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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MINUTES

Special Meeting

Tuesday, May 12, 2020 @ 6:00 PM

VIA Virtual Conferencing

In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19

1. Chair Willis called the Meeting to Order at 6.00pm

2. Roll Call: Chair Willis asks for a Roll Call for all present for the meeting – Board Members- Chair Debbie Willis, Pam Mitchel, Zachary Hanley, Kristine Johnson, Shawn Dolley, Lester Young, Adam Lemire.

Also present: Tracey Desjardins- Economic Development Director, Kris McNeill- Code Enforcement, Angelia Christopher- Planning and Development Assistant

Also present are Jim Coffin, Ben Philbrook

Review of the April 14, 2020 meeting minutes- Pam Mitchel had edits that she sent via email. There were no other changes submitted by board members. Pam Mitchel had noted that a guest's name was misspelt. The correct spelling should have been Logan Johnston. She also pointed out that the third condition that was given for approval of the SunRaise application was that the buffers for the site had to be located entirely on the site. The intent of the condition was location not intactness as suggested in the minutes. It became known after the meeting that this requirement as a condition was not necessary because the location of buffers on a site is part of our ordinance. No other Board Members had changes or corrections. Chair Willis would like to state that she appreciates the format that was used for the minutes. Pam Mitchel makes motion to approve the minutes with two changes. Zachary Hanley seconds the motion. Chair Willis asks for a Roll call vote, Adam Lemire yes- Kristine-yes-Lester Young – yes Pam Mitchel- yes Shawn Dolley-yes Zachary Hanley- yes Debby Willis- yes All are in favor.

Public Hearing: Land Use Ordinance Changes The Ordinance Review Committee, on 02/24/2020 by a vote of 6-0-0, recommended proposed changes to the Land Use Ordinance relating to Land Use Code- to address Mobile Food Vending Unit

Planning Board is here to discuss Land Use Code changes. One adds the definition of food trucks and the other change is allowing food trucks to operate in eight of our 12 zones.

The definition of a **Mobile vending unit** –(food truck) reads as :

A motor vehicle or trailer that is licensed to operate on public roads and that is designed and used to sell or otherwise dispense prepared food and beverages directly to consumers.

The City of Gardiner has had more ‘food trucks’ coming into town the past couple of years, partly because of the increase in Brew Pubs in town. Brew Pubs cannot prepare their own food, but can have a ‘food truck on their premises, and this has been very successful. There are some concerns about how long the trucks might be parked in one location. There is one instance where one vendor had been parked at a brewery for several months. This will be reviewed at City Council. As far as the zones that food trucks will be allowed in- R,TD,PIC,EC, CC, MUV,PHD, IT are all areas that Board members agree on Debbie asks for a motion to amend to ordinance to send these two changes to City Council with recommendation for adoption.

Pam makes a motion that send the two changes to City council with recommendation that they adopt these changes to the LUO the definition of food truck and location in the use table where they can be found.

Shawn Dolley seconds the motion.

No further discussion.

Roll call vote-

Adam Lemire - yes

Kristine-Johnson-yes

Lester Young - yes

Pam Mitchel- yes

Shawn Dolley-yes

Zachary Hanley- yes

Debby Willis- yes

All are in favor- unanimous vote

3. Public Hearing – Site Plan Review- Roll Call Vote

The applicant is proposing to construct an addition onto the existing corporate headquarters and associated paved areas. The project will involve an amended subdivision plan because the addition will straddle a common property line delineating the Libby Hill Business Park and Libby Hill Estates Subdivision.

Jim Coffin explains why there is a subdivision change and shows us on the first map. The Libby Hill Estates lots, Map 007-005 will be added to the Libby Hill Business Park. Tracey states that this amendment will be going before City Council – will be adding the Libby Hill Estates lots to the park. Expanding the subdivision. Pam states that this is an expansion, and we do not have everything we need to process this. Need to have a whole map of the business park> Mr. Coffin states that this happens all the time, which subdivisions amend all the time, without this process. The map for the next application-Philbrook Steel, shows the whole park. Can this map be used for this application, as a review tool? The Board feels that the map from Philbrook Steel's plan is sufficient to review the subdivision change.

The next question is this a review of a completely new subdivision plan? It seems with the addition of lot from Libby Hill Estates they will be expanding the footprint of the subdivision. The board decides that this is an expansion of an existing subdivision and they will go through the questions on the application to make sure all areas are covered

Chair Willis starts to review section 14.4 for this subdivision change.

