

Appellants' Initial Statement of Position on their Appeal of the Planning Board's Decision of August 9, 2023 to grant Subdivision and Site Plan Approval for the Gardiner Green Project at 150 Dresden Avenue

October 24, 2023

Introduction:

Appellants are neighbors and abutters of the property at 150 Dresden Avenue, which Hathaway Holdings LLC and its sole member, Paul Boghossian (hereafter "the Applicant"), sought approval from the Planning Board to develop into 34 dwelling units for rent in the former MaineGeneral hospital building. This project is in a High Density Residential District as defined in the city's land use ordinances, which allow 34 units of housing to be developed on a parcel of this size, subject to reservation of a minimum amount of open space "consisting of a yard, garden or playground area," as discussed below.

Dresden Avenue is a quiet residential street that is very walkable and friendly. It includes many beautiful old homes with some of Gardiner's best architectural features. Many people drive to this neighborhood on Halloween to take their kids trick or treating precisely because it is so safe, walkable, and friendly. The abandoned hospital on the Applicant's property never fit into the character of the neighborhood, but it did meet certain community needs when it functioned as a hospital. This property includes several buildings, which have been abandoned and are deteriorating but are not within the scope of the final application presented to the Planning Board. There is already one serious blight in the neighborhood – the former Merrill Memorial Manor nursing home adjacent to the Applicant's property – which is boarded up and has been visibly deteriorating for many years. We do not want to see the hospital property fall into that same condition.

Appellants are not opposed to residential development at this site, and we certainly are not opposed to affordable housing in the city. Both are needed. We have followed this project since the Applicant first presented a "Gardiner Green" proposal to the city in the spring of 2020. We have attended 19 meetings and hearings of the Planning Board since then and have testified and submitted written information and comments at several points in the process. Every submission by the Applicant has contained multiple errors and inconsistencies that neighbors caught and commented on in public meetings. We researched the Applicant's prior projects and submitted evidence to the Planning Board of his failure to develop a beautiful historic property in Bethel, Maine, instead allowing it to deteriorate over a 12-year period following receipt of local planning board approval.

Our grounds for appealing the August 9th decision are that we believe the Planning Board's findings and conclusions with respect to technical and financial capacity and open space are contrary to the applicable provisions of the city's Land Use Ordinances and should be reversed, pursuant to LUO § 2.4.5.2.3. Below is an outline of our initial position on these points.

1. The Planning Board's finding that the Applicant demonstrated technical and financial capacity under LUO §§ 6.5.1.14 and 14.4.10 is contrary to the ordinances.

a) Standards in the Land Use Ordinances

Site plan approval under LUO § 6.5.1.14 requires a finding that: "The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance."

Subdivision approval under LUO § 14.4.10 requires a finding that: "The subdivider has adequate financial and technical capacity to meet all the review criteria, standards and requirements contained in this ordinance."

The submission requirements for a final subdivision plan, in LUO §§14.5.8.4.4.3.4, require that "the final subdivision plan and supporting documentation shall include at least the following information (*see* LUO § 14.5.8.4.4.3.4.18 (emphasis added)):

A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots and evidence that the applicant has financial commitments or resources to cover these costs. This may be in the form of verified financial statements, letters from institutions that will provide financing for the project or similar written documentation.

The subdivision performance standards also require that evidence of financial capacity "shall consist of," among other things "a letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant." LUO §14.6.7.1.3

b) Evidence of financial capacity presented by this Applicant demonstrably failed to meet the standards in the ordinance.

As evidence of financial capacity, the Applicant submitted a letter from John Butera, Vice President and Commercial Loan Officer for Skowhegan Savings Bank, dated May 6, 2022, which stated (emphasis added):

Skowhegan Savings Bank continues to work with Paul Boghossian regarding financing for his project to develop the former MaineGeneral Hospital property on Dresden Avenue. He has provided us *preliminary information* on the plan for rehab of the original hospital building into 34 apartment units.

We remain interested in this project and look forward to receiving more detailed information. While the Bank is not able to guarantee finding [sic] before municipal approval, *we are very interested in exploring this opportunity* given a long relationship with Paul that spans nearly 20 years.

We are pleased to be involved with this important project and look forward to working with Paul.

This is a letter of interest, at best – it is not even a letter of intent – and thus does not meet the evidentiary requirements in the Land Use Ordinances quoted above. In it, the bank officer expresses a desire to “receiv[e] “more detailed information,” to continue “exploring this opportunity.” Mr. Butera does not say that the bank expects or intends to finance the project, subject to receipt of local approvals, nor does he express a belief that the Applicant will be able to secure the funds to cover the costs of the project as described in the application.

Since the Applicant has stated that he “intends to fund the Project’s development through bank financing, not cash on hand” (see Mark Bower memo of May 9, 2022), a letter from a bank or other financial institution establishing such capacity and a willingness to loan funds subject to his obtaining local approval should have been required prior to approval of this application.¹ Indeed, what the Planning Board had specifically requested a year earlier was “a letter from a bank stating that the applicant *has the capacity* to secure a loan to complete this project.” (See minutes of May 11, 2021 meeting, at p. 4 (emphasis added)). The letter from Mr. Butera, written a year later, does not say this.

Moreover, at the time Mr. Butera wrote his letter of interest on May 6, 2022, the application pending before the Planning Board (dated April 12, 2022) stated a project cost estimate of \$3.65 million. Two and a half months after obtaining the bank’s letter, the Applicant submitted a new application (dated July 20, 2022), that was ultimately accepted by the Board as complete on August 25, 2022. In it, he increased the cost estimate to \$5.18 million – reflecting a **42%** increase of more than \$45,000 per dwelling unit.² The Applicant also changed the configuration of apartments after obtaining the bank’s letter. Whereas in April, the Applicant was proposing to develop 2 studio rentals, 20 one-bedroom units, and 11 two-bedroom units, by July, he had changed his plans to include 5 more studio rentals and 5 fewer one-bedroom units. We do not know if the bank was made aware of this impending change prior to May 6th, or if this was part of the

¹ The only other evidence of financial capacity proffered by the Applicant in his completed application is a letter of reference from a financial consultant, Jim Delamater, dated January 8, 2021 (when he was discussing a much larger project than the one presented in the July 20, 2022 application), stating:

My company has assisted Paul in his efforts to secure financing for projects similar to the one he is proposing in Gardiner and, as a result, I can attest to his professionalism and overall ability to perform relative to overall goals and objectives. It is my opinion that, when the time is ready for Paul to submit a formal application for financing, there will be any number of banks anxious to be of assistance.”

