



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

Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MEETING MINUTES

Tuesday November 10 @ 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 6:10 and declared that there was a quorum.
- 2. Roll Call-** Chair Debby Willis, Adam Lemire, Lester Young, Zachary Hanley, Pamela Mitchel, Shawn Dolley. City staff present included- Christine Landes City Manager, Tracey Desjardins Economic Development Director, Kris McNeill- Code Enforcement Officer and Angelia Christopher- Planning Assistant. Others present included: Mayor Pat Hart, Jon Pottle, Mark Eyerman- Planner, Allyce Pepin, Jo Roderick, Roland Pinette, Ronald Shea, Sabrina Vasoll, ACS- Iron Mine attorney
- 3. Review of the September 22, 2020 meeting minutes-** Pam Mitchel states that she had just a couple. 6.5.1.4 There is a random *r* and instead of and on page 3. Also on Page 4 Pam Mitchel stated there should be some rewording in a sentence and a period should be replaced with a comma. Chair Willis asks for a motion to accept the minutes from 9/22/2020. Pam Mitchel makes a motion to accept the minutes with the 2 small changes. Zachary Hanley seconds the motion. Roll call vote Adam Lemire- yes, Lester Young- abstain was not present for the meeting, Pam Mitchel- yes, Shawn Dolley- yes, Zachary Hanley- abstain was not present for the meeting, Chair Willis- yes. Approved.

Deb seconds second page, change comma to and to read and open for review. Deb has second to last page, Chair Willis asks the applicant for proof that the City sold him a 24 mobile home park, Chair willis asks for motion, Pam makes the motion, with the changes suggested, And, title, and Chair willis statement, Adam seconds, roll call vote, all in favor.

4. Public Hearing- Subdivision Preliminary Plan Application: Gardiner Green-rehab of the original hospital building at 150-152 Dresden Ave. Map 032 Lot 23 and 23A into a total of 34 apartment units. This application

will not be heard at this meeting. The applicant did not file proper public notice. This application will be moved to the December Planning Board meeting. All Board members agree.

5. Public Hearing- Subdivision Preliminary Plan Application: Iron Mine LLC expansion of a state approved and licensed 24 pad mobile home park at Lot 027 Maps 014, 014A and 015B to a 42 pad mobile home park. –

Chair Willis notes that the City of Gardiner has requested assistance from Mark Eyerman- Planner and Jon Pottle- City Solicitor with working on this plan. They have gone through the history of the Mobile Home Park, in order to help sort through this application more effectively.

Mr. Pottle and Mr. Eyerman have proposed that in order to deal with this application, it would be best to split the park into three different sections. Areas A, B, and C. They have presented a map, of the project, that shows their depiction of the areas, with dashed lines drawn in black. The reasoning for this, is after they have reviewed the history, and met with staff, they feel that there are areas in the Park that need to be considered, separately, hence the three different sections. This park is rich in history, and has many facets, some which are undocumented. They have found that in 1987, the Gardiner Planning Board approved an area that is essentially section B. That plan was approved by the Planning Board and was recorded in the registry. This plan appears to be the only official approval that the city has given to the project. The area that is labeled A, was used for mobile home lots, (it appears that there were 9 originally) and this was developed in the late 80's- early 90's. There is no documentation of this area, no plan on file at the Kennebec Registry of Deeds. They are recommending that this area of the park be deleted from consideration of the subdivision by the Planning Board. The reason is under subdivision law, subdivisions that do not conform to subdivision requirements, but that have been in existence for more than **20** years are therefore not subject to the subdivision laws. This leaves this area of the park open for review and possible approval from City Council. Presumably the city should work with the land owner to come up with a plan that would enable this to be recorded, and act as a record. The owner of Iron Mine has agreed to working on a plan that would designate lots, so they start the process to work with City Council for review/approval of this section of the park. That plan, upon approval, will eventually be filed at the Registry of Deeds as Existing Conditions and used as a basis for all work to be done in that section of the park.

There are no lot lines that have been legally established in this area. There are existing trailer sites that have been there for over 20+ years. Mark's understanding from the application, is there is no proposed new work to be done here. This is the area that has been identified as area A. The only new work that is being proposed here is the establishment of lot lines. The question has been broached, that who would approve such a change. Where is it more than 20 years old, and not applicable to Maine Subdivision law, this should be reviewed and

approved by City Council. This section should not be review by Planning Board, as it is likely that it would not conform to the Land Use Ordinance anyway. It would be best handled by City Council.

Area B – Planning board has the task to try to approve an amendment to the original 1987 Subdivision plan.

The first question is how the board wants to review the project. The reason the 13 lot original area is subject to change is they are making changes. They have laid several new pads on the map in this area. Area B and area C are subjects for Planning Board to review. Jon Pottle speaks to the history and complexity of the parcel of land that is known as Iron Mine Park. He had been asked to review this with Mark Eyerman to make sure that all aspects of this project were covered from a legal standpoint. The owners of Iron Mine are seeking to change what is there, and to expand the park. They are proposing to add some lots with mobile homes and also seeking to modify some of the existing lot lines from the original 13-lot subdivision. Pam Mitchel asks if procedurally, they need an application for B and C together, or separately. Jon states that an application for the two together will be fine. It is clear that they are modifying the existing park, (Area B and expanding it with Area C).

