



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

Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MINUTES

Tuesday January 12, 2021 @ 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 6:00PM, and declared a quorum present.
2. **Roll Call-** Board Members- Chair Debby Willis, Pam Mitchel, Zachary Hanley, Justin Young and Lisa St. Hilaire. Also present representing the city: Mark Eyerman- City Planner, Jon Pottle- City Solicitor, Patricia Hart- Mayor, Christine Landes- City Manager, Tracey Desjardins- Economic Development Director, Kris McNeill- Code Enforcement Officer and Angelia Christopher- Planning and Development Assistant. Others present included: Jo Roderick and Roland Pinette (applicants), Sabrina Vasoll, Jamie Vasoll, Billie Vasoll and Allyce Pepin. Planning Board members not present for the meeting included Adam Lemire and Shawn Dolley
3. **Review of the December 1, 2020 site walk minutes and December 8, 2020 meeting minutes:**
 - **December 1, 2020 site walk minutes-** Pam Mitchel submitted changes via email- pg. 3, 3rd paragraph, 4th line: there is an extra "n" in Pinette., pg. 3, 4th paragraph, 2nd line: insert "he" between "that has"
 - ACTION:** Lisa St. Hilaire motioned to accept the minutes as corrected. Pam Mitchel seconded. Roll Call vote- Pam Mitchel- yes, Zachary Hanley- yes, Justin Young- yes, Lisa St. Hilaire- yes, Chair Debby Willis- yes. All in favor.
 - **December 8, 2020 Meeting Minutes-** Pam Mitchel has sent several corrections via email - pg. 2, 6 lines up from the bottom: capitalize D in Department and Development, pg. 4, 6 lines down from the

top: insert the word "as" between "used an", pg. 5, 7 lines down from the top: capitalize Family and add "Medicine" after Family; pg. 5, 2 lines up from the bottom: change the word "purposed" to "proposed", pg. 6, 7 lines down from the top: the word "and" at the end of the line should be "an", pg. 6, 3 lines up from the bottom: insert the word "income" between "low density" at the end of the line., pg. 7, 14 lines down from the top: change the word "applicant " to "neighbors". Lisa St. Hilaire states that if she actually used the word "applicant" then the mistake is hers and not a mistake in the minutes; pg. 10, bottom line: insert "the" between "be one", pg. 12 and 13 in the Requirements for Final Subdivision Plan (#2) and the motion (#9): there is an equals sign (=) which should be replaced with the words "and we" and the word "version" should then be "versions".

Chair Willis asks if there are any questions or further discussion. None.

ACTION: Pam Mitchel motioned to accept the minutes as corrected. Zachary Hanley seconded the motion.

Lisa St. Hilaire states that she has corrections to the minutes from 12/08/2020 meeting regarding the Subdivision Preliminary Plan Application for Gardiner Green-Rehab. Ms. St. Hilaire is now a Planning Board member and all agree that she is listing corrections as a member of the public (as she attended this meeting due to personal interest) vs. as a Planning Board member. She suggested that in the attendance, Kadrienne should be changed to Karen Adrienne; in the first paragraph of the Gardiner Green subdivision, 'Gardiner family' needs to read Family Medicine. There were several references throughout the document where abutters should be changed to 'neighbors'. The reference to the wetland inventory needed to be changed to read, 'There is also a mapped freshwater tidal marsh within 800' of the easterly edge of the flag lot with a status of S2, which means imperiled'. She requested the wording be changed regarding the rare freshwater wetland to state 'rare and the only mapped natural community as it is the only one in the city.' All changes that Ms. St. Hilaire requested were made to show in the finalized 12/08/2020 Planning Board minutes.

Ms. St. Hilaire also inquired about the stop work order that is referred to in the minutes. She questioned if the conditions of the stop work order need to be listed in the notes. City Solicitor Jon Pottle states that the conditions of the order do not need to be included in the minutes. Ms. St. Hilaire had no other questions.

Zach Hanley withdrew his second of the first motion and Pam Mitchel withdrew the motion. Lisa St. Hilaire motioned to accept the minutes with corrections. Pam Mitchel seconded the motion. Chair Willis asks if there is any further discussion- None. Roll Call vote, Pam Mitchel- yes, Zachary Hanley- yes, Chair Debby Willis- yes, Justin Young-is abstaining as he was not at the meeting, Lisa St. Hilaire- yes. All in favor.

4. Public Hearing- Proposed Land Use Ordinances Amendments dealing with dogs and kennels:

This amendment has been approved by City Solicitor Jon Pottle and Police Chief James Toman. The District Attorney gave feedback as well. The Planning Board now needs to review the LUO changes and decide if it is ready to go before City Council for adoption. Chair Willis stated that ORC amended the definition of kennel in the LUO to reference the state definition of kennel. This will solve the problem of anyone having three (3) or more dogs having to be considered as a kennel. Current ordinances state that three (3) or more dogs is considered a kennel and therefore only allowed in limited areas of the city. This change will make the city's provisions consistent with the state regulations. After amendments are finalized, kennels will now be allowed in the RG, PD and PIC districts.

Amendments included revising the provisions for fences in residential areas to limit fences in the front yard to a maximum of four (4) feet in height and prohibit "privacy fences" or chain-link fences in the front yard unless they meet the setback requirements. This would apply in the RG, HDR, PR, PD and MUV Districts. In section 17, there is a change in the definition of kennels. In section 7, changes were made in regards for fences and the requirements for those. Lisa St. Hilaire had a question about the original kennel definition including cats, but the new definition only includes dogs. She wondered if that was of concern to the city. Chair Willis states that was not discussed, and does not pose an issue right now. Chair Willis asks for a motion.

