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Phone (207) 582-4200

Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MINUTES

Tuesday, June 9, 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 Debby Willis, Pam Mitchel, Kristine Johnson, Shawn Dolley, Lester Young, Adam Lemire. Absent: Zachary Hanley

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

Also present are Yen-Hsien John Wu, Edward Duguay Compliance Consultant- Jo Roderick and Roland Pinette- representing Home Deals of Maine. Others present: Sabrina Vasoll, Ronald Shea- abutters to Iron Mine.

3. Review of the May 12, 2020 meeting minutes

Board members, Chair Willis and Pam Mitchel report edits were needed.

Pg. 1: the word "guests" should be "guest's"

Pg. 14, paragraph mid-page the word "this" appears twice

Pg. 17, 9.1: suggested rewording of a statement to "Dust will be controlled by applying calcium and water as needed"

Pg. 17, spelling error "shied" should be "shield"

Pg. 17, spelling error: "sighted" should be "sited"

Pg. 19, working in the motion should be: "conforms to all applicable ordinances with the condition that we receive the 3 missing letters...and one from Gardiner Public works and that the letters state that there are no issues with the project."

Pg. 20: The roll call vote for the motion on Pg. 19 is missing

Pg. 20- Adam's comments about drainage need more clarification.

Pg. 20 there is a sentence "Just enough", which appears to need more work

There are no other changes or corrections from Board members. Pam Mitchel makes motion to approve the minutes with edits. Adam Lemire 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 Chair Willis- yes All are in favor.

4. Public Hearing- Yen-Hsien John Wu- Seeking approval open an Indoor Marijuana Cultivation facility at 563 Brunswick Ave, Map 019 lot 014A with the purpose of growing medical cannabis for Maine caregivers to supply to patients.

Despite the fact that there appears to be a lot of information, the proper notices were sent out and the fees were paid, this is still not a complete application as there are still a few questions that remain unanswered. These questions can be addressed here at the meeting. Chair Willis tells Mr. Wu that the Board would like to know what are his plans for this building

Mr. Wu introduces himself and states that he plans to use 563 Brunswick Ave for an indoor cultivation facility for five caregivers from the state of Maine. He goes on to state that he has discussed his plans with Kris McNeill, Code Enforcement officers, and will be working with Mr. Edward Duguay as a Compliance Consultant.

Chair Willis asks if anyone has any questions. Adam Lemire asks Mr. Wu if he has a conditional license. Mr. Wu states this facility is for medicinal marijuana and that license is for adult use. He explains to us that he is a registered member of the Office of Marijuana Policy. He goes on to say that he is a cardholder, a medical caregiver. This ‘card’ allows him to run this type of facility. He offers the licensing number from his card and states that it is valid until December 16, 2020 when it is up for annual renewal. This ‘card’ permits him to have up to 60 adult plants in cultivation for his patients.

Adam Lemire asks about location of the building and what size facility Mr. Wu is intending to run. He asks what specific tier this business will fall under. The tier system is meant for adult use. Mr. Wu explains that he is licensed to grow 60 adult plants in a Medical Marijuana Cultivation. Sixty adult plants would fall under tier one, which is allowed in PD.

Kristine Johnson asks what would the State require for security for this property? Mr. Duguay will be best to answer this. Will have internet access video cameras at all entrances. Mr. Duguay states that the business will also be an ADT client for alarms. Kristine asks if they will be using fencing or lighting. There is currently lighting at every single entrance from prior business, so lighting should not be an issue. Have you submitted your security plan to the state yet, Mr. Duguay states that is for the Adult use program, He does elaborate that they will be developing a cultivation security plan. It will include how to handle incidents, outside video cameras that will have footage that will be available for 30 days which can be available to the Gardiner PD if needed. Mr. Duguay is also going to be encouraging a card swipe key system, so they can tell who is coming and going.
Chair Willis asks if there are any other questions. There are not.

**Chair Willis will start going through the application
Review criteria**

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. **Come back to it.**

6.5.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies. **No, it will not. This is an existing building.**

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

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, it will not. This is an existing building.**

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. **No, it will not**

6.5.1.7 The proposal will provide for adequate storm water management. **Yes, it will**

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. **Yes, it will**

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

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. **Yes, it will**

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity. **No, it will not**

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

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 the adequate financial and technical capacity to meet the provisions of this Ordinance.
Yes

The applicant has not asked for any waivers

General performance standards- Section 8

The areas identified as needing to be addressed were-

Exterior Lighting

Exterior material storage

Essential services

Solid waste

Buffers.

Pam asks if the applicant has letters from Gardiner Water and Gardiner Sewer stating that this development will not cause a reduction in the quality of those services. No. This needs to be included in the application.

Essential Services

This is where they might need letters from Gardiner Water and Sewer. These plants will need to be watered. Is the quantity of water that is being used going to cause a hardship on the water and sewer districts? Will the District have sufficient capacity to serve this business? The former business was a meat packing plant, which surely used a significant amount of water, so the overall consensus is that the business will be fine. The board would like to see input from water and sewer and is requesting letters from Gardiner Water and Sewer stating that this facility will not cause a hardship on the city's systems.