14.4 Review Criteria

For the expansion of an existing subdivision.

14.4.1 The proposed subdivision will **not** result in undue water or air pollution. In making this determination, it shall at least consider: the elevation of the land above sea level and its relation to the floodplain, nature of the soils and subsoils and their ability to adequately support waste disposal, slope of the land and its effect upon effluents, and the applicable state and local health and water resource rules and regulations. **No, it will not.**

14.4.2 The proposed subdivision has sufficient water available for the reasonable needs of the subdivision. **Yes it does**

14.4.3 The proposed subdivision will **not** cause an unreasonable burden on an existing municipal or private water supply, if one is to be used. **This proposal will not cause unreasonable burden on city services**

14.4.4 The proposed subdivision will **not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results. **This development will not cause erosion at the site.**

14.4.5 The proposed subdivision will **not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed. **It will not**

14.4.6 The proposed subdivision will provide for adequate sewage waste disposal and will **not** cause an unreasonable burden on municipal services if they are used. **There will be adequate sewage and waste disposal at this site.**

14.4.7 The proposed subdivision will **not** cause an unreasonable burden on the city's ability to dispose of solid waste, if municipal services are used. **It will not cause a burden.**

14.4.8 The proposed subdivision will **not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. **Proposal will not cause adverse effects.**

14.4.9 The proposed subdivision conforms to all the applicable standards and requirements of this Ordinance, the Comprehensive Plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans. **Yes it does.**

14.4.10 The sub divider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance. **Yes they do**

14.4.11 Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in 38 M.R.S.A. Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will **not** adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. **No, it will not.**

14.4.12 The proposed subdivision will **not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. **Proposal will not negatively affect ground water.**

14.4.13 Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area, if the subdivision, or any part of it, is in such an area, the sub divider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan shall require that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation. **Proposal is well out of the floodplain**

14.4.14 All wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. **Yes**

14.4.15 Any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams, or brooks shall be protected from any adverse development impacts. **Yes**

14.4.16 The proposed subdivision provides for adequate storm water management. **Yes**

14.4.17 The long-term cumulative effects of the proposed subdivision will **not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision. **No, it will not.**

14.4.18 For any subdivision that crosses municipal boundaries, the proposed subdivision will **not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. **No concerns here.**

14.4.19 If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland, as these features are defined in 38 M.R.S.A. Section 480-B, none of the lots created within the subdivision shall have a lot depth-to-shore frontage ratio greater than 5 to 1.
Does not.

Does the Planning Board as a whole think that they have met the review criteria as outlined in 14.4?

Chair Willis asks for a motion.

Pam Mitchel makes a motion that the application meets the review criteria of subdivision standards.

Zachary Hanley seconds the motion.

Chair Willis asks for a Roll call vote.

Adam Lemire - abstain

Kristine Johnson-yes

Lester Young - yes

Pam Mitchel- yes

Shawn Dolley-yes

Zachary Hanley- yes

Debby Willis- yes

Six in favor- one abstention.

Chair Willis states that the board will start reviewing the application.

Chair Willis asks the Board if they can hear this application in an unbiased manner.

All agree

Chair Willis asks the applicant- or the agent in this case-Jim Coffin- of Coffin Engineering to go over details of the application.

Jim states that this project is going to be an addition to the existing EJP building and will be 42,470 sf, will consist of maintenance based and have a mezzanine. Will have 130 parking spaces, which is more than enough. Still under the threshold for impervious surface for stormwater. Utilities: bringing in a new fire suppression line- the suppression is very low there. Therefore, there will be a new 6" fire line installed. Bringing in a new 6" sewer line with a grease separator because there are some floor drains in the addition. . Landscaping, they are required to put a partial screen along Prescott drive; there will be nine shrubs, on a 4' berm where there is no foundation. This is only place where they feel there needs to be any landscaping, as the applicant owns land all the way around it. The DEP/wetland permit has about a month of review left. Construction is proposed to start about the fourth week in June. Crooker's will be doing the earthwork. The building is a Can-Am building, similar to the Ice arena, which will go up very quickly. The gate will be about the same, all incoming traffic will come in counterclockwise, around the building. There will be fencing on all sides. The building will be a card accessed security building.