ACTION: Pam Mitchel motioned to move this land use change to City Council with a recommendation that it pass. Lisa St. Hilaire seconded. Chair Willis asks if there is any further discussion- None. Roll Call vote: Pam Mitchel- yes, Zachary Hanley- yes, Justin Young- yes, Lisa St. Hilaire- yes, Chair Debby Willis- yes. All in favor for passage to City Council.

5. Public Hearing- Continuation of Subdivision Preliminary Plan Application:

Iron Mine, LLC. is requesting an expansion of the state approved and licensed twenty-four (24) pad mobile home park located at Lot 027 Maps 014, 014A and 015B to a forty-two (42) pad mobile home park. This is a continuation of the application that was heard in November. The result of that meeting determined that a site walk was needed. The site walk occurred on December 1, 2020. There have been a couple of changes since the site walk, with new maps that were recently added. Chair Willis asks if the two (2) new members have received all of the pertinent info as other Planning Board members have not received the current subdivision application as part of their planning packet. Chair Willis was trying to ensure that everyone had the right/consistent application. She asks if other Planning Board members feel that they have the right application. Pam Mitchel states that she has a lot of material for this project, and it can be challenging to figure out what is current. Chair Willis puts the applicant on notice that this

is what the Planning Board has for information in front of them, and that this is what is to be heard tonight. There are so many facets to this application that she wants to make sure they have the appropriate record. City Solicitor Jon Pottle states that all info is part of the record. He understands that there will be another meeting and it would be beneficial to have the applicant go over info with the city to make sure that all of the presenting information is correct. There are some new Planning Board members, which have missed the previous material. In order to familiarize themselves with the project it would be wise to review minutes from previous proceedings. Lisa St. Hilaire adds that the applicant needs to make sure to submit a full application, so that city staff does not have to go dig through the record. Chair Willis agrees that this needs to be done by the applicant. The applicant is the one that needs to ensure there is a full application which clearly indicates what they are requesting to be approved.

Chair Willis will start to review this application. Mark Eyerman goes over a little information about this application. Referring to the 'old' part of the park which is closest to Old Brunswick Road., includes nine (9) sites, and which is now part of a consent agreement that the applicants have with the City of Gardiner (dated 12.07.2020). This area, labeled A, should NOT be included in the subdivision plan because under State subdivision law this area is now exempt from subdivision review. The proper way to move forward is to create a record portion of that area. He states that all Planning Board members should have received a copy of this consent agreement in their packets. Area A is a separate section, and will not be reviewed by the Planning Board. City Solicitor Jon Pottle states that any subdivisions over twenty (20) years old, are not considered subdivisions under the law. These types of divisions are often referred to as functional divisions. They often have roughly drawn lot dimensions, and do not meet today's requirements. Chair Willis asked if the consent agreement was done on December 7th, and if the map she currently has is what the new boundary survey map is supposed to look like and if so, then why is the land that was put into the consent agreement still on the maps for these subdivision plans. Mark Eyerman states that maybe the applicant didn't understand that they needed to take the land off the map in their revised plan. City Solicitor Jon Pottle feels there could be a number of ways to interpret this plan. For the final plan it would be best to leave the consent area out, perhaps with a worded reference to it on the subdivision plat that will be eventually recorded at the Registry of Deeds. Mark Eyerman adds that he agrees with City Solicitor Jon Pottle. Chair Willis wants the rest of the Planning Board, the public and the applicant to hear that she does NOT want to see the consent area on the subdivision plat. She is angry about the constant changes to the map, to the lot lines, and at the amount of time the Planning Board has spent trying to sort it out to only get the same thing back time after time. Chair Willis says if she had it her way, she would not move this forward and she would roll up the map, and be done with it. She wants a map to reflect what they are working on and not something that has already

been taken care of. She states that the Planning Board is not here to review all of the property that the applicant owns. They are here to review the amendment to the subdivision and the new subdivision. She states that if Pam Mitchel can sort this out and lead the Planning Board through this application, to go ahead.

Pam Mitchel states that she was able to label the area that is included in the consent agreement, but she would prefer the final plan to show accurately. Pam Mitchel states that one problem is the legend is not color-coded, which makes it challenging to decipher the map. Lisa St. Hilaire states that as someone new to the Planning Board, this map was very challenging and is not clearly labeled. She states that maps are her business; it is what she does all day, every day and she says that she had a lot of trouble understanding the maps for this application. The legend is not clear, there are several maps with different dates, different surveyors and showing different areas. It is hard to understand what the right map is as there are so many versions. Justin Young states that maps are not his expertise, but these maps have caused great confusion. City Solicitor Jon Pottle points out that there have been several versions of the subdivision map. He goes on to point out that the new maps, which were added to this application after it initially went out to Planning Board members, does not appear to have lot lines, while the older version had lines around each site. Pam Mitchel asks if there needs to be lot lines on a map. City Solicitor Jon Pottle refers to the Gardiner Land Use Ordinance under special activity standards. There is a reference to the Maine State Manufactured Housing Board in regards to lot size. That is how the minimum 5000sf lot size requirement came about. If you look at the Manufactured Housing Board rules, it states the amount of land area for an occupant. To sum up his answer, City Solicitor Jon Pottle reiterates that having lot lines on the subdivision plat further helps to ensure that park occupants are getting the required amount of area. Pam Mitchel remarks that this current application has individual sheets, for each lot, that shows lot lines. She would need to match up the correct sheet to whatever lot she is looking at on the map. Chair Willis states that it is not up to Planning Board members to try to match up little pieces of paper to figure out what the applicant is trying to do. Chair Willis states that there is already a subdivision on this property and if they are requesting changes then they are amending it. Mark Eyerman comments that if you look at the January revised plan that states 'interior lot detail', there might be a key as to how this got so complicated. He goes on to say that if you look at the lines that are labeled as lot lines, the lines that are running diagonally, there is a line that runs through lot #18. Mark Eyerman feels those are the original lot lines from the 1987 subdivision plan. Now there are requirements that state that mobile homes need to be set back from those lot lines 10' on the side and rear and 20' on the front. There is also a new line drawn on the map, that shows where the road is located which is not exactly where it is shown on the 1987 plan. There is an old dotted line that shows where the road ROW was on the 1987 plan but is now moved. It is important to point out that under the