Exterior lighting- This is an existing building and there is already a lighting plan in place. There are two entrances in the rear, and two in the front. All entrances are well lit.

Exterior Material Storage: Mr. Wu reports that he will have a dumpster. Board members state that the dumpster needs to be hidden from the road, and screened from the view of all property lines. Mr. Wu agrees to this. Kris McNeill states that some grow facilities have a compost pile, which consists of left over plant material and asks if there will be a compost pile at this facility. Mr. Wu states there will not be a compost pile on his site. Soil will be reused if possible, and spent plant material will be taken away by Riverside Disposal.

Buffers and screening- 8.11.4.1 the Ordinance currently reads that there needs to be at least a partial screen along the side rear, and front property lines. Board members agree that some kind of plant screening, (trees, shrubs, etc.) would be best. Kris will work with Mr. Wu on what would work best for this development.

Section 9 environmental impact.

Air quality- Marijuana plants create an odor, which can be strong and offensive to some. How will that odor be controlled? Mr. Wu reports that this building used to be used for meat processing, so it already comes with airtight seals from the outside air. There will also be a carbon filtration system installed. With these measures in place, they anticipate zero odor control issues at this facility.

9.2 Water quality- The facility will be using City Sewer and state that they will not be discharging any water from the grow facility. Mr. Wu states that the only water that will be going into the City's sewer system will be the water from the shower, the washing machine, and any dishes that might be washed on site.

Nothing else applies under environmental impact due to this being an existing building/lot.

Section 10 Special Performance Standards- Signs- Mr. Wu states that there will be no signs whatsoever.

10.29 This development is not near a school, it is not a retail store, and the applicant has a license. According to Section 7 of the Land Use Table it is in the right place, in PD- Planning Development. This would fall under a tier 1 facility with 60 plants and this is allowed in this zone.

Section 11 Parking Standards- The people that work at this facility are independent caregivers so there will be at the most up to 4 people parking there. There will be at least 6 parking spots, so there is adequate parking. There will be deliveries on average of once a month to the loading dock in the back. There are no other items in section 11

Go back to section 6

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance. Does the Board think that this proposal conforms to all applicable provisions of this Ordinance? Yes

Pam has 2 conditions – They are that there needs to a letter from Gardiner Water, and one from Gardiner Sewer too, stating that this development will not cause a reduction of services and that there is sufficient capacity in both systems.

Buffers-. Is not a condition- this is part of the Ordinance

Chair Willis asks for a motion

Pam Mitchell This proposal conforms to all the applicable provisions of this Ordinance with the condition that we receive a letter from Gardiner water, and one from Gardiner Sewer.

Shawn Dolley seconds the motion

Chair Willis asks for a roll call vote.

Lester Young abstains

Pam Mitchel, yes

Kristine Johnson, yes

Chair Debby Willis yes

Shawn Dolley, yes

Adam Lemire, yes

5 in favor- 1 abstain

Chair Willis asks what the Board would like to do with this application.

Pam Mitchel would like to approve it

Pam Mitchel makes a motion that the Board approve this project with the 2 previously mentioned conditions.

Adam Lemire seconds the motion.

Chair Willis asks for a roll call vote.

Pam Mitchel yes

Lester Young abstain

Kristine Johnson yes

Chair Debby Willis yes

Shawn Dolley yes

Adam Lemire yes

5 in favor- 1 abstain

Project is approved.

5. - *This application has been changed to a WORKSHOP-* Iron Mine Mobile Home Park- finish current park to the state licensed 24 lots- purchase lots 15B and 14A for the expansion-

The applicant did not get the public notice in the newspaper. Therefore, this application cannot be heard this evening due to the public not being notified within 14-7 days before the meeting per the ordinance.

This meeting will serve as a workshop/question session for Planning Board.

Pam Mitchel states that there are several things that are missing from this application. There needs to be right of title and interest for the property. There is an LLC certificate, but no indication that they own the property. Ms. Roderick states that they have clear title and deed to the new properties and can provide that information.

Pam Mitchel states that the new map that they have provided with this application does not have all the lot dimensions. The map has info about where they want to put new sites, but they need the map to show where **all** the sites will be. Mr. Pinette states that some of the old lots are nonconforming. Pam Mitchel states that is ok, but they still they need the whole park, on one map, so they can see the whole project.

6.5.1.13 Planning Board would like a letter from Public Works stating that this project will not reduce any municipal service.

Ms. Roderick reports that after they had their CMP inspection, they are going to have to have a couple of utility poles installed.

Pam Mitchel notes that there needs to be a topographic map of this development included in this application. The one that is in the application, the lines are not clearly visible. Mr. Pinette states that they can get a copy of a Topo map from the surveyor.

Pam Mitchel points out that Mobile home parks are subdivisions and although this is subdivision revision, it will be treated like a new subdivision application.