This letter is essentially a character reference, which fails to meet the evidentiary requirements of LUO §14.5.8.4.4.3.4.18 or §14.6.7.1.3.

² Copies of the first pages of both applications showing these cost estimates, along with the May 6, 2022, letter from Mr. Butera, are included here as Attachment #1.

“more detailed information” that the bank was looking forward to receiving, but the size and type of rental units to be developed directly affects the market rent per unit and is thus extremely relevant to assessing the financial feasibility of this entire project. It is unclear what information was provided to the bank about the project – in terms of anticipated construction costs, rental rates, operating costs, marketability, etc. – prior to issuance of bank’s letter on May 6, 2022. This further weakens the bank’s letter as the basis for a finding of financial capacity.³

In presentations to the Planning Board dating back to 2020, the Applicant had stated that his project would only be financially viable if he got approval for 68 units – including the redevelopment of other buildings on the property and construction of new free-standing condominium units. (See 8/25/22 video at 1:05). Although he later reduced this number to 56, he reiterated at the August 25, 2022 meeting that this remains his “overarching plan.” (See 8/25/22 video at 1:10:40-1:12:27). If the financial feasibility of the current project to develop 34 apartments in the hospital building is in any way contingent upon the Applicant obtaining approval of some future application to add multiple dwelling units, then that alone would warrant reversing the Planning Board’s finding of financial capacity and its decision to approve this project.

In order to commit to financing a project, a qualified financial institution has to determine that the project is financially viable, even though a final loan commitment may be subject to the applicant’s receipt of local zoning approvals. It is not necessarily the Planning Board’s job to determine the financial feasibility of a subdivision project, but it is necessary for the Planning Board – before granting subdivision or site plan approval – to see evidence that a qualified financial institution has deemed the project financially feasible and is therefore prepared to loan funds to the Applicant once local approvals are granted. This is what the language of the land use ordinances contemplates, and yet the Planning Board granted conditional approval without seeing such evidence of financial capacity.

c) Placing all the weight of proving financial capacity on a condition is contrary to the language of the ordinance.

The Planning Board purported to resolve their doubts about financial capacity by imposing a condition requiring the Applicant to submit construction costs and proof of financing sufficient to complete the project before a building permit may be issued. See Decision of August 9, 2022, at pp. 7 & 13. The problem with this is two-fold: 1) the ordinance contemplates proof of financial capacity before approval is granted; and 2) conditional approval gives the Applicant another year or more in which to prove capacity,

³ At the public meeting on May 10, 2022, the Board had expressed a desire to see something more than this letter – something to convey confidence that the project would be financed. (See comments of Board member Mitchel at 3:36:48 – 3:37:02 asking for more than a “letter of interest” from the bank, and Board member Dolley at 3:37:09 – 3:37:43 discussing the need for something more to show confidence that a loan could be obtained for the project). However, nothing further was provided in the final application submitted on July 20, 2022, or at the meeting on August 25, 2022. See 8/25/22 meeting video at 2:32 to 3:18 for discussion of financial capacity.

thereby holding onto a project that may not be viable and precluding any other options for the property. Board member Dolley alluded to this very concern in his comments at the end of the May 10, 2022 meeting (*see* video at 3:38:59 – 3:39:30). Because this project involves reconstructing a building that has already been vacant for three years, further delay before the Applicant is required to prove that the project is financially viable is only going to contribute to deterioration of the building, which is of grave concern to the neighbors and should be to the City as well.

d) Evidence of the Applicant’s track record with a very similar project in Bethel Maine reinforces the need to apply financial and technical capacity criteria as written in the ordinance, and not to condition approval on the possibility that proof will be supplied at a later date.

Evidence of the Applicant’s failure to carry out a similar project in Bethel, Maine (in which he was also the sole owner of the developer LLC), over a period of 12 years after he obtained subdivision approval, emphasizes the need to apply the ordinance as worded and to insist on proof that this project is financially viable before any approval is granted. Appellants presented undisputed evidence that the Applicant received approval from the Town of Bethel Planning Board in 2009 to develop a project called Gehring Green, which involved the rehabilitation of a large historic house into six dwelling units plus development of surrounding land into condominiums. Over ten years later, in 2020 when Mr. Boghossian submitted his first application to our Planning Board, no construction work had begun on the Gehring house, and the Town of Bethel had received no recent communications from the developer. (*See* video of 5/11/21 meeting at 1:52). The Applicant has protested that he was doing work during this time, but the record reveals a changing, inconsistent story with no evident results.

On May 11, 2021, the Applicant told the Planning Board that “in the last two years I sought and obtained historic tax credit approval [and] as we speak, work is going on in that project. The façade and roof will be done this summer and the interiors will be done next winter.” (*See* video of 5/11/21 meeting at 2:04:58 – 2:05:28.) Two months later, the Applicant’s attorney claimed in a memo dated July 12, 2021, that “The Bethel site is under construction as we speak.” However, photos taken by Appellants a few weeks after that, on August 25, 2021, revealed no such progress, and the Town of Bethel’s code enforcement officer advised that no building permits had been obtained and no activity had been observed by the town. *See* Appellant’s hand-out with timeline regarding Gehring Green, presented to the Board on Oct. 12, 2021 (included here for reference as Attachment #2).

