



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

Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD AGENDA

Tuesday August 11, 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.Call the Meeting to Order- Chair Willis called the meeting to order at 6:04 pm

2.Roll Call- Chair Debby Willis, Pam Mitchel, Lester Young, Adam Lemire, Shawn Dolley, and Zachary Hanley, absent Kristine Johnson. Others present- City Staff- Tracey Desjardins- Economic Development Director, Kris McNeill-Code Enforcement Officer, Angelia Christopher-Planning and Development Assistant. Applicant Mark Roberts- Construction Project Manager- Maine General, resident-Lisa St Hilaire.

3.Review of the June 9, 2020 meeting minutes -Pam Mitchel and Chair Willis had comments that they sent in via email. No other corrections or comments were offered up.

pg. 11 in the last paragraph, "in which Ryan Wilson is a member of" should read "of which Ryan Wilson is a member" or "which Ryan Wilson is a member of"

pg. 14 end of 1st line: "effecting" should be "affecting"

pg. 14 under section 10 in the middle of the page: Mitchel not Mitchell

pg. 14 in the questions after section 11 the last sentence that starts with Kris answers: at the end the line the word "at" should be "of"

pg. 17 in the roll call answers to the question about hearing the application in an unbiased manner, Debby's answer should be "no"

Page 16 - 6.5.1.14-the cost is roughly 5000\$ - should be \$5,000.

Page 17 - 3rd paragraph from the bottom "She had mentioned at the beginning of this applicant - make that application.

Page 21 - Adjourn - I think Lester voted yes and not abstained

Pam Mitchel makes a motion to accept the minutes with abovementioned corrections. Zachary Hanley seconds the motion. No further discussion. Chair Willis asks for a roll call vote Pam Mitchel- yes, Lester Young-yes, Adam Lemire-yes, Shawn Dolley-yes, Zachary Hanley-yes Chair Debby Willis-yes, All in favor.

4Finalize a density standard for multifamily housing in the SLR- There is a minor typo, where the number for the dimensional requirements was left out of the chart, leaving a blank spot. 60,000sf was put in to match the lot size requirement. Chair Willis asks for comments or concern from Board members. Pam Mitchel feels that this is a good idea, as the space was blank before and this is the information that is supposed to be there. No other comments. Chair Willis asks for a motion. Pam Mitchel makes a motion that we send this to City council and recommend that they accept it. Lester Young makes a second motion. Chair Willis asks for a roll call vote

Pam Mitchel- yes, Lester Young-yes, Adam Lemire-yes, Shawn Dolley-yes, Zachary Hanley-yes Chair Debby Willis-yes, All in favor.

5. Public Hearing- Maine General Health Alzheimer's Care Center Lot Expansion-This project is for the installation of 29 new parking spaces, a muster area, and a concrete pad for a relocated generator at 154 Dresden Ave.

Chair Willis thanks MaineGeneral for an excellent application.

She then asks the board if they can hear this application in an unbiased manner. All board members agree that they can.

Chair Willis then asks if City staff obtained any services to help with this application.--No

Chair Willis asks Mark Roberts, Construction Project Manager for MaineGeneral, to give the board an overview of the application.

Mr. Roberts tells the board that the purpose for this development is expanding the parking lot. The reasoning for expanding the parking lot is to give the oftentimes large trucks that deliver goods to the site, some room to turn around, so they don't have to back all the way out of the driveway. There is currently not enough room for a 50' truck to turn around, which means that they often have to back out the whole length of the driveway. This tends to get very tricky in the winter months, with snow piling up and icy conditions. It can get very hazardous at times. This new parking lot design, is so that delivery trucks can turn around successfully, and there will also be sufficient parking for both staff and residents visitors. Mr. Roberts also points out that there will be an added muster area, for residents to evacuate to in the event of an emergency. There will also be a concrete pad for a relocated generator that will aid in power outages, so the residents needs will be taken care of.

Chair Willis asks if the Board members have any questions for Mr. Roberts. Pam Mitchel states that it is a very complete application. She asks if they will they be losing parking spots with this new lot design, and how will the design better aid for trucks to be able to turn around. Mr. Roberts answers with 'by pushing the parking lot to the back of the lot, delivery trucks have more room, are gaining turning radius, therefore, can turn around and exit the driveway without having to back out the length of the road.