Pam Mitchel asks what the building will be used for. Jim Coffin states that it will be used for vehicle maintenance with some added offices over the mezzanine. It will also have a car wash

inside. She asks about the arrows on the map, which Jim Coffin explains are overhead doors. Pam Mitchel states that the application states that there will be manufacturing. Jim Coffin explains that PMP Realty owns three entities. They own EJP, PMP and PPF, a division of EJP that will be moving to this new addition as well. There will be a laydown area onsite for PPF supplies as well. Pam Mitchel asks about something on the design maps, and Jim Coffin explains that they are overhead doors.
No other questions at this time.

Chair Willis opens the public hearing.

There is no one to speak for or against this project.

Chair Willis asks City Staff if any of them were contacted to discuss this proposal.

Tracey Desjardins, Kris McNeill and Angelia Christopher all reported no inquiries on this proposal.

Chair Willis closed the public hearing and close public comment.

No waivers were requested.

Chair Willis will review criteria for the application.

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

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

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 divides needed for the project. A grease oil separator will be installed to provide treatment for fluids running through the interior floor drains. This devise will provide water treatment for any oils/grease coming off from vehicles and then sent to the public sewer system off Prescott Street.**

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, locker rooms, break room, floor drains, etc. will be sent the system before being released into the public sewer system along Prescott Street. Fluids exiting the floors drains will first enter a grease/oil separator before being released into the public sewer system. The LHBP Phase I DEP permit allows the 16 lots to discharge up to 25,000 GPD to the City's wastewater treatment facility. A letter from Doug Clark, (Director) of the Gardiner Sewer District is included indicating that the District has sufficient capacity to serve the proposed addition. A dumpster enclosure is shown on the Site Riverside Disposal indicating that EJP generated 26.55 tons of trash in 2019. The LHBP Phase 1 DEP permit allows the 16 lots to produce up to 1,660 tons per year of solid wastes. EJP utilizes 1.6% of the 1,660 tons allowed per year.**

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.- **No .A letter has been received from the Maine historical Preservation Committee verifying that there are not any historical or archeological sites located within the area of the site. A letter has been received from the Maine Department of Inland Fisheries and Wildlife verifying that there will not be any undue adverse effect to essential wildlife habitat. The letter does mention the three Myotis Bat species be protected, but there is not any tree cutting being proposed. The letter also mentions possible vernal pools on site, but our wetlands scientist Vaughn Smith found none during his wetland delineation. A letter has been received from the Department of Conservation verifying that there are not any rare botanical features within the project area.**

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. **Vaughn Smith Associates have been retained to provide wetland delineation and report that can be found in the NRPA permit application filed with the DEP and Army Corps. The project has received approval from the Army Corps and a copy of the General Permit is included.**

6.5.1.7 The proposal will provide for adequate storm water management. –**The four PMP Realty parcels in the LHBP have a maximum allowable impervious area of 13.5 acres per the DEP Phase 1 permit. The total impervious area after this project has been constructed will be 11.53 acres. The lots in the LHBP have been pre-designed for stormwater with ponds already in place to provide treatment for quantity.**

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 and this section is not applicable.**

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. **A letter has been received from Paul Gray of the Gardiner Water District indicating that the District has 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 along Prescott Street for fire suppression of the proposed addition. The existing domestic service has the capacity to service the proposed addition. 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, construction services and offices associated with the applicants operation. Pedestrians can enter thought the existing corporate headquarters as can delivery drivers that may access the site. The site has been designed to allow 67' long tractor trailer trucks to enter along the east side of the new addition and continue to exit on the west side of the of the existing building. 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 Tony**

LaPlante (now the former Public Works Director for the City of Gardiner) verifying that the project will not create a burden on municipal services.

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

. E.S Coffin Engineering& Surveying has the technical ability to complete the project. The project will cost 6,000,000 and the applicant has provided a financial statement indicating that they have the adequate financing to complete the project.

Section 8

**In regard to the General Performance Standards in Section 8 of the LUO;
Additional site plan review criteria:**

8.7 Exterior Lighting: wall-packs and light poles 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.

A sub-pane, will be utilized for electricity in the proposed addition. Three new pole lights: (20' high) will be utilized on the north side of the new addition to illuminate the paved area on this side.

8.11 Buffer yard and Screening standards: The project is required to implement a partial screen along Prescott St and a full screen along the rear and side property lines. The entire east side of the new addition has a wood buffer that meets or exceeds the requirement of a full- screen option. The Northside will incorporate a 20'high berm so that the project area sits in a hole. Full-Screen Option2 will be utilized including three canopy and three understory trees per 100 linear feet. There is a laydown area on the west side that already has a wooded buffer adjacent to it that complies with the full screen option. The south side along Prescott St will implement the Partial screen option# # that includes nine shrubs per 100 linear feet.