On May 10, 2022, the Applicant asserted yet again that he had a contractor lined up to put a new roof on the Gehring house, which he expected would be done that summer (*see* video of 5/10/22 meeting at 2:35:09-2:24:17). Two months later, on August 25, 2022, when asked by the Board Chair what he had actually done with the Gehring Green project, Boghossian told the Board that he had done “some interior demolition work” (unspecified) and “some site work” (specifically, taking down “a decrepit handicapped

access ramp”) the previous summer (i.e., in 2021) (*see* video at 2:47:18-2:48:45).⁴ In the fall of 2022, Boghossian sold the Gehring Green property to a new owner in its deteriorated condition.

We do not know whether the lack of progress and resulting deterioration of the property in Bethel was due to lack of financial or technical capacity, or both. But it is a cautionary tale that emphasizes the need to require proof up front and not in response to a condition that may or may not be met later on.

- e) **The Planning Board lacked sufficient evidence to support its finding that the Applicant has adequate technical capacity to “meet all the provisions of this Ordinance” or to carry out this project in accordance with “all the review criteria, standards and requirements contained in this ordinance” as required under LUO §§ 6.5.1.14 and 14.4.10.**

The Planning Board based its finding of technical capacity largely on the fact that the Applicant had engaged a licensed engineer (Jim Coffin of E.S. Coffin Engineering & Surveying) and a licensed architect (John Grosvenor of Newport Collaborative). The application included no information regarding who would actually construct the project, if approved, or who would operate it. At one public meeting, the Applicant said he would hire a company (unnamed) to manage the rental apartments. On August 25, 2022, however, he told the Planning Board that he would be retaining ownership and operating the apartment building. *See* 8/25/22 video at 3:00:23. Given that the proposed units are rental apartments, and that vegetative buffers must be maintained to comply with other applicable provisions of the land use ordinances and conditions in the Planning Board’s decision, the technical capacity of the person or entity who would manage this project is critical. The Board should have inquired and made findings before granting any approval. No such findings were made, however, and no evidence was submitted to indicate Mr. Boghossian’s technical ability or track record operating a rental housing project.

What the record in this case shows is that the Applicant and his team were either unwilling or unable to pay attention to basic details, such as ensuring that all of the plans being submitted at a given time were internally consistent, or to respond to the Planning Board’s specific requests for clarification. The Chair and Planning Board members were incredibly patient with the Applicant throughout these proceedings, giving him multiple opportunities to make corrections and address deficiencies. The Chair expressed her growing frustration on a few occasions about these failures (*see, e.g.*, minutes of Oct. 12, 2021 Board meeting at p. 4), and yet the pattern of inconsistencies, errors and omissions continued until the end of the proceedings. *See* testimony of Lisa St. Hilaire and Phyllis Gardiner at hearings on May 10, 2022 and December 15, 2022, (12/15/22 video at 1:03:30-1:03:25, for example), and our written submissions of October 12, 2021, March

⁴ The Applicant’s ever-changing story led the Board Chair to express a concern with the “veracity” of his claims. (*See* 8/25/22 video at 2:56:26-2:56:41.)

8, 2022 and December 14, 2022.⁵ Many times the Appellants felt as if we were the only ones proofreading the application materials.

An applicant who cannot follow directives given by the Board in face-to-face meetings cannot be relied upon to carry out approved plans in accordance with requirements of the ordinances and conditions of approval.

2. The Planning Board's interpretation and application of the Open Space requirement in LUO §10.3.6.9 on this record was contrary to the plain meaning of the ordinance.

The "special activity standards" in Section 10 of the city's Land Use Ordinances are applicable to all new multi-family dwellings and include the following requirement in LUO §10.3.6.9 (emphasis added):

Except in the Downtown Area as defined and the Cobbossee Corridor District, a minimum open space area of 1,000 square feet per dwelling unit consisting of a yard, garden or playground area shall be provided.

The site plan submitted as part of the application, dated July 20, 2022, delineated a wooded area of 34,020 square feet on the far north side of the property, abutting land of Helen and Gordon Stevens, as "proposed open space." (Plan C-1.1, dated July 19, 2022). The narrative portion of the application states that, with the exception of a wooded trail through the area to be covered with woodchips, the 34,020 square feet would be kept "undisturbed in perpetuity" which the Applicant translated to mean "undevelopable" in response to a question from Chair Willis at the September 14, 2022 meeting.

The open space standard was discussed in considerable depth at the October 13, 2022 meeting. Planning Board members expressed concerns that the designated area, located on the far side of a large parking lot and therefore quite distant from the dwelling units, was not usable as a "yard, garden or playground area" and thus might not meet the standard in the ordinance. A long colloquy ensued, in which Board members suggested that there might be sufficient space closer to the former hospital building that could qualify, but it would need to be specifically delineated on the plans. At the end of the discussion, the Board refrained from making any findings on the requirement in LUO §10.3.6.9 in order to give the Applicant an opportunity to address this issue. In his next filing, however, the Applicant simply resubmitted the same version of Plan C-1.1 and failed to address the issue at all. (See our letter of Dec. 14, 2022, p. 3, ¶B).

At the December 15 meeting, the Board queried the Applicant's engineer who claimed the Applicant had not understood what they were asking for and wanted clarification.

⁵ There are more examples of this pattern over the entire three-year period in which this developer has been engaged with the Planning Board. However, much of that time period involved the Applicant's efforts to obtain approval of a different multi-phase project that was later reduced to an application to develop the hospital building into 34 rental apartments. We have limited our citations to the record for that reason.

(This was a recurring pattern throughout the proceedings on this project, where the Applicant would claim not to have heard what the Board expressly asked him to address at the previous meeting.) Yet again, Board member Lemire explained that the ordinance requires the open space to be usable as a yard, garden or playground. The intent, he noted, is that “individuals who live in this building have a yard or space for them to use” within a reasonable distance from their dwelling unit. This preserves the space as “open” so that no development occurs there in the future and the space remains available for these residents.⁶ (See video of 12/15/22 meeting at 45:25 – 49:46).