state manufactured housing laws, the ROW only needs to be 23' wide, unlike what it would need to be required as a city street. They are proposing to revise the location of the road ROW to essentially match where the road was actually built. If you look at the lot that has units #12, 14, 16, and 18, it can be seen that there are new lines- solid black and red dashed line inside of it, where they would propose to create a large lot with four (4) units on it. This large lot is 27,921sf and the setbacks would only apply to where they are setback from the road ROW, and the exterior of that lot. It looks like they are trying to create mega lots that would have more than one unit on it. Chair Willis asks if more than one mobile is allowed on a lot. Mark Eyerman states that there is a provision in the ordinance which prevents more than one principal structure on a lot unless it is allowed as part of a Planning Board Subdivision or site plan approval. The Planning Board can approve multiple dwellings on a single lot. Chair Willis compares this to a plan that was done for a residential use, not a commercial facility with forty-two (42) units. Pam Mitchel clarifies that it is thirty-nine (39) units, and not forty-two (42). Chair Willis states to the applicant that she does not want to see another proposal that says forty-two (42) unit mobile home park. Pam Mitchel finds the provision and reads it as- Section 8.1.1 If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building except as follows. This requirement shall not apply to developments involving multiple principal buildings that require Planning Board Review, Site Plan Review, or Subdivision Review under the requirements of Section 7. She adds that the Planning Board probably doesn't have to review dimensional requirements. Mark Eyerman states they still need to make sure the density requirement is there. There is a discussion about setbacks and buffers, and how to best handle this. Chair Willis asks if they are wiping out the lot lines that were established in the subdivision in 1987, if they are amending the subdivision from 1987, or if we are holding them to the current standards for subdivisions. If they are adjusting lot lines, then the Planning Board needs to review it. If it is a new lot for the subdivision then it needs to meet the current standards. If there is a new lot, in a previously existing subdivision, and you are adjusting lines and it needs to be examined by the Planning Board to make sure that a new nonconforming lot is not being created. The point is not to have the review the whole property again as a new subdivision. The Planning Board should focus on what is being proposed to change. If they are looking to adjust lot lines, then this is a classic example of modification which would trigger an amendment to the current plan. This is an amendment and the changes will need to follow the current ordinances. This amendment has two (2) components. One is adding areas for new development, and the other is modifying existing areas. Mark Eyerman states there are two (2) questions under area B, the area that was covered by the 1987 ~~plan, that plan, which~~ the Planning Board will need to answer. The first question, is that it looks like the plan is proposing to create a smaller number of lots that would have multiple mobiles on those lots. The Planning Board needs to look at this to see if this approach is acceptable. The second area that remains is the issue of the requirement for a perimeter buffer strip when

a mobile home park is next to a residential area that is substantially lower density than would be allowed in a mobile home park. The last time this application was reviewed, the consensus of the Planning Board was that the buffer would only be required on rear of lots #15,17,19, and 21, and that there would be a 50' buffer strip on the side of the Vasoll's property. Chair Willis states that she is hearing that they want to modify lot lines and if they do modify a subdivision, they would need to follow the current standard which is a 50' buffer. Mark Eyerman feels that these are two areas that Planning Board needs to resolve and they should seek legal counsel when doing that. Chair Willis states that she has questions about trailer #29. She feels that this is not in the right spot, that the lot lines are not correct, and it is sitting in violation. She feels this mobile was hauled in after the first application that it is sitting on a property line and it is also sitting within the 25' buffer. This lot is on a 2019 survey, but not on the original 1987 plan, as it should be. Pam Mitchel states that on the 1987 survey there were no units on that lot. Chair Willis said yes that is right. There were no units and now there is one sitting in a buffer. Mark Eyerman states that he remembers that units #25, 27, and 29 have recently been moved into the property. Chair Willis asks Planning Board members to look at trailer #18 as she feels it is sitting on a property line. She states that it appears that there are mobiles that are not where they should be and that there are references to mobiles encroaching on buffer areas. This is an area that should be a buffer strip that is up against private property as this is someone's home and that is why she is so concerned. She also feels that there might be proposed mobiles in the area where the detention pond should be. After some discussion about which map showed this pond in the wrong area, Pam Mitchel clarified that the detention pond is between proposed units #34 and 36. That is where the detention pond is proposed to go. Mark Eyerman states that is the information he sees on his maps. Not all the maps show this information, but it is agreed that the pond is between #34 and 36.