In regard to Environment Performance Standards in Section 9 of the LUO

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

9.2 Water Quality: The floor drains in the proposed addition will flow into a grease oil separator prior to connecting into the City's sewer system.

9.3 Ground water: will not be adversely affected by this proposal

9.3.1 No activity shall adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.- No pubic utilities- public sewer or water, will be needed.

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

10.24.5.7.2 Free Standing Signs: The applicant is not proposing to erect any new signs for this project.

Site Review Criteria:

Land use activities:

The on-site uses consist of manufacturing, trucing and construction services. The site is located at 32 Prescott Street and is the corporate headquarters. There is a large amount of laydown area along the Northwest corner of the site. Trucks will enter the site along the East dies of the new addition and exit on the West side of the existing building. A large buffer has been left in place along the East most boundary to protect the neighbors in that area.

Scale, bulk, setbacks, and height of existing structures.

The proposed addition will match the height of the existing structure of 27'-6" and all four building elevations are included with this submission.

Architectural design:

Building plans are included with this submission showing elevations of the proposed elevation

The placement and orientation of structures on the site.

The proposed addition has been sighted along the East side of the existing corporate headquarters. The East side of the property is naturally buffered and the North side of the addition is over 10' lower than the adjacent grades to the north.

The building density of the neighborhood.

The access into the site is about 600' from Libby Hill Rd, which has residential homes on it. This neighborhood is relatively dense with houses on both sides of Libby Hill Rd.

The proposal shall not have an adverse impact upon neighboring properties.

There is a residence across Prescott Street, but other than that, the nearest residence will be over 350' from the proposed addition. The current operation at the applicant's site will continue as it does today with the only difference being a larger building. Dust will be controlled during construction by using water or calcium. The project will not have an adverse impact on neighboring properties.

The proposal contains landscaping, buffering, and screening elements that provide privacy to adjacent land uses.

The project is required to implement a partial screen along Prescott St and a full screen along the rear and side property lines. The entire East side of the new addition has a wood buffer that meets or exceeds the requirement of full-screen options. The North side will incorporate a 20' high berm so that the project area sits in a hole, Full-screen Option2 will be utilized included three canopy and three understory trees per 100 linear feet. There is a laydown area on the West side that already has a wooded buffer adjacent to it that complies with the full screen option. The South side along Prescott St will implement the partial-screen options #3 that includes 3 understory trees and 6 shrubs per 100 linear feet.

The proposal provides for the safe flow of traffic within the site and onto the roadway. The traffic generated by the site does not exceed the capacity of the public road providing access to the site.

David Allen (MDOT) has stated that since the left-hand turn lane was installed along Enterprise Dr. that the conditions of the turning movement permit have been met and no further traffic mitigation is required within the subdivision.

The building site and roadway design shall harmonize with the existing topography and conserve natural surrounding and vegetation to the greatest practical extent such that filling, excavation and earth moving is kept to a minimum.

The applicant has decided to locate the building addition on the east side of the site. With the existing access already in place this simply relocated the entrance to the East of the new addition and will maintain the counterclockwise traffic movement around the facility. There is a large grade difference along the North side of the new addition that will create a natural buffer for noise in the immediate area.

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 addition is situated to the East of the existing building. The existing building cannot be expanded to the SW because the building is configured with the loading docks to the NW, the canopy on the NW is braced and cannot be change, and the terrain to the SW is not suitable for a building expansion due to the significant slope and existing detention pond.

Vaughn Smith Associates were hired to delineate wetlands and produce a report. A letter has been received from the IF&W verifying there will not be any undue adverse effect to essential wildlife habitat. The letter does mention the three Myotis Bat species be protected, but there is not any tree cutting being proposed. The letter also mentions possible vernal pools on site, but our wetlands scientist Vaughn Smith found none during his wetland delineation. A letter has been received from the Maine Historical Preservation Committee verifying that there are not any historical or archeological sites located within the area of the site.

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 Prescott St. nor are there any in the entire LHBP. There is an existing trail network on PMP realty's parcel to the west. The general public can go into the corporate headquarters, but cannot access the rest of the site, as this is essentially a construction area with trucks and equipment coming and going in and out of the site.

In urban and built-up areas, building shall be placed closer to the road in conformance with the setback requirements and parking areas shall be located at the side or rear. In rural or sparsely built areas, building 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 addition is located on the East side of the corporate headquarters. There is not any "Rural Character" associated with the Libby Hill Business Park. All existing parking areas are well landscaped as mentioned above.