The Applicant finally responded with a revised submission on January 23, 2023, labeled Plan C-1.2. This plan removed the designation of 34,000 square feet of open space north of the parking lot, retaining only the woods trail which would occupy 2,420 square feet. The plan then tallied every possible patch of ground without a building or paved surface surrounding the existing buildings on the property and claimed it as open space. This includes the following small patches of ground, which cannot reasonably be said to constitute, or be usable as, a yard, garden or playground:

510	SF	a staircase between the hospital building and the Annex
550	SF	a narrow strip on the opposite side of the driveway on the north of the hospital building and the wall of the abutter’s building, partly used by the current tenant for parking
2,545	SF	a similarly narrow strip along the opposite side of the same driveway to the north of the hospital building and around the corner, behind the dumpsters and partially occupied by an existing transformer; much of this area is also within the 30-foot setback from the property line
260	SF	a pocket between two patios on the north side of the hospital building
720	SF	a patch of grass in front of the Gardiner Family Medicine building, on the left side of the front door
675	SF	another square of grass in front of Gardiner Family Medicine building, on the right side of the front door
870	SF	an asphalt strip in front of the Gardiner Family Medicine building
6,130	SF	

At its next meeting on February 16, 2023, the Board accepted all of these areas as open space, except for the three small patches in front of the Gardiner Family Medicine Building, and the Applicant agreed to compensate for removal of those areas by widening the strip around the walking trail in the woods north of the parking lot. This change is reflected on a new version of Plan C-1.2 (revision dated 03/06/23) submitted by the Applicant prior to the April 12, 2023 Planning Board meeting.⁷

⁶ This portion of the recording reveals that Mr. Coffin (the primary person on whom the Applicant relied to show technical capacity) lacked an understanding of what the ordinance required for open space as a yard, garden or playground area despite earlier discussions going back to at least May 2021, and he needed the Board members to spell out in great detail what they expected the plans to show.

⁷ Copies of both plans are included here for reference, as Attachment #3.

We believe the Planning Board's decision is contrary to LUO § 10.3.6.9 for two reasons. First, the ordinance requires a minimum of 1,000 square feet *per dwelling unit* in a multi-family development. This means that *no single area smaller than 1,000 square feet should be counted as open space*. Second, because the ordinance requires "a minimum open space area of 1,000 square feet per dwelling unit *consisting of a yard, garden or playground,*" areas that cannot reasonably be characterized as any of those three things cannot be counted toward the legal minimum.

Many of the areas listed above are smaller than 1,000 square feet and should be excluded for that reason. In addition, a strip of grass on the opposite side of the entrance road, sandwiched between the road and an abutter's building, cannot reasonably be considered as a "yard, garden or playground" since it is not usable for those purposes by the people who might rent apartments in this hospital building. (As one neighbor noted, "the concept of a yard is to be able to walk out of an apartment into green space" - see 12/15/22 video at 1:11:29 -1:11:35). Nor would one use those terms to describe a patch of grass behind dumpsters with an electrical transformer sitting on it. How can a staircase qualify as a yard, garden or playground? Or the small pocket space between two patios? Or the small patches of grass between the circular driveway on the west side and the hospital building and Annex? None of these areas may legitimately be counted towards the 34,000 square foot minimum for this development.

The Planning Board has allowed this Applicant essentially to treat any patch of unpaved ground surrounding existing buildings or roadways as open space under the ordinance, and that is clearly not what LUO § 10.6.3.9 requires. The Board's finding that "more than 34,000 square feet of yard/garden areas are provided (see as delineated on Open Space Plan, C-1.2, revised March 6, 2023)" is erroneous as a matter of law and should be reversed pursuant to LUO § 2.4.5.2.3.

Conclusion:

For the above reasons, we urge the Board of Appeals to reverse the Planning Board's decision of August 9, 2023 on Subdivision and Site Plan Review.

Thank you for your attention to these issues.

Respectfully submitted,

Phyllis Gardiner

on behalf of Appellants Helen and Gordon Stevens, Auta Main, Marianne Roth, Cheryl Clark, Michael Gent, Robert Monniere, Janice Joyce, Ian and Gillian Burnes, Holly and Dan Burnes, Susan Shaw, Lisa St. Hilaire and Phyllis Gardiner



CITY OF Gardiner

Moving Forward

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

Site Plan Review Application

Project Name: Gardiner Green

Project Cost: \$5,181,500

Date of Submission: July 20, 2022

Received by: _____

Fees: \$250

A complete written description of the proposed project including all other local, state and federal permits required for the project.

This project involves the rehabilitation of the original hospital building (#6 - closest to Dresden Avenue) into 34 apartment units with no net increase in footprint. A portion of the building to the south will be demolished and a new addition erected on to it as shown in the architectural plans. There will be 8 studio rental apartments, 15 one-bedroom rental apartments and 11 two-bedroom rental apartments. Seven apartments will be designated as affordable. All affordable units would be in this building and available from the outset and indistinguishable from the market rate apartments in fit, finish and location within the building. Six of the affordable units will be studios and one will be a one-bedroom apartment.

We will abide by whatever term the board promulgates for the affordable duration, but no Maine municipality has a restriction of more than 30 years. There is a strong school of thought that an indefinite term is unenforceable which is why we have proposed a term of 20 years.

A new entrance off of Dresden Avenue and cul-de-sac will be installed along with 10 parking spaces. A sidewalk will be constructed to provide ADA access into the renovated building. This parking lot will be buffered as well as buffering from some of the adjacent properties. There are driveway improvements on the Dresden Avenue side of the site. Parking lot lighting improvements on the western half of the site with parking lot light shielding of any new fixtures to maintain the dark sky would be done in this phase. The existing parking lot along the north side of the property will remain as is but with re-striping to clearly mark parking spaces. There is some proposed buffering along the west side of this parking lot, but the existing wooded area to the north and east complies with the landscaping requirements of the Land Use Ordinance. The two existing light fixtures in this parking lot will remain and these fixtures are over 140' from any property line. The illumination from these fixtures is not shown on the photometric plan because they are preexisting. The central garden will be done at this time along with some planting beds with walkways around these areas.