Chair Willis asks Mr. Roberts if he will stay and answer questions. Yes.

Chair Willis will open the meeting for public comment

Lisa St. Hilaire introduces herself as an abutter to the project at 63 River Ave. She has a few questions. "How many additional parking spaces?" Mark Roberts answered that there will be 47 total. There were 22 spaces before. Ms. St. Hilaire then asked "Does the expanded area, come within 75ft of the perennial stream that is near the property? She thinks the answer is no. Chair Willis asked her if she checked it out. Ms. St. Hilaire answers with no, and states that she has access to digital mapping and looked it up on the maps and got her answer.

She asked if the property lines on this application, are the existing lines, or the proposed ones, after the changes with the sale of the other MaineGeneral property goes through. Mark Roberts answers that the property lines seen on the plans are of the proposed line, after the sale of the other MaineGeneral property. There was a survey done, to show the new lines.

Ms. St. Hilaire asked "If this is not increasing traffic or staff, then why are we adding parking? Mr. Roberts responded with "We need the parking for visitors, sometimes there ends up being shuttling because people have to park in the upper lots. Seeing that the upper lots will eventually not be MaineGeneral property, and they will not be able to use them for overflow parking, it makes sense to expand the parking lot now. Mr. Roberts states that having more parking will be safer for the residents visitors, and staff".

Ms. St. Hilaire goes on to ask "Under review criteria, there is mention of stormwater drainage. Where will this stormwater drainage go? Into a sewer pipe, or where? Mark Roberts responds with- "It will follow the contour of the land, there is a system outlet and a rip rap apron, on the east side, just below where the generator is going. There will be an underground stormwater system that will release water slowly, so it will not cause erosion. Ms. St. Hilaire responds with "But it will go into that perennial stream, and increase the water load in that stream. That perennial stream is eroding part of my property. Mark Roberts responds with " Will it have more water? The slope of that topography pushes water that way anyway. Lisa St. Hilaire responds with" so the increased

impervious surface shouldn't increase water drainage? Mark Roberts responds with " We are adding a underwater stormwater storage system, sort of like a surge bin, which will allow the water to discharge slowly, which should eliminate erosion issues.

She states that there are natural resources that haven't been addressed. There are rare mussels in the river and in Cobbossee Stream. She feels it would behoove the City to get agency sign off on these items.

The letter, from the Gordons. Chair Willis feels that there is not a LUO question in this letter, Pam feels the extra parking spot question has been answered.

Chair Willis closed the public hearing,
She will now go through the application

Section 6

Alzheimer's care facility,

Surface water drainage,

There is a 14x22 garage to be done, already permitted

Erosion sedimentation control plans.

No DEP permits were required for this project, but they still followed DEP standards.

6.5.1.1

The application is complete

Adam Lemire questions Attachment 1- Is there a land swap? Has this change already been carved out? Does this map represent the current boundary? Mark Roberts answers Yes -There was a survey, so that they could sell the hospital so yes, this is a future, swap, because the change hasn't happened yet, but it still applies to all the setbacks.

6.5.1.2 Come back to it

The property boundaries; Property boundaries are detailed on Map attachment #1

The zoning district and zoning district boundaries if the property is located in more than one zone; Project is located only in the HDR zone

The location of required setbacks, buffers and other restrictions: Setbacks are shown on map attachment #1

-HDR setbacks are 75' min road frontage- This is not being changed as part of this project

- 25'from ROW or 50'from road centerline, whichever is greater-The area of work is over 500'from Dresden Avenue.

- 10'from the sides of the property- The new parking area is greater than this distance from the side boundaries.

-10'from the back of the property- The new parking area is greater than this distance from the back boundaries.

The location of any easements or rights-of-way; The City of Gardiner sewer easement and Central Maine Power easement are shown on Attachment #1. A pedestrian walkway easement and roadway easement was conveyed from MaineGeneral Rehabilitation & Long Term Care to MaineGeneral Medical Center as detailed on Attachment #1

The locations of existing structures and other existing improvements on the property including a description of the current use of the property. Existing structure locations are detailed on Attachment #1. The existing structure locations are also detailed on Sheet C-101 of Attachment 2. The building is used as a care center for Alzheimer's patients needing fulltime care, as well as adult day care. This function is not changing as part of this project. Patient number will remain as licensed.