Either during discussion of the 12/1/2020 Iron Mine Mobile Home Site Walk minutes or during discussion of the application in front of the planning board, Lisa St. Hilaire brought up the question of retention pond vs. detention pond. The Site Walk minutes note "retention pond", the application dated 9/23/2020 notes "retentionage dams", the letter from ES Coffin notes "plunge pools" as part of the stormwater management plan, and the map from ES Coffin notes a "detention pond". She notes that retention ponds and detention ponds are vastly different things, with retention ponds holding water and allowing excess to drain off (so more or less permanently wet) and detention ponds being dry except in times of excess water. Lisa suggests that the applicant ~~is~~be clear in which type of stormwater management is proposed, and the planning board agrees.

Chair Willis asks Board members if they have any further questions, before the applicant speaks.

Lisa St. Hilaire questions the area that Pam Mitchel is referring to as section B. She questions if the consolidation of lots is to make is less non-conforming. Chair Willis states that is a question for the

applicant. Pam Mitchel states that one -giant lot appears where units #12 and 14 are and units #16 and 17 must be proposed lots. Lisa St. Hilaire states that the units are labeled on the storm water maps, but it is unclear if there are existing pads there. This information does not show on all of the maps, which is one of the reasons for confusion. Pam Mitchel states that the pads are not shown on the 2019 survey. It is hard to tell what is established already on the giant lot due to the inconsistencies on the maps. The giant lot takes care of the road frontage issue and the area is large enough for the units that are proposed. Mark Eyerman says that all of the mega lots meet the minimum lot area requirements for the number of units proposed.

Area C, along Williams Lane was reconfigured, and it now looks like there will be mostly doublewides used in this section. The lots will have the correct setbacks, with the exception of one possible area. There is one (1) lot that is proposed to have two (2) doublewide units on it. Mark Eyerman states that he feels that lot #40 is likely within the requirements. Pam Mitchel interjects that she interprets that the driveway for this lot is in the 50' buffer strip that abuts a residence. Mark Eyerman states ~~if he is correct, the lots #41 and 42 are being on site, and that there doesn't seem to be any mobiles on lots 41 and 42 then.~~ Lot #1 and 3, appear to be half size units on the map. The area that is identified as the buffer needs to be 'clearly' identified on the subdivision plan. All agree that the subdivision plat needs to be set up so that there is no question of what they are looking at on the map. The buffer also needs to have a description of how it is going to be treated; i.e. plantings. There was discussion of moving the trees already on the site to different areas to meet the buffering requirements. Pam Mitchel states that there is also a planting list. One of the requirements of the ordinance is that the plantings be native and not everything on the list is native to the area. Pam Mitchel would also like to point out that Unit #37 is not 50' from the property line. Mark Eyerman points out that this unit abuts a road, which it is not required that there be a 50' buffer that adjacent a road.

Mark Eyerman would like to discuss Williams Lane. Williams Lane is in fact owned by Home Deals of Maine. The three (3) lots that are developed along it are the Pepin lot and the Vasoll lots, and each have in their deeds an easement to use that ROW. The ordinance required a hammerhead or some type of turnaround at the end of Williams Lane and that is not provided for. Secondly, the issue about whether the road serving the mobile home park should be connected to Williams Lane was brought up. 11.1.5 sets out a standard for roads in a subdivision and it states to 'avoid connection to existing residential roads'. If done, it needs to have adequate capacity. The standard calls for 18' of pavement on a private road which Williams Lane is, and if you look at the plan, the road steadily decreases in width, and at the westerly end it probably does not meet the 18' requirement. The issue about a possible interconnection and a turnaround was brought up. Williams Lane is used for access for those lots. These decisions will balance whether or not Williams Lane will need to be upgraded. Chair Willis asks City Solicitor Jon

Pottle, about the applicant owning Williams Lane and using that property for part of the setback requirement. City Solicitor Jon Pottle is going to double-check, but most instances it doesn't matter what the status of the road is, public or private, as far as terms of the setback. Most instances it is not the case that the road can be used towards the setback unless it is specified somewhere. City Solicitor Jon Pottle will investigate this. Mark Eyerman states that he believes there is a water easement on the westerly side. It is a 10' wide easement and it is shown on some of these plans. The issue about the setback, relative to the street, is that currently lot #41 appears to show a 10' set back on the road side. If they in fact use the 20' setback on the road front, a normal sized mobile will not fit. Chair Willis states this is exactly the spot that they were standing in front of during the site walk when the comment was made about using the road for setback purposes. Chair Willis feels it is time to bring the applicant in to speak. Lisa St. Hilaire requests a break before the applicant speaks. All agree to a five-minute break.