Proposals with multiple building shall be designed and placed to utilize common parking areas to the greatest practical extent.

There will not be multiple building on the parcel. There is more than enough parking for the proposed addition.

The proposed setback and alignment of buildings shall mirror the existing pattern in the neighborhood to the greatest practical extent.

The new addition will not impact any building setbacks with the proposed amended subdivision plan.

Building entrances shall be oriented to the public road unless the layout or grouping of the building justifies another approach.

There are two access points now and there will be two access points once the addition has been constructed.

Exterior building walls greater than 50 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 this section is not applicable.

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 material for industrial or commercial building 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.

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, (Prescott Street). Truck access will occur from Prescott Street and around the buildings to the exit along the west side of the existing building. Both access points will be gated. The existing site is well landscaped with several mulched areas. The general public does not access this site.

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-three lanes associated with the project and this section is not applicable.

The applicant has the 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 project will cost \$6,000,000 and the applicant has provided a financial statement indicating that they have adequate financing to complete the project.

Light manufacturing – PPF- Plastic Pipe Fabrication- a division of EJP, is moving their facility to this new building as soon as the building is complete.

Section 11 PMP- EJP already owns Prescott Street. The company is expanding the building that is currently there.

There will be 130 parking spots, which is what the dimensions of the project called for.

Special activity performance standards.

Chair Willis has nothing to address in this section.

Exterior lighting buffering screening standards.

Essential services and utilities are addressed.

Noise- everything is taking place in the building so it should be fine.

Kristine asks about noise- what kind of noise- what will they do about truck noise and buffering it from their neighbors. Jim Coffin reports that Prescott has so much land, and essentially sits in a hole. Most of the noise will likely be truck noise, nothing outside of the norm for an industrial park. Kristine asks what the hours will be- normal business hours, maybe the occasional emergency in the evening.

Essential services are all outlined in the plan

All lighting will shine downward

Exterior storage- there are two roll off dumpsters.

Buffering and screening- no additional buffering needed. More than enough there.

Signs-There will not be any new signs for this project.

Pam Mitchel states that 10.6 should be addressed.

Light manufacturing shall meet the following standards:

10.6.1 All aspects of the industrial process shall be carried on within the structure.

10.6.2 Exterior storage of materials shall be limited to an area of 2,000 square feet.

10.6.3 There shall be no hazardous materials in quantities large enough to cause a public health hazard in case of accidental release.

-Jim Coffin states that PPF is moving into the new addition so there will be fabrication inside this building. There will not be any storage greater than 2000 sf with the exception of the outside laydown area. If there are any hazardous waste materials, they will be stored property

No other issues or concerns

Chair Willis will go back to Section 6 and the question-

Does this proposal conform to all applicable provisions of this ordinance? Yes

Any further discussion? **No**

Chair Willis asks for a motion

Pam Mitchel makes a motion that this application conforms to all applicable standards of the ordinance with the condition that the DEP permit be issued.

Kristine Johnson seconds the motion.

No further discussion

Chair Willis asks for a roll call vote.

Roll call

Adam Lemire has abstained

Kristine Johnson-not present.

Lester Young - yes

Pam Mitchel- yes

Shawn Dolley-yes

Zachary Hanley- yes

Debby Willis- yes

At present, we cannot get Kristine Johnson's vote. We have five votes in favor. Will check to see if she connects again to vote.

Pam Mitchel motions that Planning Board approve this application with the condition that the DEP permit is received.

Shawn Dolley seconded the motion.

Chair Willis asks for a roll call vote.

Adam Lemire has abstained

Kristine Johnson-not present.

Lester Young - yes

Pam Mitchel- yes

Shawn Dolley-yes

Zachary Hanley- yes

Debby Willis- yes

At present, we cannot get Kristine's vote. We have five votes in favor

All in Favor for approval

4. Public Hearing – Site Plan Review- Roll Call Vote

Philbrook Steel Inc. The applicant is proposing to construct a new building and associated paved areas for his steel fabrication company. The project will involve an amended subdivision plan because the existing driveway location off Commerce Drive cannot be utilized due to elevation constraints on site.

Chair Willis asks the Board if they can hear this application in an unbiased manner. All agree that they can.

Chair Willis asks city staff if there is anything that they want to add to this application.

City Staff, Tracey Desjardin-EDD, Kris McNeill- CEO, and Angelia Christopher- PDAA report that they have nothing to add.