The locations of existing utilities on and adjacent to the property including sewers, water mains, stormwater facilities, gas mains, and electric and other telecommunication facilities; Sewer, power are detailed on Attachment 1. Natural gas is detailed on Attachment 3.

The location of the nearest source of a fire protection water supply (hydrant, fire pond, etc.)- A fire Hydrant is located near the north-west corner of the building and is shown on Attachment 1

The general topography of the property indicating the general slope of the land and drainage patterns. The CEO and/or Planning Board may require a topographic survey of all or a portion of the property for projects involving the construction of new or expanded structures or site modifications. The existing topography and general slope of the site is on Sheet C-103 of Attachment 2. Future topography and general slope of the site is on Sheet C-103 of Attachment 2

The location, type and extent of any natural resources on the property including wetlands, vernal pools, floodplains, waterbodies, significant wildlife habitats, rare or endangered plants or animals, or similar resources; No natural resources of this type have been noted or observed on the property.

The location and type of any identified historic or archeological resource on the property. No historic or archeological resources are known to exist on the property.

b.) The proposed development activity for which approval is requested including: (6.3.2.7.2)

The estimated demand for water supply and sewage disposal together with the proposed location and provisions for water supply and wastewater disposal including evidence of soil suitability if on-site sewage disposal is proposed; This project does not change the number of occupants of the building and does not change the sewer loading or water supply needs.

The direction of proposed surface water drainage across the site and from the site together with the proposed location of all stormwater facilities and evidence of their adequacy. The direction of proposed surface water drainage across the site is detailed on Sheet C-104 of Attachment 2. An underground water storage system is proposed so as to limit the peak discharge of water from the expanded parking lot to predevelopment levels. This was designed following the ‘Stormwater Management Design Standards’ for the City of Gardiner. The designer-of-record used HydroCAD to model the drainage patterns and determine the underground storage volume needed. The City of Gardiner code, Section 9, refers to Maine DEP Stormwater Management requirements as a design guideline, which were used as part of this design.

The location, dimensions, and ground floor elevations of all proposed buildings and structures including expansions or modifications to existing buildings that change the footprint of the building; A small 10’x14’ shed is being replaced with a 14’x22’ garage permitted by the City of Gardiner under a separate project. City of Gardiner Building Permit. 2020-117-

The location, dimensions and materials to be used in the construction of drives, parking areas, sidewalks and similar facilities:- Dimensions of cuts are detailed on Sheet C-102 of Attachment 2. The material requirements are detailed on Sheet C-503 of Attachment 2

The proposed flow of vehicular and pedestrian traffic into and through the property; The road into the facility parking area will not be changed. Vehicular traffic in the additional parking area was designed such that delivery trucks can better maneuver for drop-off and pick-up

The location and details for any signs proposed to be install or altered; No signs will be altered or added as part of this project

The location and details for any exterior lighting proposed to be installed or altered: Lighting is detailed on Sheet C-103 of Attachment 2

Provisions for landscaping and buffering; The remaining trees and vegetation around the parking area are anticipated to provide sufficient buffering.

Any other information necessary to demonstrate compliance with the review criteria or other standards of the Land Use Ordinance. N/A

c.) Evidence that the applicant has or can obtain all required permits necessary for the proposal. (6.3.2.8)
There are no Maine Department of Environmental Permits required for this project.

Additional Information Required: (6.3.3)

Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance: This portion of the project is earthwork with no buildings included. The City of Gardiner issued building permits 2020-117 for the garage as a separate project.

An estimate of the peak hour and average daily traffic to be generated by the project and evidence that the additional traffic can be safely accommodated on the adjacent streets; This project will not change the number of vehicles entering or exiting the facility.

An erosion and sedimentation control plan; The Erosion and Sedimentation Control Plan is detailed on Sheet C-501 and C-502 of Attachment 2

A stormwater management plan demonstrating how any increased runoff from the site will be handled if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based on the scale of the project and the existing conditions in the vicinity of the project. (6.3.3.4) This project does not require a storm water permit from the Maine DEP. This project also does not require a storm water Permit-By-Rule from the Maine DEP because it is less than one acre of impervious area. The designer followed Maine DEP design standards for the storm water design, but did not file for a permit with the Maine DEP

Survey Requirements (6.3.5)

The Code Enforcement Officer or the Planning Board may require the applicant to submit a survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The survey may be required for the construction of new structures or any construction proposed on a undeveloped parcel or tract of land, whenever the Code Enforcement Officer or the Planning Board finds that a survey is necessary to show compliance with the requirements of this Ordinance due to the size of the lot, location of the lot or the placement of existing or proposed structures on the lot or neighboring properties.