Chair Willis states that after looking at the new map, that shows the three different areas, she feels that there are trailers, which are in dual areas. Chair Willis states that in March when Planning board first started reviewing the Iron Mine application, there were 9 trailers in the park. She reports that after her recent drive through, there are now over 20 trailers. She also feels that some of these are in both areas B and C at once after looking at the map that depicts the 3 different sections. Jon Pottle points out that if you look at the map, he drew a different line, from what Mark Eyerman had originally drawn that shows where the lot line is supposed to be according to historical records. Mark Eyerman agrees that the line that Jon Pottle drew in is the correct line. Pam Mitchel feels that she is going to need a site visit, to see what is really going on to effectively review this application. Chair Willis agrees. She states that she has this large application with a lot of information, yet doesn't have enough information. The first item that the board is supposed to receive for a Subdivision plan is a site inventory from the Code Enforcement Officer. The Board does not have Site Inventory and analysis. After the site inventory, then they work on the Preliminary Subdivision Plan. The planning board may hold an on-site inspection of the premises per the LUO. Lester Young agrees with Pam Mitchel that a site visit is necessary. All other board members agree that there needs to be a site visit. Chair Willis asks Jon Pottle, about variances, and when they can violate state law. After reviewing the application, Chair Willis feels that there are instances where the applicant is violating setbacks, road frontage, buffers and possibly lot size too. How would the applicant get a variance for lots that violate state law, not just our ordinances? Jon Pottle states that he is not sure a variance would be in order in this case. There are some old variances that were granted, for specific trailer sites, in the old 13 lot subdivision. Any applicant can request a variance for dimensional standards. This is not a request that Planning Board would hear, and such an application would have to go through Board of appeals.

Chair Willis points out that in the Land Use Ordinance- Special Activity Performance Standards-10.17.2. This section is geared towards manufactured housing parks. These are the standards that Planning Board will be

using to review the Iron Mine application for standards for buffers and setbacks. In the area where the existing park is, the 13 lot one is, there are some sites, which could be grandfathered. Chair Willis has a variance from 1987, with several lots listed on it. She wants to know if they have to be concerned about the restrictions on the variances. Mark Eyerman tried to match variances to lots, but the map/lot numbers do not match all the information on the variances. There are parts of Area B that will be nonconforming. In the record from at least 1990, there is a license for 24 sites, that sort of matches up with area a and b. it is in the interest of the owner and the city, laying out 9 lots in Area A that owner and City council agree to, and laying out 15 lots in Area B that planning board and owners can agree to. This will allow everyone to move forward and the owners of Iron Mine can proceed with their plans for the park. The new trailer sites and the modification of the lot lines in the 13 lot subdivision, that should be the focus point of the planning board to see if they meet the standards. Jon also states that if there is a historical variance violation, let city council and Codes deal with it.

Mark states that in area C, all of the lots meet minimum lot size, but there are a number that where the two pieces of property meet, it is questionable that they can meet the buffer requirement. If it is in the City's position that this park meet the 50' landscape buffer requirement, there is a risk that most of the area known as area C, will not be able to be approved due to landscape buffering. There is one lot that shows a 25' buffer. The 50' Buffer rule was discussed at the June meeting, and it was apparent that this was to be an expectation when this application came back to Planning board that it would meet those requirements. If the planning board takes the position that the new lots, have to meet the 50' buffer requirement, then the applicant should be aware of that expectation before moving forward. This would not be an easy requirement to meet given the layout of the lots.

Jon Pottle, explains the map a little more clearly. Area A, the only thing that is being proposed, is identify and establish lot lines. This will be dealt with City Council and the owners. Area B and C will be an amendment to a previously approved subdivision and an expansion of the park. When this whole process is done, the plan will be recorded as one parcel, at the Registry of Deeds. Chair Willis asks the question if there will be enough land, to review it as a mobile home park, if they 'take out a section'. After closer inspections, there appears to be enough land to review this as a mobile home park at just about 8 acres of land. Adam Lemire asks if the board will be reviewing the road(s) that are used to access this park, and does a road have to be reviewed if it is considered a private road. The answer is where Williams Lane is being added to this Mobile home Park, as an amendment to the original subdivision, yes, it will need to be reviewed.

