

PLANNING BOARD
Meeting Minutes
Tuesday May 23, 2023 @ 6:00 PM
City Council Chambers

- 1.) Call the Meeting to Order-** Chair Willis called the meeting to order at 6pm.
- 2.) Roll Call-** Board members present: Jacob Waltman, Debby Willis, Lisa St. Hilaire, Adam Lemire. Zachary Hanley, Shawn Dolley, and Pam Mitchel were unable to attend. Others present included Kris McNeill- Code Enforcement Officer, Jim Coffin- Coffin Engineering, Jacob Foster- Oasis Refinery, Mary Gilbert-resident, Mona Hachey-resident, and Angelia Christopher- Planning and Development Assistant.
- 3.) Review of the March 14, 2023 meeting minutes-**The Board requested edits during the meeting and will table them until the next Planning Board meeting.
- 4.) Public Hearing-** Oasis Refinery LLC, is seeking Planning Board approval to erect two 30'x96' greenhouses, a 20'x30' irrigation building and a 30'x40' storage building. All of the buildings will be used for the established Cannabis business at 31 Tom's Way, City Tax Map 23 Lot 22A, in the MUV (Mixed Use Village) District in Gardiner, Maine.

Chair Willis states that the applicant has provided proof of standing in the application. She asks if there is anyone on the Board that cannot hear this application in an unbiased manner. All Board members agree that they can. She asks Kris McNeill if the City had to obtain any special services to review this application. No, they did not.

Jim Coffin will be presenting his work on this application for Oasis Refinery LLC. He reviewed the proposed buildings, and what their functions will be. The storage shed will have three bays and the irrigation building will just have a regular man door. There will not be septic running to either building there will be water running to the irrigation building. The stormwater report included shows how excess water will run through the woods and dissipate into the ground. There will be a maximum of 10 employees, with shifts running from 8am-5pm daily. This project will increase the impervious amount of surface on this property about 7500sf. The reasoning for these large greenhouses is that Gardiner amended their ordinances to no longer allow outdoor cultivation, so Mr. Foster is working to move his grow operation under cover.

Debby opens the public hearing and asks if there are any members of public here. There are a couple of abutting residents to this project here, but they are here to listen, not speak. Chair Willis asks if there were any inquiries

at City Hall. Kris McNeill reports that there were a couple of questions from residents, just checking to see what the project consisted of. Chair Willis closed the public hearing and the Board will start their review the application.

Adam Lemire asks about an existing fence on the property. The plans that have been submitted show the fence on a neighboring lots property in one spot. Jim Coffin explains that this fence was placed quite some time ago and since then it has been found that the lot lines were wrong. The lot lines have been corrected, and the fence remains where it had been placed. Adam questions the security of the fence if it is on someone else's property.

4. Review Criteria.

An applicant shall demonstrate that the proposed use or uses meet the review criteria listed below for the type of application. The Planning Board shall approve an application unless one or the other of them makes a written finding that one or more of the following criteria have not been met.

6.5.1.1 The application is complete and the review fee has been paid. *The application is complete and the Site Plan Review fee of \$250.00 has been submitted.*

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance. *The project conforms to all applicable provisions of the LUO.*

6.5.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies. *The application contains all pertinent erosion and sediment control devices needed for the project. Most of the runoff flows north to a wooded buffer or east towards a vacant property with no houses within 1,000' of this property line.*

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste. *None of the proposed structures contain any bathrooms or fixtures and therefore no wastewater disposal system is proposed. A dumpster is already on site and is shown on the Site Plan (C-1) that will provide adequate disposal of solid wastes.*

6.5.1.5 The proposal will not have an adverse impact upon wildlife habitat, unique natural areas, shoreline access or visual quality, scenic areas and archeological and historic resources. *Letters have been received from both the IF&W and the Department of Agriculture, Conservation & Forestry. In addition, a letter has been sent to the Maine Historical Preservation Committee asking if there are any historical or archeological resources with this property. The project will not have any impact upon wildlife habitat, unique natural areas, shoreline access or visual quality*

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. *There are not any wetlands or waterbodies in the project area and this section is not applicable.*

6.5.1.7 The proposal will provide for adequate storm water management. *A stormwater report is included and a wooded buffer is the method of stormwater treatment for the project. All pertinent erosion control devices are depicted in the set of plans.*