There is 100,500 sf of impervious area on site today and at the end of the project there will be 97,960 sf resulting in a decrease of 2,540 sf. The open space (34,020 sf) has been relocated towards the northwest side of the property to utilize more moderate slopes. A walking trail has been incorporated to give the residents a place to walk in a wooded setting.

Anticipated beginning/completion dates of construction: May 2023/May 2024

1. General Information:

Name of Property Owner: Hathaway Holdings, LLC/Paul Boghossian

Address: 10 Water St. Box 68, Waterville, ME 04901

Phone/Fax No: 401-714-2106 207-873-1800

Applicant/Agent Name: Hathaway Holdings, LLC/Paul Boghossian

Address: 10 Water St. Box 68, Waterville, ME 04901



Skowhegan
Savings

PO Box 250
Skowhegan, ME 04976

May 6, 2022

To Whom it May Concern:

This letter will serve as an update to my previous letter from June 2021.

Skowhegan Savings Bank continues to work with Paul Boghossian regarding financing for his project to develop the former MaineGeneral Hospital property on Dresden Avenue. He has provided us preliminary information on the plan for rehab of the original hospital building into 34 apartment units.

We remain interested in this project and look forward to receiving more detailed information. While the Bank is not able to guarantee finding before municipal approval, we are very interested in exploring this opportunity given a long relationship with Paul that spans nearly 20 years.

We are pleased to be involved with this important project and look forward to working with Paul.

Regards,

John Butera
Vice President, Commercial Loan Officer

Site Plan Review Application

Project Name: Gardiner Green Project Cost: \$3.65M

Date of Submission: April 12, 2022 Received by: _____ Fees: \$250

A complete written description of the proposed project including all other local, state and federal permits required for the project.

This project involves the rehabilitation of the original hospital building (closest to Dresden Avenue) into 34 apartment units with no net increase in footprint. There will be 3 studio rental apartments, 20 one-bedroom rental apartments and 11 two-bedroom rental apartments. Seven apartments will be designated as affordable. All affordable units would be in this building and available from the outset and indistinguishable from the market rate apartments in fit, finish and location within the building. Three of the affordable units will be studios, three will be 1 bedroom and one will be a 2 bedroom. We will abide by whatever term the board promulgates for the affordable duration, but no Maine municipality has a restriction of more than 30 years. There is a strong school of thought that an indefinite term is unenforceable which is why we have proposed a term of 25 years.

A new entrance off Dresden Avenue and cul-de-sac will be installed along with 10 parking spaces. A sidewalk will be implemented to provide ADA access into the renovated building. This parking lot will be buffered as well as some of the adjacent properties. There are driveway improvements on the Dresden Avenue side of the site. Parking lot lighting improvements on the western half of the site with parking lot light shielding to maintain the dark sky would be done in this phase. The central garden will be done at this time adding to a decrease of 4,665 sf in impervious area at the end of this phase. The building façade design and schematic layout are included with this submission.

