

To: Gardiner Planning Board

From: Mark Eyerman

Subject: Gardiner Green – Subdivision and Site Plan Review Applications – Reuse of Main Hospital Building

Date: Updated August 24, 2022

A. Applications

The revised Subdivision and Site Plan Review applications being considered at this meeting are only for the reuse and redevelopment of the main hospital building and do not address any future use of the site or the other buildings. A few of the materials in the applications including the November 16, 2021 letter from Mark Bower and letters from various City departments were submitted with the previous application for a larger project and in some cases are not applicable to the applications currently before the Planning Board. Therefore the Board should be clear in any action that it takes with respect to the two applications that it is considering only address the rehabilitation of the main hospital building to create 34 dwelling units and that any approval does not imply the Board's approval of the reuse of the remainder of the site or the creation of additional dwelling units on the lot. The Board should also be clear that any additional development or reuse of the property will require future Planning Board review and approval.

B. Affordable Housing

Both applications indicate that seven units will be dedicated as affordable housing. The Board in considering the applications should be clear that this designation is entirely up to the applicant and has no bearing on the applications currently before the Board. If it is the applicant's intention that by designating units in this building as affordable, they can then be used as "credit" for density bonuses in future applications, the details of this arrangement need to be clear including the definition of affordable housing, the provisions for assuring that the units will remain affordable, and the length of affordability requirement. The new state affordable housing law requires affordable units that take advantage of the provisions of that law must be affordable for a minimum of thirty years.

C. Conformance with the Standards

As the Board has previously discussed, the application needs to meet the standards of a number of sections of the ordinance including the Review Criteria of 6.5, the applicable performance standards of Sections 8, 9 and 10, and the standards for the HDR District. The revised application is not subject to the cluster/open space development

requirements since it only involves one building. The affordable housing provisions are no longer relevant since they are in the cluster/open space provisions. I have gone through the revised site plan review application and have revised my memo to identify the areas that the Planning Board should review to supplement the normal review by the members of the board. The applicant's attorney has submitted a letter dated May 9, 2022 questioning the legality and/or applicability of these provisions to the application. My recommendation is that the Board be guided by Jon Pottle's input on these questions since the issues raised by Mark Bowers are legal not planning issues:

- 6.5.2.1 – A key issue is whether the redesign for the hospital building “will be sensitive to the character of the site, neighborhood and district” This potentially includes conformance with the HDR design standards. The HDR provisions of 7.8.4.3 apply to new principal buildings and the “reconstruction of an existing principal building or structure”. So the first question is does the renovation of the hospital building constitute a reconstruction of the building and thus trigger the HDR design standards. Irrespective of the HDR standards, I think the Board should focus on the façade facing Dresden Ave and the portion of the south façade closest to the street to assess whether the redesign is sensitive to the character of the site and neighborhood. The applicant has provided a photo simulation but that still doesn't provide a face on view of that façade to evaluate it in the context of the overall streetscape and with this standard.
- 6.5.2.9 – The site plan shows a reconfigured access to the hospital building from Dresden Ave. This includes provision of a sidewalk from the main entrance on the south side of the building to Dresden Avenue together with a connecting sidewalk to the exit door on the west side of the building. The treatment of this façade facing Dresden Ave is a key factor in determining if the project is sensitive to the character of the neighborhood.
- 7.8.4.3 – The design standards for the HDR District apply to the construction of a new principal building or **the reconstruction of an existing principal building**. The Board must decide if the proposal before it is a “reconstruction” and therefore that the HDR design standards apply to the site plan application. If the Board determines that the design standards of the HDR District are applicable to this project, the Board must then determine how to apply them. The basic requirement is that the building must be compatible with the established character of the neighborhood. Given that this is the reconstruction of an existing building that does not conform to the general neighborhood character this is problematic. The specific criteria are tied to the concept of a predominate pattern of development – the idea that changes should be in keeping with the existing character. Probably the only factor that is relevant to this application is 7.8.4.3.5 dealing with the treatment of the wall of the building facing the street.

Therefore the treatment of the west façade is important. The Board needs to decide if the proposal meets the general neighborhood character standard or if the west façade of the main hospital building could be redesigned to make it more appropriate to the character of the other buildings along the street.