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Debby Willis, Chairperson  
Angelia Christopher, Administrative Assistant

**PLANNING BOARD**  
**Meeting Minutes**  
**Tuesday April 25, 2023 @ 6:00 PM**  
**City Council Chambers**

**1.) Call the Meeting to Order-** Chair Willis called the meeting to order at 6:08 pm.

**2.) Roll Call-** Chair Debby Willis, Pam Mitchel, Lisa St. Hilaire, Jacob Waltman, Zachary Hanley, and Adam Lemire. Shawn Dolley was not present for this meeting. Others present included Kyle Jacobson- St. Germain, TJ Troiano, Jessica Lowell- Kennebec Journal, and Kris McNeill.

**3.) Review of the December 15, 2022 and February 16, 2023 meeting minutes** – The board voted to table the 12/15 minutes until all members have a chance to review them. Pam Mitchel moved to table the minutes from 12/15/2022. Lisa St. Hilaire seconded the motion. All in favor.

**February 16, 2023 minutes-** Pam Mitchel moves to accept the February 16, 2023 minutes with a small amendment. Zachary Hanley seconded the motion. No further discussion. All members present in favor.

**4.) Public Hearing- Gardiner Transfer- Company LLC** The applicant has submitted a Site Plan to propose development of a solid waste transfer station at 12 Troiano Way- City Tax map 002 Lots 020-22 in the Planned Industrial Commercial (PIC district).-

Chair Willis asks the board if they can hear this application in an unbiased manner. All members agree yes.

Chair Willis asked if there was any public interest in this application at City Hall. One person came in to review the application and there were a couple of calls from people just wanting information.

Kyle Jacobson- St. Germain has worked to put together this application for the applicant. One of the biggest concerns around a transfer station are odor, and vector issues. He tells the board that part of this project will include a vector management plan, and the building will have doors to help address odors. Waste will be taken away from the facility daily, and sent to either the Old Town, or Norridgewock facilities. Trucks do start early-around 4am, 6 days a week. They are currently waiting for three permits to run a solid waste management

transfer station. NRPA-Natural Resources Protection Act, SLD- Site Law Development permit, and DEP- Department of Environmental Protection. These applications were submitted many months ago, and approvals should be arriving any day.

They are hoping for the DEP permit to come back in about a month, they did get the army corps approval. Lisa St. Hilaire asked about the letters from IFW and MNAP for the application, as this is a site plan requirement. This can be conditioned, and the applicant will reach out to these organizations.

Mr. Jacobson goes on with the applications stating that since the purchase of this lot, the wetlands have changed and in order to do this project, there will be some wetland impact. The applicant has filed a permit to disturb these wetlands and paid the fees.

After the project is completed and the transfer station is running, all demo and construction materials will be kept outside, and eventually trucked away off site. Pam Mitchel asks how long the debris will be kept onsite. TJ Troiano answers that they prefer to get it offsite as soon as possible, however in the summer months it can take a little longer. Any wood that is brought to this facility will be separated and ground on site to chips by an outside grinding company.

Any run off from material that is brought into the bays will be directed to the gravel wetlands. There will be trucks at this facility, and any vehicle washing that might happen, will be done inside. In an existing building, where water/runoff will go through an oil separator. The transfer facility will not accept liquid waste. Runoff will be better managed this way. Unacceptable materials such as asbestos will be stored in separate containers, and picked up to be disposed of offsite. The staff that work at this facility will be trained in all necessary areas. Chair Willis opens a public hearing. There are no waiver requests and no one is present to comment on this application. Chair Willis closed the public hearing,

Board will review the application. Pam Mitchel asks about the completeness of this application. There are a couple of Department head letters missing, but those can be conditioned. Pam Mitchel moves that the application is complete with the condition that the Dept. head letters, and the three required DEP permits be received. Lisa St. Hilaire seconds the motion. No further discussion. All board members in favor.

The Board will be looking at Sections 7, 8,9,10, 11 for review criteria. Section 7- In this zone, vehicle maintenance is an allowed use. According to the dimensional chart in Section 7, this project meets all the requirements and they are within the allowed impervious area for this lot. There are no other standards in Section 7 that need to be reviewed. Pam Mitchel moves that requirements in Section 7 have been met. Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor.

Section 8. General Lot requirements. The dimensional requirements for both buildings have been met. There are already many utilities existing on this lot. They will be running electricity to the new building and water to a new hydrant that will be installed on the lot. There is an extensive lighting plan that shows the location of lights of the building and the lot. 8.8 noise-There will be an occasional use of a chipper. This will be on the far end of the lot, abutting 95. Kris McNeill will look into this if needed. There will be a litter fence on the 95 side

of the property. The applicant explains that any debris that gets blown on the lot, will be picked up by staff. All other standards look good. Pam Mitchel moves that the applicable standards in Section 8 have been met. Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor.