Chair Willis welcomed the applicants Jo Roderick and Roland Pinette. Mr. Pinette states that he wants to clear up some misconceptions about this project. He stated they purchased on a tax lien from the City of Gardiner ~~for~~ a twenty-four (24) pad mobile home park. Chair Willis interjects and states that they did not purchase a twenty-four (24) pad mobile home park as it was not advertised as such. They purchased a thirteen (13) lot park. Mr. Pinette states it had twenty-four (24) lots, and the city had it registered as twenty-four (24) lots. He goes on to point out that Lot #29 was an existing pad and the mobile was removed prior to the city taking the property over for tax liens. This lot was not moved, added to, or anything different. It is an existing pad. Lot #18 had an existing pad with a mobile on it when the city took over. After they purchased the park, the woman who owned this trailer, purchased a piece of land and moved the trailer off park land. They have since put a trailer on the existing pad. That line has not been moved. Mr. Pinette states that all they want to do is get to their twenty-four (24) unit park which was registered by the city. Chair Willis add that if we are talking about twenty-four (24) pads then why did they just discuss lot #29? Ms. Roderick says that trailer #29 was on lot #13. Chair Willis asked why they are discussing trailer #29 out of twenty-four (24) lots? They insist that #29 was already there and that they didn't change anything about it. Chair Willis explains that she didn't say that they added it, she stated it was in the buffer and that lot lines have been moved around to accommodate it. Lot #16 was grandfathered as an existing lot. There was power going to it and it did not have water and sewer to it yet. Chair Willis states that according to her maps that came as part of the application lot #16 is a new lot. Mr. Pinette states again that #16 was always there, that it did have a level dirt pad, and that it was not kept up and had grown over. Chair Willis asks why it is shown as new on the map. Mr. Pinette stated that there was no other description for bringing a lot current and making improvements. Chair Willis asked why it wasn't called an existing mobile home pad. Mr. Pinette states 'verbiage I guess'. Chair Willis says that verbiage counts for a lot. On the current map, it is listed as a new mobile home. He

insists that their whole goal for the area labeled B, is to get to the twenty-four (24) lots that they purchased as is licensed with the state. Chair Willis asks City Solicitor Jon Pottle if the City licenses mobile home lots. Mr. Pinette states that is verbiage and Chair Willis states that it is a question to the City Solicitor. Mr. Pinette proclaims that the city got the license from the state. City Solicitor Jon Pottle states that there is a state licensing process for mobile home parks. The State of Maine is the one that issues the license as it has nothing to do with the city. Chair Willis speaks up and tells the applicant- "I know you have a license for twenty-four (24) mobile homes on this land. We are the Planning Board and we do land use rules. Your license for twenty-four (24) mobile homes still has to comply with our land use ordinance." She further states that if it didn't the applicants would not even be here. That would allow them to take their acreage, and put homes wherever they want. She reiterates that they need to comply with the land use ordinance. There are rules about where things can go on the land. She understands that they own the land, and that they have a license for twenty-four (24) mobile homes, but they still have to show the Planning Board how they are going to put those mobile homes on the land in accordance with the Land Use Ordinance laws. The Planning Board is simply telling them what the rules are, and that they have to follow them. Jo Roderick states that she knows there are rules, but they are trying to make things less nonconforming as much as possible. There was a 25' buffer, 65' of frontage, the 20' road front setbacks and 10' setback on sides and rear. They state that they are trying to fit everything in, and have it conform, not trying to change anything that is existing. Whatever lots do not meet the requirements they want to apply for a variance. Chair Willis asks what lot they are referring to now. Ms. Roderick states she is talking about lot # 14. There is an existing trailer there that has a variance for the rear and a variance for the front. Chair Willis points out that now they are moving the lot line. If lot lines change, they will have to comply with the ordinance as it is written today. Ms. Roderick states that this is too challenging to meet by Zoom and wants to know when public meetings will begin again. She goes on to say that she saw the application that Lisa St. Hilaire has, and it is the wrong application. It is the one with an April date on it. She agrees that this is a frustrating process, and she is trying to work with the Planning Board, but they don't even have the right application. Chair Willis states that her application has a date of 9/23/2020. Jo Roderick states that the one that Lisa St. Hilaire showed earlier is one that they had submitted earlier in the year. Chair Willis states that she has a large folder with applications and information on this project and that it is confusing. Lisa St. Hilaire speaks up that the application in front of her is dated 9/23/2020. Ms. Roderick states she just wants to be sure that everyone has the same information and Mr. Pinette states that Planning Board members have mixed together information. He states that the city gave the wrong application at the beginning of this process, and then they changed their mind and said a subdivision plan application needed to be done. There is a lot of information and different applications, which is why they have a folder that is 6" thick. Ms. Roderick adds that they want to give the Planning Board what they need. They want to work to get

area B done so there is a total of twenty-four (24) pads. Mr. Pinette tells the Planning Board that they were not told to leave area A off the map. Chair Willis states that she was part of a conversation where they were told to leave the area off the map. She states that it is a subdivision plan, not a plot plan and that the Planning Board signs it and it gets registered at the Registry of Deeds. So, what they need from the applicants is something that shows what is being done. That does not include the area of the consent agreement. The Planning Board needs to know what they want to do to amend the original subdivision and what they want to do with the expansion. She tells the applicant that they need accurate information. The maps are too inconsistent. There is no way of telling what is going on. When coming before the Planning Board for final they need to have concrete info. She can't figure out this application, and it's not the Planning Board's job to figure it out as it is up to the applicants to submit an accurate plan.

Mark Eyerman speaks up that it is his understanding of the plan that part of the mobile home park that was sold by the city to the current owners included part of the area that is being referred to as area A, and that is subject to the consent resolution. The units that are labeled on the January 2020 plan; #11, 13, 10, 8, 6, and a newer lot #4, are all part of preexisting park. Ms. Roderick states the only thing they had to do to #4 was to add a concrete pad. It had everything on it. Roland Pinette states that they are existing lots and were sold as part of the park. Mark Eyerman now refers to lot #'s 5, 7, and 9. These new units are new lots, which were not part of the mobile home park when it was acquired from the city. Those lots were not part of the twenty-four (24) units. Mark Eyerman counts six (6) units that were part of the original twenty-four (24). The applicants were asked if they agreed on that to which they responded yes. That leaves eighteen (18) units. Mark Eyerman will start at lot #12 and he will count units that are shown on this plan. Lots #12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32- crossing over the street- #29, 27, 25, 23, 21, 19, 17, and then lot #15, would make the count nineteen (19) lots. Nineteen (19) and six (6) equals twenty-five (25) lots depicted on the map. Lot #2 was not part of the original mobile home park. Mark Eyerman comes up with twenty-five (25) of the requested twenty-four (24) lots for the park, which means there is an additional lot. Mr. Pinette states that they are asking lot #17 to go through as an additional lot. It meets all the requirements. Mark Eyerman just wanted to clarify the numbers, what was purchased, what was licensed, what is new, and what is proposed.