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. *The project is not within Shoreland Zoning and this section is not applicable.*

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements. *The project is not within the 100-year flood elevation and this section is not applicable.*

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. *A letter has been received from Paul Gray of the Gardiner Water District verifying that the district has sufficient water capacity for the proposed project.*

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity. *The project will connect to public water and there will not be any wastewater associated with the new greenhouses. There are not any other contaminants on site that will adversely affect groundwater quality or quantity.*

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development. *Parking for the employees will be on the west side of the previously approved marijuana manufacturing building. There will not be any need for pedestrians to access the site.*

6.5.1.13 The proposal will not result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development. *A letter has been received from Jerry Douglass (Public Works Director) verifying that the project will not have a negative impact to the public works department.*

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance. *E.S. Coffin Engineering & Surveying has the technical ability to complete the project. The applicant will provide a financial statement indicating that they have adequate financing to complete the project.*

6.5.2 Site Plan Review Criteria All applications for Site Plan Review shall meet the Review Criteria contained in 6.5.1 and the additional criteria contained in this section.

6.5.2.1. The proposal will be sensitive to the character of the site, neighborhood and the district in which it is located including conformance to any zoning district specific design standards; *When the existing house was built the parcel was in the Planned Development (PD) District. However, zoning was changed to Mixed Use Village, which is intended to provide a transition between the built-up area of the city and the highway corridor to the west. A wide variety of nonresidential uses are allowed in the district. The development standards encourage new buildings to have an “urban village” character with buildings located close to the street. The proposed buildings are at the end of a dead-end street with the nearest home located 650’ away to the north on Tilbury Park. There will be little noise or odors associated with the project.*

6.5.2.2 The proposal will not have an adverse impact upon neighboring properties; *As mentioned above the proposed building is at the end of a dead-end street with the nearest home located 650’ away. There is adequate buffering in place to shield any neighboring residential property from the new buildings. Dust will be controlled during construction by using water or calcium. The project will not have an adverse impact on neighboring properties.*

6.5.2.3 The proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land uses in accordance with the appropriate performance standards; *The project is required to implement a 10’ wide buffer along the side, rear and front property lines whenever the development abuts another non-residential building or lot.*

However, when abutting residential properties, a buffer strip of 25' shall be maintained along the side and rear property lines. For this project the only adjacent residential land (Tilbury Park) is to the north where there already is at least a 180' wide wooded buffer. A 10' wide buffer already exists along the west and south property lines that conform to the LUO. There is an area near the previous approved storage building that needs a 10' wide buffer as shown on the site plan (C-1). A partial screen is required along this 100' of property line and we have selected Option #3 consisting of 6 understory trees and 6 shrubs for the 100'. These plantings will be installed once the buildings have been erected and site plan completed.

6.5.2.4 The building site and roadway design will harmonize with the existing topography and conserve natural surroundings and vegetation to the greatest practical extent such that filling, excavation and earth moving is kept to a minimum; *The proposed buildings are being sited on relatively flat sections of the property and will blend in with the existing topography. No trees will be cut as a result of this project and earth moving will be minimized.*

6.5.2.5 The proposal will reflect the natural capabilities of the site to support the development. Buildings, structures, and other features should be located in the areas of the site most suitable for development. Environmentally sensitive areas including waterbodies, steep slopes, floodplains, wetlands, significant plant and wildlife habitats, scenic areas, aquifers and archeological and historic resources shall be preserved to the maximum extent; *The parcel is 6.9 acres in size and the proposed buildings add up to 7,560 sf. The location of the buildings as mentioned above is sited on a relatively flat piece of the property and will blend in with the existing topography. There aren't any wetlands or water bodies on the parcel. Letters have been received from the IF&W and the Department of Agriculture, Conservation & Forestry regarding environmental issues.*

6.5.2.6 The proposal will provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area. The system will connect building entrances/exits with the parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project; *There will not be any customers on site as the sale of the edibles will occur at another location.*

6.5.2.7 In urban and built-up areas, buildings will be placed closer to the road in conformance with setback requirements and parking areas shall be located at the side or rear of the building; *The proposed buildings will meet all setback requirements and the employee parking area is located on the west side of the previously approved marijuana manufacturing building.*