Section 9- there was discussion about vector control, odor management, and groundwater protection. Adam Lemire has concerns about wastewater running through the lot, into the tail of the wetlands. Pam Mitchel moves that the standards in Section 9 have been met with the condition that letters from MNAP and IFW are issued stating no natural resource concerns. Lisa St. Hilaire seconds the motion. No further discussion. Five in favor 1 (Adam Lemire) opposed.

Section 10- no review needed.

Section 11- The Board discussed buffering and screening and setbacks.

Section 11 parking. And interior circulation. There is a lot of parking on trailer parking stalls too. Big and small. Pam feels that there is plenty. Have addressed interior circulation. Off road loading. All set. Section 11- pam moves that appropriate standards of section 11 have been met. Lisa second. All in favor. No more.

---Adam Lemire has concerns about this project meeting 6.5.1.11. He feels that the lack of response from the required permits from DEP. After a discussion about possible impacts, the board agreed that the project cannot start without the required DEP permits. When the project receives DEP approval in all required permit categories, they can start the project. DEP will be visiting this project frequently, as well as Wastewater. Adam states that he is generally satisfied with the stormwater system. He will be more comfortable with this project when DEP gives their approval. TJ Troiano explains to the board that they will be working with DEP on the stormwater protection plan every quarter. DEP will watch this project closely and will make sure that it follows all the required standards.

#### **4. Review Criteria**

An applicant shall demonstrate that the proposed use or uses meet the review criteria listed below for the type of application. 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 information required for this application and the \$250 Site Plan Review fee are attached.*

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

*The information attached with this application form addresses the compliance of the proposed facility with the Land Use Ordinance, specifically those sections discussed below.*

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

*Erosion control is addressed as shown on the Plan set, and stormwater flow has been designed to ensure that the project does not result in water pollution as described in Attachment 8.*

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

*There are no proposed changes to the sewer service at the site as the domestic wastewater needs are met by the existing maintenance building. Solid wastes will be managed in accordance with a Solid Waste Transfer Station permit from Maine Department of Environmental Protection.*

**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.

*As part of the Site Location of Development permitting process, the impacts mentioned above were evaluated and addressed.*

**6.5.1.6** - The proposal will not have an adverse impact upon water bodies and wetlands.

*Wetlands exist on the site that will be impacted by this development. A NRPA permit application has been submitted to the Maine DEP which will address these impacts. Please see Plan Set for detailed depiction of wetland survey.*

**6.5.1.7** -The proposal will provide for adequate storm water management.

*Please see attachment 8 for a detailed Stormwater Management Report.*

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

*This proposal is not in the Shoreland Zone.*

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

*The proposed facility is in an area of minimal flood hazard, Zone X on the Federal Emergency Management Agency's National Flood Hazard Map.*

**6.5.1.10**- The proposal will have sufficient water available to meet the needs of the development. *The existing site is serviced by the public water supply, and a hydrant lead will be extended from the existing line on the lot down to the MSW building. See Sheets C-102 and C-104 of the attached plan set.*

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

*No groundwater impacts related to the operations of the proposed facility are anticipated. Groundwater protection during construction is addressed in the Stormwater Management report.*

**6.5.1.12**- The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development. *The layout of the proposed facility has been planned for safe and efficient operation. The only pedestrian activity on site will be truck driver and facility operator related. A turning radius diagram is shown in Attachment 5.*

**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.

*The proposed facility will not result in a reduction of quality of any municipal service. Municipal department leaders were contacted for comments and input as shown in Attachment 5.*

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

*Gardiner Transfer Company LLC will work with qualified contractors to complete the expansion. A construction cost estimate and a letter from Comerica Bank are provided in Attachment 3 of this application.*

#### **6.5.2- Site Plan Review Criteria**

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

*Please see responses below.*

**6.5.2.1-** The proposal will be sensitive to the character of the site, neighborhood and the district in which it is located including conformance to any zoning district specific design standards;

*The solid waste transfer facility is an allowed use in the PIC (Planned Industrial Commercial) district. The site is subject to a Maine DEP Site Location of Development permit for the industrial park and the proposed facility is within the impervious area allowance permitted for the lot.*

**6.5.2.2-** The proposal will not have an adverse impact upon neighboring properties;

*The proposed use is consistent with other uses in the commercial park and will not cause offsite impacts. An operations manual discussing vector, litter, and odor control will be maintained as required by the facilities permit from Maine Department of Environmental Protections, see Attachment 9.*

**6.5.2.3-** The proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land uses in accordance with the appropriate performance standards;

*25' buffers will maintain the existing landscape surrounding the developed area as shown in the plan set.*

**6.5.2.4-** The building site and roadway design will harmonize with the existing topography and conserve natural surroundings and vegetation to the greatest practical extent such that filling, excavation and earthmoving is kept to a minimum;

*The proposed facility will minimize filling, excavation, and earth moving to conserve the natural surroundings and vegetation while harmonizing with the existing topography as shown in the plan set.*

