



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

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

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

Civil Engineer:

Name: E.S. Coffin Engineering & Surveying (c/o Jim Coffin)

Address: P.O. Box 4687 Augusta, ME 04330

Phone/Fax No: 207-623-9475(p) / 207-623-0016(f)

Traffic Engineer:

Name: Sewall Engineering (c/o Diane Morabito)

Address: 40 Forest Falls Ave Suite 2, Yarmouth, Maine 04096

Phone/Fax No: 207-817-5440

Architect:

Name: Newport Collaborative/John Grosvenor

Address: 2 Marlborough St, Newport, RI 02840

Phone/Fax No 401-855-2947

Surveyor:

Name: Dirigo Surveying (c/o Shawn Tyler)

Address: 165 South Road, Winthrop, Maine 04330

Phone/Fax No: 207-923-3443

Signature: _____ Date: June 20, 2022

2. Property Information:

Property Location: 150 Dresden Avenue

Deed Ref: Book 14210 Page 170 City Tax Map(s) 32 Lot(s) 23 & 23A

Property Size/Frontage: Acres 5.43 Sq. Ft. 236,531 Road 245' Shore N/A

Zoning District(s): High Density Residential (HDR)

3. Development Information:

One or more site maps drawn to scale, prepared and sealed by a professional engineer or architect showing the following:

a.) The existing conditions on the property including:

1. The property boundaries;

The property boundaries are shown on the Boundary Survey by Dirigo Surveying.

2. The zoning district and zoning district boundaries if the property is located in more than one zone;
The parcel is within the High Density Residential (HDR) District.
3. The location of required setbacks, buffers and other restrictions:
The setbacks and buffers can be found on the Site Plan (C-1.1).
4. The location of any easements or rights-of-way;
There is a right of way along the south property line that allows access to Maine General's Rehabilitation and Long-Term Care Alzheimer's Center as shown on the Boundary Survey by Dirigo Surveying. A sewer easement extends from Dresden Avenue in a west-east direction for the City of Gardiner.
5. The locations of existing structures and other existing improvements on the property including a description of the current use of the property;
The existing structures are shown on the Boundary Survey. The site was formerly used by Maine General, but has been vacant since April 2021.
6. The locations of existing utilities on and adjacent to the property including sewers, water mains, stormwater facilities, gas mains, and electric and other telecommunication facilities;
All utilities can be found on the Topographic Survey Plan.
7. The location of the nearest source of a fire protection water supply (hydrant, fire pond, etc.)
The nearest fire hydrant is on the west side of Dresden Avenue.
8. The general topography of the property indicating the general slope of the land and drainage patterns. The CEO and/or Planning Board may require a topographic survey of all or a portion of the property for projects involving the construction of new or expanded structures or site modifications.
A topographic survey is included with this submission.
9. The location, type and extent of any natural resources on the property including wetlands, vernal pools, floodplains, waterbodies, significant wildlife habitats, rare or endangered plants or animals, or similar resources; and
There is a stream located just north of the applicant's property. A stream determination letter is included from Vaughn Smith Associates verifying that there are no streams on the applicant's property. There are some drainage ways along the north side of the property with some associated wetlands, but none of these will be impacted as a result of the project. A Firmette is included indicating that the project is not within the flood zone.
10. The location and type of any identified historic or archeological resource on the property.
The site contains no buildings of any historical value.

b.) The proposed development activity for which approval is requested including:

1. The estimated demand for water supply and sewage disposal together with the proposed location and provisions for water supply and wastewater disposal including evidence of soil suitability if on-site sewage disposal is proposed;
A letter has been received from Paul Gray of the Gardiner Water District indicating that the district has sufficient water capacity for the proposed project.
2. The direction of proposed surface water drainage across the site and from the site together with the proposed location of all stormwater facilities and evidence of their adequacy;
The stormwater facilities will for the most part remain unchanged. There will however be a reduction in impervious area of 2,540 sf and therefore a reduction in peak hour flows for the project. All stormwater facilities are shown on the attached plans.
3. The location, dimensions, and ground floor elevations of all proposed buildings and structures including expansions or modifications to existing buildings that change the footprint of the building;
These elements can be found in the architectural drawings and site plan (C-1.1).

4. The location, dimensions and materials to be used in the construction of drives, parking areas, sidewalks and similar facilities;
These elements can be found on the site plan (C-1.1) and site detail sheets.
 5. The proposed flow of vehicular and pedestrian traffic into and through the property;
Vehicles can come into the site from two different curb cuts off Dresden Avenue and with 103 parking spaces available there is ample parking to choose from. The parking stripes and traffic flow arrows will be repainted as shown on the Site Plan (C-1.1).
 6. The location and details for any signs proposed to be install or altered;
There will be signage on the building as shown on the Rendering and a free-standing sign complying with the LUO will be erected along Dresden Avenue in place of an existing sign. Details of the sign will be submitted to the CEO when applying for the sign permit.
 7. The location and details for any exterior lighting proposed to be installed or altered;
The proposed exterior lights are shown on Sheet L01 for the complete buildout. There are three new pole mounted lights (15' high) along the west side of the building to add light for the proposed parking lot. Five wall packs have been included on the converted apartment building. All lights are dark-sky and comply with the LUO in regard to foot candles (0.1 fc) at the property lines.
 8. Provisions for landscaping and buffering; and
All Buffering is shown on the site plan (C-1.1).
 9. Any other information necessary to demonstrate compliance with the review criteria or other standards of the Land Use Ordinance.
There isn't any additional information at this time.
- c.) Evidence that the applicant has or can obtain all required permits necessary for the proposal.
ES Coffin Engineering will obtain all pertinent permits needed. There do not appear to be any DEP permits required with this project.

Additional Information Required:

Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance;

Architectural drawings are included depicting the floor plans and building elevations. There is also included a building height study included with the submission.

An estimate of the peak hour and average daily traffic to be generated by the project and evidence that the additional traffic can be safely accommodated on the adjacent streets;

A traffic report has been included from Sewall Company indicating that the project will result in a significant reduction in peak hour trips when compared to the former use.

An erosion and sedimentation control plan; and

The erosion & sedimentation control plan is shown on Sheet C-2.

A stormwater management plan demonstrating how any increased runoff from the site will be handled if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based on the scale of the project and the existing conditions in the vicinity of the project.

There will be a reduction in impervious area of 2,540 sf and therefore a reduction in peak hour flows for the project. A stormwater permit is not required for this project.

Elevation drawings prepared by a professional engineer or architect showing the façade and roof of the side of all proposed structures facing the road, and the side facing the customer entrance. The drawings shall clearly illustrate the profile of the roof. All façade and roof materials shall be identified including color and texture.

Floor plans and building elevations with façade details are included in the planning board submission.

Photographs or similar photo representations or drawings showing the architectural design and context of the proposed structures and adjacent properties on the both sides of the road.

Neighborhood photographs are included in the Photo Log that show the existing houses in the immediate area.

Survey Requirements

The Planning Board may require the applicant to submit a survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The survey may be required for the construction of new structures or any construction proposed on a undeveloped parcel or tract of land, whenever the Planning Board finds that a survey is necessary to show compliance with the requirements of this Ordinance due to the size of the lot, location of the lot or the placement of existing or proposed structures on the lot or neighboring properties.

Boundary and topographic survey plans are included with this submission.

Additional Studies

The Planning Board may require the applicant to perform additional studies or may hire a consultant to review the application or portions thereof. The cost to perform additional studies or hire a consultant shall be borne by the applicant.

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 paid.

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.

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste.

A letter has been received from Doug Clark (Wastewater Department) indicating that there is sufficient capacity available for the proposed project. The site plan depicts a buffered dumpster area to be installed. A private waste contractor will be contracted with to provide all solid waste disposal services.

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.

The majority of the site is comprised of buildings and asphalt. A letter is included from the IF&W with the typical concerns of bats and vernal pools. As previously mentioned the former Maine General site contains no historical value.

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands.

There is a stream located just north of the applicant's property. A stream determination letter is included from Vaughn Smith Associates verifying that there are no streams on the applicant's property. There are some drainage ways along the north side of the property with associated wetlands, but none of these will be impacted as a result of the project. A Firmette is included indicating that the project is not within the flood zone.

6.5.1.7 The proposal will provide for adequate storm water management.

With a decrease in impervious area there cannot be an increase in stormwater runoff associated with the project. A letter is included in this submission addressing stormwater. 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 indicating 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 sewer. There are no 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.

There are 103 parking spaces available and only 68 spaces required. Vehicles can safely maneuver on site and sidewalks have been added for pedestrians. Traffic flow arrows and new striping will be added to the site so that adequate vehicular circulation will take place.

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 have 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 has included several exhibits indicating financial capacity to complete the project. Moreover, past projects that the applicant has successfully completed demonstrate technical capacity on the applicant's part.

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;

This is already a site that is not at all in harmony with the neighborhood. It contains a large amount of asphalt and 1970s Soviet-style buildings that no one would consider attractive, comprising 42% of the site. There is little landscaping and almost no buffering. The goal is to beautify the site and buildings so that they become an asset to the neighborhood. The proposed use is much less intensive than what has existed on the site up until recently. Under the previous hospital use in 2020 the GFM Building alone generated 150 staff and patient visits (and 300 car trips) per day. Also on site in the Main Building was the Visiting Nurse Office (55 employees) the AIDS Clinic (6 employees and many patients) the Print Shop (5 employees and substantial truck traffic) and the X-Ray Clinic (8 employees and many patients).

The revamped and repurposed site will be more attractive, quieter and will result in a substantial decrease in traffic as shown in the traffic report by Sewall. There will be a reduction in impervious area of 2,540 sf.

6.5.2.2 The proposal will not have an adverse impact upon neighboring properties;

The project will not have an adverse impact on neighboring properties. This site has been a blight in the neighborhood and with the proposed landscaping it should create a much more attractive park-like area. Dust will be controlled during construction by using water or calcium. Having said that, this rehab will entail minimal site disturbance.

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 25' wide buffer along the side, rear and front property lines whenever the development abuts residential properties. Landscaping has been provided along the north side of the building. For this project we are proposing a total of 12 canopy trees, 50 understory trees and 98 deciduous shrubs, which will be a huge upgrade to what exists on the site today.

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 existing building is being renovated with a new, much more inviting, entrance off Dresden Avenue that will provide handicap access into the building. There will be some fill added in this area to comply with ADA standards.

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;

There is 34,000 sf of wooded land as open space being designated along the northeast side of the property. This 34,000 sf will be left undisturbed in perpetuity with the exception of a maintained walking trail which is depicted on the site plan. There will be extensive landscaping and buffering installed that will add greenery to the site.

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 be a new parking lot and sidewalk installed with access to Dresden Avenue that will greatly improve pedestrian access on site.

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;

There is an addition being erected onto the existing building that is being renovated, but the addition will be no closer to Dresden Avenue than the existing building. Moreover, there is a portion of the building being demolished, so the result is no net increase in footprint.

6.5.2.8 Proposals with multiple buildings will be designed and placed to utilize common parking areas to the greatest practical extent;

While there are multiple buildings on site only one principal one is being utilized in this phase. There is adequate parking available for the proposed 34 residential units.

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 main building entrance faces Dresden Avenue and will be redesigned to be much more inviting.

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.

Changes proposed to the main hospital building replace an unfortunate cast block Soviet-style facade with a series of balconies, windows and cypress wood panels with concrete framing. The result will be highly aesthetic. Reference is made to the Building Renderings submitted as part of this package. Landscaping has been added to the north side of the converted apartment building to comply with the Land Use Ordinance and soften the visual experience.

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.

Building materials are depicted on the architectural drawings.

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 entrance contains sidewalks that open onto Dresden Avenue. Benches and bike racks will be provided to make the setting attractive and comfortable for residents and visitors.

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:

The proposed exterior lights are shown on Sheet L01 for the complete buildout. There are three new pole mounted lights (15' high) along the west side of the building to add light for the proposed parking lot. Five wall packs have been added on the converted apartment building. All light fixtures are dark-sky and comply with the LUO in regard to foot candles at the property lines.

8.11 Buffering & Screening Standards:

The project is required to implement a 25' wide buffer along the side, rear and front property lines whenever the development abuts residential properties. Landscaping has been provided along the north side of the building. For this project we are proposing a total of 12 canopy trees, 50 understory trees and 98 deciduous shrubs, which will be a huge upgrade to what exists on the site today.

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. Overall, this rehab will entail minimal site disturbance.

9.5.3 Construction Debris:

With regard to organic debris from any site clearing, it will be ground up and spread on the adjacent soil. Any debris that is not organic, such as asphalt, will be loaded into a dumpster and hauled off by a licensed contractor to a licensed facility.

9.12.8 & 9 Earth Moving Activity:

With regard to earth moving, it will only occur from 7:00 am to 6:00 pm and there does not appear to be more than 500 cubic yards in earth moving associated with this project.

6. Waivers

Waiver of Submission Requirements

The Planning Board may, for good cause shown and only upon the written request of an applicant specifically stating the reasons therefor, waive any of the application requirements provided such waiver will not unduly restrict the review process. The Planning Board may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the Planning Board's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application.

A waiver for stormwater quantity is being asked for with this submission. A letter has been included indicating that there can't be an increase in stormwater runoff without an increase in impervious area,

Final Subdivision Plan Application

Subdivision Name: Gardiner Green

Date of Submission: 7-20-22

Received by: _____

Proposal:

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.

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

Civil Engineer:

Name: E.S. Coffin Engineering & Surveying (c/o Jim Coffin)

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Phone/Fax No: 207-817-5440

Architect:

Name: Newport Collaborative/John Grosvenor

Address: 2 Marlborough St, Newport. RI 02840

Phone/Fax No 401-855-2947

Surveyor:

Name: Dirigo Surveying (c/o Shawn Tyler)

Address: 165 South Road, Winthrop, Maine 04330

Phone/Fax No: 207-923-3443

Signature: _____ Date: April 12, 2022

2. **Property Information:**

Property Location: 150 Dresden Avenue

Deed Ref: Book 14210 Page 170 City Tax Map(s) 32 Lot(s) 23 & 23A

Property Size/Frontage: Acres 5.43 Sq. Ft. 236,531 Road 245' Shore N/A

Zoning District(s): High Density Residential (HDR)

Final Subdivision Plan submission requirements

- The final plan submissions shall consist of the following:
- A final plan application form and all required attachments and maps.
- All the submission materials required for a preliminary plan.
- A performance guarantee, if applicable.
- All additional studies and/or materials required by the Planning Board, as applicable.
- If the subdivision contains any private roads, a statement as follows: the subdivision roads are designed as private roads and are not eligible for acceptance by the City of Gardiner, unless the road is improved to meet the appropriate standards for road acceptance.
- Written copies of any documents of land dedication, and written evidence that the City Manager is satisfied with the legal sufficiency of any documents accomplishing such land dedication.
- Proof that all other applicable state and federal permits have been obtained.

The Final Subdivision Plan

- The Final Subdivision Plan (map) shall contain the following:
- All conditions and modifications approved by the Planning Board for the preliminary plan.
- Any conditions required by the Planning Board for the final plan.
- Conditions or restrictions placed on the subdivision by the Applicant. (*Note: Planning Board-imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant*).
- All waivers approved by the Planning Board.
- The location and type of all permanent markers set at all lot corners.
- Any variances granted by the Board of Appeals.
- A signature block.

432 Cony Road
P.O. Box 4687
Augusta, ME 04330



(207) 623-9475
Fax (207) 623-0016
1-800-244-9475

June 20th, 2022

City of Gardiner
Mr. Kris McNeill
6 Church Street
Gardiner, Maine 04345

Subject: Subdivision Review Criteria
Gardiner Green
150 Dresden Avenue

Dear Kris:

Hathaway Holdings, LLC., herein called the applicant is proposing to convert Building #6 at 150 Dresden Avenue in Gardiner into 34 residential units. The parcel is identified as a portion of Lot 23 on Tax Map 32 in the City of Gardiner tax maps. The 5.42-acre parcel is in the High Density Residential (HDR) District as shown on the City's Zoning Map. The following information is required per Section 14 (Subdivision Standards):

- 14.4.1 The proposed subdivision will not result in undue water or air pollution. In making this determination, the following shall to be considered:
- A. The elevation of the land above sea level and its relation to the floodplain,
The project is not within the 100-year flood elevation as shown on the attached FIRM Map so the water pollution impact referenced in this section is not applicable. Moreover, there will be significantly less runoff post development. Air pollution impact – essentially none and a reduction in the minimal impact from the previous use owing to much reduced vehicle trips.
 - B. The nature of the soils and subsoils and their ability to adequately support waste disposal,
The project will connect to public sewer so this section is not applicable.
 - C. The slope of the land and its effect upon effluents,
The project will connect to public sewer so this section is not applicable.
 - D. The availability of streams for disposal of effluents;
The project will connect to public sewer so this section is not applicable.
 - E. The applicable state and local health and water resources rules and regulations.
The project will connect to public water so this section is not applicable.
- 14.4.2. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
The project will connect to public water and a letter from Paul Gray of the Gardiner Water District affirming this is included with this submission.

Professionals Delivering Quality Solutions

14.4.3 The proposed subdivision will not cause an unreasonable burden on an existing water supply.

The project will connect to public water and a letter from Paul Gray of the Gardiner Water District affirming this is included with this submission.

14.4.4 The proposed subdivision will not cause unreasonable soil erosion, unmitigated stormwater runoff, or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

An erosion control plan is included depicting all erosion control devices with each device shown on the site plan. A Stormwater Report is included indicating a reduction in peak hour flows for the project.

14.4.5 The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe intersections or other conditions with respect to the use of the highways or public roads existing or proposed.

A traffic report from Sewall Company is included with this submission indicating a marked decrease in peak hour traffic under the proposed re-use.

14.4.6 The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.

The subdivision will connect to public sewer and a letter from Doug Clark, Gardiner wastewater director affirming this is included with this submission.

14.4.7 The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if municipal services are used.

Municipal services will not be needed for the project as a private contractor will be utilized to transfer solid wastes to a licensed Landfill.

14.4.8 The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

A letter from the Maine Department of Inland Fisheries and Wildlife is included indicating there are concerns with Bat Species, but they do not anticipate significant impacts to the species as a result of the project. Vernal pools were also mentioned, but there are not any on site. Vaughn Smith Associates has provided a stream determination letter indicating no streams are on the applicant's property.

14.4.9 The proposed subdivision conforms to all applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.

The proposed subdivision will conform to the comprehensive plan and land-use ordinance.

14.4.10 The developer has adequate financial and technical capacity to meet all the Review Criteria and the standards and requirements contained in this Ordinance.

Several documents that the applicant has financial capacity to complete the project have been included. E.S. Coffin Engineering & Surveying has been in business for almost 50 years and has the technical capacity to provide survey and engineering services for the project.

14.4.11 Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

There are some wetlands associated with the drainageway on site, but none will be impacted as part of this project. The subdivision is not in shoreland zoning nor is it near any great pond or river. Moreover, there will be a significant reduction in runoff when the project is complete.

14.4.12 The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The project will connect to public water and sewer so this section is not applicable.

14.4.13 Based on Federal Emergency Management Agency's Flood Boundary and floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the developer shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.

A Firmette map is included indicating that the proposed project is not within the 100-year flood elevation and therefore this section is not applicable.

14.4.14 All freshwater wetlands within the proposed subdivision have been identified and delineated on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.

There are not any wetlands being impacted on site so this section is not applicable.

14.4.15 River, stream or brooks.

There are not any rivers, streams or brooks on the property so this section is not applicable.

14.4.16 The proposed subdivision will provide for adequate storm water management.

As previously mentioned, a stormwater report is included indicating a decrease in impervious area for the project.

14.4.17 The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

The project doesn't flow into a great pond so this section is not applicable.

14.4.18 For any subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

The project is only in Gardiner so this section is not applicable.

14.4.19 Spaghetti lots prohibited.

This section is not applicable.

14.4.20 Timber harvesting.

This section is not applicable.

The proposed subdivision complies with the City of Gardiner's review criteria and should you have any questions or concerns please do not hesitate to contact me at 623-9475.

Respectfully submitted,

A handwritten signature in black ink that reads "James Coffin". The signature is written in a cursive, flowing style.

James E. Coffin, PE

Appendix A – Title, Right, Interest

- Quit Claim Deed – Book 14210-Page 170
- Quit Claim Deed – Book 14210-Page 174
- Road Maintenance Agreement – Book 14210-Page 178

BK14210 PGS 170 - 173 10/13/2021 02:31:54 PM
INSTR#: 2021029808 ATTEST: BEVERLY BUSTIN-HATHEWAY
RECEIVED KENNEBEC SS REGISTER OF DEEDS
eRecorded Document

**MAINE REAL ESTATE
TRANSFER TAX PAID**

QUITCLAIM DEED
DLN:1002140166846

MaineGeneral Medical Center, a nonprofit corporation organized and existing under the laws of the State of Maine having a place of business in Augusta, County of Kennebec and State of Maine, for consideration paid, releases to

Hathaway Holdings, LLC, a limited liability company organized and existing under the laws of the State of Maine having a place of business in Waterville, County of Kennebec, and State of Maine, with an address of 10 Water Street, Box 68, Waterville, ME 04901

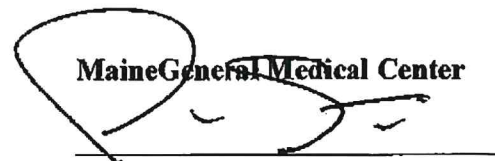
a certain lot or parcel of land, together with any buildings and improvements thereon, situated in **Gardiner**, County of **Kennebec**, State of **Maine**, bounded and described as follows:

(SEE EXHIBIT A ATTACHED HERETO)

IN WITNESS WHEREOF, the Grantor has executed this instrument, under seal, this 8th day of October, 2021.