Additional Studies (6.3.6)

The Code Enforcement Officer or the Planning Board may require the applicant to perform additional studies or may hire a consultant to review the application or portions thereof. The cost to perform additional studies or hire a consultant shall be borne by the applicant.

4. Review Criteria (6.5.1)

An applicant shall demonstrate that the proposed use or uses meet the review criteria listed below for the type of application. The Code Enforcement Officer and/or the Planning Board shall approve an application unless one or the other of them makes a written finding that one or more of the following criteria have not been met.

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

The application packet included the required information and the fee was paid at 11:42 am on 07/14/2020 ID: AEB#432-1

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance- The application conforms to all applicable provisions of the City of Gardiner Ordinance.

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

The proposed activity will not result in water pollution. An underground water storage system has been proposed so as to limit the peak discharge of water from the expanded parking lot to predevelopment levels. This was designed following the “Stormwater Management Design Standards” for the City of Gardiner. The designer of record used HydroCAD to model the drainage patterns and determine the underground storage volume needed. The City of Gardiner code, Section 9, refers to Maine DEP Stormwater Management requirements as a design guideline, which were used as part of this design.

Erosion and sedimentation into water bodies will be controlled by implementation of the “Erosion and Sedimentation Control Plan” detailed on Sheet C-501 and C-502 of Attachment 2

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

No additional wastewater or solid waste is being generated as a result of this project. Solid waste generated during construction will be recycled when possible and items not recycled will be disposed of in accordance with solid waste regulations.

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.

Information in the application indicated the project will not have an adverse impact upon wildlife habitat, unique natural area, shoreline access or visual quality, scenic areas and archeological and historic resources.

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

Information in the application indicated the project will not have an adverse impact upon waterbodies and wetlands.

6.5.1.7 The proposal will provide for adequate storm water management.

The proposed project will utilize an underground water storage system so as to limit the peak discharge of water from the expanded parking lot to predevelopment levels. This was designed following the “Stormwater Management Design Standards” for the City of Gardiner. The designer-of-record used HydroCAD to model the drainage patterns and determine the underground storage volume needed. The City of Gardiner code, Section 9, refers to Maine DEP Stormwater Management requirements as a design guideline, which were used as part of this standard.

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

The proposed project is not located within the Shoreland Zone.

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

The proposed project is not located within the Floodplain Management area.

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

The proposed project will not increase the water needs of the facility

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

The proposed project will not adversely affect groundwater quality. Additionally, the City of Gardiner code, Section 9, which refers to Maine DEP Stormwater Management requirements as a design guideline, was used as part of this design so as to help protect groundwater quality.

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

The road into the facility parking area will not be changed.

Vehicular traffic in the additional parking area was designed such that delivery trucks can better maneuver for drop-off and pick-up. This should make the parking lot safer for pedestrians.

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.

This project is for additional parking and delivery truck maneuverability. No additional burden on municipal service is anticipated as a result of the project.

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

MaineGeneral Rehabilitation & Long Term Care and MaineGeneral Health have already designated funds for FY21 for the execution of this project.

No waivers have been requested for this application.

-There are site maps, including Topographical maps included in this application.

-There are no buildings being constructed as part of this project.

General performance standards section 8

-Essential services all detailed on the maps-so this is all covered

-Lighting- 8.7.4 states that any non-residential development over 10,000 sf must have a lighting plan that is approved by the Planning board or CEO. There are requirements that the applicant can look at with the CEO and work on. There is no information about what kind of lights are going to be used but when asked, Mark Roberts, states that they they will all be LED, pointing down. Pam Mitchel states that they will need a lighting plan. The lighting plan analysis should show that the lights won't disturb the neighbors.

-Buffers- Buffer strips need to be at least 25' on sides and rear, and if it abuts a residential dwelling it needs to be 25 feet wide. There is already a lot of vegetation on site that they will use, so they are all set.

