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Phone (207) 582-4200

Debby Willis, Chairperson  
Angelia Christopher, Administrative Assistant

**PLANNING BOARD**  
**Meeting Minutes**  
**Tuesday June 13, 2023 @ 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 present- Chair Debby Willis, Jacob Waltman, Shawn Dolley, Adam Lemire, Lisa St. Hilaire and Pam Mitchel. Zachary Hanley was not able to attend. Others present included Dan Robideau, Dan Laflin, Steve McGee, Robert and Carole Garrett, Kris McNeill and Angelia Christopher.

**3.) Review of the March 14, April 12, and April 25, 2023 minutes.**

**3/14/23 Minutes-** Lisa St. Hilaire moves to accept the minutes with changes. Adam Lemire seconded the motion. All members present in favor.

**4/12/23 Minutes-** Pam Mitchel moves to accept the minutes. Shawn Dolley seconded. All members present in favor.

**4/25/23 Minutes-** Adam Lemire moves to accept the minutes with the changes that have been discussed. Jacob Waltman seconded the motion. All members present in favor.

**5.) Public Hearing-** McGee Properties LLC, is seeking Planning Board approval for a change of use of the former Wingate Landscaping facility to accommodate a new business call “Necessary Tires Too” at 907 Brunswick Ave. City Tax Map 11 Lots 15&16, in the PD (Planned Development) District in Gardiner, Maine.

The board determined that the applicant has standing.

All Board members present agree that they can review this application without bias.

The City of Gardiner did not need to obtain any assistance with this application.

Dan Laflin- Land Surveyor presents some information about the application. This is an existing lot, that was developed after a 2009 Gardiner Site Plan approval. There is an existing greenhouse that will be used for material storage. There is a stormwater management plan in place, and is working well. This project will include some new screening, and there will be at least one handicap spot added at the front of the building.

The owners of the business, Necessary Tires Too, Robert and Carole Garrett are present and explain that they have over 40 years of experience in this business. They have another business in southern Maine, and focus on customer service. in Kennebunk. The existing garage at this site will be modified to fit two tire bays, one with alignment as well. After discussion the tire bays, will be enclosed as that is what the LUO calls for. The existing greenhouse will be used for tire storage.

The applicant has requested a waiver for the stormwater plan, and for a traffic study. There is an existing stormwater management plan in place and they do not anticipate an increase in traffic with this new business.

Pam Mitchel moves that the request for waivers for 6.3.3.3 and 6.3.3.4 be granted. Adam Lemire seconded the motion. No further discussion. All members present in favor.

Chair Willis opened a public hearing at 6:22pm. There is no one present to speak for or against this project and there was no interest at City Hall. Chair Willis closed the public hearing at 6:23pm.

#### **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 fee was submitted with the application.

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

Yes- see waiver request.

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

The previously approved site plan for Wingate Landscaping included a stormwater level spreader at the end of an 18" out fill pipe from a catch basin, all were installed and are still fully functional. Stormwater is discharged into a forested buffer 2,200 feet from Cobbossee Stream.

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

A 6" sewer service was installed per the approved 2009 plan tied into public sewer line on Brunswick Ave.

**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.  
None on site.

**6.5.1.6** The proposal will not have an adverse impact upon waterbodies and wetlands.  
None on site.

**6.5.1.7** The proposal will provide for adequate storm water management.  
Yes, per measures approved and installed in the 2009 Wingate Landscaping Site plan.

**6.5.1.8** The proposal will conform to all applicable Shoreland Zoning requirements.  
Site is not in a Shoreland zone.

**6.5.1.9** The proposal will conform to all applicable Floodplain Management requirements.  
The site does not fall within a floodplain.

**6.5.1.10** The proposal will have sufficient water available to meet the needs of the development.  
Yes, the proposed tire facility will use substantially less water than the previously approved Wingate Landscaping.

**6.5.1.11** The proposal will not adversely affect groundwater quality or quantity.  
No it will not, per the previously installed storm drain measures

**6.5.1.12** The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development.  
Yes, site plan for proposed parking and pedestrian walk & signage.

**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, very low impact on municipal services

**6.5.1.14** The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance.  
Steve McGee has been in business since 1976....

### **Waivers** (6.3.1)

-A waiver is requested for the requirement of a stormwater & erosion plan as the previously approved 2009 Site Plan of Wingate Landscaping Stormwater infrastructure was installed and still fully operational.

-A waiver is requested for the requirement of a traffic study as the proposed necessary tires too facility will not generate and more traffic (estimated to be 20+ trips per day). Than the previously approved Wingate Landscaping retail store.

## **Special Review Criteria-**

### **Section 7- 7.8.8 PHD Standards**

**Action-** Lisa St. Hilaire moves that the project meets the criteria under the LUO of 7.8.8, Adam Lemire seconded the motion. No further discussion. All members present in favor.

**Section 8-** The Board discussed screening in front of the greenhouse to minimize the visibility from streets. The applicant will be changing the covering of the greenhouse to help reduce heat. Section 8.11.4.3.1 reads that there needs to be a partial screen on the front property line. This will be a condition of approval.

**Action-**Pam Mitchel moves that the standards in section 8 have been met with the note that there needs to be additional screening in front of property to meet the requirements of 8.11.4.3.1. Lisa St. Hilaire seconded the motion. No further discussion. All board members present in favor.

**Section 9** Board members asked a few questions about air quality- etc.

**Action-** Pam Mitchel moves that the standards in section 9 have been met. Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor.

**Section 10-** 10.15.2 reads that all auto and truck service repair shall take place within a closed building. The plans that are included in the application do not show enclosed bays. The approval letter will have this listed as a condition

**Action-**Pam Mitchel moves that the standards in section 10 have been met, with the condition that the tire bays be enclosed per 10.15.2 of the LUO. Adam Lemire seconded the motion. No further discussion. All members present in favor.

**Section 11** – The Board discussed parking.

**Action-** Pam Mitchel moves that the standards in Section 11 have been met, Jacob Waltman seconded the motion. Adam Lemire pointed out that there needs to be an ADA space marked out at the front of the building. No further discussion. All members present in favor.

The Board agreed that the review was complete.

Chair Willis asks the Board for a motion.

**Action-** Pam Mitchel moved that the review criteria have been met with the condition that extra screening be placed in front of the property to meet requirements of 8.11.4.3.1 and the tire bays be enclosed to meet the requirements of 10.15.2. Adam Lemire seconded the motion. All members present in favor.

**Action-** Pam Mitchel moves to approve this application with the 2 previously mentioned conditions. Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor.

**8.) Other Business**-none at this time.

**9.) Adjourn-** Lisa St. Hilaire moves to adjourn at 7:48 pm. Shawn Dolley seconded. All in favor.