Witness



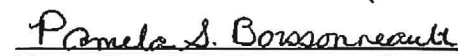
MaineGeneral Medical Center
Paul Stein
Its: Chief Operating Officer

State of Maine
County of Kennebec, ss.

October 8, 2021

Then personally appeared the above-named Paul Stein, Chief Operating Officer of **MaineGeneral Medical Center** and acknowledged the foregoing to be his free act and deed in his said Capacity and the free act and deed of **MaineGeneral Medical Center**.

Before me,



Name: Pamela S. Boissonneault
Notary Public
Commission expires: January 24, 2023

EXHIBIT "A"

A certain lot or parcel of land with buildings thereon situated in the City of Gardiner, County of Kennebec, State of Maine, being bounded and described as follows:

Beginning on the easterly sideline Dresden Avenue at the southwesterly corner of land now or formerly of RTM Gardiner, LLC (deed reference Book 10196, Page 106). Said corner being marked by a 1" iron pipe.

Thence North seventy-three degrees two minutes East (N 73° 02' E), along the southerly line of land of said RTM Gardiner, LLC, one hundred fifty and eighty-five hundredths (150.85) feet to a 1" iron pipe marking the southeasterly corner of land of said RTM Gardiner, LLC;

Thence North fourteen degrees forty-eight minutes West (N 14° 48' W), along the easterly line of land of said RTM Gardiner, LLC, one hundred forty-four and thirteen hundredths (144.13) feet to a 1" iron pipe;

Thence continuing North fourteen degrees forty-eight minutes West (N 14° 48' W), along the easterly line of land of said RTM Gardiner, LLC one hundred three and fifty-three hundredths (103.53) feet to an iron rod on the southerly line of land now or formerly of Gordon & Helen Stevens (deed reference Book 5350, Page 155);

Thence North seventy-three degrees fifteen minutes East (N 73° 15' E), along the southerly line of land of said Stevens, three hundred seventy-eight and zero hundredths (378.00), to an iron rod;

Thence South fifteen degrees twenty-one minutes East (S 15° 21' E), along the westerly line of land of said Stevens, one hundred three and forty-nine hundredths (103.49) feet to the northwesterly corner of a parcel recently or to be conveyed to this grantee by MaineGeneral Rehabilitation & Long Term Care;

Thence South five degrees thirty-four minutes West (S 5° 34' W), along the westerly line of said parcel recently or to be conveyed to this grantee, two hundred sixty-six and forty-nine hundredths (266.49) feet to an iron rod;

Thence continuing South five degrees thirty-four minutes West (S 5° 34' W), along the westerly line of said parcel recently or to be conveyed to this grantee, one hundred forty and zero hundredths (140.00) feet;

Thence South fifty-six degrees forty-four minutes West (S 56° 44' W), along the northwesterly line of said parcel recently or to be conveyed to this grantee, ninety-three and fourteen hundredths (93.14) feet to an iron rod on the northerly line of land now or formerly of MaineGeneral Rehabilitation & Long Term Care (deed reference Book 13346, Page 169);

Thence South seventy-five degrees forty-six minutes West (S 75° 46' W), along the northerly line of said MaineGeneral Rehabilitation & Long Term Care, three hundred and zero hundredths (300.00) feet to an iron rod on the easterly sideline of Dresden Avenue;

Thence North fourteen degrees forty-four minutes West (N 14° 44' W) along the easterly sideline of Dresden Avenue, two hundred forty-four and eighty-seven hundredths (244.87) feet to the point of beginning.

Said parcel contains 4.52 acres.

The above described parcel benefits from a right of way and utility easement recently or to be conveyed to the grantee by MaineGeneral Rehabilitation & Long Term Care;

The above described parcel is subject to a sewer easement to the City of Gardiner (deed reference Book 656, Page 128)

All bearings refer to magnetic north as shown on a plan entitled "Boundary Survey of Proposed Land Division", dated October 10, 2019 and revised on August 25, 2021, prepared by Dirigo Surveying.

The above described parcel is subject to and benefited by all utility and drainage easements of record that may exist above or below grade.

Reference is made to a Boundary Survey for MaineGeneral Medical Center, 150, 152 & 154 Dresden Avenue, Gardiner, Maine, dated September 10, 2019 and revised August 25, 2021 by Dirigo Surveying, Plan No. 716, File No. G1904K.

Meaning and intending convey a portion of the land received by deed dated March 22, 1995 as recorded at said Registry of Deeds in Book 4869, Page 103 and deed dated May 14, 1984 as recorded at said Registry of Deeds in Book 2680, Page 269.

Deed Restriction: Hathaway Holdings, LLC agrees, for itself, its successors and assigns, that the Premises conveyed herein shall be subject to the following permanent restriction that shall run with the land. The Premises shall not be developed, operated or used, in whole or in part, for any of the following without the prior written consent of MaineGeneral Medical Center, its successors or assigns:

1. A healthcare facility defined as a hospital, psychiatric hospital, nursing facility, kidney disease treatment center including a freestanding hemodialysis facility, rehabilitation facility, ambulatory surgical facility, independent radiological service center, independent cardiac catheterization center, medical practice, imaging facility, infusion facility, telemedicine site, medical marijuana business or cancer treatment center.

2. The provision of health services defined as clinically related services that are diagnostic, treatment, rehabilitative services or nursing services provided by a nursing facility and include alcohol abuse, drug abuse and mental health services.
3. Office space or treatment facilities for health care practitioners defined as physicians and all others certified, registered or licensed in the healing arts, including, but not limited to, nurses, podiatrists, optometrists, chiropractors, physical therapists, dentists, psychologists, physicians' assistants, nurse practitioners, and veterinarians.

In the event that MaineGeneral Medical Center remains in occupancy of any portion of the premises after delivery of this deed, it may continue to use the premises for any of the above. The foregoing restrictions shall not prohibit "telemedicine" services that may be provided as a benefit to tenants of residential dwellings that may after the Closing exist on the Premises.

H:\DOCS\TITUS\CLIENTS\Hathaway Holdings, LLC\150 & 152 Dresden Ave. Gardiner\Deed - MGMC to Hathaway Holdings rev.1.docx

BK14210 PGS 174 - 177 10/13/2021 02:31:55 PM
INSTR#: 2021029809 ATTEST: BEVERLY BUSTIN-HATHEWAY
RECEIVED KENNEBEC SS REGISTER OF DEEDS
eRecorded Document

**MAINE REAL ESTATE
TRANSFER TAX PAID**

DLN:1002140166847 QUITCLAIM DEED


MaineGeneral Rehabilitation & Long Term Care a nonprofit corporation organized and existing under the laws of the State of Maine having a place of business in Augusta, County of Kennebec and State of Maine (the "**Grantor**"), for consideration paid, releases to

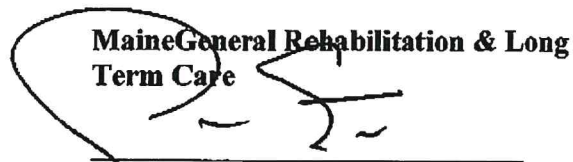
Hathaway Holdings, LLC, a limited liability company organized and existing under the laws of the State of Maine having a place of business in Waterville, County of Kennebec and State of Maine, with an address of 10 Water Street, Box 68, Waterville, ME 04901 (the "**Grantee**")

a certain lot or parcel of land, together with any buildings and improvements thereon, situated in **Gardiner**, County of **Kennebec**, State of **Maine**, bounded and described as follows:

(SEE EXHIBIT A ATTACHED HERETO)

IN WITNESS WHEREOF, the Grantor has executed this instrument, under seal, this 8th day of October, 2021.


Witness


Paul Stein
Its: Chief Executive Officer

State of Maine
County of Kennebec, ss.

October 8, 2021

Then personally appeared the above-named Paul Stein, Chief Executive Officer of **MaineGeneral Rehabilitation & Long Term Care** and acknowledged the foregoing to be his free act and deed in his said Capacity and the free act and deed of **MaineGeneral Rehabilitation & Long Term Care**.

Before me,

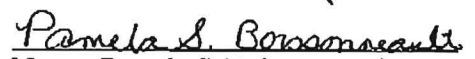

Name: Pamela S. Boissonneault
Notary Public
Commission expires: January 24, 2023

EXHIBIT "A"

A certain lot or parcel of land with buildings thereon situated in the City of Gardiner, County of Kennebec, State of Maine, being bounded and described as follows:

Beginning at an iron rod located North seventy-five degrees forty-six minutes East (N 75° 46' E) as measured along the northerly line of land of this Grantor (deed reference Book 13346, Page 169), three hundred and zero hundredths (300.00) feet from an iron rod on the easterly sideline of Dresden Avenue;

Thence North sixty-four degrees thirty-four minutes East (N 64° 34' E), along the northwesterly line of land to be retained by this Grantor, ninety and eight hundredths (90.08) feet to an iron rod;

Thence North fifteen degrees twenty-two minutes East (N 15° 22' E), along the westerly line of land to be retained by said Grantor, ninety-nine and sixty-eight hundredths (99.68) feet to an iron rod;

Thence North two degrees twenty-eight minutes East (N 2° 28' E), continuing along the westerly line of land to be retained by said Grantor, two hundred sixty and zero hundredths (260.00) feet to an iron rod;

Thence South eighty-three degrees twenty-one minutes East (S 83° 21' E), along the northerly line of land to be retained by said Grantor, two hundred seventy-three and two hundredths (273.02) feet to the westerly line of land now or formerly of Donald Cameron & Lisa St. Hilaire (deed reference Book 11502, Page 21);

Thence North five degrees twenty-nine minutes East (N 5° 29' E), along the westerly line of land of said Cameron & St. Hilaire, one hundred eighty and zero hundredths (180.00) feet to an iron post on the southerly line of land now or formerly of Gordon & Helen Stevens (deed reference Book 5350, Page 155);

Thence South seventy-three degrees twenty-four minutes West (S 73° 24' W), along the southerly line of land of said Stevens, three hundred two and sixty-six hundredths (302.66) feet to the southwesterly corner of land of said Stevens;

Thence South five degrees thirty-four minutes West (S 5° 34' W), along the easterly line of a parcel conveyed to this Grantee by MaineGeneral Medical Center by deed of near or even date herewith to be recorded herewith (hereinafter referred to as "**Grantee's Abutting Parcel**"), two hundred sixty-six and forty-nine hundredths (266.49) feet to an iron rod;

Thence continuing South five degrees thirty-four minutes West (S 5° 34' W), along the easterly line of Grantee's Abutting Parcel, one hundred forty and zero hundredths (140.00) feet;

Thence South fifty-six degrees forty-four minutes West (S 56° 44' W), along the southeasterly line of Grantee's Abutting Parcel, ninety-three and fourteen hundredths (93.14) feet to the point of beginning.

Said parcel contains 0.90 acre.

The Grantor also conveys to the Grantee an easement (the "Easement") for a new right of way intended to correct the right of way previously conveyed in a deed dated September 24, 2019 as recorded at the Kennebec County Registry of Deeds in Book 13346, Page 169. The Easement is in common with the Grantor for all purposes of a right of way to benefit the above described parcel and Grantee's Abutting Parcel, and shall include, without limitation intended, the following and the right to convey these rights to others:

- (1) the right of ingress and egress by foot and by vehicle of any sort whatever;
- (2) the right to construct, maintain, repair, grade, excavate, fill, pave and improve the full width of the right of way;
- (3) the right to install, construct, maintain, repair and replace within the right of way, both above and below ground, utility services to include, without limitation, facilities necessary or convenient for the transmission of electricity, gas, telephone communications, cable television, computer communications, sewerage, water and such similar services which are currently available or in the future may become available.

To the extent the foregoing grant of easement does not satisfy the requirements of a public utility for the installation, construction, maintenance and repair of such utility services, the owner of the land burdened by the Easement will execute and deliver the standard form of easement required by the public utility for such purpose relating to and encumbering the land burdened by the Easement.

The Easement is not limited to any current use of the property served by the Easement but shall serve any lawful purpose to which said property may be put in the future. The parcel burdened by the Easement is described as follows:

Beginning at an iron rod on the easterly sideline of Dresden Avenue at the northwesterly corner of land now or formerly of this Grantor (deed reference Book 13346, Page 169);

Thence North seventy-five degrees forty-six minutes East (N 75° 46' E) as measured along the northerly line of land of this Grantor (deed reference Book 13346, Page 169), three hundred and zero hundredths (300.00) feet from an iron rod on the easterly sideline of Dresden Avenue;

Thence North sixty-four degrees thirty-four minutes East (N 64° 34' E), along the northwesterly line of land to be retained by this Grantor, ninety and eight hundredths (90.08) feet to an iron road;

Thence South fourteen degrees fourteen minutes East (S 14° 14' E), sixty-seven and forty-nine hundredths (67.49) feet to the northerly line of other land of MaineGeneral Rehabilitation & Long Term Care (deed reference Book 13133, Page 198);

Thence South seventy-five degrees fifty minutes West (S 75° 50' W), along the northerly line of said other land of MaineGeneral Rehabilitation & Long Term Care, ninety-four and seventeen hundredths (94.17) feet to an iron rod;

Thence South seventy-five degrees forty-six minutes West (S 75° 46' W), continuing along the northerly line of said other land of MaineGeneral Rehabilitation & Long Term Care two hundred ninety-three and seventy-five hundredths (293.75) feet to the easterly sideline of Dresden Avenue;

Thence North fourteen degrees forty-four minutes West (N 14° 44' W), along the easterly sideline of Dresden Avenue, fifty and zero hundredths (50.00) feet to the point of beginning.

The area burdened by the Easement contains 20,162 square feet.

The above described parcel is subject to a sewer easement to the City of Gardiner (deed reference Book 656, Page 128)

All bearings refer to magnetic north as shown on a plan entitled "Boundary Survey of Proposed Land Division", dated October 10, 2019 and revised on August 25, 2021, prepared by Dirigo Surveying.

Research indicates that the parcel described above is a portion of parcels conveyed to the Grantor by the following deeds: Book 4360, Page 155 and Book 13346, Page 169.

ROAD MAINTENANCE AGREEMENT

This Road Maintenance Agreement (the "Agreement") is entered into by and between the undersigned parties.

WITNESSETH

WHEREAS, Hathaway Holdings, LLC is the owner of the real estate located in Gardiner, Maine described in two deeds, one from **MaineGeneral Medical Center**, and the other from **MaineGeneral Rehabilitation & Long Term Care**, both to be recorded herewith in the Kennebec County Registry of Deeds; and

WHEREAS, MaineGeneral Rehabilitation & Long Term Care ("MGRLTC") is the owner of the real estate located in Gardiner Maine described in the deed recorded in said Registry in **Book 13346, Page 169**; and

WHEREAS, access for each of said parcels is over an existing private road owned by MGRLTC leading from Dresden Avenue to each said parcel ("Private Road"); and more particularly described in "Exhibit A" attached hereto; and

WHEREAS, it is necessary for the parties to agree for themselves, their heirs and assigns, to share in the maintenance and repair of the Private Road.


NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

1. The owners of all improved lots with access rights over the Private Road, now or hereafter created, shall share equally in the cost to repair and maintain the Private Road, including, but not limited to, the cost of paving, upkeep, plowing and sanding (each a "Repair"). "Maintain" for purposes of this agreement includes, but is not limited to, snowplowing, snow removal, sanding and ice control; grading and adding gravel and surface material; installing, cleaning and replacing culverts; creating and maintaining ditches, drains and other storm water management infrastructure; creating and maintaining sight distances on curves and at intersections; and cutting brush, trees and vegetation in the right-of-way. Each parcel owner's share of costs of any Repair shall be one-half (1/2) by one party and one-half (1/2) by the other party. MGRLTC shall have no obligation to perform Private Road Repair for any parking spaces or driveways of Hathaway Holdings, LLC.
2. Private Road Repair will be undertaken by MGRLTC, in its sole, but reasonable, determination, and made whenever necessary to maintain the Private Road in

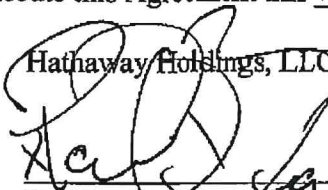
good operating condition and to ensure the provision of safe access by emergency vehicles. All decisions on Repair contracts in connection with the Private Road shall be made by MGRLTC.

3. Hathaway Holdings, LLC, by signing this Agreement, does covenant and agree to pay in full to MGRLTC, within sixty (60) days after receiving notice of an assessment for Repair made by MGRLTC. Each assessment, together with interest at an annual rate specified by MGRLTC, but not to exceed the prime rate as published in the Wall Street Journal (the "Prime Rate") at the time of assessment and together with costs of collection, shall be a lien and charge upon the parcel of Hathaway Holdings, LLC against which each such assessment is made which lien shall continue until the assessment is paid.
4. If MGRLTC fails to Maintain the Private Road in good repair, and such failure continues for a period of thirty (30) days following notice of such failure given by Hathaway Holdings, LLC to MGRLTC, then Hathaway Holdings, LLC may perform such maintenance and Repair as is reasonably necessary for the exercise of the easement rights granted to Hathaway Holdings, LLC in the Private Drive, and shall be entitled to reimbursement of one-half the cost of such Repair from MGRLTC. If within sixty (60) days after the date of receiving notice of an assessment for Repair made by Hathaway Holdings, LLC, the assessment remains unpaid, then the assessment, together with interest at an annual rate specified by Hathaway Holdings, LLC but not to exceed the Prime Rate at the time of assessment and together with costs of collection, shall be a lien and charge upon the parcel of MGRLTC against which each such assessment is made which lien shall continue until the assessment is paid.
5. This Agreement shall be binding on the successors and assigns of each party hereto and the rights and obligations hereof shall run with the land referenced herein for so long as the Private Road is maintained as a private road. The parties hereto shall include a reference to this Agreement in any deed or conveyance of the real estate referenced herein.
6. In the event the parties hereto are unable to amicably resolve a dispute arising out of any interpretation of any provision of this Agreement, the parties agree to participate in informal mediation with a trained mediator to resolve the dispute prior to proceeding to Court or the filing of any legal action. The mediation shall be held within thirty (30) days from the date of written notice of the existence of the dispute. The costs and expenses of mediation shall be borne one-half (1/2) by the party proposing it and one-half (1/2) by the other party.

IN WITNESS WHEREOF, the parties hereby execute this Agreement this 12 day of October, 2021.



Witness


Hathaway Holdings, LLC

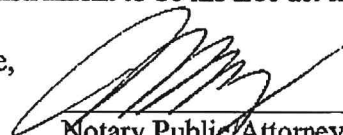
Paul Boghossian
Its: Member

State of Maine
County of Kennebec, ss.

October 12, 2021

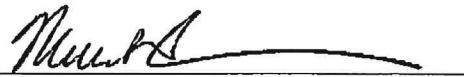
Personally appeared the above-named Paul Boghossian, Member of Hathaway Holdings, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,



Notary Public/Attorney-at-Law
Commission expires: _____

Matthew J. McDonald
Maine Attorney at Law



Witness

Maine General Rehabilitation & Long
Term Care




Paul Stein
Its: Chief Executive Officer

State of Maine
County of Kennebec, ss.

October 8, 2021

Personally appeared the above-named Paul Stein, Chief Executive Officer of MGRLTC and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,



Pamela S. Boissonneault, Notary Public
Commission expires: January 24, 2023

Exhibit A
Private Road Description

Beginning at an iron rod on the easterly sideline of Dresden Avenue at the northwesterly corner of land now or formerly of this grantor (deed reference Book 13346, Page 169);

Thence North seventy-five degrees forty-six minutes East (N 75° 46' E) as measured along the northerly line of land of this grantor (deed reference Book 13346, Page 169), three hundred and zero hundredths (300.00) feet from an iron rod on the easterly sideline of Dresden Avenue;

Thence North sixty-four degrees thirty-four minutes East (N 64° 34' E), along the northwesterly line of land to be retained by this grantor, ninety and eight hundredths (90.08) feet to an iron road;

Thence South fourteen degrees fourteen minutes East (S 14° 14' E), sixty-seven and forty-nine hundredths (67.49) feet to the northerly line of other land of MaineGeneral Rehabilitation & Long Term Care (deed reference Book 13133, Page 198);

Thence South seventy-five degrees fifty minutes West (S 75° 50' W), along the northerly line of said other land of MaineGeneral Rehabilitation & Long Term Care, ninety-four and seventeen hundredths (94.17) feet to an iron rod;

Thence South seventy-five degrees forty-six minutes West (S 75° 46' W), continuing along the northerly line of said other land of MaineGeneral Rehabilitation & Long Term Care two hundred ninety-three and seventy-five hundredths (293.75) feet to the easterly sideline of Dresden Avenue;

Thence North fourteen degrees forty-four minutes West (N 14° 44' W), along the easterly sideline of Dresden Avenue, fifty and zero hundredths (50.00) feet to the point of beginning.

Said right of way and easement area contains 20,162 square feet.