Jim Coffin is presenting with Ben Philbrook- owner of Philbrook Steel. This project has been in the works since approximately 2017. The development will include a 14,000 sf building, which will be used for fabrication and storage.

This building will be in the Libby Hill Business Park on Lot # 15.

There will be a change to the existing subdivision plan. The project calls to change the current driveway design of the lot. In order for this new development to work there will have to be a change in the location of the driveway, which will cause the elimination of the 'hammerhead' that, is currently set up. The problem with this access point is it would cause a 20' cut on the other side of the building that faces Enterprise Dr. Therefore, the plan is to move the entrance about half way up Enterprise Dr. and put a retaining wall across where the current entrance is. They are asking for an amendment to take the hammerhead out, and take the ROW in a straight line.

No further questions at this time.

Tracey states that this change is likely going to have to go before **City Council** because it is a ROW and it is essentially redrawing of city lot lines and modifying a city road. The amendment to the subdivision is because of the change in the driveway. The new driveway is much higher in elevation, so this will work with the new building.

Pam Mitchel makes a motion to approve this change the in the subdivision that modifies the hammerhead on this city road on this lot with the condition that it receive approval by the City Council if required.

Lester Young seconds the motion

No further discussion.

Chair Willis asks for a roll call vote.

Adam Lemire - yes

Kristine Johnson-not present.

Lester Young - yes

Pam Mitchel- yes

Shawn Dolley-yes

Zachary Hanley- yes

Debby Willis- yes

The record reflects the unanimous vote, and Kristine Johnson has left the meeting.

This application does not have any waivers.

Chair Willis opens the public hearing/comment.

There is no one to speak for or against this project.

Chair Willis asks City Staff if any of them were contacted to discuss this proposal.

Tracey Desjardins, Kris McNeill and Angelia Christopher all reported no inquiries on this proposal.

Chair Willis closed the public hearing

Chair Willis will start reviewing the application.

Chair Willis asks the Board if they can hear this application in an unbiased manner. All agree that they can.

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

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

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 Pond 5 shown on the Phase 1 Lotting Plan by Oest Associates.**

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 the pump station at the end of Commerce Drive. The LHPB Phase 1 DEP Permit allows the 16 lots to discharge up to 25,000 GOD to the City's wastewater treatment facility. A letter from Doug Clark (Director) of the Gardiner Sewage District is included indicating that the District has sufficient capacity to serve the proposed addition. The applicant is anticipating having up to seven employees associated with the proposed development. A dumpster enclosure is shown on the Site Plan (C-1) that will provide adequate disposal of solid wastes. The LHBP Phase 1 DEP permit allows the 16 lots to produce up to 1,660 tons per year of solid wastes.**

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.- **A letter has been sent to the Maine Historical Preservation Committee asking if there are any historical or archeological sites located within the area of the site. A letter has been sent to the Maine Department of Inland Fisheries and Wildlife asking if there will be any undue adverse effect to essential wildlife habitat. A letter has been sent to the Department of Conservations asking if there are any rare botanical features within the project 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 15 has an allowable impervious area of 3.80 acres per the Phase 1 Overall Plan by Oest Associates dated August 1998. The total impervious area after this project has been constructed will**

be 1.56 acres. All lots in the LHBP have been pre-designed for stormwater with detention ponds already in place to provide treatment for quantity.

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 and this section is not applicable.

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. A letter has been received from Paul Gray of the Gardiner Water District indicating that the District has 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 along Commerce Drive for domestic water services and has the capacity per Paul Gray's letter 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, construction, services and offices associated with the applicants operation. Pedestrians will not be able to walk around on site, as this is a steel fabricating shop. Delivery drivers can access and negotiate the site as needed. The site has been designed to allow 67' long tractor-trailer trucks to enter off Commerce Drive, drive clockwise around the proposed building, and exit 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 was sent to Tony Laplante (now the former Public Works Director for City of Gardiner) it is our understanding that he has left and replacement has yet to be named.

6.5.1.14 The applicant has the 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 has provided a financial statement indicating that they have adequate financing to complete the project.

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

8.7 Exterior Lighting: wall-packs and light poles 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 across Commerce Drive to a new pole and then run underground to the northwest corner of the new building.