Lots #25 and 27 are actually located in the originally planned hammerhead turnaround. When Chair Willis first looked at this plan, there was nothing proposed for this area and the map that they have today states that #25 and 27 are existing lots. Mr. Pinette states when they started updating, they found electric, water, and sewer lines running to those lots. Mark Eyerman states that "If we take area A off the plan, as was discussed at the site walk, this area would not be included in this subdivision plan because it is exempt from subdivision review. If you look at the rest of the map, it gives a reasonable example of what this application is. It shows lot lines of the 1987 plan and shows in some cases changes

to those lot lines from the 1987 plan, primarily narrowing the road ROW down and changing internal lot lines, merging two lots into one. It changes the lot lines on the hammerhead turnaround, making it one large lot.”

Chair Willis states that now that Mark Eyerman has explained this, she wants to be sure and asks if thick dark lines are property lines. The thinner black lines are not on the legend, which led her to ask for clarification on this. The thinner black lines are lot lines within the park. Chair Willis puts City Solicitor Jon Pottle on notice and asks if you are moving lots lines that were approved in a subdivision plan in 1987, are you now amending a subdivision plan. Also, did this mean that the application is now subject to the Land Use Ordinance, which means you have to follow current ordinance. City Solicitor Jon Pottle states that the modification of any approved lot lines is subject to Planning Board approval by the current standards. He asks why there was a shift to have larger, multi-pad lots, as opposed to individual lots. There is a minimum lot size for these developments, which he can't tell if that requirement is being met on this plan. The applicants were asked why each lot site wouldn't be on its own separate lot, as previously identified in the application. Mr. Pinette states that they were attempting to meet the requirements with each lot. They wanted to make section B to be conforming as possible to meet the requirements of the Planning Board. They were trying to get lots as close to 5000sf as they could, and that is why some of the lots are adjusted. City Solicitor Jon Pottle states that on the 1987 Plan, the pad sites #12, 14, 16, and 18, it appears those mobiles were split up between three (3) lots. It now looks like it is being proposed to be one (1) lot. Mr. Pinette states that all they were trying to do was get the lots as conforming as possible. From the old 1987 plan, Roland Pinette knew if they moved the lines a little, they could get the square footage right. Roland Pinette states that he thought it would help their situation. City Solicitor Jon Pottle states that he can't tell where the 5000sq is even being met. Perhaps that is the case, he just does not see it. It was simpler when each pad site had their own lot. Chair Willis states that the lots met the requirements before, and that the lots had more land before than they do on this map. City Solicitor Jon Pottle wants to know how a resident will be able to tell where their 5000 sf is, where the lines of the property are, and where does it define the area that each resident can specifically occupy that is associated with the pad-site.

Lisa St. Hilaire asks if the original purchase information from the city is part of the application. Did the original purchase from the city include the area that is labeled on these maps as pad #34 and that which would be within that tax parcel? Mr. Pinette answers yes. Lisa St. Hilaire states that then makes it not nineteen (19) pads, but twenty (20) which makes twenty-six (26), when they keep stating twenty-four (24). Roland Pinette states that lot #34 is one of the lots that they want to include in the expansion. It meets the setbacks. Lisa St. Hilaire asks if this lot, #34 is still part of the original twenty-four (24). Chair Willis says that from the look of the lines, yes. This lot is inside of the 'broken lines' which is

listed at the original part of the park. It is not on the new property. This lot would likely fit into area B. Chair Willis tells the applicant that the planning board has been clear, and if the applicants want to move these lots around, they will meet the ordinance as it is written today.

Chair Willis moves on to the new property. Lot #41 does not appear to meet setbacks. Lot #40 appears to have a driveway that seems to be in the 50' buffer. Pam Mitchel states that some of the driveways did not get drawn all the way to the road. A lengthy discussion about where lots are, or should be, on the map ensued.

The applicants are stating their surveyor has made mistakes. The applicants ask if it would be possible for Mark Eyerman to work with their surveyor to work this out and get the information for the application correct. Mark Eyerman asks Economic Development Director Tracey Desjardins if this could happen. She states that the city will not pay for Mark Eyerman to work with their surveyor and the applicants would have to work out a contract with him. Chair Willis tells the applicant that they need to have a map which is clearly labeled. If it's on the map, then it needs to reflect what currently exists and what you propose. Jo Roderick has stated that she would like all the info separated out, with perhaps two (2) or three (3) different maps, so that is easier to read. Having it all on one map is confusing and hard to read. Mark Eyerman states that this would be beneficial. Jo Roderick offers that a map showing just topography would be good, and then one with the current mobiles and lot lines. Jo Roderick says she feels it would be best to have Mark Eyerman work with their surveyor. They will take out area A and have the maps just address areas B and C.