The above described parcel is subject to a sewer easement to the City of Gardiner (deed reference Book 656, Page 128)

All bearings refer to magnetic north as shown on a plan entitled "Boundary Survey of Proposed Land Division", dated October 10, 2019 and revised on August 25, 2021, prepared by Dirigo Surveying.

Research indicates that the parcel described above is a portion of parcels conveyed to the grantor by the following deeds: Book 4360, Page 155 and Book 13346, Page 169.

Appendix B – Authorization, List of Abutters & Tax Map

Hathaway Holdings, LLC
!0 Water St, Box 68
Waterville, ME 04901

February 10th, 2022

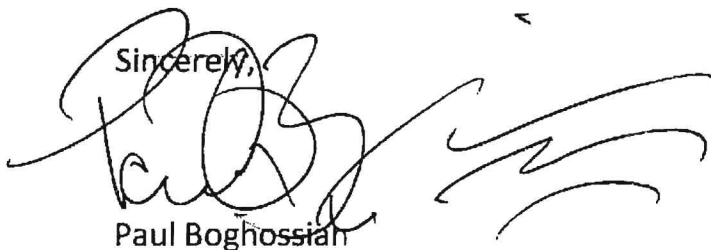
Mr. James Coffin, PE
E.S. Coffin Engineering & Surveying, LLC.
432 Cony Road
P.O. Box 4687
Augusta, Maine 04330

Subject: Agent Authorization
Planning Board Submissions

Dear Mr. Coffin

The intent of this letter is to authorize E.S. Coffin Engineering & Surveying, Inc. to act as our agent in submitting applications and answering questions regarding the City of Gardiner Planning Board application as needed. The application are for our proposed Phase I 34-unit apartment building project located at 150 Dresden Avenue in Gardiner, Maine.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Boghossian', with a large, stylized flourish extending to the right.

Paul Boghossian
Member, Hathaway Holdings, LLC

Abutter List

Map/Lot	Owner	Property Address	Mailing Address
32/11	Naomi & Michael Gardner	171 Dresden	same
32/12	Morgan Pierce & William Rosser	165 Dresden	same
32/13	Cindy & Isabelle Conklin	163 Dresden	same
32/14	Betty Hesselton	157 Dresden	same
32/15	Joseph & Leslie Waltman	155 Dresden	same
32/16	Daniel & Elizabeth Linsky	145 Dresden	same
32/17	Auta Main & Marianne Roth	139 Dresden	same
32/19	Robert Monniere & Janice Joyce	120 Dresden	same
32/20	Helen and Gordon Stevens	128 Dresden	same
32/21	RTM Gardiner (Merrill Manor)	142 Dresden	same
32/22	RTM Gardiner	146 Dresden	same
32/23C	This is part of 32/23B-ME General Rehabilitation and Long Term Care	154 Dresden	37 Gray Birch Dr, Augusta, 04330
32/24	Susan & Ward Shaw	176 Dresden	same
35/31	Cindy & George Reiter	33 River Ave	102 Central St Gardiner
32/32	Lisa St. Hilaire & Don Cameron	63 River Ave	same
32/31	Peter Giampatruzzi	75 River Ave	same



CITY OF
GARDINER
KENNEBEC CO.
MAINE



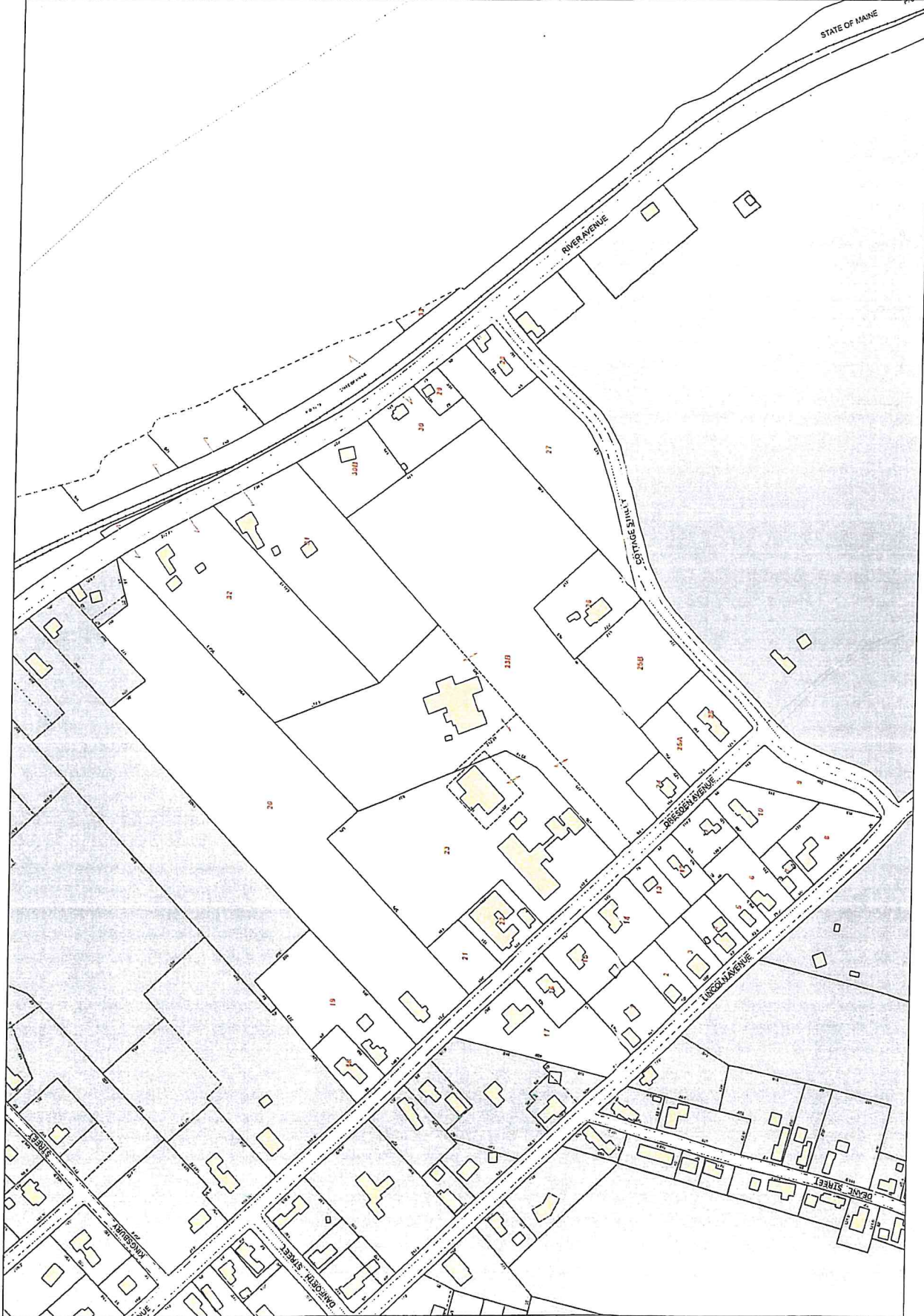
LEGEND	
	Left Hand
	Private Right of Way
	Subsidiary Line
	Transmission Line ROW
	River Stream or Pond
	Neared
	Base Line
	Boundary
	Point

For Assessment Purposes, this
map is to be used for comparison.



Map 32

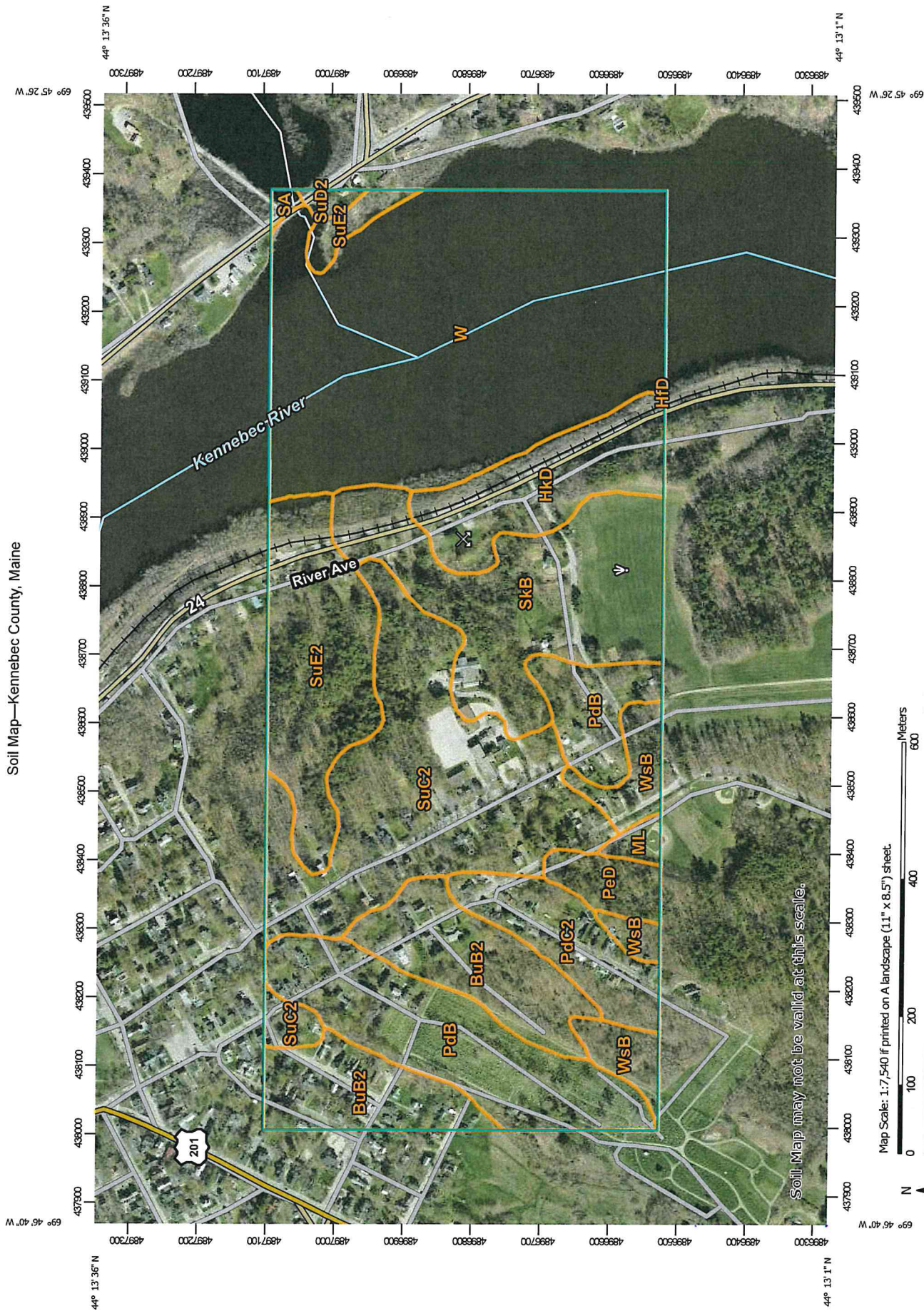
Revised 10/2013
Effective Date 4/1/2013



































Appendix C - Maps

- Soil Survey
- Site Location Map
- Wetlands Map
- Firmette

Soil Map—Kennebec County, Maine



MAP LEGEND

Area of Interest (AOI)		Soils	
	Area of Interest (AOI)		Soil Map Unit Polygons
	Area of Interest (AOI)		Soil Map Unit Lines
	Soil Map Unit Points		Soil Map Unit Points
Special Point Features		Water Features	
	Blowout		Streams and Canals
	Borrow Pit	Transportation	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	Background	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Kennebec County, Maine
Survey Area Data: Version 20, Aug 30, 2021

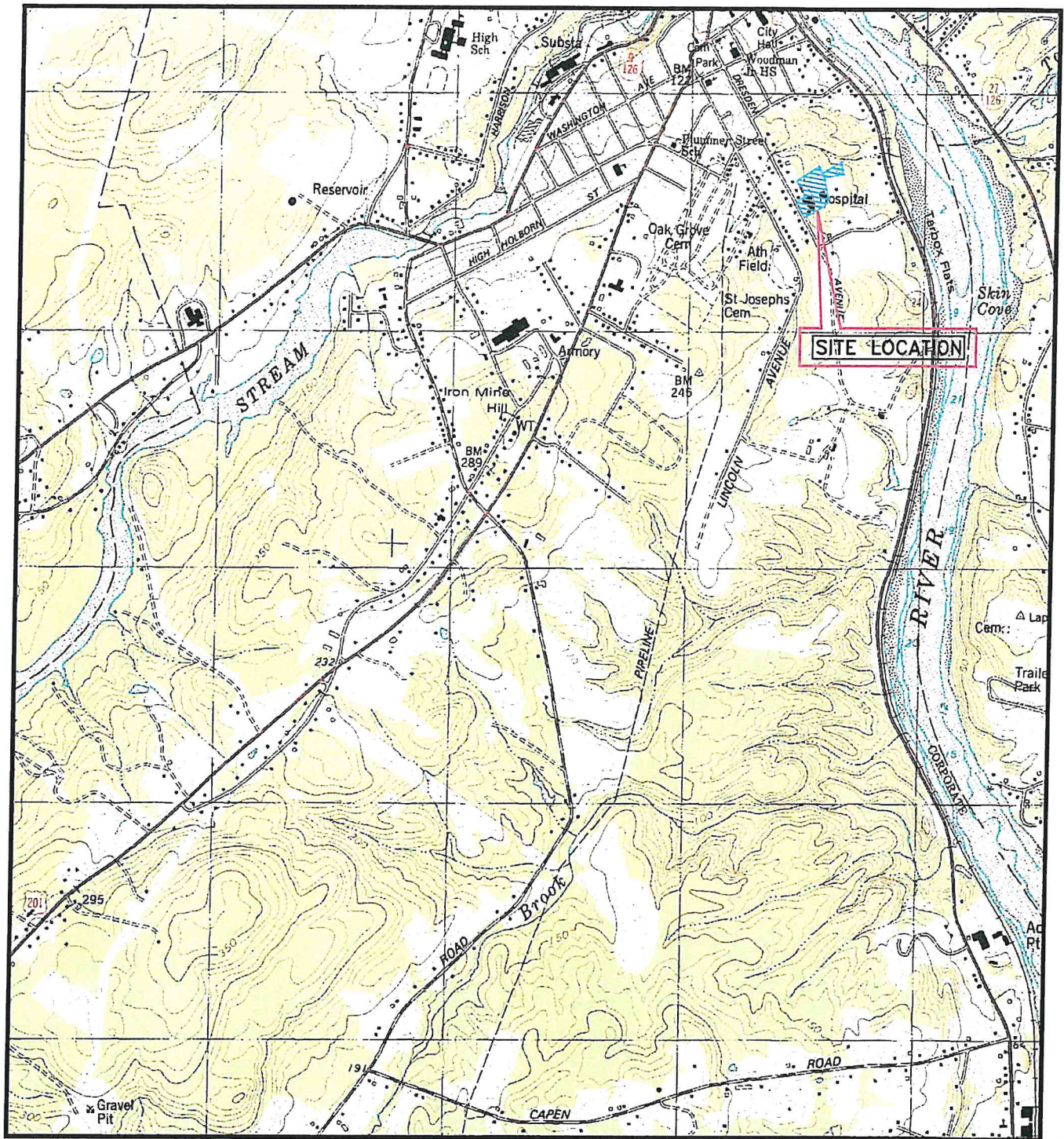
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BuB2	Lamoine silt loam, 3 to 8 percent slopes	18.4	9.4%
HfD	Hartland very fine sandy loam, 15 to 25 percent slopes	0.0	0.0%
HkD	Hinckley gravelly sandy loam, 15 to 30 percent slopes	11.2	5.7%
ML	Made land	1.0	0.5%
PdB	Paxton-Charlton fine sandy loams, 3 to 8 percent slopes	22.3	11.4%
PdC2	Paxton-Charlton fine sandy loams, 8 to 15 percent slopes, eroded	7.7	3.9%
PeD	Paxton-Charlton very stony fine sandy loams, 15 to 30 percent slopes	3.1	1.6%
SA	Saco soils	0.4	0.2%
SkB	Scio very fine sandy loam, 3 to 8 percent slopes	22.8	11.6%
SuC2	Suffield silt loam, 8 to 15 percent slopes, eroded	31.0	15.8%
SuD2	Suffield silt loam, 15 to 25 percent slopes, eroded	0.7	0.4%
SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded	17.4	8.9%
W	Water bodies	53.7	27.4%
Wsb	Woodbridge very stony fine sandy loam, 3 to 8 percent slopes	6.6	3.4%
Totals for Area of Interest		196.2	100.0%



LOCATION MAP
SCALE 1" = 2000'

CUSTOMER/PROJECT:
HATHAWAY HOLDINGS, LLC

LOCATION:
150 DRESDEN AVENUE

TOWN: **GARDINER** COUNTY: **KENNEBEC** STATE: **MAINE**



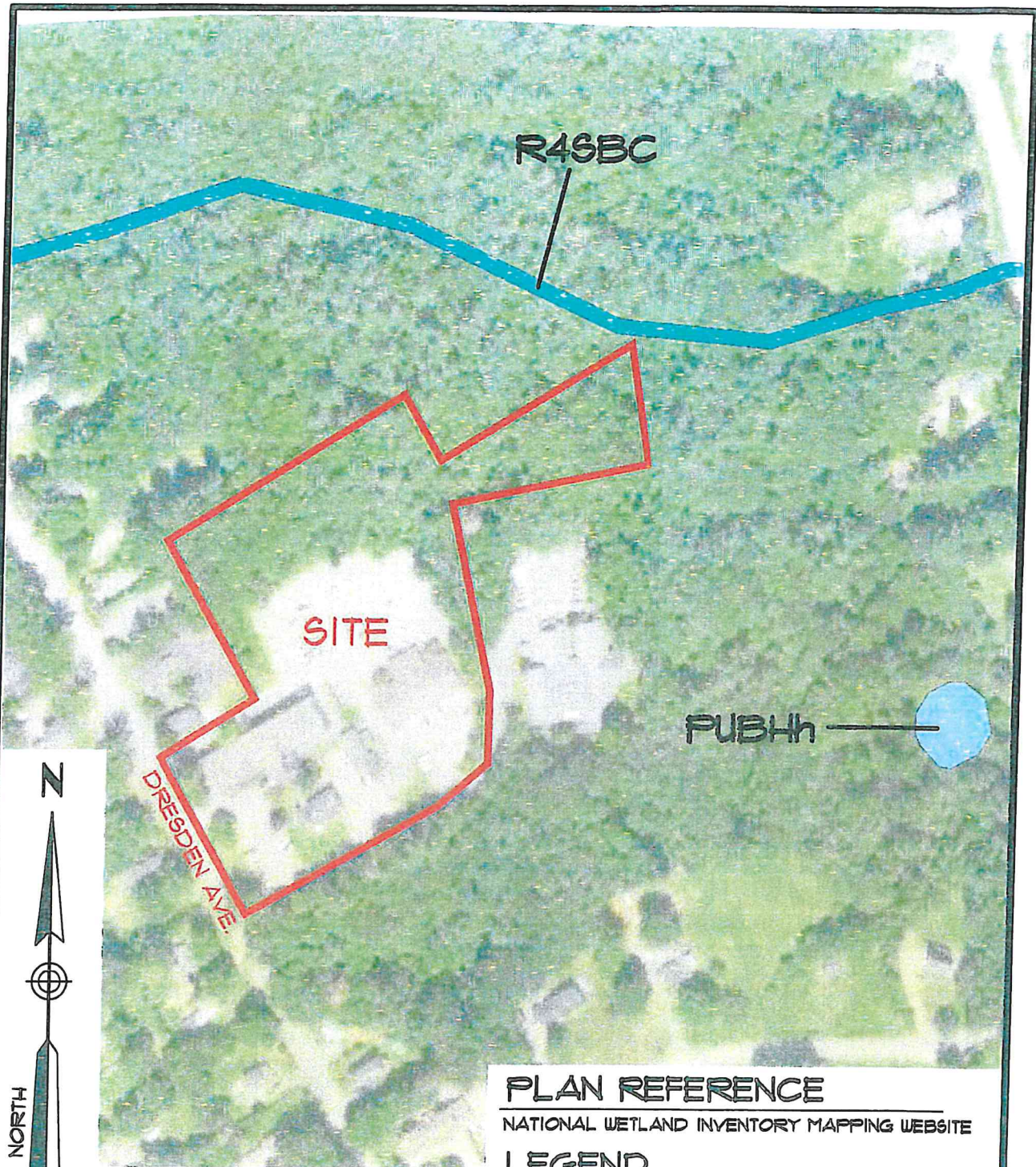
SHEET TITLE:
SITE LOCATION MAP

SCALE: 1" = 2000'

DATE: **APRIL 11, 2022**

PROJ. NO. **2020-174**

SLM



SCALE: 1" = 200'



PLAN REFERENCE

NATIONAL WETLAND INVENTORY MAPPING WEBSITE

LEGEND

- PUBHh** FALUSTRINE UNCONSOLIDATED BOTTOM
PERMANENTLY FLOODED, IMPOUNDED
- R4SBC** RIVERINE INTERMITTENT STREAMBED
SEASONALLY FLOODED

NATIONAL WETLAND INVENTORY MAP

GARDINER GREEN

150 DRESDEN AVENUE - GARDINER, MAINE

PREPARED FOR

HATHAWAY HOLDINGS, LLC

JOB: 20-17

DATE: 12-13-2020

DRAWN BY: KRF

PLANIT MAPPING

488 MAIN STREET - LEWISTON, MAINE

Email: planitmapping@yahoo.com

National Flood Hazard Layer FIRMette

69°46'30"W 44°13'30"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Without Base Flood Elevation (BFE)
Zone A, V, A99

With BFE or Depth Zone AE, AO, AH, VE, AR

Regulatory Floodway

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile Zone X

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Reduced Flood Risk due to Levee. See Notes. Zone X

Area with Flood Risk due to Levee Zone D

NO SCREEN

Area of Minimal Flood Hazard Zone X

Effective LOMRs

Area of Undetermined Flood Hazard Zone

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

69°45'53"W 44°13'4"N

Feet 250 500 1,000 1,500 2,000 1,6,000

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/9/2022 at 9:48 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Appendix D - Letters from City Agencies

- Police
- Fire
- Water
- Sewer
- Public Works
- Code Enforcement



GARDINER POLICE DEPARTMENT
POLICE * COMMUNICATIONS



Chief James M. Toman

July 6, 2020

Hathaway Holdings, LLC/Paul Boghossian
Hathaway Center
10 Water St. Bx 68
Waterville, Maine 04901

Per review criteria 6.5.1.13, I have reviewed the project description for the proposed development of "Gardiner Green" located at 150 and 152 Dresden Ave, Gardiner, Maine, 04345 (Kennebec County). This location is the site of the former Maine General buildings. Based upon my review, I believe that the Gardiner Police Department will have the ability to respond safely to any emergency or criminal activity that may occur at this re-developed location. The development project with the 68 dwelling units may result in additional calls for police services, however, it is not anticipated that the additional calls will have an impact on the overall services that the Gardiner Police Department delivers.