8.11 Buffer yard &Screening Standards: The project is required to implement a partial screen along Commerce and Enterprise Drive and a full screen along the rear and side property

lines. The site plan depicts Options 3 with 3 canopy trees, 6 Understory trees and 12 shrubs per 100 linear feet. The two property lines to the south and east sides require a full screen per the Land Use Ordinance LUO. The nearest property line is over 120' away and the existing wooded areas meet or exceed the requirements of the LUO.

In regard Environmental Performance Standards in Section 9 of the LUO.

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

9.2 Water Quality: Stormwater runoff will be sent in a southerly direction and enter into the existing riprap ditch before eventually ending up in Pond 5 as shown on the overall plan by Oest Associates.

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 in the northwest corner of the site as shown on the Site Plan (C-1).

Site Review:

Land Use Activities:

The on-site uses will consist of manufacturing and construction services. The site located on Commerce Drive and there will be a large amount of laydown area along the south side of the site. Trucks will enter the site along Commerce Drive and go along the North side of the building in a clockwise direction before exiting the site.

A large buffer has been left in place along the North boundary along Enterprise Drive to help shield the development. However there will still be some buffering required in this area adjacent to the parking area. There are also natural buffers along the east and south property lines that will remain undisturbed. The West side adjacent to Commerce Dr., will be heavily excavated during construction to implement grade changes and will need to be planted implementing a partial screen to comply with the Land Use Ordinance.

Scale, bulk, setbacks and height of existing structures.

The proposed building will be just over 28' in height and all four building elevations are included with this submission. The fabrication area will be 7192sf and office area about 735 sf.

Architectural design.

Building plans from AE Hodson are included with this submission showing elevations of the proposed building.

The placement and orientation of structures on the site

The proposed building has been sited in about the only location that works considering the wetlands along the East side of the site along with the setbacks along Commerce Dr. The access at the end of Commerce Dr. is too low to utilize, as this would result in over a 20' cut on the North side of the proposed building. Therefore, we are proposing to install a retaining wall in this area to help mitigate steep slopes in this area. We are also proposing to eliminate the hammerhead in this area to preserve the integrity of the parcel and allow the building to be expanded without being in the building setback line.

The building density of the neighborhood.

The parcel is surrounded by other commercial/industrial parcels except on the south side where it abuts Interstate 95.

The proposal shall not have an adverse impact upon neighboring properties.

The parcel is bordered on the North by Enterprise Dr. and East by Commerce Dr. It is surrounded by wetlands on the South and East sides. It will be virtually impossible to see the building except from the public street in the area. Dust will be controlled during construction by using water or calcium. The project will not have an adverse impact on neighboring properties.

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 Commerce and Enterprise Dr. and a full screen along the rear and side property lines. The site plan depicts Option 3 with 3 canopy trees, 6 understory trees, and 12 shrubs per 100 linear feet. The two property lines to the South and East sides require a full screen per the Land Use Ordinance (LUO). The nearest property line is over 120' away and the existing wooded areas meet or exceed the requirements of the LUO. The proposal provides for the safe flow of traffic within the site and onto the roadway. The traffic generated by the site

The proposal provides for the safe flow of traffic within the site and onto the roadway. The traffic generated by the site does not exceed the capacity of the public road providing access to the site.

David Allen (MDOT) has stated that once the left-hand turn lane was installed along Enterprise Drive that the conditions of the turning movement permit have been met and no further traffic mitigation is required within the subdivision. We have included a traffic report to show the peak hour trips associated with this development.

The building site and roadway design shall harmonize with the existing topography and conserve natural surrounding and vegetation to the greatest practical extent such that filling, excavation and earth moving is kept to a minimum.

The existing curb cut at the end of Commerce Drive is at an elevation where it would require a 20' cut on the North side of the building. This would give the appearance of the building essentially sitting in a hole from the North and West sides of the development. Therefore, we are proposing to eliminate this curb cut and install a retaining wall in this area. A new curb cut will be implemented about half way down Commerce Drive at elevation 291. This will help balance the cuts/fills on site and allow building expansion in the southerly direction. With the new entrance, all traffic entering the site will flow in a clockwise traffic movement around the building.

The proposal shall reflect the natural capabilities of the site to support the development.

Building 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 #5. It allows the building to be viewed from Enterprise Drive and the entire development does not impact any wetlands. Vaughn Smith Associates were hired to delineate the wetlands on site. A letter has been sent to

the Maine Historical Preservation Committee asking if there are any historical or archeological sites located within the area of the site. A letter has been sent to the Maine Department of Inland Fisheries and wildlife asking if there are will be any undue adverse effect to essential wildlife habitat. A letter has been sent to the Department of Conservation asking if there are any rare botanical feathers within the project area.

