

Section 13-Shoreland standard 13.11- Each camp site has to have a minimum of 5000 sf of land and be at least 100' from the water. The board agrees that vehicles need to stay at least 100' from the water. Perhaps mark out that setback line with logs, so vehicles cannot park too close. The owners agree that this can happen. No other standards in this section apply to this application.

Board members have reviewed the fire chiefs' letter for this application. The letter states that there are big concerns with the road. There are trees that need to be limbed to allow for the height of safety vehicles. There are steep areas on the road that make it difficult or impossible for their vehicles to get through due to the steep terrain. Kris McNeill states that he loves the idea of this campground, but he has reservations. He worries about the unsupervised campsites, the parties that are likely to happen and the potential for a fire to get out of hand quickly. If safety staff cannot get into the campsites due to the conditions of the road, there could be a tragedy. Perhaps the road could be rerouted to alleviate travelling across the issue spots. As long as the owner meets the needs of the turning radius for a fire truck, he could do that.

The board discussed what options they have for this application. They decided that there needs to be some changes made at the site to improve safety.

Pam Mitchel moved to table this application. Zachary Hanely seconded the motion. No further discussion. Unanimously approved to table the application. The applicant will work with Kris McNeill to bring this back to the Planning Board at a later date.

5. Public Hearing: - Discuss making amendments to Sections 10 and 7 of the LUO in regard to Battery Storage Facilities. Chair Willis opened the public hearing and seeing that there was no response, closed the public hearing. Chair Willis asked what the board wanted to do with this change. The board wants to send it back to ORC, for further review. There is an error on the use chart and the decommissioning plan needs changes. Pam Mitchel moves to send this back to ORC. Zachary Hanley seconded the motion. No further discussion. Unanimously approved to send back to ORC.

4. Review of the August 9, 2023, meeting minutes- Pam Mitchel suggested a small edit. Pam Mitchel moves to accept the 08/09/23 minutes with a small edit. Zachary Hanley seconded the motion. No further discussion. Unanimously approved.

5. Other Business-None at this time.

6. Adjourn- Pam Mitchel moves to adjourn at 8:40pm. Seconded by Zachary Hanley. No further discussion.
Adjourn at 8:40pm.