If you have any further questions or concerns, please let me know.

Sincerely,

Chief James M. Toman
Gardiner Police Department
City of Gardiner

Cc; Code Enforcement
Gardiner Planning Board
Office of Economic and Community Development



CITY OF GARDINER FIRE & RESCUE DEPARTMENT



Chief Alfred R. Nelson Jr.

City of Gardiner
Planning Board

July 2, 2020

After speaking with Paul Boghossian and reviewing the project description for the proposed development at 150 – 152 Dresden Avenue in Gardiner, Maine (Kennebec County Maine). The City of Gardiner Fire and Rescue will be available to respond to any emergency both fire and/or medical in nature at this location. The project is not anticipated to result in reductions of any Fire Department services. Please feel free to contact me with any further needs or questions.

Thank you,
Al Nelson
Fire/Rescue Chief



Gardiner Water District

June 24, 2020

Paul Boghossian
Hathaway Center
10 Water St, Box 68
Waterville Me. 04901

Dear Mr. Boghossian,

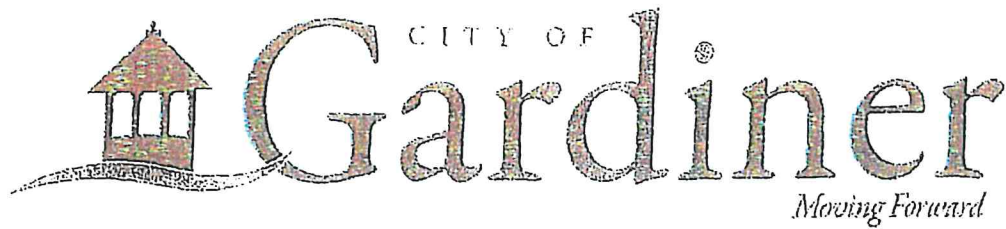
The Gardiner Water District has the capacity to serve your proposed 68-unit housing development on Dresden Avenue in Gardiner. This area is served by a 10" ductile iron main which runs from River Rd, up Cottage St, and ends at the old Gardiner Hospital. Please contact me if I can be of further assistance.

Sincerely,

Paul Gray

Superintendent

Gardiner Water District



July 13, 2020

Paul Boghossian

RE: 150-152 Dresden Ave

Hi Paul,

Based on the info you gave me it looks like there will be a total population in the proposed housing units of 179 persons. There are many different models for calculating water usage depending on areas of the country and other factors but locally here in Maine I find that generally about 75 gallons per person per day is an accurate number.

Therefore, we would be looking at an additional daily flow of 179×75 or 13,425 gallons of typical residential wastewater flow which the City of Gardiner wastewater transport and treatment system has the capacity to handle.

As your design progresses please keep in touch with me so I can work with you as to where you will be able to make the sewer connections. The gravity line you would be using actually collects flow from Dresden Ave. then turns and runs down through the middle of the site past the last building in the rear then down through the woods to a collection interceptor on State Rt. 24. It is currently still marked out from a previous Digsafe ticket.

Thank you,

Douglas Clark

Wastewater Director

City of Gardiner Maine



Feb 14, 2022

Dear James,

Based on the information you provided for the Phase I Site Plan which involves the renovation of the large building on the old Maine General Campus located at 150 Dresden Avenue, there will be no negative impacts to the Gardiner Public Works Department. If you have any questions or concerns please don't hesitate to contact me.

Respectfully,

Jerry Douglass
Public Works Director
City of Gardiner



Office of Code Enforcement

6 Church Street
Gardiner, Maine 04345

Phone: 207 582-6892
Fax: 207 582-6895

December 15, 2021

150 Dresden Ave Planning Board Application

This letter is to state that the Code Enforcement Office does not have any issues with the applicant's proposal to renovate the old hospital into residential units going before the Planning Board. I do not feel that the proposed activity will negatively impact municipal services in any way. If you have any further questions, feel free to contact me at 207-620-4853.

Kris McNeill
Code Enforcement Officer
City of Gardiner Maine

Appendix E – Other Letters

- Traffic Report
- Stream Determination Letter
- Stormwater Letter
- Section 10.16 Multi-family Development
- IF&W Letter & Map
- Jensen Baird Memo 11-16-21
- Jensen Baird Memo 5-9-22



The traffic that was recently generated by the two buildings as medical offices was also calculated utilizing the ITE report. Land use codes 720 –medical-dental office building was utilized on the basis of 43,200 S.F. Land use code 150 - warehousing was utilized for the 4,300 S.F. of storage space at Gardiner Family Practice. The results are summarized below:

<u>Time Period</u>	<u>Trip Generation – Former Medical Offices</u>		
	<u>Med. Offices</u>	<u>Storage</u>	<u>Total</u>
Daily	1,500	8	1,508
AM Peak Hour – Adjacent Street	120	1	121
Entering	94	1	95
Exiting	26	0	26
AM Peak Hour – Generator	152	1	153
Entering	94	1	95
Exiting	58	0	58
PM Peak Hour – Adjacent Street	149	1	150
Entering	42	0	42
Exiting	107	1	108
PM Peak Hour – Generator	177	1	178
Entering	69	0	69
Exiting	108	1	109

A comparison of the proposed trips versus the previous medical office trips follows:

<u>Time Period</u>	<u>Trip Generation Comparison</u>		
	<u>Proposed Residences</u>	<u>Former Medical Offices</u>	<u>Change</u>
Daily	498	1,508	-1,010
AM Peak Hour – Adjacent Street	32	121	-89
Entering	7	95	-88
Exiting	25	26	-1
AM Peak Hour – Generator	38	153	-115
Entering	10	95	-85
Exiting	28	58	-30

<u>Time Period</u>	<u>Proposed Residences</u>	<u>Former Medical Offices</u>	<u>Change</u>
PM Peak Hour – Adjacent Street	38	150	-112
Entering	24	42	-18
Exiting	14	108	-94
PM Peak Hour – Generator	46	178	-132
Entering	27	69	-42
Exiting	19	109	-90

As seen in the preceding table, the proposed residential development will generate significantly fewer trips than the former medical offices in all peak hour periods as well as on a daily basis. Given this significant reduction in trips there is no need for capacity analysis and the remainder of this impact assessment will focus upon safety.

SAFETY ANALYSIS ACCIDENT REVIEW

The Maine Department of Transportation uses two criteria to determine high crash locations (HCLs). The first is the critical rate factor (CRF), which is a measure of the accident rate. A CRF greater than one indicates a location which has a higher than expected accident rate. The expected rate is calculated as a statewide average of similar facilities.

The second criterion, which must also be met, is based upon the number of accidents that occur at a particular location. Eight or more accidents must also occur over the three-year study period for the location to be considered a high crash location.

Crash data for the vicinity of the site (Dresden Avenue, Brunswick Avenue and Cottage Street) was obtained from MaineDOT for the most recent three-year period, 2017 – 2019, and is attached. The CRF and number of accidents are summarized by location in the following table:

<u>Location Description</u>	<u># of Acc.</u>	<u>CRF</u>
Intersection of Brunswick Avenue, Central & Plummer Streets	1	0.21
Brunswick Avenue between Central Street and Chestnut Street	1	0.36
Intersection of Brunswick Avenue, Lincoln & Washington Avenues	1	0.21
Brunswick Avenue between Filmore Place and Church Street	4	1.60
Intersection of Brunswick Avenue & Church Street	2	0.39



<u>Location Description</u>	<u># of Acc.</u>	<u>CRF</u>
Brunswick Avenue between Church and Neal Street	1	0.20
Intersection of Brunswick Avenue & Mechanic Street	1	0.21
Intersection of Brunswick Avenue, Water & Bridge Streets	15	0.73
Dresden Avenue between School Street and Church Street	1	0.63
Dresden Avenue between Danforth and Cottage Street	1	0.30
Intersection of River Avenue and Cottage Street	1	0.75

As seen in the above accident table, there are no high crash locations within the vicinity of the proposed residential development. As a result, no further accident review or evaluation is necessary.

DRIVEWAY SIGHT DISTANCE

One of the most important safety factors to consider for a project is sight distance from the exit drives. This sight distance is measured ten feet back from the edge of travel way at a driver's eye height of 3.5 feet to an object height of 4.25 feet.

The proposed site access provides for three exits to Dresden Avenue in existing locations. The speed limit is unposted on Dresden Avenue but is assumed to be 25 mph as it is on Brunswick Avenue and in the remaining Gardiner urban area. Sewall recommends a minimum of 10 feet of sight distance for every posted mile per hour of speed limit or 250'. The City of Gardiner Land Use Ordinance requires this same 10' per mph. Sight distance was measured in the field from the three existing drives with the following results:

<u>Driveway Description</u>	<u>Existing Driveway Sight Distances</u>			
	<u>To Right</u>	<u>Adequate</u>	<u>To Left</u>	<u>Adequate</u>
Northerly Drive	400'+	Yes	400'+	Yes
Middle Drive	400'+	Yes	300'	Yes
Southerly Drive	400'+*	Yes	230'	No

*Sight distance to the right is partially restricted by the existing "Alzheimer's Care Center" sign. This sign should be relocated out of the driveway sight triangle.

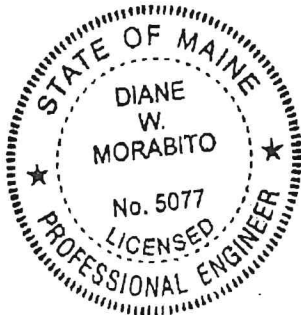


As seen in the preceding table, sight distance in both directions from the two most northerly drives exceeds the standard. Sight distance from the southerly drive towards the right is partially restricted by the existing Alzheimer's Center sign. This sign should be relocated out of the driveway sight triangle. Sight distance to the left is approximately 230'. It is restricted by brush growing along the Dresden Avenue right-of-way and then by the crest of the hill. It is expected that with tree limbing and clearing along the roadside this sight distance can be increased to 250'. It is important to note that no additional signage or landscaping should be located in the exit drive sight triangles which could obscure or restrict the sight distances in the future.

SUMMARY

To summarize, the 68 proposed residential dwelling units will generate from 32 to 46 one-way trips in peak hours. The former medical offices generated between 121 and 178 peak hour trips based upon the ITE data are. Hence, the proposed residences will result in a significant decrease in traffic to the site. As a result, no capacity or traffic analysis is required. In terms of safety, there are no high crash locations in the vicinity of the site. Sight distance from the two most northerly drives is adequate. Sight distance from the southerly drive can be improved by some brush clearing/tree limbing and by the relocation of the Alzheimer's Center sign. With these improvements sight distance will be adequate to meet standards.

As always, please do not hesitate to contact Sewall if you or the City of Gardiner have any questions or concerns regarding this analysis, findings or recommendations.



Sincerely,

Diane W. Morabito, P.E. PTOE
Vice President Traffic Engineering

A TFC Company



Gardiner Water District

June 24, 2020

Paul Boghossian
Hathaway Center
10 Water St, Box 68
Waterville Me. 04901

Dear Mr. Boghossian,

The Gardiner Water District has the capacity to serve your proposed 68-unit housing development on Dresden Avenue in Gardiner. This area is served by a 10" ductile iron main which runs from River Rd, up Cottage St, and ends at the old Gardiner Hospital. Please contact me if I can be of further assistance.

Sincerely,

Paul Gray

Superintendent

Gardiner Water District



July 12, 2020

Mr. Paul Boghossian
Hathaway Holdings LLC
Hathaway Center
10 Water Street, Box 68
Waterville, ME 04901

**RE: TRAFFIC IMPACT ASSESSMENT FOR PROPOSED RESIDENTIAL
DEVELOPMENT IN GARDINER, MAINE**

INTRODUCTION

This memorandum summarizes trip generation and safety analyses for local City of Gardiner approval of a proposed residential development. The proposed residential development is to be located on the site of the former MaineGeneral Hospital on Dresden Avenue. The development will provide for 68 dwelling units as outlined below:

- Phase 1 – Rehab of the original hospital building to provide 34 apartment units
- Phase 2 – Rehab of the south annex and boiler buildings to provide 6 condominium units
- Phase 3 – Rehab of the medical office building into 11 condominium units
and 17 new construction condominium units

The former MaineGeneral hospital buildings were most recently occupied by these uses:

- Visiting nurses
- X-ray
- Home health care
- Horizon treatment
- Scanning
- Recordkeeping
- Bone density
- Mammography
- Printing
- Doctor's offices

It understood that the hospital building and Gardiner Family Practice building both were generally utilized as medical office buildings in recent years. Based upon information provided by MaineGeneral, the

former hospital is approximately 34,000 square feet (S.F.) in size and was totally utilized for medical office purposes. The Gardiner Family Practice building provided for 9,200 S.F. of medical offices with 4,300 of storage.

Access to the residential development will be provided by the three existing curb cuts to Dresden Avenue. However, one of the current two-way drives will be restricted to one-way out, reducing allowed driveway movements from twelve to ten, thus improving access management.

TRIP GENERATION ANALYSIS

The number of trips to be generated by the proposed residences was determined utilizing the Institute of Transportation Engineers (ITE) "Trip Generation" manual. The most recent 10th edition was used for the calculations since it is derived from the largest database and is considered the most current and best information. Land use code 220 – Multi-Family Housing Low-Rise was utilized on the basis of the 68 proposed dwelling units. The results are summarized in the following table:

<u>Time Period</u>	<u>Trip Generation – New Residences</u>	
	<u>One-Way Trips</u>	
Daily	498	
AM Peak Hour – Adjacent Street	32	
Entering	7	
Exiting	25	
AM Peak Hour – Generator	38	
Entering	10	
Exiting	28	
PM Peak Hour – Adjacent Street	38	
Entering	24	
Exiting	14	
PM Peak Hour – Generator	46	
Entering	27	
Exiting	19	

As seen above, the new residences are expected to generate from 32 to 46 one-way trips during peak hours. This level of traffic would not be expected to have a significant impact off-site on traffic operations beyond the site drives. Generally, a project won't have a significant impact on traffic operations unless it generates in excess of 35 lane hour trips. This project will generate a maximum of 28 lane hour trips.



VAUGHN SMITH ASSOCIATES

Septic Design • Wetland Analysis • Soil Mapping

Coffin Engineering Inc.

P.O. Box 4687

Augusta, ME 04330

RE: Stream Determination, 150 Dresden Avenue, Gardiner

On June 2, 2022, I was asked to look at the drainageway at the abovementioned property, that is near the northwest corner of the MaineGeneral Rehabilitation and Long Term Care Facility. There is a rock dam that has been constructed on the subject parcel, to reduce the velocity of the runoff in this drainageway. The area downslope of the rock dam does not have a continuous scoured bottom, and in the short segments that are scoured, the flow and channel is dissipated into the herbaceous/soil layers that are not scoured. This drainageway meanders northeasterly off the property until it meets up with a small (< 4ft in width) stream. The stream is located approximately 25 feet north of the northerly property line of the subject parcel and continues to flow easterly paralleling the northerly property line.

Stream Determinations were done using the Natural Resource Protection Act (NRPA) Identification Guide for Rivers, Streams, and Brooks.

In summary, it is not a stream between the rock dam to the confluence of the stream that is offsite. See Site Plan for further details.

I hope this information is sufficient for your current needs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vaughn L. Smith'.

Vaughn L. Smith

Certified Soil Scientist #290





432 Cony Road
P.O. Box 4687
Augusta, ME 04330



(207) 623-9475
Fax (207) 623-0016
1-800-244-9475



April 5th, 2022

Kris McNeill
Code Enforcement Officer
City of Gardiner
6 Church Street
Gardiner, Maine 04345

Subject: Hathaway Holdings, LLC.
150 Dresden Avenue
Section 10.16 New Multi-Family Dwellings

Dear Kris,

We have been retained by Paul Boghossian of Hathaway Holdings, LLC, who has purchased the (now 5.46 acre) parcel from Maine General shown on the attached Boundary Survey dated September 10th, 2019 by Dirigo Surveying. The applicant is proposing to convert the building closest to Dresden Avenue into 34 apartment units. The applicant is required to comply with Section 10.16.3 New Multi-Family Dwellings and the subsections listed below.

10.16.3 New Multi-Family Dwellings

10.16.3.1 Except in the Downtown Area as defined and the Cobbossee Corridor District with Shoreland Overlay, the minimum road frontage shall not be less than 200 feet.

The parcel has 244' of frontage along Dresden Avenue.

10.16.3.2 The minimum side setback shall not be less than 30 feet except in the Cobbossee Corridor, Intown Commercial, and Mixed-Use Village Districts. Refer to Section 7.7 for setback requirements.

The 30' side setbacks are shown on the Site Plan C1.1.

10.16.3.3 Except in the Downtown Area as defined, and the Cobbossee Corridor District with Shoreland Overlay, the minimum rear setback shall not be less than 30 feet.

The 30' rear setbacks are shown on the Site Plan C1.1.

10.16.3.4 Multi-family developments involving more than one detached structure shall conform to the requirements for clusters except in the Cobbossee Corridor District.

There is only one detached building affected with this project.

10.16.3.5 Except in the Downtown Area as defined, and the Cobbossee Corridor, Intown Commercial, Mixed-Use Village, or Planned Highway Development Districts, a minimum of 2 parking spaces shall be provided for each dwelling unit. In the Downtown Area as defined, and

Professionals Delivering Quality Solutions

the Cobbossee Corridor District, the owner shall submit evidence that parking is available within a reasonable distance of the multi-family dwelling. In the Mixed-Use Village, Intown Commercial, and Planned Highway Development Districts, parking for each unit shall be provided in accordance with Sec. 11.4.

There are at least two parking spaces provided for each of the 34 dwelling units.

10.16.3.6 Except in the Downtown Area as defined and the Cobbossee Corridor District, no accessory building or parking area shall be located in the front yard.

The applicant is modifying the existing parking lot along Dresden Avenue to comply with the American Disabilities Act.

10.16.3.7 All parking spaces, driveways and access ways shall be paved, except in the Cobbossee Corridor District where alternative porous pavements and structural grass systems are allowed with the approval of the city.

All parking spaces, driveways and access ways will be paved.

10.16.3.8 Common trash receptacles shall be provided.

An enclosed dumpster area is shown on the Site Plan C1.1.

10.16.3.9 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.

34,020 sf of open space is included on the Recording Plat REC 1.

10.16.4 Multi-Family Conversion

Any existing structure to be converted or expanded into a multi-family dwelling shall meet all the dimensional, density and performance standards for new multi-family dwellings.

The converted structure meets all dimensional, density and performance standards for new multi-family dwellings.

10.16.5 Conversion to Single-Family Use or Multi-family Structures With Fewer Units

Any existing two-family or multi-family structure may be converted to single family use in any district allowing single-family uses, or to a multi-family structure with fewer units, subject to the following criteria:


This section is not applicable.

The project complies with Section 10.16.3 New Multi-family Dwellings and if you should have any questions or concerns, please don't hesitate to contact me at 623-9475.


Sincerely,



James E. Coffin, P.E.

 432 Cony Road
P.O. Box 4687
Augusta, ME 04330



(207) 623-9475
Fax (207) 623-0016
1-800-244-9475 

July 20th, 2022

Kris McNeill
Code Enforcement Officer
City of Gardiner
6 Church Street
Gardiner, Maine 04345

Subject: Hathaway Holdings, LLC.
150 Dresden Avenue
Stormwater Report

Dear Kris,

We have been retained by Paul Boghossian of Hathaway Holdings, LLC, who has purchased the (now 5.46 acre) parcel from MaineGeneral shown on the attached Boundary Survey dated September 10th, 2019 by Dirigo Surveying. The applicant is proposing to convert the large building that is located along Dresden Avenue into 34 apartment units. This portion of the project will be Phase I and will result in a decrease in impervious area of 2,540 sf for the parcel.

