

Memorandum

To: Gardiner Planning Board
From: Michael L. Lane, Attorney for Hathaway Holdings, LLC
Date: 12 July 2021
RE: Gardiner Green

We seek: (1) final subdivision approval for 56 residential units on the 5.43-acre former Maine General campus; and (2) final site plan approval of the first phase (of 3), being 34 units in Building Six.

Again, Lisa St. Hilaire and the other not-in-my-backyard opponents continue to disregard the facts, the plain language of both ordinances at issue, and Maine law in their attempt to conjure a cloud of obfuscation in the hopes that something sticks. Let there be no doubt, the opponents will never be satisfied. Below I address some of the opponents' more egregious lies.

Phased Project

At this time we are seeking final site plan approval of the first phase (of 3), being 34 units in Building Six. These 34 units will be comprised of: 6 studio apartments; 18 one-bedroom apartments; and 10 two-bedroom apartments. At the last meeting, the Planning Board requested 2 additional submittals: (1) the architectural plans and renderings for Phase 1, and (2) a letter of financial capacity. These were the **ONLY** outstanding items left to submit, as was confirmed in a letter from the code enforcement officer (CEO) dated 5-24-21.

Future phases would NOT rely merely on the CEO's review and approval, but would instead be subject to the full and fair review by the Planning Board as to overall design, not to be unreasonably withheld or reduced in scope. The architectural plans for the first phase requested at the last meeting have cost more than \$50,000.00. As such, it is reasonable to ask that we not have to submit full drawings for every phase until we are ready to build. Again, the design for all subsequent phases would have to be approved by the Planning Board, not the CEO. Lisa St. Hilaire's assertion to the contrary is a fabrication meant to confuse.

Density

The proposed density of 56 units on 5.43 acres is NOT high. It's the equivalent of one very modest sized apartment building. We would like to remind the board that the previous use as a medical facility, a little over a year ago, saw traffic trips of 1,500 vehicles per day or more. Just one building, the Gardner Family Medicine building, alone had five doctors seeing three patients an hour over the course of a day. With staff, that accounts for nearly 500 vehicle trips in just an eight-hour workday **from that one building**. That, plus the AIDS clinic, the x-ray department, the print shop (with tractor trailers and other delivery trucks coming and going) and a staff of 55 visiting

nurses in the main building #6, who were in and out all day, equates to an impact that is FAR greater than what we are proposing.

Stormwater

The project will reduce the impervious surface on the 5.43 acres by almost 20% (11% reduction in Phase 1, and 13% and 18% reduction as each successive phase.) With the proposed reduction in impervious surface, our engineer, licensed under Maine law and well-known to this Planning Board, has stated that we don't need ANY stormwater improvements given that significant reduction in impervious surface. Despite this, we are still proposing to enhance the stormwater management systems. Ms. St. Hilaire has waxed about a "stream" on the property. There is no stream and there never was one. That has been documented and is reflected in the record.

Financial Capacity

Much has been said about the developer's "stalled" projects. There are NO stalled projects. The Bethel site is under construction as we speak and Lisa St. Hilaire's assertion that Mr. Boghossian had anything to do with a property in Augusta that is stalled is another patently false statement. He has never had any involvement with the Kennebec Arsenal project or ANY other project in Augusta - the whole thing is just made up.

With respect to an IRS lien, there is no lien and Mr. Boghossian can produce a letter from the IRS withdrawing its previous claim. That it was brought up, and particularly in the manner that it was, is an unsubstantiated and shameful character assassination of the worst kind.

The letter from Skowhegan Savings Bank meets the requirement under the ordinance. The bank has seen Mr. Boghossian's financial statements and is prepared to do final underwriting once the project is approved by the Gardiner Planning Board. With substantial assets, excellent liquidity and zero debt, Mr. Boghossian is in an excellent financial position to secure the additional funds needed to complete this project.

Changes to the Property Lines

There is no "flag lot." There have been changes to the property originally under purchase consideration in order to improve access (mostly to the GFM building from the south and east; the previous property line was just *too close*) and also to add space for open space. At the time the original purchase and sale was signed, MaineGeneral did not know how much property they would be able to convey because it was considering proposals to expand the Alzheimer's parking lot. That parking lot expansion has now been completed and resulted in freeing up property to the north of the Alzheimer's center and to the east of the GFM building.

Density Bonus

The density bonus is a completely legal and reasonable way for the city to get more affordable housing stock. In this case it is being used to add 7 affordable units and garner a density bonus of 9 units (only 2 of the 9 would be market rate units, 7 of the 9 would be affordable) allowing the total permitted number of units to move from 47 units to 56 units. We have proposed a time period of 25 years that the 7 affordable units would be governed by the affordable stipulation and rules. There is a strong school of thought that an indefinite time period is unenforceable. Also, 25 years is the maximum that any community in Maine other than Portland sets for their affordable chronological set aside. In the case of Portland, the maximum is 30 years. Despite this, 20 years is still the more typical timeframe in Portland.

Character of the Neighborhood

This project involves the redevelopment of an existing, developed site, and one which was substantially more busy – in terms of people, vehicles, noise and lights, among other factors – than what is proposed. This 5.43 acres is mostly asphalt and mostly built on, with, notably, brutal looking Soviet-like buildings. The Cold War may be over, but these concrete edifices remain and are part of the character of the neighborhood. Buffering the site and enhancing the façade of the buildings – as this project proposes to do – is a huge improvement. The NIMBY opponents' assertions to the contrary are laughable. A hospital housed in a Stalinist structure is less in keeping with a predominantly residential neighborhood than residential apartments located in a softened concrete, glass, and wood building.

Lighting

We will be reusing the existing lighting but, at the request of the neighborhood, we will be adding shielding (i.e. full cutoff) to minimize upward light diffusion. There is no need to submit a full lighting plan given that what is there currently will be lessened.