Lisa St. Hilaire states that it would be good to know what area of the land is included in the original purchase. Mark Eyerman states that there are policy questions that need to be answered. The Planning Board has not talked at much length about the question of whether the road extension should serve as a connector to Williams Lane. There is language in the road standards about not connecting new subdivision roads to existing residential streets. The second area that needs to be addressed is if there is a need for a turnaround at the end of Williams Lane. It needs to be decided if there need to be provisions for a turnaround or a hammerhead. The answer to this is contingent on the answer to the first question. If the roads are connected, it is less important for the turnaround. However, if the proposal is not to connect them, then there needs to be a turnaround. The hammerhead is noted on a plan as having mobile homes in that area. The ordinance discourages the joining of these roads, but the old subdivision was designed to connect the roads, however that was never constructed. Chair Willis states that there are two (2) trailers sitting in this turnaround area now. Ms. Roderick states that if they are talking about a hammerhead turnaround at the end of Williams Lane, why not just open unto Griffin Street. That is something they have been talking about which would take care of the need for the hammerhead. If Williams Lane was extended through, and if there was a controlled connection (there has been a

suggestion by abutters to have a gate at the bottom of Williams Lane), this would provide two (2) entrances to the park and eliminate issues with public safety services. Mark Eyerman states that Griffin Street is a residential street, but a well-traveled street because it is known as a cut through, i.e. shortcut between Routes 201 and 126. Roland Pinette states that there was a traffic report that states that if they opened up Iron Mine to Williams Lane, there would be no significant increase in traffic. Pam Mitchel asks if Griffin Street can accept that extra traffic as well. Mark Eyerman points out that the traffic report done by Sewall stated that the extra traffic would be fine. The report also addressed the need to ensure that there was adequate sight distance at the intersection of Williams Lane and Old Brunswick Road. He feels that the traffic study does not really address all areas of the park and that the study might not be accurate to what they want to do. Chair Willis also points out that the traffic study states that there were twenty-four (24) existing units, which they were assessing traffic for. There were not twenty-four (24) existing units in the park at the time of the study. Mark Eyerman agrees that having two access points is a benefit, especially for emergency services. But, on the other hand, if they open an exit to Griffin Street, they could have a problem with cut through traffic, which needs to be avoided. Mark Eyerman states that if it is an option to exit out onto Griffin Street/Commonwealth, it might be worth looking at for a variety of reasons. Roland Pinette states that sounds ok, but their original plan was to avoid opening up Griffin St, and joining Iron Mine and Williams Lane. Jo Roderick states that it has been their intention all along to join the roads, but should they open an entrance onto Griffin. That way both Williams Lane and Iron Mine would have two entrances/exits. Mark Eyerman states that there have been statements made in emails, expressing concern about what will happen with Williams Lane if the road opens. The Vasoll's sent an email and are present for this meeting. Chair Willis tells the attendants of the meeting that they will get a chance to speak. Kris McNeill, CEO, would like to add that there is an ordinance stating that a subdivision road should not be connected to a residential road. There is also one that states that when two (2) developments are side by side and owned by the same property owner, they must be connected. Pam Mitchel referred to 11.1.5.2 The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential roads. She is questioning how this would work.

City Solicitor Jon Pottle states there is a degree of interpretation with this provision. The Planning Board is going to have to deploy this provision and use facts to make a decision about the application. The ordinances are aimed to prohibit or steer away from a lot of vehicular access points for various reasons. He feels that Kris McNeill, CEO, is right with his interpretation of the ordinance that encourages interconnection. He would encourage the Board to look at the total picture and how both ordinances read and work together. Kris McNeill, CEO, found the ordinance that he was referring to. 11.1.3.6 states the applicant shall plan or install interconnections with adjoining properties wherever links will serve to reduce demand for vehicular movement on the road. The Code Enforcement Officer

or the Planning Board may require an interconnection. Pam Mitchel points out that the provision does not read that both properties need to be owned by the same individual. Kris McNeill, CEO, states that it does not but otherwise, a person would not have to exit the park, just to get to the rest of it. Chair Willis states that the question for the Planning Board is should the two roads be used separately, or joined together.

Chair Willis asks if there are any members of the public that would like to speak and she opens the meeting to public comment. Chair Willis sees that Sabrina Vasoll is here, and she has an email from her that refers to the road and the buffer. Sabrina Vasoll is present with her husband Jaime, and mother-in-law, who is also an abutter, Billie Lee Vasoll. They are concerned that Williams Lane is not very wide, and certainly not wide enough for two vehicles. There is no place for foot traffic at all and it's old and not maintained well. They have been maintaining it over the years and they are worried that connecting the roads will cause more issues than it would solve. Mark Eyerman has stated that the ordinance says a private ROW of minor roads need to be at least 18'. Mark Eyerman states that from the first portion just off of Old Brunswick Road, based on the survey, is that the road looks to be 17' or 18' wide. Once the road gets past Mrs. Vasoll's lot, on the surveyors plan the road narrows significantly. On the survey, after Sabrina and Jamie Vasoll's lot, it narrows down to approximately 12'. Sabrina Vasoll tells the Planning Board that she thinks the road at the top, is 18 ½', and at the bottom, it is about 11', which is essentially what the plan shows. If Williams Lane and Iron Mine were to be ~~connect~~connected, ing, upgrading the portion of the road that is not 18' would need to be considered as part of the Planning Board's approval. Chair Willis states that the Vasoll's are requesting an 8' stockade fence, where the properties border the park, as the buffer has been removed/clear-cut. Chair Willis states that she did not get a chance to look at the ordinance in regards to this, but she has seen her request and they will look into it. Jamie Vasoll tells the Planning Board that in regards to connecting the road, he has pictures of a park resident speeding down the road. They go through the snowbank that he has plowed up at the end and into the park. This is what he is worried about. He has kids, dogs, and his neighbors have grandkids. He is just worried about their safety. Chair Willis asks if he has addressed this with Chief Toman. Jamie Vasoll states that he has mentioned it to Kris McNeill, CEO, but not the police. Chair Willis suggests that he call Chief Toman to find out if anything can be done about it because it is a private road. The Vasolls feel that the traffic report was not an accurate representation because traffic has increased significantly. There were just six (6) trailers for the past twenty (20) years (increased to several more now) and now the traffic has increased significantly. Jamie Vasoll asks that if possible, when connecting the two roads, a fire gate would be great to help control traffic. Chair Willis asks where a fire gate could be installed. Jamie Vasoll states that it would be right after the easement. The Fire Department would have the special key to unlock it.