Stormwater is addressed in Section 9 (Environmental Performance Standards) in the City's Land Use Ordinance. Since this project will be considered a subdivision we must comply with Section 9.10.2 (Additional Standards) and these three applicable sections:

9.10.2.1 *A storm water control plan shall be designed by a professional engineer. All storm water features shall be designed in conformance with Stormwater Management for Maine: Best Management Practices" Manual, Volumes 1 and 3, published by the Maine Department of Environmental Protection, January, 2006. A storm water control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management and Chapter 502 Direct Watersheds of Waterbodies Most at Risk from New Development, shall be deemed to be a suitable equivalent to these standards with the approval of the Code Enforcement Officer.*

Stormwater structures and pipes are all in place and are depicted on the subdivision plan, which is included with the planning board submission. There is a section of pavement that has failed, which is located in the northeast corner of the large parking lot. The pavement in this area has been undercut by runoff and there is an erosion issue that needs to be addressed. We are proposing to install riprap in this area all the way down to the ditch. This ditch has recently been armored with riprap and stone check dams. Concrete barriers will be implemented on the asphalt to prevent vehicles from going down the embankment.

9.10.2.2 All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and 25-year, 24-hour duration frequencies based on rainfall data for Augusta, Maine.

Since there will be a reduction of 2,540 sf in impervious area this section is not applicable as the pre-development flows will be greater than the post-development flows.

9.10.2.3 The storm water system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

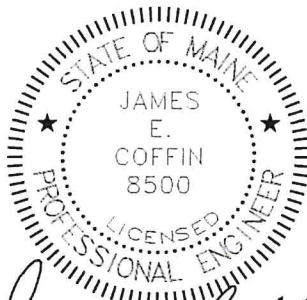
The parcel is situated such that there is ditching along the north side and the site falls off along the south side to another ditch/stream. The drainage on site flows in a west-east direction and all ends up in a stream along the east side of the parcel that eventually flows to the Kennebec River. There would be no reason to upsize any on-site drainage structures because they are currently handling all of the drainage that they ever could because of the site topography.

We do not believe that any additional stormwater measures are needed, other than what is mentioned above. If you have any questions about any of this information, please contact me.

Sincerely,



James E. Coffin, P.E.





STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
353 WATER STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041



May 10, 2022

James Coffin
E.S. Coffin
432 Cony Road, PO Box 4687
Augusta, ME 04330

RE: Information Request – 150 Dresden Avenue Project, Gardiner

Dear James:

Per your request received on April 11, 2022, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *150 Dresden Avenue* project in Gardiner. For purposes of this review we are assuming tree clearing will be part of your project.

Our Department has not mapped any Essential Habitats or inland fisheries habitats that would be directly affected by your project.

Endangered, Threatened, and Special Concern Species

Bat Species – Of the eight species of bats that occur in Maine, the three *Myotis* species are protected under Maine's Endangered Species Act (MESA) and are afforded special protection under 12 M.R.S. §12801 - §12810. The three *Myotis* species include little brown bat (State Endangered), northern long-eared bat (State Endangered), and eastern small-footed bat (State Threatened). The five remaining bat species are listed as Special Concern: big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat. While a comprehensive statewide inventory for bats has not been completed, based on historical evidence it is likely that several of these species occur within the project area during migration and/or the breeding season. However, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

Significant Wildlife Habitat

Significant Vernal Pools - At this time MDIFW Significant Wildlife Habitat (SWH) maps indicate no known presence of SWHs subject to protection under the Natural Resources Protection Act (NRPA) within the project area, which include Waterfowl and Wading Bird Habitats, Seabird Nesting Islands, Shorebird Areas, and Significant Vernal Pools. However, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. Therefore, we recommend that surveys for vernal pools be conducted within the project boundary by qualified wetland scientists prior to final project design to determine whether there are Significant Vernal Pools present in the area. These surveys should extend up to 250 feet beyond the anticipated project footprint because of potential performance standard requirements for off-site Significant Vernal Pools, assuming such pools are located on land owned or controlled by the applicant. Once surveys are completed, survey forms should be submitted to our

Letter to James Coffin, E.S. Coffin
Comments RE: 150 Dresden Avenue, Gardiner
May 10, 2022

Agency for review well before the submission of any necessary permits. Our Department will need to review and verify any vernal pool data prior to final determination of significance.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program, Maine Department of Marine Resources, and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

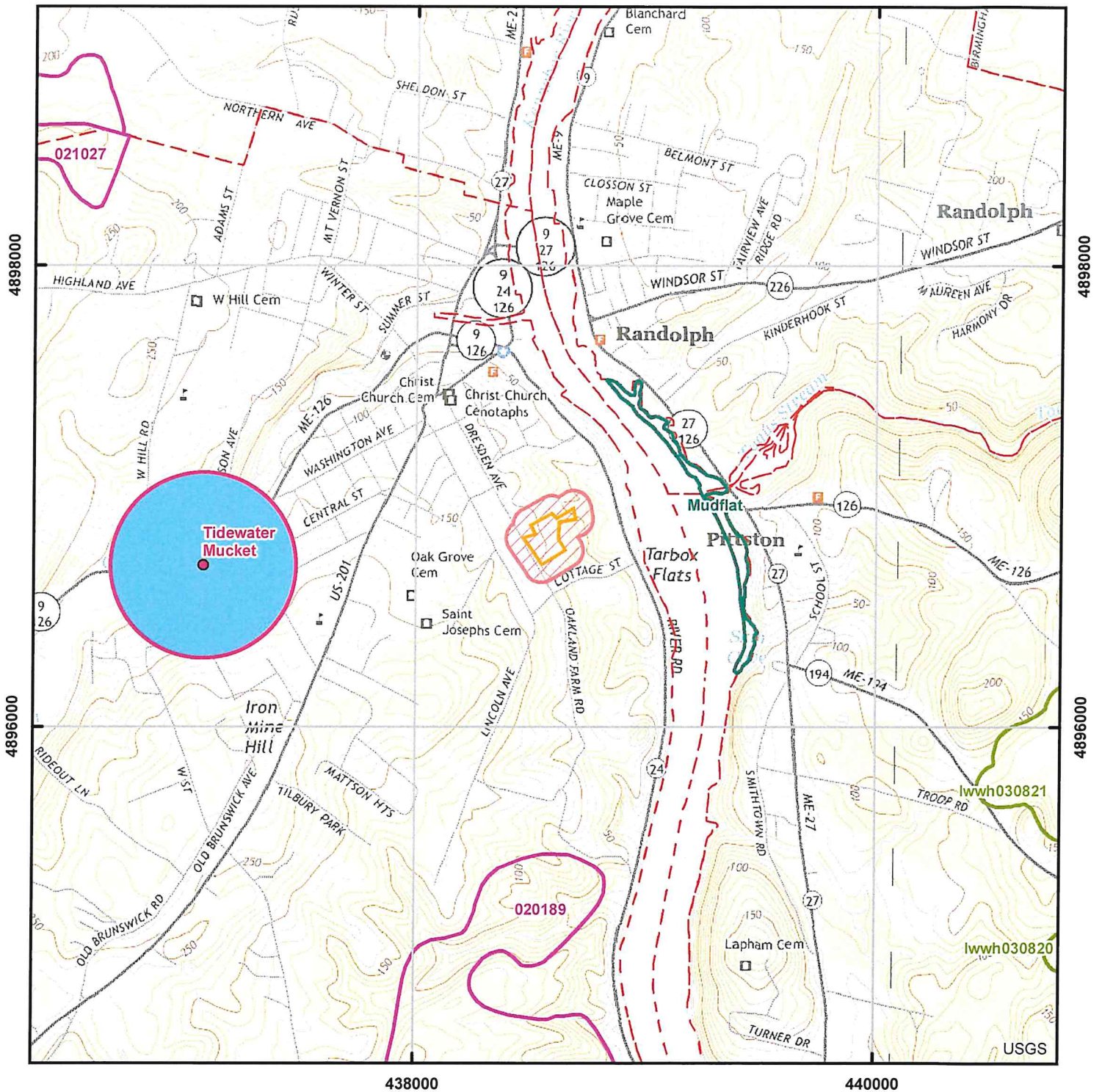
Best regards,

A handwritten signature in black ink, appearing to read 'Becca Settele', with a stylized, flowing script.

Becca Settele
Wildlife Biologist

438000

440000



Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name: 150 Dresden Avenue, Gardiner
(Version 1)



Maine Department of
Inland Fisheries and Wildlife

0 0.125 0.25 0.5 0.75 1 Miles

Projection: UTM, NAD83, Zone 19N

Date: 4/11/2022

- | | | |
|-----------------------------------|----------------------------------|------------------------------|
| ProjectSearchAreas - All Versions | Deer Winter Area | Roseate Tern |
| Maine Cliff and Talus Areas | LUPC p-fw | Piping Plover and Least Tern |
| | Cooperative DWAs | Aquatic ETSc - 2.5 mi review |
| | Seabird Nesting Islands | Rare Mussels - 5 mi review |
| | Shorebird Areas | Maine Heritage Fish Waters |
| | Inland Waterfowl and Wading Bird | Arctic Charr Habitat |





MEMORANDUM

TO: City of Gardiner Planning Board

FROM: Mark A. Bower, Esq.

RE: Gardiner Green Project; 150-152 Dresden Avenue

DATE: November 16, 2021

I am filing this memorandum on behalf of my client, Hathaway Holdings, LLC (“Hathaway”), which is the applicant and developer of the proposed Gardiner Green subdivision at 150-152 Dresden Avenue (the “Project”). The purpose of this memorandum is to respond to the 15-page public comment document that was signed and submitted by several individuals (the “Neighbors”) on October 12, 2021, and provided to the applicant just a few hours before the Planning Board met that day. This is intended as a thoughtful response to those comments, informed by the provisions of the Gardiner Land Use Ordinance (“LUO”), with the goal of aiding the Board’s overall review of the Project at the December 14, 2021 meeting.

1. Hathaway’s plan for a phased development is not prohibited under the LUO.

Hathaway is proposing to develop Gardiner Green in three phases, which City Staff has already acknowledged is permissible under the LUO, “provided sufficient and detailed conditions are stated in a final written decision ensuring compliance with all applicable and relevant LUO standards within the scope of the condition(s) and underlying base approval.” (4/9/21 Staff Memo. at 8.)

The Project’s phases are as follows:

Phase 1 will create 34 apartment units in the structure labeled on the Phase 1 Site Plan as “Former Medical Building,” with 7 of the units designated as affordable housing. Hathaway is applying for both site plan and subdivision approvals, due to the fact that the Former Medical Building will be developed into multiple dwelling units. *See* 30-A M.R.S. § 4401 (defining subdivision to include “the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period,” whether by sale, lease, development, buildings or otherwise).

Phase 2 will create 4 townhouse condominium units in the former hospital's south annex building (labeled Building #5 on the Site Plan), and 2 townhouse condominium units in the former boiler room building, as shown on the Phase 2 Site Plan, for a total of 6 dwelling units.

Phase 3 will rehabilitate the former Gardiner Family Medicine building into 8 townhouse condominium units, and will create 8 townhouse condominium units in 4 new structures to be built, as shown on the Phase 3 Site Plan, for a total of 16 units.

In summary, the three phases will result in the creation of 56 total dwelling units (49 market rate units and 7 affordable housing units) in the High-Density Residential (HDR) zoning district. Contrary to the Neighbors' assertion, there is nothing in the LUO that prohibits apartment units and condominium units from being located on the same lot, provided the density requirements are met; that is, the LUO does not require separate "lots" for each apartment and condo unit, contrary to the Neighbors' apparent belief. The calculation of density for this Project, based on the lot size of 5.43 acres (236,531 square feet) is included in the subdivision and site plan applications that Hathaway has submitted. In accordance with the City Staff's guidance (4/9/21 Staff Memo. at 8), Hathaway will submit elevation drawings and materials submissions as a condition of compliance filing prior to beginning work on Phases 2 and 3 of the Project, and such condition of compliance filings will follow the normal notice and hearing process under the LUO.

2. The Project qualifies as an "Open Space Development," and meets the open space design criteria under LUO § 10.23.

The Project is being proposed as an "open space development" under the LUO,¹ and Hathaway has previously demonstrated compliance with each of the open space design criteria under LUO § 10.23.2. (*See* 4/6/21 Applicant Memo.) The Project further qualifies for a density bonus under LUO § 10.23.5.1.1: "The number of dwelling units may be increased by 20% over the number of units allowed in the district in which the development is located provided that at least one of the following conditions is met: . . . At least 10% of the dwelling units are affordable housing as defined by 30-A M.R.S.A. Section 4301." This incentive to create affordable housing provides the Project with a 9-unit increase from 47 units to 56 total units.

The Neighbors do not actually argue that the Project fails to meet any of the design requirements in LUO § 10.23.2, only that a "total site plan for structures" has not been

¹ LUO § 17-23 defines an open space development as: "A land development project comprehensively planned as a self-contained, integrated, unified development which exhibits flexibility in building siting, clustering, usable open space and the preservation of significant natural features, and which meets the Open Space Design Standards of this Ordinance."

submitted under § 10.23.2.2. There is no merit to that argument. LUO § 10.23.2.2 requires an applicant to “illustrate the placement of buildings and the treatment of spaces, roads, services, and parking,” which mirrors the LUO definition of the term site plan: “A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by municipal ordinance. It includes lot lines, building sites, reserved open spaces, buildings, and major landscape features, both natural and man-made.” Hathaway has fulfilled this obligation, as the application includes not only an overall site plan, but also separate, detailed site plans for each of the three phases of the proposed development. The Neighbors take an unduly expansive interpretation of the term “site plan,” contending that a site plan must include elevation drawings, photographs and other materials, which is inconsistent with the LUO definition of the term.

3. The Project site meets the minimum land area necessary for an open space design.

To begin with, it is important to note that MaineGeneral Medical Center made a single conveyance to Hathaway on October 12, 2021, of a 5.43-acre parcel that included a few pieces of land, including the 0.9-acre portion that is the source of the Neighbors’ complaint. The 0.9-acre portion was included in order to facilitate the development in anticipation of setback needs and other dimensional issues. The Neighbors next contend that the Planning Board was wrong in its initial finding that the Project does not involve a “flag-shaped” or “odd-shaped” lot, under the Neighbors’ mistaken belief that the 0.9-acre portion conveyed from MaineGeneral’s abutting parcel meets that definition. This argument is flawed for two reasons.

First, there is nothing in the LUO that indicates that odd-shaped lots are “not suitable for development,” as the Neighbors allege. Under LUO § 10.23.2.5, the “area suitable for development shall be calculated by subtracting the following: **wetlands, rivers, streams, brooks, stormwater drainage features, resource protection district areas, areas within the 100-year floodplain and areas within roads and other rights-of-way.**”² Therefore, the only portions of a parcel that the LUO deems “unsuitable” for development are those highlighted in the quoted passage, which notably does not include “flag lots.” The 5.43-acre parcel obtained from MaineGeneral is undoubtedly suitable for development.

Second, the Neighbors’ argument shows a misunderstanding of the intent underlying the “flag lot” provision. LUO § 8.1.4 provides: “Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot-size requirements are prohibited except for rear lots meeting the requirements of 8.3.” Contrary to what the Neighbors appear to believe, the proper analysis is whether the resulting lot is flag-shaped, and is such a shape only to

² In the developable land calculations, Hathaway properly subtracted 1,230 square feet of land needed for the stormwater improvement, in accordance with LUO § 10.23.2.5.

meet minimum lot size requirements. That is not the case here. As is typical in real estate developments, Hathaway acquired additional acreage from a willing seller (MaineGeneral) to merge with the existing parcel to allow for its development. The resulting lot where Hathaway will develop the Project is neither flag-shaped nor odd-shaped. Therefore, the Neighbors have failed to identify any violation of the LUO.

4. The portion of the Project site to be dedicated as open space is suitable for that purpose under the LUO.

To meet ordinance requirements, Hathaway will dedicate 56,000 square feet of the parcel—located in the currently wooded section of the lot—as a continuous tract of open space in accordance with LUO § 10.23. Notably, the LUO specifically lists “existing undeveloped forest areas” and “significant wildlife and plant habitat areas” as land areas that are eligible for open space designation. LUO § 10.23.3.1. Hathaway will designate this common open space area upon approval of the project, under LUO § 10.23.4.1.

The Neighbors have not established that any of the proposed open space area would be “unsuitable for development” under the LUO. Even if it were, however, “[t]he open space land may utilize or feature areas designated as unsuitable for development. . . .” LUO § 10.23.3.3. Moreover, contrary to the Neighbors’ assertion, there is nothing in the LUO to support their claim that dedicated open space areas must be handicap-accessible in order to comply with the Federal Fair Housing Act. Indeed, it would be surprising if any other development in the City of Gardiner has been required to meet such a stringent standard, particularly when undeveloped wooded areas are regularly used to meet open space requirements.

The Neighbors also point to the LUO’s requirement that open space must consist of a “yard, garden or playground area.” LUO § 10.16.3.9. However, the term “yard” is defined in the LUO simply as “the area of land on a lot not occupied by the principal building.” LUO § 17.2.1. The wooded areas to be designated as open space meet that definition. Therefore, the Project will satisfy the 1,000 square-foot-per-unit requirement for open space dedication. It is important to keep in mind that, generally speaking, the purpose of an ordinance’s open space requirement is to make sure that the overall development in a particular region of the City does not become too dense. By setting aside more than an acre of land (20% of the lot) as open space that cannot be developed, the Project accomplishes that goal.

5. The Project meets the affordable housing requirement that determines eligibility for the density bonus under LUO § 10.23.5.

As mentioned previously, the Project qualifies for a density bonus under LUO § 10.23.5, which allows for an increase in the number of dwelling units by 20% over the number of units

allowed in the district if a qualifying feature is met—here, “at least 10% of the dwelling units are affordable housing as defined by 30-A M.R.S.A. Section 4301.” That section of the LUO does not dictate whether the dwelling units must be rental units or ownership units.

The Neighbors have argued, unpersuasively, that the Planning Board should require Hathaway to designate both rental units and ownership units (*i.e.*, condominium units) as affordable, but they fail to point to any provision under the LUO that requires both types of units to be designated affordable in order to obtain the density bonus. The definition of “affordable housing” that the Neighbors cite, from LUO § 17.2.1, merely takes into account the fact that affordable housing could be rental units, could be ownership units, or could be both types. The Planning Board should not accept the Neighbors’ invitation to unilaterally amend the LUO by rewriting the affordable housing requirement. If the Neighbors believe there is merit to their position, they can channel their efforts in a proposed amendment to the LUO directed to the City’s legislative body.

In addition, the Neighbors contend that the Project’s proposal to offer affordable rental units does not comply with the objectives of the City of Gardiner Comprehensive Plan (“Comp Plan”). However, the Comp Plan notes that, while home prices were stable, rental prices had increased significantly, which “led to an increase in the percentage of rental households who are unable to afford the average rent.” (Comp Plan at 178-79.) The Project’s addition of 7 affordable rental units directly addresses that concern as expressed in the Comp Plan.³ Moreover, because the affordable rental units will be provided in Phase 1 of the Project (the rehab of the Former Medical Building into 34 apartment units), all 7 of the affordable units will be available much sooner than if the townhouse condo units—from later phases of the Project—were designated as affordable, as the Neighbors would like. We assume that the City would prefer to have affordable dwelling units available sooner rather than later.

As for the duration of the affordability covenant, we reiterate prior discussions concerning this question and oppose the idea of an indefinite term, proposing instead a requirement that the affordability covenant remain in effect for a period of 25 years. Such a term is consistent with that seen in other covenants by state and local permitting entities in Maine, and strikes a balance between encouraging the creation of affordable housing and limiting the restriction on future transfers of property.

³ Note that only 6 affordable units are required in order to get the density bonus, but the Project includes an additional affordable unit above the LUO’s minimum requirement.

6. The Project is consistent with the Comp Plan.

The Neighbors next allege that the Project is inconsistent with the Comp Plan. Under LUO § 14.4.9, a proposed subdivision must conform to “all the applicable standards and requirements of this Ordinance, the Comprehensive Plan, and other local ordinances.” The Project is consistent with various provisions of the Comp Plan:

- **Objective 1.9 (Expand the opportunities for infill housing in established residential neighborhoods):** *“The City’s current housing stock offers a limited range of housing options. Much of the current housing stock is either owner-occupied, single-family homes or rental apartments in older, multifamily buildings or larger apartment complexes for specific population groups. To broaden the appeal of Gardiner to a wide range of household types, the City should assure that its development regulations allow a wider range of housing in the developed residential neighborhoods while at the same time maintaining the livability of these neighborhoods. These types of uses have the potential for expanding the tax base without increasing the demand for public services.”* (Comp Plan at 70.)
- **Objective 1.11 (Facilitate the construction of good-quality residential development):** *“Over the past decade, the City has experienced limited residential development. While residential development may increase the City’s service costs over the long-term, there are opportunities to create a framework that may entice the private development community to undertake residential projects in Gardiner.”* (Comp Plan at 73.)
- **State Goal #8 (Housing):** *“To encourage and promote affordable, decent housing opportunities for all Maine citizens.”* (Comp Plan at 86.)
- **Action 1.10-4 (Provide opportunities for the creative reuse of large older buildings):** *“There are a number of existing large buildings within the City’s residential neighborhoods that are no longer being used for the designed purpose. Finding appropriate uses for these buildings that are both economically viable and suitable for the neighborhood can be problematic. The City should revise its zoning to create a mechanism to allow the creative reuse of these buildings on a case-by-case basis as long as they maintain the character of the neighborhood. This could be done through the creation of an overlay district or the use of contract zoning that would allow the specifics of each redevelopment proposal to be carefully reviewed and negotiated. Where the building is historic, the City should work with the property owner to explore designating the property as a historic resource and using historic rehabilitation tax credits in the renovation of the property.”* (Comp Plan at 72.)