Chair Willis asks if the applicant wants to speak to the board before they start reviewing the plan. Jo Roderick and Roland Pinette are here with their attorney, Alton Stevens. Roland states that ABC aspect of this is confusing and somewhat inaccurate. Area A, includes property that they have just purchased, being the apartment building and mobile home site directly beside it. This property was purchased completely separately from the park, after the fact, along with Williams lane property. The map shows Area A as being depicted that the Apartment lot, was part of the area all along when they purchased the park from the City. So this makes

Area A, inaccurate. Roland Pinette states that that property should not be included in the original park information. Jo Roderick points out to the board that when they purchased the park, they had to do updates, on everything and she is very well aware that some of the lots don't have enough frontage. But this is the way they purchased this park and they are trying to do the best they can by improving what is existing. Jo Roderick states that they filled out a site plan in May and were told that was the wrong plan, and now they have done a preliminary subdivision application, which they are now being told is not what is needed. Ms. Roderick wants to know what they should do. Chair Willis asks the owners of Iron Mine for proof that the City sold them a 24 unit mobile home park. Roland Pinette states that the City sold him a 24 lot mobile home park, and there are lots in this plan, that are not even part of the original purchase. Roland Pinette states that there were 20 lots that were identified, and there are 4 lots missing on the plan. He tells the board that they have been trying to update the 20 lots that were there, and carve out the missing 4 lots. He feels that the City owes them the four lots that they don't have, to make up to a 24 lot mobile home park that they purchased in December of 2018. When the City owned this lot, the city had 24 unit mobile home license, and transferred it to Roland Pinette when he purchased the park. There seems to be confusion on how many lots were approved for this park. Kris McNeill points out that when Roland and Jo purchased the park, the State license for 24 homes was transferred to them. This license is tagged to the park, it does not give an automatic approval for 24 lots. Hopefully, this can be worked out on the Site walk.

Alton Stevens, attorney for the owners of Iron Mine, state that they would like to pursue going through the board of appeals for a variance for the lots that nonconforming. The owners also want to be present for the site walk. Chair Willis explains that the board would prefer that they were present. All in attendance agree that a Site walk is necessary. Abutters will be notified as well so they can join and Public notice will be provided. The date this Site Walk is proposed for, December 1, 2020, owners of Iron Mine will be out of town, but all agree that this needs to happen sooner than later due to possible snow cover. Jo Roderick offers up that they could have their General contractor Daniel Follansbee attend in their absence and they could participate via FaceTime. This option works, and all agreed on a date of December 1st at 2pm for a site walk.

Chair Willis proceeds with the meeting and asks all board members if they can hear this application in an unbiased manner. All answer yes. The board knows the applicant has standing. There are no waivers on this application to address. Chair Willis states that there will be a lot of material addressed at the site walk, but there are members of the public that are here to offer comment tonight.

Chair Willis opens the hearing at 8:06pm.

Sabrina Vasoll introduces herself and her husband James. Mrs. Vasoll has forwarded an email to the board, and has submitted some questions in the Zoom chat for this meeting. In the chat- 'The board of appeals exhibit 4, states when trailers are removed the variance is no longer valid for new trailers moved in, correct?' 'So newly moved in trailers need to meet the requirements and do not fall under the variance.' 'When the applicant purchased the park there were only five existing trailers. We (the Vasoll's) have drone photos from 2/2020

showing what was there at that time.’ ‘Also we (the Vasoll’s) bid on the park and recall it was sold as a 14 lot park.’ Mr. Vasoll asks if they will be able to ask questions after the Site walk. Chair Willis answers yes. No further questions/comments.

Chair Willis points out the site walk is just like a planning board meeting. There can’t be any side conversations, everything will be recorded for the record.

There is no one else here to speak.

Chair Willis closed the public hearing at 8 15 pm

Chair Willis reminds the Board of the fact that there can be no discussion between Planning Board members or anyone else, while waiting for the Site walk on the 1st of December. We will meet on 12/1 and there can be questions. There should be no discussions about this project until then.

Mark states to the applicant that it would be helpful to staff, as the review process continues to review the material that was submitted as part of the application and essentially clarify what their intentions are. Two areas stand out: One is the area that is adjacent to the 3 unit apartment building. Should it be considered as part of the park, and part of the state license? He brings this up, because it is shown on the map as part of the park, and was submitted in the application that way. The 2nd item that should be clarified is the lot that shows as lot 39 on the west side. That unit shows on some plans and not at all on other plans. It would be helpful to clarify the intentions of this lot. Mark also asks for some clarification on the five dark shaded mobiles, in what is designated as area b on the map. He asks if they are the existing mobile sites that don’t have a home on them, or are they undeveloped lots that are being created? It would be helpful to clarify these areas, so when the board is reviewing the application, the inconsistencies are cleared up.

All agree that there are still many questions, which the Site Walk will hopefully answer. There is currently a stop work order in effect. Roland Pinette asks if they can address this order now, to discuss 2 lot slabs that need to be poured before winter. Roland and Jo are asking for permission to pour these slabs, before it gets too cold, despite the stop work order. Jon Pottle states that this is not a Planning Board issue, this is a code and City Council issue. That decision cannot come from Planning Board, it would need to come from City council.

6. Adjourn: Chair Willis asks for a motion to adjourn-

Pam Mitchel makes a motion to adjourn. Adam Lemire seconds the motion. Roll call vote Adam Lemire- yes, Lester Young- yes, Pam Mitchel- yes, Shawn Dolley- yes, Zachary Hanley- yes, and Chair Willis- yes.

Approved. All in favor. Adjourn at 9:30 pm