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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD
Meeting Minutes
Tuesday August 25, 2022 @ 6:00 PM
City Council Chambers

1. Call the Meeting to Order-Chair Willis called the meeting to order at 6pm

2. Roll Call- Board Members- Chair Debby Willis, Shawn Dolley, Zachary Hanley, Lisa St. Hilaire, Adam Lemire, Pam Mitchel. City Planner- Mark Eyerman, City Solicitor- Jon Pottle. Applicants- Paul Boghossian, Jim Coffin. City staff- Tracey Desjardins, Kris McNeill, Angelia Christopher. Others in attendance- Phyllis Gardiner, Karen Montell, Cheryl Clark, Mr. and Mrs. Gordon, Jessica Lowell, Pat Hart.

3. Review of April 12, May 10, 2022 meeting minutes – Pam Mitchel submitted requested changes that the board agrees with. Pam Mitchel moves to approve the April 12 meeting minutes with the suggested changes. Lisa St. Hilaire seconded the motion. No further discussion- All members present in favor. May 10 22 minutes- Lisa St. Hilaire submitted changes. Pam Mitchel moved to accept the minutes with the changes presented. Zachary Hanley seconded the motion. No further discussion. All members present in favor.

4. Public Hearing- Gardiner Green- Continuation of the May 10, 2022 meeting for the Final Subdivision—Site Plan development at 150 Dresden Ave. City Tax map 032 Lots 023-023A in HDR. Lisa St. Hilaire recused herself, and joined the public.

Jim Coffin presents information for the application and what changes were made. The plans were renamed, the three conditions that were requested for Site Plan, were met. At the last meeting-5/10/22, the Site Plan was found complete with conditions. There was some discussion about the sign for the development and where it will be. Jim Coffin explains where it will be on the property. Pam Mitchel states that the sign should be reflected on the Site Plan and should be added. The elevations are shown on the drawings that were presented for this meeting. The corrections that were requested in May have been made. Jim Coffin asks if there are any questions. There are not. Chair Willis asks the Board if they are ready to make a decision on the completeness of the Site Plan application. Pam Mitchel makes a motion that the applicant has met the requested conditions for completeness. Shawn Dolley seconded. No further discussion. All members present in favor.

The applicant Paul Boghossian thanks the board for their work on the application. He feels this is a great project for the city and the neighborhood. “This project will provide housing and tax revenue for the city. This property has been off the tax rolls since it was built and will now bring in revenue to the City.” Mr. Boghossian tells the board that he feels that this application/development conforms to the neighborhood, and will work. The project has been redesigned, and open space has been relocated to make the area more manageable. He goes on to say that the requested materials, and all review criteria questions have been answered in this packet.

Chair Willis asks if there is anyone from the public that wants to speak as the Public Hearing was left open at the last meeting. Lisa St. Hilaire is an abutter, who tells the board that she feels this is a tighter application, but there are some issues. There is no information about density in this application. The Site Plan and floor plans show patios and bike racks that are not shown on the recording plat. Should those items be on that document?

She also asked for some information about monuments, particularly the missing one. Jim Coffin explains that when the signed plan is done, the new monuments will be reset.

Lisa questions why the timeline is not updated, or complete. Jim Coffin explains that it is challenging to do a timeline in this market and when they don't know when Planning board approval will happen. Phyllis Gardiner speaks. She asks about financial capacity, the vast difference between a letter of commitment and a letter of interest. She points out that the letter does not state that the bank will loan him the amount needed for construction cost. There has been a substantial increase in construction costs. Will this project still be financeable? Ms. Gardiner asks the board to examine his track record carefully and look at both his failures and successes. Mark Bower Esq. from Jensen Baird states that the costs of materials lately have made it difficult to get a concrete financial letter, without approval for the project.

Helen Stevens is also an abutter to the project. She questions the need for more housing in Gardiner as it has been reported that since 2019 there have been approximately 70 new units every year. The Gordons are concerned that the applicants have not really looked at the land, what it will be like with roughly 100 people moving into that property. The neighborhood is not happy about this project and are worried about maintaining privacy. Cheryl Clark lives on Dresden Ave and is an opponent of this project. She reminds the board that when Mr. Boghossian started this process, he stated he needed 68 units to make this financially feasible. He has cut this project in half, will it work financially? Chair Willis closed the public hearing.

The current application is for 34 units in the main hospital building- only. The overall plan was for 68 units, which they had been advised that they could do with this property. Ultimately if they wanted to pursue more units, they want to come back to the board for review to build condos, in the existing buildings, and newer free standing buildings. The original application was built on 68 units, which is reflected in most of the original supporting documents such as the soil survey etc.

Chair Willis asks if the Board is ready to start the review of the subdivision.

8.1.4 Flag lots- The Board did a straw poll vote and decided that it was not a flag lot. There is more than enough land to do this building renovation. The question of flag lot does not need to be addressed again. Mark Eyerman states that the subdivision plan lays out the new parcel, which will create a new lot for the hospital and a revised lot for the Alzheimer's property. When this plan is approved, it goes to the registry, and then these lots will be combined into one based on approval. If this project comes back for further development, it will need that additional land.