By providing both rental units (affordable and market-rate) and ownership units, the Project exemplifies the above goals and actions from the Comp Plan by adding dwelling units, improving affordability, and redeveloping existing large buildings within residential

neighborhoods. The Neighbors' chief complaint appears to be a belief that certain provisions of the LUO are inconsistent with the Comp Plan. However, to the extent that the Neighbors dislike some of those provisions of the LUO, their remedy is to propose ordinance amendments, not to deny this project, which does comply with both the Comp Plan and the applicable LUO requirements.

7. The Project meets all site plan review criteria, including the “character of the neighborhood” requirement cited by the Neighbors.

LUO § 6.5.2.1 is a site plan review standard that requires the applicant to show that 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.”

To begin with, the Project complies with this review standard. As an entirely residential development located within the High-Density Residential (HDR) zoning district of the City, the Project will integrate with the surrounding residential neighborhood, will include vegetative buffers from abutting properties, will significantly improve upon the poor aesthetics of the existing buildings on the Property, and will be a far less intense use than the prior healthcare use of the Property. Moreover, this review standard should not be applied in a vacuum, as the Neighbors would like. The Planning Board must consider the fact that the Project involves the renovation of existing structures, which will greatly enhance their appearance and function, and that the proposed residential use will be far more compatible with the neighborhood than the prior intensive healthcare use.⁴

Although the Project does comply with LUO § 6.5.2.1, we do have concerns about the constitutionality of this ordinance provision due to the vagueness of the language. The Maine Law Court has repeatedly invalidated ordinance standards that fail to provide cognizable, quantitative standards, holding that, “in order to withstand attack as an impermissible legislative delegation of authority, ordinances that establish criteria for acceptance of a conditional use must specify sufficient reasons why such a use may be denied.” *Gorham v. Town of Cape Elizabeth*, 625 A.2d 898, 900 (Me. 1993). This is because “[d]evelopers are entitled to know with reasonable clarity what they must do under state or local land use control laws to obtain the permits or approvals they seek.” *Kosalka v. Town of Georgetown*, 2000 ME 106, ¶ 12, 752 A.2d 183; *see also Cope v. Town of Brunswick*, 464 A.2d 223, 227 (Me. 1983) (invalidating a provision that “the use requested will not tend to devalue or alter the essential characteristics of the surrounding

⁴ We would note that the Property could simply be developed into 23 single-family house lots based on the 10,000-square-foot lot minimum in the LUO. However, that approach would likely be far more disruptive and intensive than the current proposal, and would not achieve the same policy goals of creating dwelling units and encouraging the development of affordable housing.

property”). A good illustration of this rule is *Wakelin v. Town of Yarmouth*, 523 A.2d 575 (Me. 1987), where the local board denied the applicant’s request for a special exception permit for a multi-family dwelling, finding that the proposed use was “not in keeping with the neighborhood.” One of the town’s review criteria was whether the proposed use is “compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development.” On appeal, the Law Court invalidated that ordinance provision on constitutional grounds because the provision lacked quantitative standards to produce “specific criteria objectively usable by both the Board and the applicant in gauging the compatibility of a proposed use with existing uses in the surrounding area.” Simply put, the provision left both the developer and the local board guessing, and “[s]uch uncertainty is impermissible.”

In summary, the Law Court has instructed that planning boards are not free to express legislative-type opinions about what is appropriate for the community, which is exactly what LUO § 6.5.2.1 allows for. It is impossible for a potential developer to know what constitutes being “sensitive to the character of the . . . neighborhood,” or what “sensitive” actually means, and therefore the language is unconstitutionally vague. To apply this provision as the Neighbors propose produces the same result as in *Wakelin*—the lack of specific standards that creates a state of uncertainty depriving Hathaway of the use of its property.

If the Planning Board were to agree with the Neighbors’ suggestion that the Project must be “consistent with the predominant pattern in the neighborhood”⁵—in other words, establishing an aesthetic requirement, the only apparent option for Hathaway would be to tear down all of the existing structures and rebuild them from scratch, which would render the Property substantially useless and strip it of all practical value—in other words, a regulatory taking of land. See *MC Associates v. Town of Cape Elizabeth*, 2001 ME 89, ¶ 11, 773 A.2d 439. We urge the Planning Board to avoid that result.

8. Hathaway has demonstrated sufficient financial capacity to carry out the project, as required under LUO § 14.6.7.

Lastly, the Neighbors contend that Hathaway has not shown financial capacity by providing 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.

⁵ The Neighbors’ submission of photos of houses on Dresden Avenue suggests that they would like the Planning Board to require the Project’s structures to match that aesthetic.

Hathaway intends to fund the Project's development through bank financing, not cash on hand, and therefore submitted a letter from John Butera at Skowhegan Savings Bank, who expressed the bank's enthusiasm in working with Hathaway to finance the Project.⁶ As the City Staff has aptly pointed out, "obtaining committed financing generally requires an applicant to first obtain all necessary permits, licenses, and governmental approvals." (4/9/21 Staff Memo. at 8.) In other words, it is a "chicken and egg" dilemma – you need the approval before you can get the loan commitment from a reputable financial institution. Therefore, we request the Board to follow the City Staff's guidance on this question, and condition its approval of the application upon Hathaway's submission of a more detailed financing letter to the satisfaction of City Staff prior to obtaining any building permits or commencing work in any phase of the Project. To require more than this would be imposing a higher standard for this application than other projects reviewed by this Board, which would not withstand a legal challenge.

Conclusion

In summary, the above discussion demonstrates that none of the public comments advanced by the Neighbors would justify denying an approval of the Project's application. The Property is zoned for this use and the application meets all of the review standards set forth in the LUO for site plan and subdivision approvals. Hathaway looks forward to partnering with the City in revitalizing the Property, which will be a win for the City by producing high-quality housing units to meet the City's goals, and restoring the productive use of the Property.

⁶ Hathaway also submitted a prior letter of reference, dated January 8, 2021, from Jim Delamater, who can attest to Hathaway's "professionalism and overall ability to perform relative to overall goals and objectives."



MEMORANDUM

TO: City of Gardiner Planning Board

FROM: Mark A. Bower, Esq.

RE: Gardiner Green Project; 150-152 Dresden Avenue

DATE: May 9, 2022

This memorandum is submitted on behalf of my client, Hathaway Holdings, LLC, in order to respond to the memorandum of Mark Eyerman dated May 5, 2022 regarding the proposed Gardiner Green subdivision at 150-152 Dresden Avenue (the "Project"). Mr. Eyerman's memo includes four (4) bulleted points that are discussed below. Reference is made to my prior memorandum dated November 16, 2021 (the "November Memorandum").

1. Financial Capacity (LUO § 6.5.1.14).

The Applicant recently submitted to City Staff an updated letter, dated May 6, 2022, from Skowhegan Savings Bank signed by John Butera.

As stated in Section 8 of the November Memorandum, the Applicant intends to fund the Project's development through bank financing, not cash on hand, and therefore submitted the letter from Mr. Butera, who expressed the bank's enthusiasm in working with the Applicant to finance the Project.¹ As the City Staff has aptly pointed out, "obtaining committed financing generally requires an applicant to first obtain all necessary permits, licenses, and governmental approvals." (4/9/21 Staff Memo. at 8.) In other words, it is a "chicken and egg" dilemma – you need the approval before you can get the loan commitment from a reputable financial institution. Therefore, we request the Board to follow the City Staff's guidance on this question, and condition its approval of the application upon the Applicant's submission of a more detailed financing letter to the satisfaction of City Staff prior to obtaining any building permits or commencing work in any phase of the Project.

¹ The Applicant also submitted a prior letter of reference, dated January 8, 2021, from Jim Delamater, who can attest to the Applicant's "professionalism and overall ability to perform relative to overall goals and objectives."

2. “Sensitive to the character of the . . . neighborhood” (LUO § 6.5.2.1).

I have addressed this point at length in Section 7 of the November Memorandum (pages 7-8), which includes a discussion whether the site plan review criterion in § 6.5.2.1 is unconstitutionally vague or a regulatory taking of property.

To summarize our position, the Law Court has instructed that a planning board, when acting as a quasi-judicial body (as the Planning Board is here), is not free to express legislative-type opinions about what is appropriate for the community, which is exactly what LUO § 6.5.2.1 allows for. *See, e.g., Kosalka v. Town of Georgetown*, 2000 ME 106, ¶ 12, 752 A.2d 183 (“Developers are entitled to know with reasonable clarity what they must do under state or local land use control laws to obtain the permits or approvals they seek.”); *Wakelin v. Town of Yarmouth*, 523 A.2d 575 (Me. 1987) (invalidating an ordinance provision on constitutional grounds because the provision lacked quantitative standards to produce “specific criteria objectively usable by both the Board and the applicant in gauging the compatibility of a proposed use with existing uses in the surrounding area.”); *Cope v. Town of Brunswick*, 464 A.2d 223, 227 (Me. 1983) (invalidating a provision that “the use requested will not tend to devalue or alter the essential characteristics of the surrounding property”).

Here, it is simply impossible for a potential developer to know what constitutes being “sensitive to the character of the . . . neighborhood,” or what “sensitive” actually means; therefore, the language is unconstitutionally vague. If the Planning Board were to find that § 6.5.2.1 establishes an aesthetic requirement that would require the Applicant to tear down all of the existing structures and rebuild them from scratch, or substantially rebuild the façade or roofline of the existing structures beyond what is proposed, that would render the Property substantially useless and strip it of all practical value—in other words, it would constitute a regulatory taking of land. *See MC Associates v. Town of Cape Elizabeth*, 2001 ME 89, ¶ 11, 773 A.2d 439. We urge the Planning Board to avoid that result.

3. Building façade facing Dresden Avenue (LUO § 6.5.2.9).

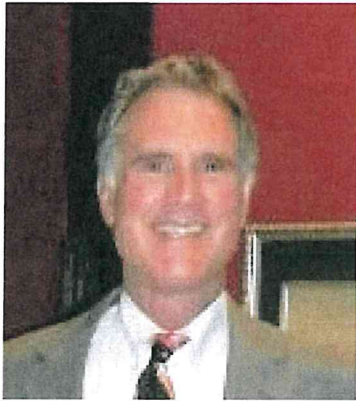
At the Planning Board’s request, the Applicant submitted to City Staff an architectural rendering has to show the building façade facing Dresden Avenue in order to address this point. The Applicant does not feel that it is warranted to require the submission of anything additional, especially at this late date.

4. **“Compatible with the established character of the neighborhood” (LUO § 7.8.4.3).**

This issue involves the High Density Residential (HDR) District review criteria, which only applies to the “construction of a new principal building” or to the “reconstruction of an existing principal building.” The threshold question for § 7.8.4.3 is whether the proposed renovation of the building for the Project constitutes a “reconstruction” of that building to require application of this section. The LUO does not define the term “reconstruction,” but a dictionary definition of that term is “to build or assemble (something) again.” The renovation or alteration of a building, as is proposed here, is distinct from construction or reconstruction. This is evident from the fact that the other factors in § 7.8.4.3 (orientation of building, width of building, orientation of roofline, building height, appearance of front façade) are clearly intended to apply to new construction. The Planning Board must consider the fact that the Project involves the renovation of existing structures, which will greatly enhance their appearance and function, and that the proposed residential use will be far more compatible with the neighborhood than the prior intensive healthcare use.

Even if it were applicable, this review standard suffers from the same constitutional problems identified above, as it is overly vague.

Appendix F - Team Experience



Paul Boghossian III is the immediate past Chairman of Coventry, RI-based Concordia Manufacturing, LLC which, under his leadership, made notable advances in the research, development and manufacture of technical yarns, fibers, fabrics and composites for advanced end uses. The firm designs and produces custom yarn, fiber and fabric constructions for use in aerospace, sporting goods, anti counterfeiting and biomedical fibrous and fabric structures. Concordia's latest and most exciting development is engineered implantable biofelts for knee ligament and other body tissue repair as well as carbon fiber composite materials for aviation and other uses.

The Concordia website is www.concordiafibers.com

He also founded the Manufacturers Comp Group of Rhode Island (MCGRI) a successful self insurance group that saved member companies millions of dollars in workers compensation premiums. MCGRI became a part of Beacon Mutual Insurance in 1999. Mr. Boghossian is the immediate past Chairman of that group.

On the development front, Paul Boghossian has led numerous rehab projects with the common theme of creative reuse of older buildings. These include:

Waterville ME: \$35 MM Adaptive use mixed use and loft space development of the former Hathaway Shirt factory that has won accolades and numerous awards and spurred other redevelopment downtown. Now complete and fully occupied.

Portland, ME: Restoration and sale of three commercial buildings near the Public Market, The Wadsworth -- 28-34 Preble Street, The Earl -- 341 Cumberland Ave, and The Monticello. In excess of 100 apartments and 12 commercial spaces were redeveloped.

Coventry, RI: Purchase and repositioning of the 180,000 sf Anthony Mill and securing approvals for apartment rehab. Now complete and fully occupied.

Wickford, RI: 7 Main Street. Rehab and redeployment of a 150 year old harborfront commercial building with increased public access to the waterfront.

Jamestown, RI: 1076 East Shore Road. Interpretive conversion/restoration of four poorly planned condominium units contained in a landmark Jamestown Inn into a single family residence.

Newport, RI: 73 and 75 Washington Street. An historic restoration of two adjoining houses in Newport's "Point" waterfront district. This project won several awards.

Current rehab projects all have the common theme of creative reuse of older buildings within walking distance of a commercial center.

Most notable is the Hathaway Center in Waterville, Maine, a 450,000 square foot mixed use and loft space development, the first 230,000 square feet of which is complete. More than 600 people now live and work in the complex with many times that number visiting daily.

The Hathaway website is www.hathawaycreativecenter.com

Here is a link to a recent television clip on the project:

<https://www.newscentermaine.com/video/news/mill-repurposed-as-hathaway-creative-center/97-280dfcc1-a086-417a-8b96-bc0c0d5ba293>

For references on this transformative project:

Mike Roy, City Manager 207-680-4203

Kim Lindlof, President Mid Maine Chamber 207-873-3315

Also underway is Schoolhouse Condominiums, a project in downtown Wickford, RI that combines the practices of historic adaptive reuse and smart growth.

Mr. Boghossian was honored in 2014 with Maine's highest award for historic preservation by the Maine Historic Preservation Commission. He also was recently named to the Preservation Advisory Committee of the Maine State Legislature.

A 1976 graduate of Colby College, Mr. Boghossian also holds an MBA from the University of Rhode Island, graduating with distinction. He sits on the board of numerous companies and organizations including several schools, multiple children's charities as well as business and civic groups. He is a member of the Rhode Island Commodores and the World President's Organization (WPO). Mr. Boghossian is a frequent and much sought after guest lecturer at colleges and universities throughout New England.

Appendix G - Financing References & Release of Lien

Chris Sotir
Senior Vice President
Bank of America
RI1-537-09-02
One Financial Plaza
Providence, RI 02903
Tel: 401.278.8070
Direct: 401-256-4502
email: christopher.n.sotir@bankofamerica.com

Rogean Makowski
Webster Bank
50 Kennedy Plaza, Ste. 1110
Providence, RI 02903
Office: (401) 228-2044
Cell: (401) 465-3699
email: rbmakowski@websterbank.com

- Letter from Delamater - January 8, 2021
- Letter from Skowhegan Savings Bank - May 6, 2022
- Certificate of release of Lien – June 16, 2021



Business solutions tailored to each individual owner's needs

January 8, 2021

Letter of Reference

Re: Paul Boghossian

To Whom It May Concern,

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.

My history with Paul has demonstrated that he is ever mindful of the needs of the community and his tenants and capable of providing all appropriate resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Delamater', is written over the printed name.

Jim Delamater

President

Delamater Financial Consulting Group

207-393-0008



**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 funding 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

1872

Department of the Treasury - Internal Revenue Service
Certificate of Release of Federal Tax Lien

Area:

Serial Number

For Use by Recording Office

SMALL BUSINESS/SELF EMPLOYED AREA #3

Lien Unit Phone: (800) 913-6050

426665421

I certify that the following-named taxpayer, under the requirements of section 6325 of the Internal Revenue Code has satisfied the taxes listed below and all statutory additions. Therefore, the lien provided by Code section 6321 for these taxes and additions has been released. The proper officer in the office where the notice of internal revenue tax lien was filed on March 22

2021, is authorized to note the books to show the release of this lien for these taxes and additions.

Name of Taxpayer PAUL D BOGHOSIAN III

Residence 1076 E SHORE RD
JAMESTOWN, RI 02835

COURT RECORDING INFORMATION:

Liber	Page	UCC No.	Serial No.
1	1	1	1
1	2	1	2
1	3	1	3
1	4	1	4
1	5	1	5
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1	100	1	100

938	279	n/a	n/a
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[illegible]

This notice was prepared and signed at MANHATTAN, NY on this, 11/11/2011.

the 16th day of June 2021

Signature

Title

Operations Manager,
Centralized Lien Operations

(NOTE: Certificate of officer authorized by law to take acknowledgements is not essential to the validity of Certificate of Release of Federal Tax Lien

Rev. Rul. 71-466, 1971 - 2 C.B. 409

Part 2 - Taxpayer's Copy

Form 66B (2) (Rev. 10-2000)
CAT. NO 600261

Appendix H - Photographs

- E.S. Coffin Photo Log
- Neighborhood Photos

PHOTOGRAPHS

Client Name:

Hathaway Holdings, LLC

Project No.

20-174

Photo No. 1

Date: 04-05-2022

Site Location:

139 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking west at the
house at 139 Dresden
Avenue.

**Photo No. 2**

Date: 04-05-2022

Site Location:

145 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking west at the
house at 145 Dresden
Avenue.



PHOTOGRAPHS

Client Name:

Hathaway Holdings, LLC

Project No.

20-174

Photo No. 3

Date: 04-05-2022

Site Location:

155 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking west at the
house at 155 Dresden
Avenue.

**Photo No. 4**

Date: 04-05-2022

Site Location:

157 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking west at the
house at 157 Dresden
Avenue.



PHOTOGRAPHS

Client Name:

Hathaway Holdings, LLC

Project No.

20-174

Photo No. 5

Date: 04-05-2022

Site Location:

163 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking west at the
house at 163 Dresden
Avenue.

**Photo No. 6**

Date: 04-05-2022

Site Location:

165 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking west at the
house at 165 Dresden
Avenue.



PHOTOGRAPHS

Client Name:

Hathaway Holdings, LLC

Project No.

20-174

Photo No. 7

Date: 04-05-2022

Site Location:

128 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking east at the
house at 128 Dresden
Avenue.

**Photo No. 8**

Date: 04-05-2022

Site Location:

146 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking east at the
vacant house at 146
Dresden Avenue.



PHOTOGRAPHS

Client Name:

Hathaway Holdings, LLC

Project No.

20-174

Photo No. 9

Date: 04-05-2022

Site Location:

148 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking east at the
house at 148 Dresden
Avenue.

**Photo No. 10**

Date: 04-05-2022

Site Location:

150 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from
Dresden Avenue
looking east at the brick
building on site that will
remain as part of the
project.



PHOTOGRAPHS

Client Name:

Hathaway Holdings, LLC

Project No.

20-174

Photo No. 11

Date: 04-05-2022

Site Location:

150 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from the Alzheimer's Care Center parking lot looking north at the shed that appears to be on the applicant's property.

**Photo No. 12**

Date: 04-05-2022

Site Location:

150 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from the Alzheimer's Care Center parking lot looking north at the propane tank and generator. The propane tank appears to be on the applicant's property.



PHOTOGRAPHS

Client Name:

Hathaway Holdings, LLC

Project No.

20-174

Photo No. 13

Date: 04-05-2022

Site Location:

150 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from the Alzheimer's Care Center parking lot looking south at the Care Center.

**Photo No. 14**

Date: 04-05-2022

Site Location:

150 Dresden Avenue
Gardiner, Maine

Description:

Photo taken from just to the east of Dresden Avenue looking south at the Alzheimer's Care Center sign and entrance just past it.



Neighborhood Photos



From the northwest corner of Building 6 looking southwest towards Dresden Ave.