Anticipated beginning/completion dates of construction: June 2022/September 2023

1. General Information:

Name of Property Owner: Hathaway Holdings, LLC/Paul Boghossian

Address: 10 Water St. Box 68, Waterville, ME 04901

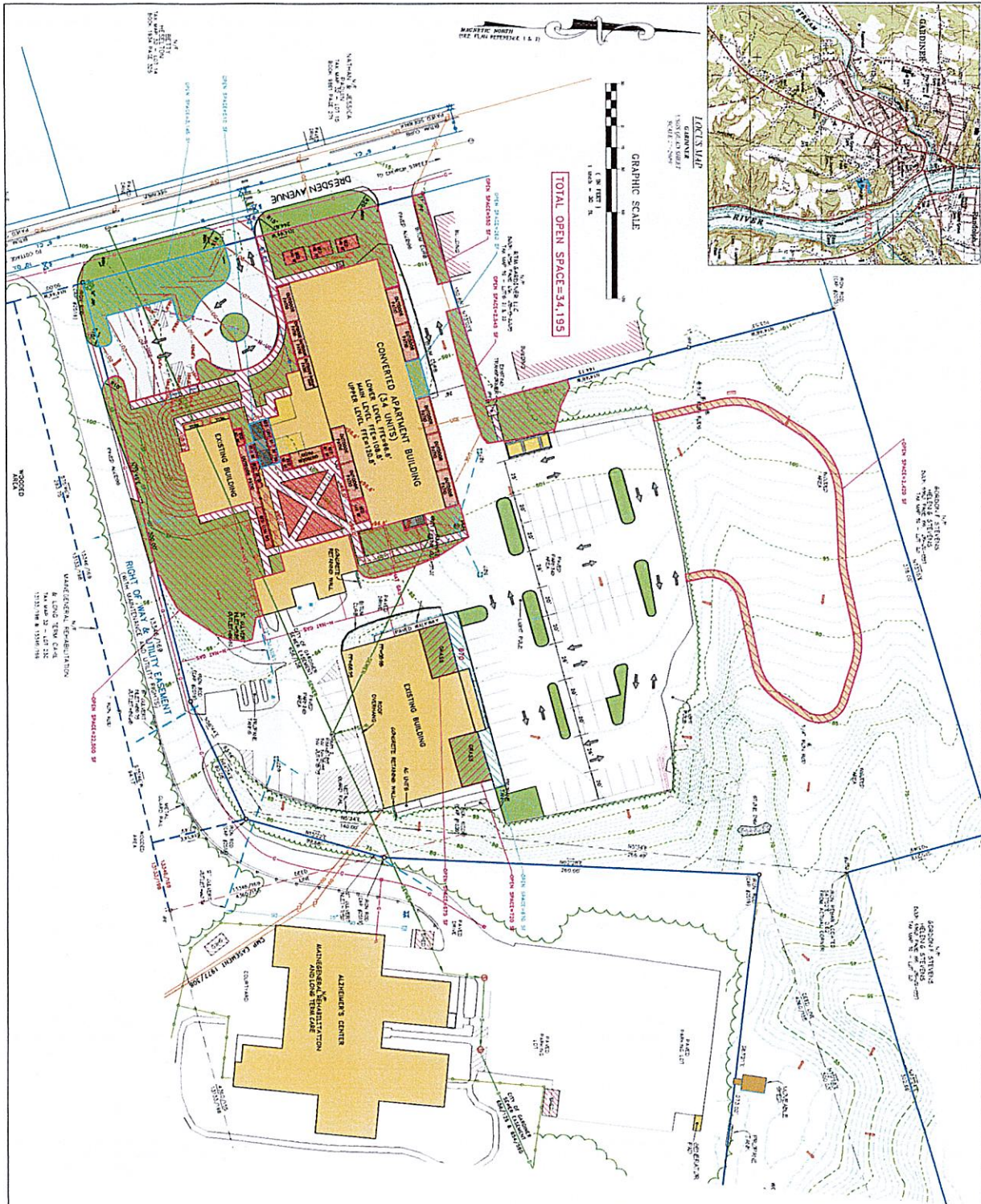
Phone/Fax No: 401-714-2106

Applicant/Agent Name: Hathaway Holdings, LLC/Paul Boghossian

Address: 10 Water St. Box 68, Waterville, ME 04901

Phone/Fax No 401-714-2106

Design Professional(s)/Contractor(s): Surveyor Engineer Architect Contractor



TOTAL OPEN SPACE=34,195



LEGEND

Symbol	Description
Red circle	EXISTING BUILDING
Blue circle	NEW BUILDING
Green circle	LANDSCAPING
Yellow circle	PARKING
Blue square	WATER
Red square	CONCRETE
Green square	LANDSCAPING
Yellow square	PARKING
Blue triangle	WATER
Red triangle	CONCRETE
Green triangle	LANDSCAPING
Yellow triangle	PARKING
Blue diamond	WATER
Red diamond	CONCRETE
Green diamond	LANDSCAPING
Yellow diamond	PARKING
Blue star	WATER
Red star	CONCRETE
Green star	LANDSCAPING
Yellow star	PARKING

C-12	PROJECT: GARDINER GREEN HATHAWAY HOLDINGS, LLC.	SHEET TITLE: OPEN SPACE PLAN	
	ADDRESS: 150 DRESDEN AVENUE	SCALE: 1 INCH=30 FEET	
OWNER: GARDINER GREEN HATHAWAY HOLDINGS, LLC.	DESIGNER: ES COFFIN	DATE: JANUARY 23, 2023	



2009 Gehring Green Project
Bethel, Maine

The following information was gleaned from Bethel town records provided by Bethel's Code Enforcement Officer Toby Walker.

The 6.3 +/- project known as Gehring Green and presently owned by the Kennebec Land Co. LLC was procured through several transactions from 2006 –2012. The majority was bought by the Savage Land Development LLC. from the NTL institute (Gehring Estate). Savage is a contractor (presumably the contractor for this project) and he subsequently sold and mortgaged the land for \$350,000 to Kennebec Land Co. for development. That mortgage was paid off in Oct 2012. The sole member of Kennebec Land Co. LLC is Paul Boghossian.

The original \$3,500,000.00 multi-phase site plan submitted by Kennebec Land Co. was approved by the Bethel Planning Board with a 3-year window in 2009. It included plans to create 6 apartments and 1 office space in the original mansion, 1 condo, and 4 townhouses with 2 condos in each. (The above photograph was part of the application.)

In the application, it was stated that Kennebec Land Co. LLC planned to self-finance and seek historic tax credits. The Maine Historic Preservation Commission in August 2009 signed off on a revised plan and sent documentation for the second tier of review.

The only financial information of record included with the final application is a redacted copy of an agreement with Franklin Savings Bank listing a property at 624 Birchwood/Webber Street, Carrabassett Valley as collateral. *In March 2012 this property was listed as under a federal lien for unpaid taxes amounting to \$669,880.26 (as reported to the Planning Board by Acting City Manager Anne Davis). It was discharged on 6/19/2021*) There is a notation in the final application that financial capacity was not adequately met. Another subsequent document submitted by an agent of the company cited Paul Boghossian's past performance and included his resume.

In Nov. 2010, the Bethel Planning Board required a \$10,000 performance guarantee for stormwater management improvements. On the 12th of that month, the applicant posted \$1,000 in escrow for the purpose of paying a 3rd party engineer to perform inspections of the site. As stated in a document dated October 27, 2011, the performance guarantee had not been paid.

In October 2011, Kennebec Land Co. LLC was granted a 1-year extension of the site plan review and subdivision approval for this project (ending Oct 26, 2012) citing "a challenging financial environment". This extension was based on the fact

that “no work had begun and no changes to the site or environment had occurred”. Kennebec Land Co. also requested approval for an amended plan to make the buildings 15% smaller.

In Nov 2012, the Bethel Planning Board approved another 1- year extension (ending Nov 14, 2013) of the site plan and subdivision approval reiterating the required \$10,000 performance guarantee.