Les Young is concerned about traffic flow, with the expansion of this park. How much of an increase in traffic can we expect from the expansion? Also, the two roads are only about 150' apart, and that is very close. Pam Mitchel is concerned about the width of the road. Iron Mine Rd is approximately 35-40 wide'. Williams lane is approximately 25-30 and at the bottom is 12' wide'. Mr. Pinette states that there is a 50' ROW that they can use, that the abutters probably will not like but they have no issue with using that ROW if they need to. Mr. Pinette will measure both roads, to see how wide they are. The ordinance states that 24-28' is sufficient to handle 2-way traffic. There is also the question of whether or not Old Brunswick Rd can handle the extra traffic. With this expansion, there could be up to 84 cars, coming and going at any time. That kind of increase in traffic flow can cause negative impact on the roads. Lester Young would like to see a traffic study done, and the board agrees. The developers agree that this can be done.

Section 9.10.2 Stormwater management- additional standards apply with a subdivision. Pam Mitchel asks if McCloud could do a stormwater management design for the park. Mr. Pinette will check and if not, he will get someone else to do it.

10.17.2 manufactured housing parks.

Pam Mitchel asks what the total land area of the two parks together is. The two parcels of land together is just over 10 acres. It needs to be at least five acres, so they are all set with this.

The developers state that all the new lots meet 5000sf and 65' of frontage

Pam Mitchel asks if they are aware that there is a roof requirement when it comes to purchasing homes for the park. All the homes need to have a pitched roof. There were two established trailers that have flat roofs, but there will not be any new purchases that unless they are pitched roofs.

10.17.2.8. buffering requirement- continuous landscape area not less than 50' in width containing evergreen shrubs, trees, fences, walls which forms an effective visual barrier not less than 6' shall be located in all exterior lot lines in the park.

He states that after he gets his pads installed, and after all the machinery is done being moved around, he plans on improving the appearance of the park. He was going to start planting, lilac trees, blueberry bushes, etc. Board members remind him that his planting needs to be 50' wide, in order to meet the buffer requirements. Mr. Pinette is unsure if he can do 50' of buffering all around the park, on over 7 acres of land. Chair Willis states that she has checked the ordinance, and it needs to be 50'. Mr. Pinette states that the old park, the old sites, were not set up with a 50' buffer strip. Chair Willis points out that when you amend a subdivision, you treat it like a new subdivision. Therefore, the 50' buffer rule will be required. Ms. Roderick feels that they can meet the 50' on the back wall where the American Legion is, and along Williams Lane, but not on the left side of the park where there are existing trailers. A fence will block visual, but they would still lack the 50' width buffer from the property line. Ms. Roderick feels that it can be done except for the left side, because that is where the existing park is and this is just not room. Perhaps a variance can issued but that is not something that PB will deal with. Kris McNeill will work with Mr. Pinette to figure out how to make the buffers work.

14.5.7 waivers- There is a possibility that they could pursue a waiver. Les Young states that the buffer situation could defiantly fall under the circumstances for a waiver. He suggests that they make sure that they label the map very well. They should make sure the established sites that are too close to the property lines, which will inhibit the 50' buffer, are clearly labeled. The dimensions of this particular area will help to satisfy the waiver requirements if they so choose to apply for one. Marking the dimensions of those lots will show the existing conditions of the prior subdivision.

If this is being treated as a Subdivision, it will need to be heard twice by public hearing.

The Ordinance calls for a workshop- which is happening right now.

Then a review by public hearing- which is the preliminary plan.

Then there needs to be a public hearing on the final plan.

- Pam goes through the list of needs-
- How they are going to approach the 50' Buffer
- Letters from Gardiner Public Works, the Fire Chief, and the Chief of Police.
- A clearly labeled Topography map of the whole park.
- A letter of financial capacity,
- A Stormwater management plan
- A Traffic study, which includes 201 old Brunswick, the park itself, and surrounding roads.
- The developers will need to send public hearing notices out again.

Mr. Pinette and Ms. Roderick ask if the next meeting will be Zoom so that they can plan how to file their notices. Tracey Desjardins states that City staff are still unsure of what the process will be, whether meetings will be held in person. Shawn Dolley asks if there is a way to issue notices so that the notice would refer to the city's website to determine if it was a Zoom meeting or held as an in person meeting. City staff will work on the wording for this. Adam Lemire would like to know if there would still be an option for people to remote in with Zoom after live meetings begin, if they are more comfortable with that option. Tracey Desjardins states that there most likely be a way to make this happen.

There are no other questions at this time.
No other questions.

Tracey Desjardins points out there are members of the community also on this Zoom meeting and asks if we are taking public comment now, or are we waiting for an actual hearing? Chair Willis states that public comment should be saved for a public hearing and that those that are attending this meeting are more than welcome to attend the meeting in July.

6. Other Business- there is no other business to discuss this evening

7. Adjourn: Chair Willis asks for a motion to adjourn.

Pam Mitchel makes a motion to adjourn. Shawn Dolley makes a second.

Chair Willis asks for a roll call vote.

Pam Mitchel yes
Lester Young yes
Kristine Johnson yes
Chair Debby Willis yes
Shawn Dolley yes
Adam Lemire yes
All in favor

Next meeting will be held on July 14, 2020. At 6 pm