

**GARDINER PLANNING BOARD**  
**SUBDIVISION ORDER**

**APPLICANT: Hathaway Holdings, LLC/Paul Boghossian**

**PROJECT NAME: Gardiner Green Subdivision**

**PROJECT OVERVIEW &  
PROCEDURAL SUMMARY**

*TBD at Conclusion of Proceeding*

**FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW**

After review of the subdivision application presented by Hathaway Holdings, LLC/Paul Boghossian (the “Applicant”) for the Gardiner Green Subdivision project, the Gardiner Planning Board hereby adopts the following findings of fact and conclusions of law.

**LUO Section 14.4.1 (Water or Air Pollution)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO criteria 14.4.1 because the Project will not result in undue water or air pollution based on the record information set forth in the application materials dated July 20, 2022 (the “Application”), demonstrating: (i) the Project is not located in a floodplain as shown in the FIRM Map; (ii) the Project utilizes public water and sewer as represented by the Applicant; and (iii) appropriate measures for dust are provided for in the erosion control plan.

**LUO Section 14.4.2 (Sufficient Water)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.2 based on the letter in the Application from the Gardiner Water District stating sufficient water is available for the reasonably foreseeable needs of the subdivision.

### **LUO Section 14.4.3 (Unreasonable Burden on Water Supply)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.3 based on the letter in the Application from the Gardiner Water District stating the Project will not cause an unreasonable burden on existing water supply.

### **LUO Section 14.4.4 (Soil Erosion)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.4 because the Project will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results based on the submitted stormwater and erosion control plans contained in the Application that include provisions for a reduction in impervious surface, peak hour flows, and erosion control devices.

### **LUO Section 14.4.5 (Traffic)**

The Planning Board by 4-0 vote, with one abstention, determined the Applicant satisfied LUO Section 14.4.5 because the Project will not cause unreasonable highway or public road congestion or unsafe conditions based on the Sewall traffic report in the Application stating a net reduction in peak hour traffic would result from the Project when comparing traffic counts to the prior medical facility use.

### **LUO Section 14.4.6 (Sewage)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.6 because the Project will be connected to public sewer and based on the letter in the Application from the Gardiner Wastewater Director stating the Project will not cause an unreasonable burden on municipal sewer.

### **LUO Section 14.4.7 (Solid Waste)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.7 because the Project will not cause an unreasonable burden on the City's ability to dispose of solid waste since the Application states a private hauler will be used for solid waste services.

### **LUO Section 14.4.8 (Scenic or Natural Areas)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.8 because the Project will not have an undue adverse effect on scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat or rare or irreplaceable natural areas or public rights for physical or visual access to the shoreline based on the scope of the Project (e.g., redevelopment of

existing structure and related site improvements) and based on a letter in the Application from Maine IF&W stating there are no concerns with wildlife habitat/species.

#### **LUO Section 14.4.9 (Conforms to all Standards)**

*TBD*

#### **LUO Section 14.4.10 (Technical and Financial Capacity)**

The Planning Board by 4-1 majority vote determined the Applicant conditionally met the technical and financial capacity requirements of LUO Section 14.4.10 to meet the requirements of the Ordinance based upon the resumes and experience of project participants (various technical consultants) and letters and other documents from financial institutions regarding financial capacity.

Conditions of approval that must be satisfied are the following:

1. Prior to commencement of any construction, the Applicant shall submit to the Code Enforcement Officer detailed information on the technical capacity of all project participants for construction of the Project. The Code Enforcement Officer, in consultation with other City Staff, as appropriate, shall review the submitted information to determine if this condition of approval has been satisfied; and
2. Prior to commencement of any construction, the Applicant shall submit to the Code Enforcement Officer detailed information regarding the construction budget and schedule, as well as documentation that demonstrates adequate funds are committed and available to complete construction of the Project. The Code Enforcement Officer, in consultation with the City Manager, City Finance Director, City Solicitor, and any other appropriate City Staff, shall review the submitted information to determine if this condition of approval has been satisfied.

#### **LUO Section 14.4.11 (Water Quality)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.11 based on the stormwater control plan (e.g., reduction in impervious surface and runoff), the non-impact of the Project on the wetlands and associated drainage on the site, and because the Project is not in a shoreland zone or in close proximity to any great pond or river.

#### **LUO Section 14.4.12 (Ground Water)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.12 because the Project will utilize public sewer and water (i.e., no ground water withdrawals or other activities that would affect quality or quantity of ground water).

**LUO Section 14.4.13 (Floodplain)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.13 because the FIRM map shows the Project is not in a floodplain.

**LUO Section 14.4.14 (Wetlands)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.14 based on the plans submitted identifying any wetlands and because the Project does not propose to impact any wetlands.

**LUO Section 14.4.15 (River, Streams, Brooks)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.15 because the plans identify all rivers, streams, or brooks within the proposed subdivision parcel and on abutting parcels.

**LUO Section 14.4.16 (Stormwater)**

The Planning Board by unanimous vote determined the Applicant satisfied LUO Section 14.4.16 based on the submitted stormwater control plan that will result in less impervious surface and runoff post construction of the Project therefore making provision for adequate storm water management.

**LUO Section 14.17 (Phosphorus)**

N/A – The Project does not flow into a great pond.

**LUO Section 14.4.18 (Subdivisions that cross municipal boundaries)**

N/A – The Project does not cross municipal boundaries.

**LUO Section 14.4.19 (Spaghetti Lots)**

N/A – The Project does not involve spaghetti lots.

**LUO Section 14.4.20 (Timber Harvesting)**

N/A – The Project does not involve property or activities involving liquidation harvesting.

**[REVIEW TO BE CONTINUED OF OTHER SUBDIVISION SECTIONS]**

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**ORDER**

**TBD**

Adopted this \_\_\_ day of \_\_\_\_\_, 2022.

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