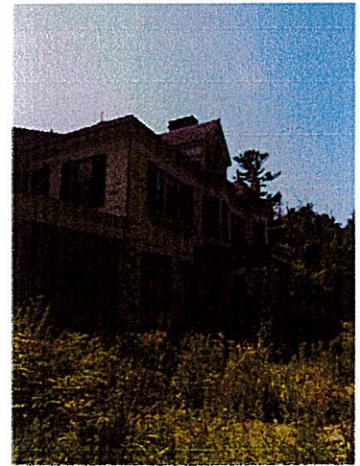
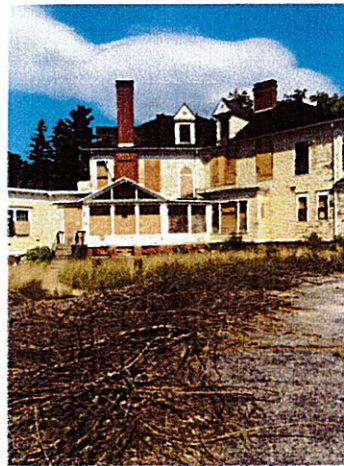
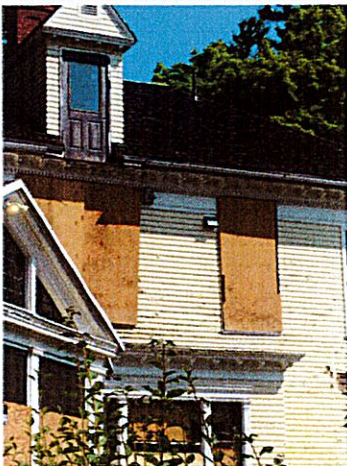
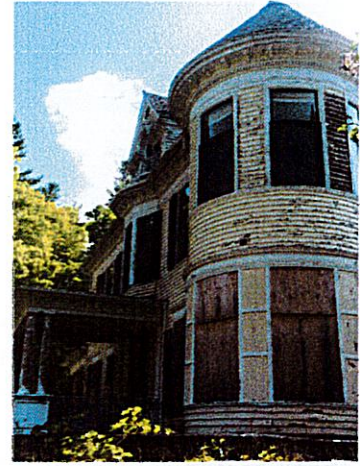
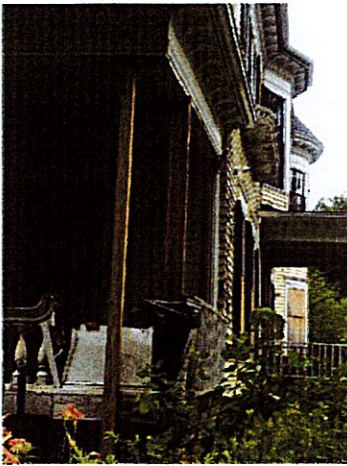
Documents show that Camden National Bank provided a one-year irrevocable standby letter of \$10,000 credit to satisfy the performance guarantee requirement in 2012, 2013, 2014, and 2015, the last of which expired on Nov. 13, 2016.

During 2012-2014, the Kennebec Land Company LLC incurred approx. \$12,000 In local tax and sewer utility liens recorded by town manager Christine Landes (nee. Mason) All liens were discharged in 2015.

No emails or phone calls between the town of Bethel and any agent or representative of the Kennebec Land Company LLC have been logged by town officials since 2015. Contrary to Mr. Boghossian’s attorney’s statement to the Gardiner Planning Board on July 13, 2021, no building permits or other approvals have been issued and no roofing or stabilizing of the original Gehring estate has been performed. The photographs below show site conditions as of August 27, 2021.

Mr. Walker stated he will be asking the Bethel Planning Board to expunge Kennebec Land Company’s expired site plan and sub- division.

2021





100 foot Abutters List Report

Gardiner, ME
October 02, 2023

Subject Property:

Parcel Number: 032023
CAMA Number: 032023
Property Address: 150 DRESDEN AV

Mailing Address: HATHAWAY HOLDINGS LLC
10 WATER ST, BOX 68
WATERVILLE, ME 04901

Abutters:

Parcel Number: 032012
CAMA Number: 032012
Property Address: 165 DRESDEN AV

Mailing Address: PEIRCE MORGAN ROSSER WILLIAM
165 DRESDEN AV
GARDINER, ME 04345

Parcel Number: 032013
CAMA Number: 032013
Property Address: 163 DRESDEN AV

Mailing Address: CONKLING CINDY J CONKLING
ISABELLE
163 DRESDEN AV
GARDINER, ME 04345

Parcel Number: 032014
CAMA Number: 032014
Property Address: 157 DRESDEN AV

Mailing Address: HESELTON BETTY B
157 DRESDEN AV
GARDINER, ME 04345-2615

Parcel Number: 032015
CAMA Number: 032015
Property Address: 155 DRESDEN AV

Mailing Address: WALTMAN JOSEPH B JR WALMAN
LESLIE
164 LOON COVE RD
WINTHROP, ME 04364

Parcel Number: 032016
CAMA Number: 032016
Property Address: 145 DRESDEN AV

Mailing Address: LINSKY DANIEL E LINSKY ELIZABETH J
145 DRESDEN AV
GARDINER, ME 04345

Parcel Number: 032020
CAMA Number: 032020
Property Address: 128 DRESDEN AV

Mailing Address: STEVENS GORDON F STEVENS HELEN
G
128 DRESDEN AV
GARDINER, ME 04345

(Appellant)

Parcel Number: 032021
CAMA Number: 032021
Property Address: 142 DRESDEN AV

Mailing Address: RTM GARDINER LLC
PO BOX 7332
PORTLAND, ME 04112

Parcel Number: 032022
CAMA Number: 032022
Property Address: 146 DRESDEN AV

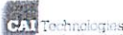
Mailing Address: RTM GARDINER LLC
PO BOX 7332
PORTLAND, ME 04112

Parcel Number: 032022001
CAMA Number: 032022001
Property Address: 148 DRESDEN AV

Mailing Address: RTM GARDINER LLC
PO BOX 7332
PORTLAND, ME 04112

Parcel Number: 032023B
CAMA Number: 032023B
Property Address: 154 DRESDEN AV

Mailing Address: MAINEGENERAL REHABILITATION &
LONG TERM CARE
37 GRAY BURCH DR
AUGUSTA, ME 04330



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



100 foot Abutters List Report

Gardiner, ME
October 02, 2023

Parcel Number: 032031
CAMA Number: 032031
Property Address: 75 RIVER AV

Mailing Address: GIAMPETRUZZI PETER
75 RIVER AV
GARDINER, ME 04345

Parcel Number: 032032
CAMA Number: 032032
Property Address: 63 RIVER AV

Mailing Address: ST.HILAIRE LISA R CAMERON DONALD
S
63 RIVER AV
GARDINER, ME 04345