Lisa St. Hilaire asks if the lot beside them was cleared of timber. Lisa St. Hilaire would like to know if the timber was sold. Jo Roderick states that the timber was not sold and that they obtained a permit from the Department of Agriculture. They contacted the Department of Environmental Protection and worked to take down these trees appropriately. Roland Pinette states that they did not take down trees in the buffer. Sabrina Vasoll held up an aerial picture that she feels shows differently. It depicts the lot a few years ago when it was full of trees. Chair Willis remarks that it does not look like there is a 50' buffer of trees there anymore. Jo Roderick states that there is. Chair Willis asks if there was anyone else who would like to speak. ~~Alliee~~ Allyce Pepin was here, but has since left the meeting. She did write in the Q+A which can be read into the record. Pam Mitchel points out that Mayor Hart also offered a statement in the Q+A: "I have received concerns from neighbors, there are only three (3) houses there now. Allowing the vehicles of forty (40) plus units to drive by their houses is an exponential increase in traffic. Also, ordinance discourages connecting to residential roads. The roads were connected without permission from the city. The city has since required a blockade to stop the vehicles from traveling through." Tracey Desjardins, Economic Development Director, asks Chair Willis to read Allyce Pepin's comments into the record. "We can hear, but have not been able to speak our interest on this issue. I have been involved since April and have yet to have a chance to speak. Are the lots that Mr. Eyerman describes also abutting Williams Lane?" This comment is three (3) hours old, and it is hard to tell what lots she is referring to. The Planning Board was not able to sort out what lots Ms. Pepin was referring to.

Lisa St. Hilaire states that she has questions about lot #39 which does not show on the most recent maps. Also lot #31, while the pad isn't showing there, there is an outline for it and a circled #31. She wants to know if there is a plan for this lot. Jo Roderick answers no, not at this time. She feels that the applications are mixed up. She states that we need to get a clear picture before moving forward. There is overlapping information and it is getting confusing. Chair Willis asks where lot #39 is. Lisa St. Hilaire states that #39 was originally drawn behind what is lot #36. Jo Roderick states that is old information that is not part of this application. Pam Mitchel asks for the information pertaining to the sale of the Williams Lane property. Jo Roderick states that they had emailed it the Planning and Development Assistant, but they clearly didn't get it. Chair Willis and Pam Mitchel agree that this information might have been received for a previous application and could be in the 'red-wells'. Lisa St. Hilaire has a question. In the list of abutters, she does not see St. Laurent listed as an abutter, and they immediately about the expansion. Jo Roderick stated that she was given the list of abutters from the city. Tracey Desjardins, Economic Development Director, clarifies how the abutter list is developed. Pam Mitchel finds this concerning because not everyone can get notified if the system is not correct. Tracey

Desjardins, Economic Development Director, says there needs to be an attempt to notify, but notifications do not always make it to the proper property owner.

Chair Willis asks if there is anything else for this evening. Closing comments from City Solicitor Jon Pottle; “The city uses the most current records that they have to notify, and if a person does not get the notice it does not invalidate the process. Just do the best that we can do, with the best available information.” Chair Willis tells the applicants that there is going to be a balancing of competing interests here as to how you want to develop this property and all she asks is that she gets a survey map that she can read and interpret. The legend is what actually reflects what is on the map, and helps a reader to understand so the Planning Board will know what the applicants are requesting. Sabrina Vasoll asks if they will be receiving notification for the next meeting or if it will be considered a continuation and they will need to keep watch for the next scheduled meeting. Chair Willis tells Sabrina Vasoll that the next meeting will be a continuation and there will be no notification sent.

7. Other Business- none at this time.

8. Adjourn- Chair Willis thanks everyone for their work tonight. Chair Willis asks for a motion to adjourn. Pam Mitchel would actually like to move that the Planning Board table this application until we get more information from the applicant. Lisa St. Hilaire seconds the motion. Chair Willis explains that when an application is tabled, the Planning Board does not talk about it. Roll call vote on the motion to table this application. Zachary Hanley- yes, Pam Mitchel- yes, Lisa St. Hilaire- yes, Justin Young- yes, Debby Willis- yes. All in favor. The motion carried.

Pam Mitchel makes a motion to adjourn. Zachary Hanley seconds the motion. Roll call vote. Zachary Hanley- yes, Pam Mitchel- yes, Lisa St. Hilaire- yes, Justin Young- yes, Debby Willis- yes. All in favor. Meeting adjourned at 10:57pm.

Respectfully Submitted,

Angelia Christopher

Planning Assistant