Section 9 environmental protection

-Erosion control there is a whole sheet dedicated to erosion control included in the plan. There is also an underground stormwater storage tank in the designs which will help with erosion

Historic and Wildlife areas- We have a map that shows historic and archaeological, from the state that shows nothing in this immediate area. We do not have a map from the Gardiner area that shows anything environmentally sensitive. Pam Mitchel feels that this would have been explored fully when the building was built. Chair Willis states that the work being done is in open space, no vegetation or trees are being removed, so it should be all set. Pam Mitchel also states that the standard reads that for areas on-site, not for areas off-site. So it does not seem necessary to get a letter from the IFW, DEP, and other agencies. We are not requiring a review by IFW, Historic, or DEP because it's not a new development, and not a big change. They are developing a quarter acre of this property that has no claim of endangered species. Lisa St. Hilaire pointed out that there are species in the river, and in the wetlands in the properties below the MaineGeneral property.

Special activity performance standards

Signs- no changes to signs,

The fence that is currently on the property will be moved. The garage that is being built is going to be closer to the building, so the fence will have to be moved, and is actually going to be smaller. The fence will not violate the height standards and is all on their property, so there is no problem there.

Parking standards- Stall design looks good, layout is good. This lot is not big enough to require interior landscaping design. Parking is fine.

Do any Planning Board members have any questions? No.

Chair Willis asks if this application conform to all standards. Yes. She asks for a motion. Pam Mitchel makes a motion. This application meets all applicable standards of this ordinance, with the condition that a lighting plan be submitted and be approved by the CEO. Shawn Dolley offered the second motion.

Chair Willis asks for a roll call vote Pam Mitchel- yes, Lester Young-yes, Adam Lemire-yes, Shawn Dolley-yes, Zachary Hanley-yes Chair Willis-yes, All in favor.

Chair Willis asks “What do we want to do with this application?” Pam Mitchel states, we want to approve the application with the condition that a lightning plan be provided and approved. Shawn Dolley seconded the motion. Chair Willis asks for a roll call vote Pam Mitchel- yes, Lester Young-yes, Adam Lemire-yes, Shawn Dolley-yes, Zachary Hanley-yes Chair Willis-yes, All in favor. Approved.

6.Public Hearing- Eastern Retail Brokerage LLC- looking to open a Marijuana Medical and Adult Use retail store at 243 Water St – *application will not be heard at this meeting- public notice requirements not met*

7.Public Hearing Site Plan Review-Tom’s way- - building a 15,000 sf structure to vertically integrate indoor cultivation and extraction *application will not be heard at this meeting- - public notice requirements not met*

8.Other Business- Other business. There has been a high number of applications for planning board lately. There is already a second meeting booked for August, and Tracey Desjardins asks the Board if they are open to having a second meeting in September if needed. Some of the meetings to be held in the future, are scheduled with applications that have been put on hold, because they had not met all the requirements for the application. (I.e. did not get their public notice in or on time) Some Board members feel that we should not accommodate people/applicants, and that they should have to wait for the next regularly scheduled meeting, if they miss the deadlines. Tracey Desjardins points out that the City is also getting more applications than normal right now, which would require more meetings. There are still a couple of applications that are pending, not complete, and it is unknown when they will be ready to be heard. The group decided that it would be best to see how the next couple of meetings go, and how applications progress, before making plans to schedule a second September meeting.

Many of the applications that the City has been receiving have been Marijuana based applications. These applications have been either for retail, or cultivation facilities. ORC will be receiving a request from the City on a proposed marijuana cap. There has been lots of controversy about the number of businesses coming into, or requesting to come into town. The City is going to look further into this.

Tracey reminds planning board about the Planning Board training that MMA is offering. There is another class in September. Adam Lemire recommends this class to other board members. He felt it was very informative, and would be good for all to attend.

9.Adjourn- Chair Willis asks for a motion to adjourn- Shawn Dolley made a motion to adjourn at 7:32 pm. Pam Mitchel made a second motion. Chair Willis asks for a roll call vote; Pam Mitchel- yes, Lester Young-yes, Adam Lemire-yes, Shawn Dolley-yes, Zachary Hanley-yes Chair Willis-yes, Unanimous vote.