8.6.4 Essential services. This is shown on the plans well.

14.4 Review Criteria

14.4.1 Pam Mitchel makes a motion that the review criteria in 14.4.1 that references water and air was met. Zachary Hanley seconded the motion.

14.4.2 Pam Mitchel moves that review criteria 14.4.2 has been met. Second motion from Adam Lemire. No further discussion. All in favor.

14.4.3 Pam Mitchel motions that the review criteria in 14.4.3 has been met based on the letter from Paul Gray that the water supply is sufficient. Zachary Hanley seconds the motion. No further discussion. All in favor.

14.4.4. Pam Mitchel motions that review criteria 14.4.4 has been met based on the erosion control and stormwater info in the application. Zachary Hanley seconds the motion. No further discussion. All in favor.

14.4.5. Pam Mitchel makes a motion that based on the review of the traffic report and change of entrances that the review criteria in 14.4.5 have been met. Zachary Hanley seconded the motion. No further discussion. Four in favor- One member abstained. 4-1

14.4.6 Pam Mitchel makes a motion that the review criteria in 14.4.6 have been met. Adam Lemire seconded the motion. No further discussion. All in favor.

14.4.7 Pam Mitchel moves that the review criteria in 14.4.7 have been met. Adam Lemire seconded the motion. No further discussion. All in favor.

14.4.8 Pam Mitchel makes a motion that review criteria- 14.4.8 has been met. Zachary Hanley seconded the motion. No further discussion. All in favor.

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. The Board felt that they needed to take this standard out of order. Board members need to review the comp plan before voting on this standard.*

14.4.10 Pam Mitchel feels that technical capacity has been met, but has concerns about this project becoming another Gehring Green, without being followed through to completion. Attorney Bower stated that this meeting is to review Gardiner Green, not the project in Bethel.

Shawn Dolley states that perhaps there could be a condition that a financial plan would need to go through Planning Board approval because of the concern from the public that the project will be left incomplete. Attorney Pottle states that this would be a Certificate of Compliance, which is not typical, but it could be done.

Kris McNeill- CEO states that according to the Ordinance that Mr. Boghossian would need to obtain a permit within a year of Planning Board approval to meet requirements. If the project is not started within 2 years, the Planning Board approval will be null and void. The market has been very erratic and it is difficult to determine what costs for this project will be and Mr. Boghossian will need approval for the project before he can pursue funding.

Pam Mitchel moves that based on the discussion of technical capacity and Mr Coffin's background, that technical capacity is met. Mitchel made a motion that the review criteria 14.4.10 is met with the condition that the evidence that funding is presented at the permitting process. Zach Hanley seconded the motion. No further discussion. 4 approved, 1 opposed.

14.4.11 Pam Mitchel makes a motion that review criteria 14.4.11 has been met. Seconded by Zachary Hanley. Adam Lemire pointed out that the stone check dam needs to be checked yearly to make sure it is working correctly. No further discussion. All in favor.

14.4.12 Pam Mitchel moves that 14.4.12 has been met. Zachary Hanley seconded the motion. No further discussion. All favor.

14.4.13 Pam Mitchel makes a motion that 14.4.13 has been met. Adam Lemire seconded the motion. No further discussion. All in favor

14.4.14 Pam Mitchel moves that 14.4.14 has been met. Adam Lemire seconded the motion. No further discussion. All in favor.

14.4.15 Pam Mitchel moved that 14.4.15 has been met. Attorney Pottle states that this 'stream' should be included on the recording plan just the same. Jim Coffin agrees and will make the addition. Zachary Hanley seconded the motion. All in favor.

14.4.16 Pam Mitchel moves that 14.4.15 has been met. Seconded by Adam Lemire. No further discussion. All in favor.

14.4.17 Pam Mitchel moves that 14.4.17 has been met. Adam Lemire seconded the motion. No further discussion. All in favor.

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. Pam Mitchel moves that this is met as this project does not cross any municipalities. Adam Lemire seconded. No further discussion. All in favor.

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. Pam Mitchel moves that this is met because these lots are not in Shoreland. Adam Lemire seconded the motion. No further discussion. All in favor.

14.4.20 Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, and subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. Pam Mitchel moves that this has been met because there will not be any timber harvesting. Shawn Dolley seconded the motion. No further discussion. All members in favor.

The Board agrees that they will adjourn for this evening and continue this application on September 14th. At that meeting the Board will need to review the Subdivision performance standards- including sections 8,9,10, and 11. The Board is requesting a rendering of the front of the building and what the building would look like from the front. Pam Mitchel wants to know what the rubbed concrete will look like. Jim Coffin will check into the front screening requirements as the board would like to see it more aggressively. The board is also asking what the materials of the balconies are, and ask that the patios be included on the Recording Plat.

Attorney Pottle will work on a draft of findings of fact so the Board can review it.

5. Other Business- none at this time.

6. Adjourn- Pam Mitchel motioned to adjourn at 10:15pm. Lisa St. Hilaire seconded. No further discussion. All members present in favor.