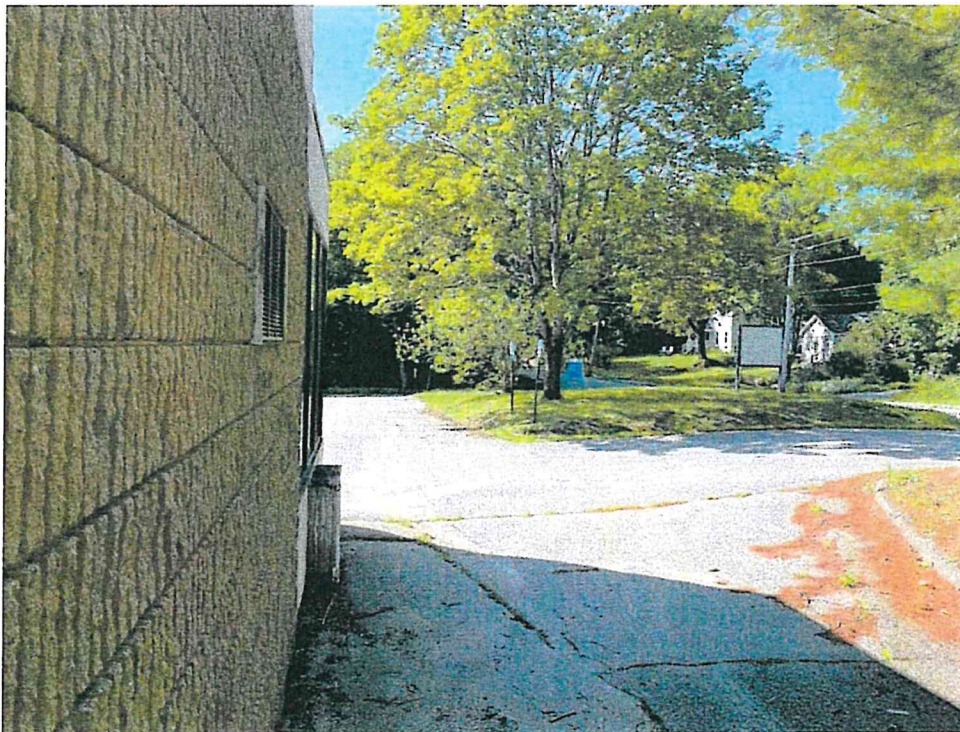


From the northwest corner of Building 6 looking southwest towards Dresden Ave.

Neighborhood Photos



By the west facade of Building 6 looking south towards Dresden Ave.



By the west facade of Building 6 looking south towards Dresden Ave.

Neighborhood Photos



From the south of Building 5 looking north towards Dresden Ave.



From the south of Building 5 looking north towards Dresden Ave.

Neighborhood Photos



From the south of Building 6 looking north towards Dresden Ave.



From the south of Building 6 looking west up the driveway to Dresden Ave.

Neighborhood Photos



From the property looking north on Dresden Ave.



From the north of Building 6 looking west up the driveway. The abandoned Merrill Manor is to the right

Neighborhood Photos



From the roof of Building 6 looking northwest at the abandoned Merrill Manor

Appendix I - Exterior Lighting

- Wall Pack
- Pole Lighting

Evolve® LED Wall Pack

L Series (EWLS)



Project Name _____
Date _____ Type _____
Notes _____

The Evolve® LED L Series Wall Pack (EWLS), The Evolve LED L-Series Wall Pack, EWLS, is a designed replacement for 50W to 250W HID, while offering significant energy savings in a long-life LED wall pack. Two-screw housing design enables a fast and simplified installation. The low-watt Egress package is designed to meet recommended illuminance requirements for egress applications such as side and rear exit doors in commercial buildings. Available with Emergency Battery Backup option.

CONSTRUCTION

- Housing:** Aluminum die cast enclosure. Integral heat sink for maximum heat transfer
- Lens:** Impact resistant tempered glass
Corrosion resistant polyester powder paint, minimum 2.0 mil thickness
- Paint:** Color: Black, Dark Bronze, Gray & White (RAL & custom colors available)
Optional = Coastal Finish
- Weight:** 8.5lbs (4 kg)

OPTICAL SYSTEM

- Lumens:** 1,700 to 7,000
- Distribution:** Asymmetric Forward
- Efficacy:** 117- 148 LPW
- CCT:** 2700, 3000K, 4000K, 5000K
- CRI:** ≥70

ELECTRICAL

- Input Voltage:** 120-277V & 347V
- Input Frequency:** 50/60Hz
- Power Factor:** > 90% at rated watts
- Total Harmonic Distortion:** ≤ 20% at rated watts

SURGE PROTECTION

- Surge Protection** 10kV/5kA (Standard)
3kV/1.5kA (EMBB)

*Per ANSI C136.2-2015

EMERGENCY BATTERY BACKUP

Provides reliable emergency operations when there is a loss to normal power, supported by Independent Secondary Battery.

- Hold-Up Time: 90 minutes @ 1,400 lumens.
- Meet egress light level and uniformity requirements
- Not available in 347V

LUMEN MAINTENANCE

Projected Lxx per IES TM-21-11 at 25°C

Lumen Codes	Distribution	LXX(10K) @ Hours		
		25,000 HR	50,000 HR	60,000 HR
17, 25 & 40	AF	L99	L99	L99
70	AF	L94	L87	L85

Note: Projected Lxx based on LM80 (≥ 10,000 hour testing). Accepted Industry tolerances apply to initial luminous flux and lumen maintenance measurements.

LUMINAIRE AMBIENT TEMPERATURE FACTOR

Ambient Temp (°C)	Initial Flux Factor	Ambient Temp (°C)	Initial Flux Factor
10	1.02	30	0.99
20	1.01	40	0.98
25	1.00	50	0.97

RATINGS

- Operating Temperature:** -40°C to 50°C
- Vibration:** 3G per ANSI C136.31-2010
- LM-79:** Testing in accordance with IESNA Standards

CONTROLS

- Dimming:** Standard - 0-10V
- Sensors:** Photo Electric Sensors (PE) available
Motion Sensor

WARRANTY

☐ 5 Year (Standard)

Evolve® LED Wall Pack L-Series (EWLS)
 Catalog Logic & Spec Tables

Project Name _____
 Date _____ Type _____
 Notes _____

EWLS 027

PROD. ID	GEN	VOLTAGE	OPTIC CODE	DISTRIBUTION	CRI (min)	CCT	CONTROLS	PE FUNCTION	MOUNTING	COLOR	OPTIONS
E = Evolve	02	0 = 120-277	17 = 1,700 lms ²	AF = Asymmetric Forward	7 = 70	27 = 2700K ³	N = No External Dimming Leads	1 = None	CB = Conduit Box Mount ⁴	BLCK = Black	EMBB = Emergency Battery Backup ^{5,6}
W = Wallpack			25 = 2,500 lms			30 = 3000K ³	D = External Dimming Leads	3 = Button PE ¹	FM = Flush Mount	DKBZ = Dark Bronze	H = Motion Sensor
LS = L-Series		1 = 120 ¹	40 = 4,000 lms			40 = 4000K				GRAY = Gray	J = cUL/Canada
		2 = 208 ¹	70 = 7,000 lms			50 = 5000K				WHITE = White	W = Non-Graphical White Box
		3 = 240 ¹									XXX = Special Options
		4 = 277 ¹									
		8 = 120-240									
		D = 347 ¹									

¹ Specify single voltage if Button PE option is selected
² Optic code 17 - Not offered in 120-277V, use 120-240V
³ Select 2700K or 3000K CCT for IDA approved units
⁴ Must be selected when ordering with Button PE, Motion Sensor, 347V or Emergency Battery Backup
⁵ Not available with Motion Sensor or Button PE
⁶ Not available in 347V

Optic Code	Dist.	TYPICAL INITIAL LUMENS		TYPICAL SYSTEM WATTAGE		BUG RATINGS 2700K-5000K		IES FILE NUMBER							
								2700K		3000K		4000K		5000K	
		2700K	3000K	4000K/5000K	120-277V	347V	B-U-G	120-277	347V	120-277	347V	120-277	347V	120-277	347V
17	AF	1400	1600	1700	12	14	B1-U0-G0	EWLS02_17AF727-120-240V	EWLS02_17AF727-347V	EWLS02_17AF730-120-240V	EWLS02_17AF730-347V	EWLS02_17AF740-120-240V	EWLS02_17AF740-347V	EWLS02_17AF750-120-240V	EWLS02_17AF750-347V
25		2200	2400	2500	17	19	B1-U0-G1	EWLS02_25AF727-120-277V	EWLS02_25AF727-347V	EWLS02_25AF730-120-277V	EWLS02_25AF730-347V	EWLS02_25AF740-120-277V	EWLS02_25AF740-347V	EWLS02_25AF750-120-277V	EWLS02_25AF750-347V
40		3500	3800	4000	27	29	B1-U0-G1	EWLS02_40AF727-120-277V	EWLS02_40AF727-347V	EWLS02_40AF730-120-277V	EWLS02_40AF730-347V	EWLS02_40AF740-120-277V	EWLS02_40AF740-347V	EWLS02_50AF750-120-277V	EWLS02_50AF750-347V
70		6100	6700	7000	52	54	B2-U0-G1	EWLS02_70AF727-120-277V	EWLS02_70AF727-347V	EWLS02_70AF730-120-277V	EWLS02_70AF730-347V	EWLS02_70AF740-120-277V	EWLS02_70AF740-347V	EWLS02_70AF750-120-277V	EWLS02_70AF750-347V
EMBB	-	1300	1400	1400	-	-	B1-U0-G0	ELWS02_EMBB_727		ELWS02_EMBB_730		ELWS02_EMBB_740		ELWS02_EMBB_750	

Evolve® LED Wall Pack

L-Series (EWLS)

Photometric Plots

Project Name _____

Date _____ Type _____

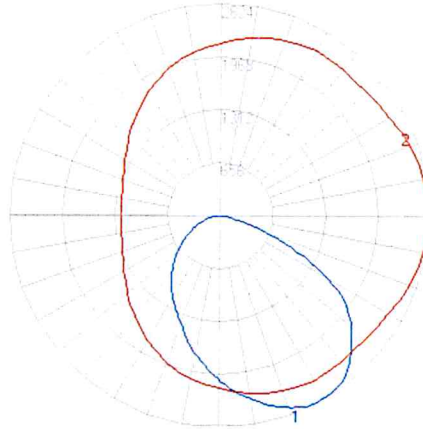
Notes _____

70AF

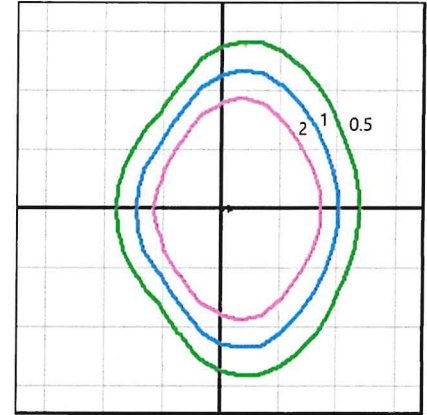
ASYMMETRIC FORWARD

7000 LUMEN

EWLS02_70AF750__-120-277V.ies



— Vertical plane through horizontal angle of Max. Cd at 0°
— Horizontal cone through vertical angle of Max. Cd at 27°



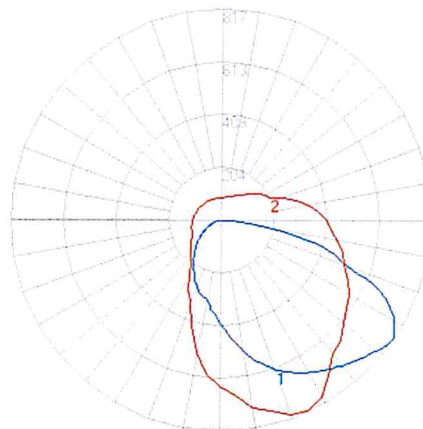
• Mounting Height at 10'
• Initial Footcandle at Grade
• Light Level: 0.5fc, 1fc, 2fc

EMBB Mode

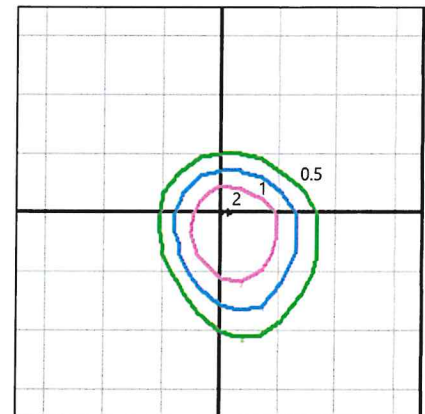
ASYMMETRIC FORWARD

1400 LUMEN

EWLS02_EMBB__ies



— Vertical plane through horizontal angle of Max. Cd at 295°
— Horizontal cone through vertical angle of Max. Cd at 55°



• Mounting Height at 10'
• Initial Footcandle at Grade
• Light Level: 0.5fc, 1fc, 2fc

Evolve® LED Wall Pack

L Series (EWLS)

Motion Sensing

Project Name _____

Date _____ Type _____

Notes _____

H MOTION SENSING OPTION

Intended for 8-25ft mounting heights

Provides coverage area radius for walking motion of 25-30 ft

Provides 180° degree coverage (180° degree blocked by wall)

Integrated Photoelectric control

Default Settings:

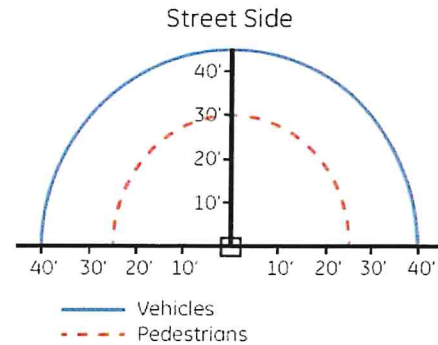
Output: Occupied - 100%/Unoccupied - 50%

10% dimming after 5 minutes with no occupancy

Adds < 1W to fixture power rating

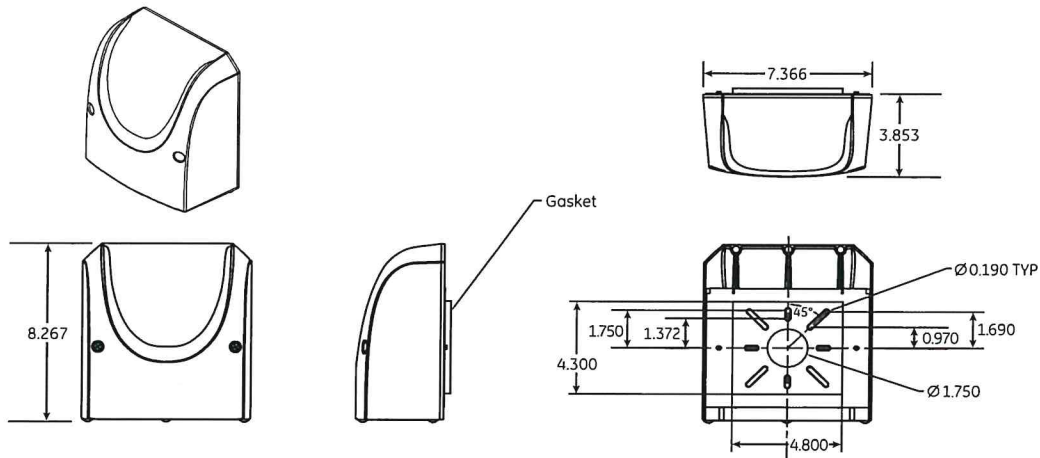
Field programmable using FSIR-100 hand held programmer

SENSING PATTERN:

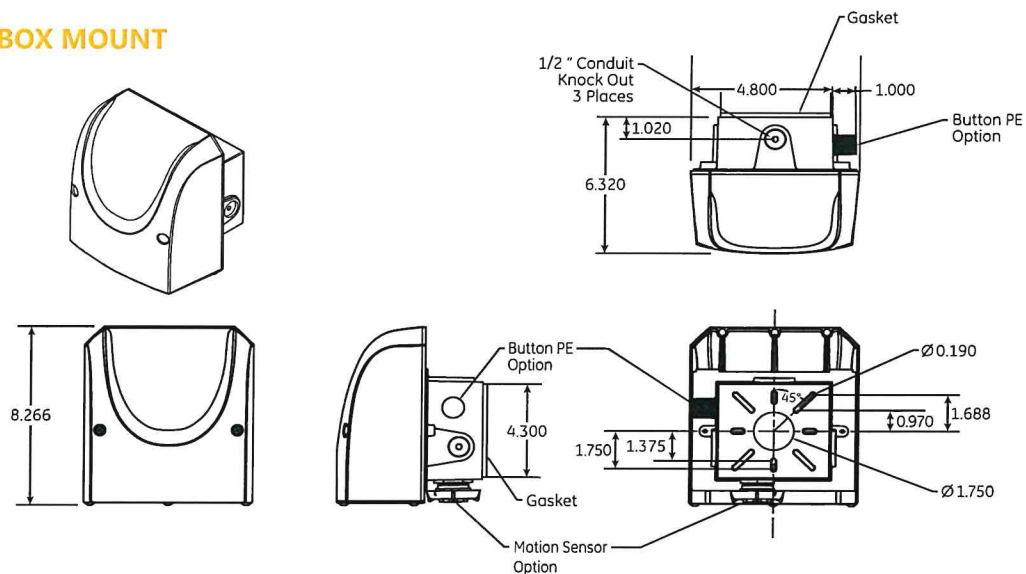


Sensing Pattern Wall Pack Fixture: 8-25 ft.

FLUSH MOUNT



CONDUIT BOX MOUNT



Evolve® LED Wall Pack

L-Series (EWLS)

Mounting & Accessories

MOUNTING

- Mounts to standard 3-1/2" to 4" round and octagonal, 4" square, single gang and masonry junction boxes.
- Flush Mount: Mounts directly to customer supplied junction box
- Conduit Box Mount: Mounts to walls via separate mounting box with conduit knockouts.

SAP Number	Part Number	Description
93060202	35-434281R01	Conduit Box Mount (QTY 1)
93060203	35-966640-01	Conduit Box Mount (QTY 5)

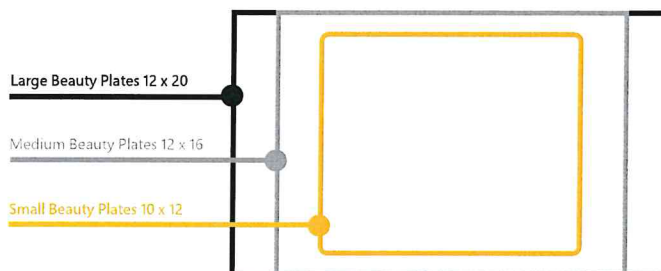
ACCESSORIES

SAP Number	SKU Description	Description	Finish
93098508	EWLSAE1BLCK	10" x 12" Beauty Plate	BLACK
93098507	EWLSAE1DKBZ	10" x 12" Beauty Plate	DARK BRONZE
93098509	EWLSAE2BLCK	12" x 16" Beauty Plate	BLACK
93078134	EWLSAE2DKBZ	12" x 16" Beauty Plate	DARK BRONZE
93098506	EWLSAE2GRAY	12" x 16" Beauty Plate	GRAY
93082336	EWLSAE2WHITE	12" x 16" Beauty Plate	WHITE
93117503	EWLSAE3BLCK	12" x 20" Beauty Plate	BLACK
93082337	EWLSAE3WHITE	12" x 20" Beauty Plate	WHITE
93060351	EWLSAD	Diffuser	

ACCESSORIES

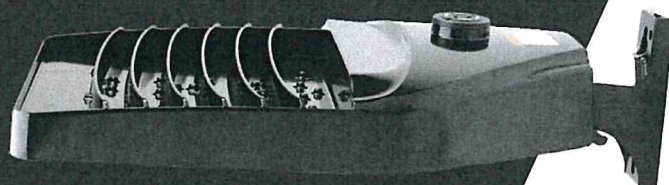
SAP Number	Part Number	Description	Finish
EWLSA	E = Escutcheon Plate	1 = 10" x 12"	BLCK = Black
		2 = 12" x 16"	DKBZ = Dark Bronze
		3 = 12" x 20"	WHITE = White
			Gray = Gray

ACCESSORIES: BEAUTY PLATES



Evolve® EALS Series

LED Outdoor Area Light



CUSTOMER NAME _____

Project Name _____

Date _____ Type _____

Catalog Number _____

The EALS Area Light luminaire offers a wide range of optical patterns, color temperatures, lumen packages and mounting configurations to optimize area light applications, as well as provide versatility in lighting design within the same form-factor. They are ideal for commercial property site-lighting applications such as retail and commercial exteriors.