**6.5.2.5 -**The proposal will 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 water bodies, 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 facility is designed in accordance with the Maine DEP Site Location of Development Permit which addressed the natural capabilities of the site. The proposed facility is also subject to a NRPA permit which addresses its impact on forested wetlands in the area.*

**6.5.2.6-** The proposal will provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area. The system will connect building entrances/exits with the parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project;

*The proposed facility is designed to reduce interaction between pedestrians (truck drivers and machine operators) accessing the existing maintenance building and the parking/storage of trailers. Please see the plan set and turning radius diagram in Attachment 5.*

**6.5.2.7-** In urban and built-up areas, buildings will be placed closer to the road in conformance with setback requirements and parking areas shall be located at the side or rear of the building; *The proposed facility is not located in an urban or built-up area.*

**6.5.2.8-** Proposals with multiple buildings will be designed and placed to utilize common parking areas to the greatest practical extent;

*Parking areas will be located in proximity of the proposed buildings, and each parking area will accommodate the appropriate type of vehicles associated with the proximal building to minimize pedestrian activity. Please see the attached Plan Set for further specification.*

**6.5.2.9-** Building entrances will be oriented to the public road unless the layout or grouping of the buildings justifies another approach.

*The proposed buildings will not be viewable from the public road.*

**6.5.2.10-** Exterior building walls greater than 50 feet in length which can be viewed from the public road will 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 length of the wall.

*The proposed buildings will not be viewable from the public road.*

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

*The proposed facility is located within an approved industrial park.*

**6.5.2.12-** Building entrances and points where the development intersects with the public road and sidewalk will be provided with amenities appropriate for the area such as benches, bike racks, bus stop locations and other similar landscape features.

*Not applicable for the proposed facility.*

**6.5.2.13-** A proposal which includes drive-through service will be designed to minimize impact on the neighborhood. Drive-through lanes will be fully screened from adjacent residential properties and communication systems will not be audible on adjacent properties.

Applicant shall provide information that demonstrates that the proposal will be sensitive to the character of the site, neighborhood and the district in which it is located by considering the following:

*N/A*

## **6. Waivers**

### **Waiver of Submission Requirements**

The Planning Board may, for good cause shown and only upon the written request of an applicant specifically stating the reasons therefore, waive any of the application requirements provided such waiver will not unduly restrict the review process. The Planning Board may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the Planning Board's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application.

*None requested.*

The board has completed their review, and goes back to 6.5.1.2

Pam Mitchel moves that the review criteria in 6.5.2.1 has been met with the condition that the responses from Gardiner Fire and Gardiner Public Works are received. Letters from IFW and MNAP are received, indicating that there will be no impacts on natural resources. All three DEP permits are approved and received. Lisa St, Hilaire offers a second motion. No further discussion. Vote- 5-1 with Adam Lemire opposed.

Chair Willis asks what the board wants to do with this project.

Pam Mitchel moves that the board approve this project with the above mentioned 7 conditions. Zachary Hanley seconded the motion. No further discussion. Vote 5-1 Adam Lemire opposed.

**5.) Public Hearing: Signs-** The board reviewed amendments to Section 10 of the LUO in regards to signs allowed in Traditional Downtown. The change is to amend 10.24.6.5.7 with the addition of a note- ‘C. Properties not in a Historic District, may use first floor Wall Sign dimensions for a second floor wall sign in lieu of a first floor sign as long as the first floor commercial space occupies both floors’. Chair Willis opens the public hearing. There was a discussion about how this will affect downtown. This change will affect two buildings only, and not affect anything in the Historic District as those buildings have their own set of sign standards. Pam Mitchel moves to send this amendment to the City council with recommendation of passage. Zachary Hanley seconds the motion. No further discussion. All board members present in favor.

**6.) Public Hearing- Demo Delay-** Amendments to Section 4 of the LUO- 4.4.2- This change will allow a little extra time to review the status of a potentially historically significant structure before demolition. The board agrees that adding this standard is smart. Pam Mitchel moves to send these amendments to the LUO for Demolition Delay to City council with a recommendation of passage. Adam Lemire seconded the motion. No further discussion. All board members present in favor.

**7.) Public Hearing Electric Fences-** Amendments to section 10 of the LUO. This came about because there were no standards in the LUO for electronic fences, and the current standards read that an electric fence can be placed directly on the property line. There is concern about having electric fences that close to someone else's property. The overall opinion is that electric fences should have their own setback rules. The standard will read- No electric fence shall be within 10' of property lines. Pam Mitchel moves to revise the LUO to include this change in regards to electric fences and send it to City Council with the recommendation of passage. Lisa St. Hilaire seconded the motion. No further discussion. All board members present in favor.

**8.) Other Business-** The next meeting will be held on 5/8/23 and the application will be for PMP Realty, at 24 Griffin St.

**9.) Adjourn-**Pam Mitchel moved to adjourn at 9:06 pm. Jacob Waltman seconded the motion. No further discussion.