6.5.2.8 Proposals with multiple buildings will be designed and placed to utilize common parking areas to the greatest practical extent; *There are multiple buildings proposed with two greenhouses, an irrigation building and storage building. There are 16 parking spaces shown on the site plan that provide adequate parking for the operation.*

6.5.2.9 Building entrances will be oriented to the public road unless the layout or grouping of the buildings justifies another approach. *The proposed buildings are all along Tom's Way with parking along the side.*

6.5.2.10 Exterior building walls greater than 50 feet in length which can be viewed from the public road will be designed with a combination of architectural features with a variety of building materials and shall include landscaping abutting the wall for at least 50% of the length of the wall. *The two greenhouses have walls greater than 50', but they are covered with heavy duty plastic. This section is not applicable because it is not viewable from a public street.*

6.5.2.11 Building materials will match the character of those commonly found in the City and surrounding area including brick, wood, native stone, tinted/textured concrete block or glass products. Materials such as smooth-faced concrete block or concrete panels and steel panels will only be used as accent features. Materials shall be of low reflectance, subtle, neutral or earth tone colors. High-intensity and bright colors shall be prohibited except when used as trim or accent. Building materials for industrial or commercial buildings located within an approved industrial park or subdivision are not be required to comply with this provision. *As mentioned above, the greenhouses are covered with heavy duty plastic. The irrigation and storage buildings will be typical wood-framed buildings with roof pitches of 6:12 and architectural shingles.*

6.5.2.12 Building entrances and points where the development intersects with the public road and sidewalk will be provided with amenities appropriate for the area such as benches, bike racks, bus stop locations and other similar landscape features. *The building entrances and development do not intersect a public street and this section is not applicable.*

6.5.2.13 A proposal which includes drive-through service will be designed to minimize impact on the neighborhood. Drive-through lanes will be fully screened from adjacent residential properties and communication systems will not be audible on adjacent properties. *There is no drive-through service associated with the project and this section is not applicable.*

Applicant shall provide information that demonstrates that the proposal will be sensitive to the character of the site, neighborhood and the district in which it is located by considering the following:

In regard to the General Performance Standards in Section 8 of the LUO;

8.7 Exterior Lighting: Wall-packs are depicted on the site plan and cut sheets of these fixtures are included with this submission. All of the fixtures will be shielded so that light shines in a downward direction.

8.11 Bufferyard & Screening Standards: The previous approval included a 10' wide buffer as shown on the site plan (C-1). A partial screen is required along this 100' of property line and we have selected Option #3 consisting of 6 understory trees and 6 shrubs for the 100'.

In regard to Environmental Performance Standards in Section 9 of the LUO:

9.1 Air Quality: Dust will be controlled during construction will be implemented by applying calcium and water as needed.
- Mr. Foster will be growing product under cover, inside the greenhouses, so that will help to keep odors manageable. There is currently no odor control planned for the proposed greenhouses, but he will likely use carbon filters anyway because they help with cleanliness.

Section 10.29

Special use 10.29. It was pointed out that in this section the word Marijuana needs to be changed to Cannabis as part of the ordinance changes that happened recently.

All other areas of Section 10.29 are fine.

Chair Willis asks for a motion on LUO Sections 6, 8, 9, 10.

Lisa St. Hilaire moves that this application meets all applicable standards within the Land Use Ordinance.

Adam Lemire seconds the motion. Chair Willis asks about questions or comments. Adam Lemire would like to add that while it is not the board's purview, the existing fence on the property is a potential concern because part of it is placed on a neighboring property. Adam feels that the Code Enforcement Officer should look into this. No further discussion. All Board members present in favor.

Chair Willis asks what does the Board want to do with this application. Lisa St. Hilaire moves that the Board approve the application. Adam Lemire seconded the motion. No further discussion. All Board members present in favor.

Approved.

8.) Other Business-The next meeting will be held on June 13, 2023. The application coming before the board is McGee Properties LLC, -seeking Planning Board approval for a change of use of the former Wingate Landscaping facility to accommodate a new business call "Necessary Tires Too" at 907 Brunswick Ave., City Tax Map 11 Lots 15&16, in the PHD (Planned Highway Development) District in Gardiner, Maine

9.) Adjourn-Lisa St. Hilaire moved to adjourn at 7:30pm. Adam Lemire seconded. All in favor.