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 Commerce Dr., Enterprise Dr., or in the entire 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 steel fabrication and there are forklifts, tractor-trailer trucks, and other construction vehicles moving continuously around the site. It would be very dangerous for any pedestrian access to occur in and around this site without an employee assisting them.

In urban and built-up areas, building shall be placed closer to the road in conformance with the setback requirements and parking areas shall be located at the side or rear. In rural or sparsely built areas, building 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 wetland locations. There is parking along the side of the building if you are standing on Commerce Dr. If the project were to disturb any wetlands, a NRPA permit application would be required to the DEP. This would take up to 135 days for the DEP review process, which would essentially push the project back, a full year. There is not any "Rural Character: associated with the Libby Hill Business Park as there are only commercial and industrial uses. All proposed parking areas would be well landscaped as mentioned above.

Does this application conform to all applicable provisions of this ordinance? Yes

Pam Mitchel states that this application conforms to all applicable ordinances with the condition that we receive the 3 missing letters: One from Maine Historic Preservation Commission, one from Maine Inland Fisheries and Wildlife and one from Gardiner Public Works-Kendall Cromwell is acting director at this time and will be contacted for a letter, and that the letters state that there are no issues with the project.

Adam Lemire makes the second motion.

Chair Willis asks for a roll call for approval

Shawn Dolley is in favor

Pam Mitchel is in favor

Zachary Hanley is in favor

Lester Young is in favor

Adam Lemire is in favor

Debbie Willis is in favor

Chair Willis asks for any further questions:

Adam asks about water quality and stormwater runoff from the roof going into the wetlands. The ridge of the building is in the center peak of the roof, which causes him to feel that half of the roofs drainage would flow to the right. He assumes there is no gutter, so it would go directly onto the pavement. He feels that from the topography maps presented, a significant amount of that water would run into the wet lands. Jim Coffin asks to address this concern. Chair Willis agrees. Mr. Coffin explains that both rooflines are guttered, and directed with drainpipes, which will cause runoff to go necessary drainage basins. Adam asks about a particular spot in the pavement, and where drainage/runoff will go. Jim Coffin states the drainage from the west side of the building will be directed towards a rip rapped ditch.

Adam Lemire also asks about trees being removed in the wetland area. Jim Coffin reports that minimal trees will be removed in this project, and no trees whatsoever will be removed in the wetland area.

Adam Lemire points out an area on the map, where it appears there is ledge outcroppings. There is correlation to ledge areas and bats. He would like us to be sensitive to that. Kris McNeill states that this is likely bedrock, not ledge. Jim Coffin states it is shale rock material and could easily be broken up without blasting. Adam Lemire also states that he feels something different could be done in regards to a retaining wall at the closed off hammerhead. He offers up his opinion that something a little more natural looking should be done, as a 9ft concrete retaining wall is going to look a little awkward. Jim Coffin reports that the original design was not user friendly to begin with and they are trying to make it work without spending tons of money.

Chair Willis asks for a motion and roll call vote.

Adam asks for the motion to be reread.

Pam Mitchel makes a motion that we approve this application, with the condition that we received a letter from Maine Historic Preservation Commission, one from Maine Inland Fisheries and Wildlife and one from Gardiner Public Works all stating no issues or problems with the development

Zachary Hanley seconds.

Tracey asks about City Council approval

**Pam withdraws her motion and restate it
Zack withdraws his second motion**

Pam Mitchel makes a motion that we approve this application, with four conditions: First that City Council approve of the changes that we made to the city road, if required. That we received a letter from Maine Historic Preservation Commission, one from Maine Inland Fisheries and Wildlife and one from Gardiner Public Works all stating no issues or problems with the development.

Zachary Hanley seconds the motion.

Chair Willis asks for a roll call for approval

Shawn Dolley is in favor

Pam Mitchel is in favor

Zachary Hanley is in favor

Lester Young is in favor

Adam Lemire is in favor

Debbie Willis is in favor

All in Favor

5. Other Business: There is nothing else on the agenda.

Adjourn- Chair Willis asks for a motion to adjourn

Shawn Dolley makes a motion to adjourn at 9:20 PM

Pam Mitchel seconds the motion.

Roll call vote.

Shawn Dolley is in favor

Pam Mitchel is in favor

Zachary Hanley is in favor

Lester Young is in favor

Adam Lemire is in favor

Debbie Willis is in favor

All in favor.

Adjourn at 9:23 pm.