(Appellant)



www.cai-tech.com

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10/2/2023

Page 2 of 2

5252 0718 1130 0001 4810 5525

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 Domestic Mail Only

For delivery information, visit our website at www.usps.com

Gardiner, ME 04345

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	8
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/19/2023
Total Postage and Fees	\$5.01	
Sent To		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, April 2015 PSN 7530-0200-9017 See Reverse for Instructions

notice left upon delivery attempt 10/21/23 at 4:49 pm no authorized recipient available

9555 0718 1130 0001 4810 5552

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com

Waterville, ME 04901

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	8
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/19/2023
Total Postage and Fees	\$5.01	
Sent To		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, April 2015 PSN 7530-0200-9017 See Reverse for Instructions

delivery attempted + notice left on 10/23/23 at 12:56 pm no authorized recipient available

7016 1130 0001 4810 5557

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For delivery information, visit our website at www.usps.com

Gardiner, ME 04345

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	8
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/19/2023
Total Postage and Fees	\$5.01	
Sent To		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, April 2015 PSN 7530-0200-9017 See Reverse for Instructions

notice left upon delivery attempt 10/21/23 at 4:17 pm no authorized recipient available

9555 0718 1130 0001 4810 5556

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com

Gardiner, ME 04345

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	8
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/19/2023
Total Postage and Fees	\$5.01	
Sent To		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, April 2015 PSN 7530-0200-9017 See Reverse for Instructions

delivery attempted + notice left 10/21/23 at 4:31 pm no authorized recipient available

picked up by individual at USPS on 10/23/23 at 12:10 pm

116 1130 0001 4810 5594

U.S. Postal Service™
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Gardiner, ME 04345

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	8
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/19/2023
Total Postage and Fees	\$5.01	
Sent To		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, April 2015 PSN 7530-0200-9017 See Reverse for Instructions

9555 0718 1130 0001 4810 5514

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Portland, ME 04112

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	8
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/19/2023
Total Postage and Fees	\$5.01	
Sent To		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, April 2015 PSN 7530-0200-9017 See Reverse for Instructions

7018 1130 0001 4810 5570

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Gardner, ME 04345

OFFICIAL USE

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	10/19/2023

Sent To
 Street and Apt. No., or PO Box No.
 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

delivered on 10/21/23 at 4:18 pm

7018 1130 0001 4810 5549

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Gardner, ME 04345

OFFICIAL USE

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	10/19/2023

Sent To
 Street and Apt. No., or PO Box No.
 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

delivered on 10/21/23 at 4:24 pm

7018 1130 0001 4810 5532

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For delivery information, visit our website at www.usps.com

Winthrop, ME 04364

OFFICIAL USE

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	10/19/2023

Sent To
 Street and Apt. No., or PO Box No.
 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

delivered to agent for final delivery
10/21/23 at 1:34 pm

7018 1130 0001 4810 5501

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For delivery information, visit our website at www.usps.com

Augusta, ME 04330

OFFICIAL USE

Certified Mail Fee	\$4.35	0345
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	10/19/2023

Sent To
 Street and Apt. No., or PO Box No.
 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

delivered, front desk/reception/mail room
10/23/23 at 2:26 pm

Public Notices

Public Notices are a permanent and independent record of government and court actions. These include state and local government meetings, rule making, available contracts, zoning changes, and many more, as required by law. In addition, parties to some court proceedings, such as foreclosures, probate, and estate actions are required to publish notices to ensure notification of affected parties, as well as the general public. These notices also alert business owners, large and small, to potential government contractual jobs, helping to ensure economic activity across a level playing field. Public notices have existed to ensure transparency in all levels of government since the founding of the United States.

State and local notices are published in Maine newspapers and are also recorded at mainenotices.com, where anyone can browse or search notices, and sign up to receive email alerts when relevant notices appear.

ANNOUNCEMENTS

Public Notices

Public Notice

CITY OF AUGUSTA, MAINE DEPARTMENT OF PUBLIC WORKS BID 224017 - RENTAL OF TRACK EXCAVATOR

The City of Augusta will accept sealed bids for the above until Tuesday, November 7, 2023 at 2:00 p.m. at which time they will be publicly opened. In a plain envelope, please mark the upper left hand corner with your company name and the bid number and either mail or drop package/envelope to the Development Services office which is located at 16 Cony Street on the first floor.

The specifications have been furnished by the Department of Public Works. To get a copy of the above bid, please send an e-mail to renee.stjean@augustamaine.gov or call the office at (207) 626-2340, or log onto our website at www.augustamaine.gov and it will be under City Government, Purchasing, then under FY 2024 Bids.

Any questions call Jon Chalmers, Deputy Director of Public Works Administration and Solid Waste, Augusta Public Works at (207)

Public Notices

Office during regular business hours. Oral or written comments concerning the appeal may be presented prior to the meeting to the Code Enforcement Office or at the public hearing

Public Notice

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Judgment of Foreclosure and Sale entered on the court's docket on May 22, 2023 in favor of Capital Area Federal Credit Union in proceedings in the Waterville District Court entitled Capital Area Federal Credit Union v. Joseph P. Calvo II, Docket Number RE-2022-23, Capital Area FCU will sell the premises located at 10 Priest Hill Road, Vassalboro, Maine and described in the mortgage recorded in the Kennebec County Registry of Deeds in Book 1733, Page 249 (the "Property") at public sale at Noon on November 20, 2023 at Capital Area Federal Credit Union, 207.0 North Belfast Avenue, Augusta, Maine.

TERMS AND CONDITIONS OF SALE

The Property shall be sold by public auction to the bidder who makes the highest bid therefor. Any and all persons wishing to bid for the Property must be present prior to the start of the auction and make a deposit of \$5,000.00 in U.S. funds, in cash or by bank draft or certified check made payable to Capital Area Federal Credit Union. The successful bidder for the Property shall be required to sign a Purchase and Sale Agreement at the conclusion of the auction, and the balance of the purchase price shall be due and payable in cash or certified funds no later than 30 days after the auction, upon presentation of a deed. The Property shall be conveyed by Quitclaim Deed Without

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