CONSTRUCTION

- Housing:** Aluminum die cast enclosure.
Integral heat sink for maximum heat transfer
- Lens:** Impact resistant tempered glass
- Paint:** Corrosion resistant polyester powder paint, minimum 2.0 mil thickness
Standard = Black, Dark Bronze Gray, White (RAL & custom colors available)
Optional = Coastal Finish
- Weight:** 27 lbs

OPTICAL SYSTEM

- Lumens:** 7,000 - 30,300
- Photometry:** Type II, III, IV & V
- Efficacy:** 126 - 160 LPW
- CCT:** 3000K, 4000K, 5000K
- CRI:** ≥70

Upward Light Output Ratio (ULOR): 0 Horizontal Orientation

ELECTRICAL

- Input Voltage:** 120-277V, 277-480V & 347-480V
- Input Frequency:** 50/60 Hz
- Power Factor (PH):** > 90% at rated watts
- Total Harmonic Distortion (THD):** < 20% at rated watts

SURGE PROTECTION

**TYPICAL
(120 STRIKES)**

6kV/3kA*

10kV/5kA*

20kV/10kA*

*Per ANSI C136.2-2015

LUMEN MAINTENANCE

Projected Lxx per IES TM-21-11 at 25°C

Optics	LXX(10K) @ Hours		
	25,000 HR	50,000 HR	60,000 HR
C2, C3, C4, C5, D2, D3, D4, D5	L96	L92	L91
F5, H2, H3, H4, H5	L95	L93	L92
F2, F3, F4, J3, J3, J4, J5	L95	L93	L92
K2, K3, K4, K5	L95	L93	L92

Note: Projected Lxx based on LM80 (= 10,000 hour testing). Accepted industry tolerances apply to initial luminous flux and lumen maintenance measurements

LUMINAIRE AMBIENT TEMPERATURE FACTOR

Ambient Temp (°C)	Initial Flux Factor	Ambient Temp (°C)	Initial Flux Factor
10	1.02	30	0.99
20	1.01	40	0.98
25	1.00		

RATINGS

Operating Temperature: -40° C to 40° C

Vibration: 3G per ANSI C136.31-2010

LM-79: Testing in accordance with IESNA Standards

CONTROLS

Dimming: Standard - 0-10V
Optional - DALI (Option U)

Sensors: Photo Electric Sensors (PE) available
LightGrid and Daintree Compatible

WARRANTY



5 Year (Standard)



10 Year (Optional)

Evolve® EALS Series

LED Outdoor Area Light

Catalog Logic and Photometric Plots

CUSTOMER NAME

Project Name _____

Date _____ Type _____

Catalog Number _____

Ordering Information

EALS 03

7

PRODUCT ID	GENERATION	VOLTAGE	OPTICAL CODE	DISTRIBUTION	CRI	CCT	DIMMING ²	CONTROLS	MOUNTING ARM	COLOR	OPTIONS
E= EVOLVE	03	0 ¹ =120-277	Cx = 7500	SM = Symmetric Medium	7 = 70 (min)	30 ¹¹ = 3000K	N ¹³ = Dimming thru PE receptacle	1 = None	C1 ⁴ = Integral Slipfitter: Standard	BLCK = Black	F= Fusing
AL= Area Light		H ¹ = 347-480V	Dx = 10000	SW = Symmetric Wide		40 = 4000K	D ¹³ = External Dimming 18/2 3 ft Cable	A = ANSI C136.41 7-Pin Receptacle (No Control)	D1 ⁵ = Universal Mounting Arm: Fitted for round or square pole mounting	DKBZ = Dark Bronze	H ⁸ = Motion Sensor (Sensor Switch)
S = Standard		E ¹⁹ = 277-480	Fx = 15000	SH = Symmetric High Angle		50 = 5000K	X ¹⁴ = Non dimming, no external dimming leads	D = ANSI C136.417-Pin Receptacle with Shorting Cap	K1 ^{4,6} = Knuckle Slipfitter: For 1.9 in. - 2.3 in OD Tenon	GRAY = Gray	H1 = LightGrid w/ WattStopper
			Hx = 20000	AF = Asymmetric Forward				E ³ = ANSI C136.41 7-pin with Non-Dimming PE Control	S1 ^{4,6} = Knuckle Slipfitter: For 2.3 in. - 3.0 in OD Tenon	WHTe = White	H2 ⁸ = Daintree enabled motion sensor
		1 = 120	Jx = 25000	AH = Asymmetric High Angle					V1 ^{4,6} = Knuckle Wall Mount		H4 = Motion Sensor (WattStopper)
		2 = 208	Kx = 30000	AW = Asymmetric Wide							J = cUL/Canada
		3 = 240		AN = Asymmetric Narrow/Auto							L = Tool-Less Entry
		4 = 277									R = Enhanced Surge Protection (10kV/5kA)
		D = 347									S1 ¹² = Rotated Left
		5 = 480									S2 ¹² = Rotated Right
											T = Extreme Surge Protection (20kV/10kA)
											U ^{7,8} = DALI Programmable
											V = 3 Position Terminal Block
											Y ¹⁰ = Coastal Finish
											XXX = Special Options

¹ Not Available with Fusing, Must Choose a Discrete Voltage with "F" Option Code

² Note Standard Dimming is 0-10V

³ PE Control only available for 120-277V, 347V or 480V Discrete Voltage.

⁴ Supplied with 3ft leads

⁵ Supplied with 16/3 ft Cable

⁶ Restricted Aiming Angle of 0-45°

⁷ Compatible with LightGrid Wireless Control Nodes, Not Compatible with Motion Sensor Control

⁸ Not available in 347V, 480V or 347-480V

⁹ Only available with H, J & K optics

¹⁰ Recommended for installations within 750 feet from coast. Lead time varies, check with factory.

¹¹ Select 3000K CCT for IDA approved fixtures.

¹² For aimed left of right light distribution orientation, as assembled in manufacturing. Not applicable for Symmetric Distributions

¹³ Can only be ordered with controls A, D, and E

¹⁴ Required for Cx optical codes only, not available for other optic codes

For additional information on EALS files, please click one of the following links:

Non-Shielded

Shielded

Evolve® EALS Series

LED Area Light

Spec Tables

CUSTOMER NAME _____

Project Name _____

Date _____ Type _____

Catalog Number _____

TYPE	OPTIC CODE	DISTRIBUTION	TYPICAL INITIAL LUMENS		TYPICAL SYSTEM WATTAGE 120-277 & 347-480V	BUG RATINGS		IES FILE NUMBER		
			3000K	4000K & 5000K		3000K B-U-G	4000 & 5000K B-U-G	3000K	4000K	5000K
TYPE V	C5	Symmetric Medium (SM)	7300	7500	46	B3-U0-G1	B3-U0-G1	EALS03_C5SM730_IES	EALS03_C5SM740_IES	EALS03_C5SM750_IES
	D5	Symmetric Medium (SM)	9800	10000	64	B3-U0-G1	B3-U0-G1	EALS03_D5SM730_IES	EALS03_D5SM740_IES	EALS03_D5SM750_IES
	F5	Symmetric Medium (SM)	14700	15000	101	B4-U0-G2	B4-U0-G2	EALS03_F5SM730_IES	EALS03_F5SM740_IES	EALS03_F5SM750_IES
	H5	Symmetric Medium (SM)	19600	20000	140	B4-U0-G2	B4-U0-G2	EALS03_H5SM730_IES	EALS03_H5SM740_IES	EALS03_H5SM750_IES
	J5	Symmetric Medium (SM)	24500	25000	186	B4-U0-G2	B4-U0-G2	EALS03_J5SM730_IES	EALS03_J5SM740_IES	EALS03_J5SM750_IES
	K5	Symmetric Medium (SM)	29400	30000	239	B5-U0-G3	B5-U0-G3	EALS03_K5SM730_IES	EALS03_K5SM740_IES	EALS03_K5SM750_IES
	C5	Symmetric Wide (SW)	7300	7500	46	B2-U0-G1	B2-U0-G1	EALS03_C5SW730_IES	EALS03_C5SW740_IES	EALS03_C5SW750_IES
	D5	Symmetric Wide (SW)	9800	10100	64	B3-U0-G1	B3-U0-G1	EALS03_D5SW730_IES	EALS03_D5SW740_IES	EALS03_D5SW750_IES
	F5	Symmetric Wide (SW)	14700	15100	101	B3-U0-G2	B3-U0-G2	EALS03_F5SW730_IES	EALS03_F5SW740_IES	EALS03_F5SW750_IES
	H5	Symmetric Wide (SW)	19700	20200	140	B4-U0-G2	B4-U0-G2	EALS03_H5SW730_IES	EALS03_H5SW740_IES	EALS03_H5SW750_IES
	J5	Symmetric Wide (SW)	24600	25200	186	B4-U0-G2	B4-U0-G2	EALS03_J5SW730_IES	EALS03_J5SW740_IES	EALS03_J5SW750_IES
	K5	Symmetric Wide (SW)	29600	30300	239	B5-U0-G2	B5-U0-G2	EALS03_K5SW730_IES	EALS03_K5SW740_IES	EALS03_K5SW750_IES
	C5	Symmetric High Angle (SH)	7000	7200	46	B3-U0-G1	B3-U0-G1	EALS03_C5SH730_IES	EALS03_C5SH740_IES	EALS03_C5SH750_IES
	D5	Symmetric High Angle (SH)	9400	9600	64	B3-U0-G2	B3-U0-G2	EALS03_D5SH730_IES	EALS03_D5SH740_IES	EALS03_D5SH750_IES
	F5	Symmetric High Angle (SH)	14200	14500	101	B4-U0-G2	B4-U0-G2	EALS03_F5SH730_IES	EALS03_F5SH740_IES	EALS03_F5SH750_IES
	H5	Symmetric High Angle (SH)	18900	19300	140	B4-U0-G2	B4-U0-G2	EALS03_H5SH730_IES	EALS03_H5SH740_IES	EALS03_H5SH750_IES
	J5	Symmetric High Angle (SH)	23600	24100	186	B5-U0-G3	B5-U0-G3	EALS03_J5SH730_IES	EALS03_J5SH740_IES	EALS03_J5SH750_IES
	K5	Symmetric High Angle (SH)	28400	29000	239	B5-U0-G3	B5-U0-G3	EALS03_K5SH730_IES	EALS03_K5SH740_IES	EALS03_K5SH750_IES
TYPE IV	C4	Asymmetric Forward (AF)	7300	7500	50	B1-U0-G2	B1-U0-G2	EALS03_C4AF730_IES	EALS03_C4AF740_IES	EALS03_C4AF750_IES
	D4	Asymmetric Forward (AF)	9800	10000	70	B2-U0-G2	B2-U0-G2	EALS03_D4AF730_IES	EALS03_D4AF740_IES	EALS03_D4AF750_IES
	F4	Asymmetric Forward (AF)	14700	15000	116	B2-U0-G2	B2-U0-G2	EALS03_F4AF730_IES	EALS03_F4AF740_IES	EALS03_F4AF750_IES
	H4	Asymmetric Forward (AF)	19600	20000	140	B3-U0-G3	B3-U0-G3	EALS03_H4AF730_IES	EALS03_H4AF740_IES	EALS03_H4AF750_IES
	J4	Asymmetric Forward (AF)	24500	25000	186	B3-U0-G3	B3-U0-G3	EALS03_J4AF730_IES	EALS03_J4AF740_IES	EALS03_J4AF750_IES
	K4	Asymmetric Forward (AF)	29400	30000	239	B3-U0-G4	B3-U0-G4	EALS03_K4AF730_IES	EALS03_K4AF740_IES	EALS03_K4AF750_IES
	C4	Asymmetric High Angle (AH)	7000	7200	50	B2-U0-G2	B2-U0-G2	EALS03_C4AH730_IES	EALS03_C4AH740_IES	EALS03_C4AH750_IES
	D4	Asymmetric High Angle (AH)	9400	9600	70	B2-U0-G2	B2-U0-G2	EALS03_D4AH730_IES	EALS03_D4AH740_IES	EALS03_D4AH750_IES
	F4	Asymmetric High Angle (AH)	14200	14500	116	B3-U0-G3	B3-U0-G3	EALS03_F4AH730_IES	EALS03_F4AH740_IES	EALS03_F4AH750_IES
	H4	Asymmetric High Angle (AH)	18900	19300	140	B3-U0-G3	B3-U0-G4	EALS03_H4AH730_IES	EALS03_H4AH740_IES	EALS03_H4AH750_IES
	J4	Asymmetric High Angle (AH)	23600	24100	186	B3-U0-G4	B3-U0-G4	EALS03_J4AH730_IES	EALS03_J4AH740_IES	EALS03_J4AH750_IES
	K4	Asymmetric High Angle (AH)	28400	29000	239	B3-U0-G4	B3-U0-G4	EALS03_K4AH730_IES	EALS03_K4AH740_IES	EALS03_K4AH750_IES
TYPE III	C3	Asymmetric Wide (AW)	7300	7500	50	B2-U0-G1	B2-U0-G1	EALS03_C3AW730_IES	EALS03_C3AW740_IES	EALS03_C3AW750_IES
	D3	Asymmetric Wide (AW)	8900	10100	70	B2-U0-G2	B2-U0-G2	EALS03_D3AW730_IES	EALS03_D3AW740_IES	EALS03_D3AW750_IES
	F3	Asymmetric Wide (AW)	14700	15100	116	B2-U0-G2	B2-U0-G2	EALS03_F3AW730_IES	EALS03_F3AW740_IES	EALS03_F3AW750_IES
	H3	Asymmetric Wide (AW)	19800	20200	140	B3-U0-G2	B3-U0-G3	EALS03_H3AW730_IES	EALS03_H3AW740_IES	EALS03_H3AW750_IES
	J3	Asymmetric Wide (AW)	24600	25200	186	B3-U0-G3	B3-U0-G3	EALS03_J3AW730_IES	EALS03_J3AW740_IES	EALS03_J3AW750_IES
	K3	Asymmetric Wide (AW)	29600	30300	239	B3-U0-G3	B3-U0-G3	EALS03_K3AW730_IES	EALS03_K3AW740_IES	EALS03_K3AW750_IES
TYPE II	C2	Asymmetric Narrow/Auto (AN)	7300	7500	50	B3-U0-G2	B2-U0-G2	EALS03_C2AN730_IES	EALS03_C2AN740_IES	EALS03_C2AN750_IES
	D2	Asymmetric Narrow/Auto (AN)	9800	10100	70	B2-U0-G2	B2-U0-G2	EALS03_D2AN730_IES	EALS03_D2AN740_IES	EALS03_D2AN750_IES
	F2	Asymmetric Narrow/Auto (AN)	14700	15100	116	B2-U0-G2	B3-U0-G3	EALS03_F2AN730_IES	EALS03_F2AN740_IES	EALS03_F2AN750_IES
	H2	Asymmetric Narrow/Auto (AN)	19700	20200	140	B3-U0-G3	B3-U0-G3	EALS03_H2AN730_IES	EALS03_H2AN740_IES	EALS03_H2AN750_IES
	J2	Asymmetric Narrow/Auto (AN)	24600	25200	186	B3-U0-G3	B3-U0-G3	EALS03_J2AN730_IES	EALS03_J2AN740_IES	EALS03_J2AN750_IES
	K2	Asymmetric Narrow/Auto (AN)	29600	30300	239	B3-U0-G3	B3-U0-G3	EALS03_K2AN730_IES	EALS03_K2AN740_IES	EALS03_K2AN750_IES

Evolve® EALS Series

LED Outdoor Area Light

Photometric Plots

CUSTOMER NAME _____

Project Name _____

Date _____ Type _____

Catalog Number _____

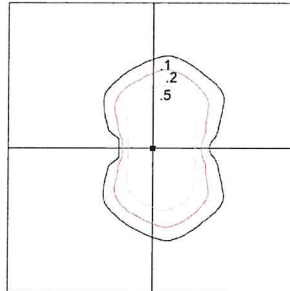
EALS03

ASYMMETRIC NARROW (K2AN750)

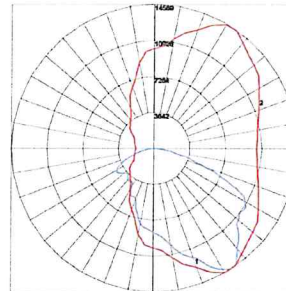
30300 Lumens

5000k

EALS03_K2AN750____.IES



Grid Distance in Units of Mounting Height
at 40' Initial Footcandle Values at Grade



—: Vertical plane through horizontal
angle of maximum candlepower at 55°
—: Vertical plane through horizontal
angle 34°

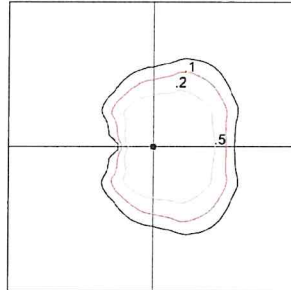
EALS03

ASYMMETRIC WIDE (K3AW750)

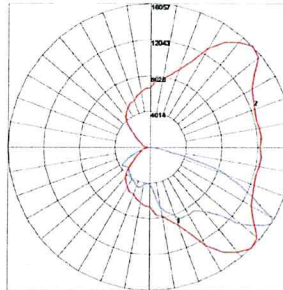
30300 Lumens

5000k

EALS03_K3AW750____.IES



Grid Distance in Units of Mounting Height
at 40' Initial Footcandle Values at Grade



—: Vertical plane through horizontal
angle of maximum candlepower at 45°
—: Vertical plane through horizontal
angle 58°

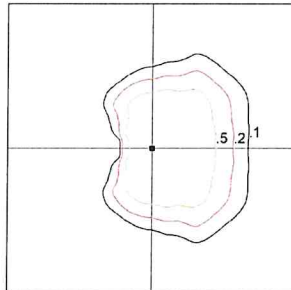
EALS03

ASYMMETRIC FORWARD (K4AF750)

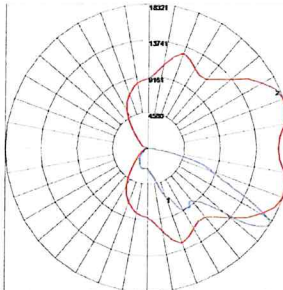
30000 Lumens

5000k

EALS03_K4AF750____.IES



Grid Distance in Units of Mounting Height
at 40' Initial Footcandle Values at Grade



—: Vertical plane through horizontal
angle of maximum candlepower at 20°
—: Vertical plane through horizontal
angle 58°

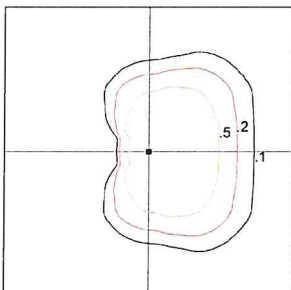
EALS03

ASYMMETRIC HIGH ANGLE (K4AH750)

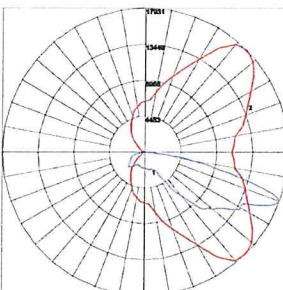
29000 Lumens

5000k

EALS03_K4AH750____.IES



Grid Distance in Units of Mounting Height
at 40' Initial Footcandle Values at Grade



—: Vertical plane through horizontal
angle of maximum candlepower at 45°
—: Vertical plane through horizontal
angle 70°

Evolve® EALS Series

LED Outdoor Area Light

Photometric Plots

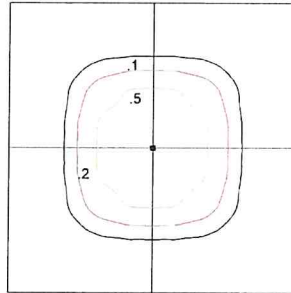
CUSTOMER NAME

Project Name _____

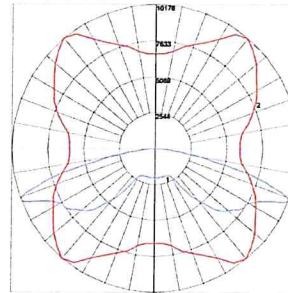
Date _____ Type _____

Catalog Number _____

EALS03
SYMMETRIC HIGH ANGLE
(K5SH750)
29000 Lumens
5000k
EALS03_K5SH750____.IES

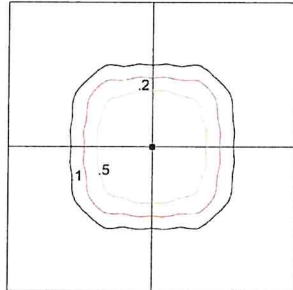


Grid Distance in Units of Mounting Height
at 40' Initial Footcandle Values at Grade

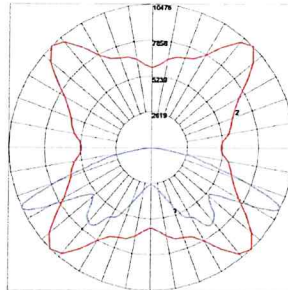


—: Vertical plane through horizontal
angle of maximum candlepower at 50°
—: Vertical plane through horizontal
angle 69°

EALS03
SYMMETRIC MEDIUM
(K5SM750)
30000 Lumens
5000k
EALS03_K5SM750____.IES

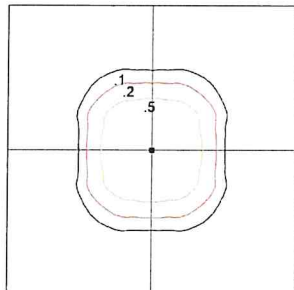


Grid Distance in Units of Mounting Height
at 40' Initial Footcandle Values at Grade

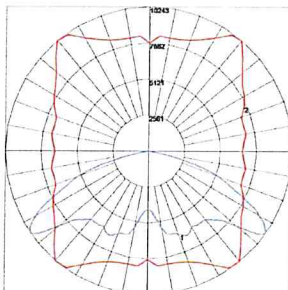


—: Vertical plane through horizontal
angle of maximum candlepower at 45°
—: Vertical plane through horizontal
angle 65°

EALS03
SYMMETRIC WIDE
(K5SW750)
30300 Lumens
5000k
EALS03_K5SW750____.IES



Grid Distance in Units of Mounting Height
at 40' Initial Footcandle Values at Grade



—: Vertical plane through horizontal
angle of maximum candlepower at 50°
—: Vertical plane through horizontal
angle 55°

Evolve® EALS Series

LED Outdoor Area Light

Motion Sensing

CUSTOMER NAME

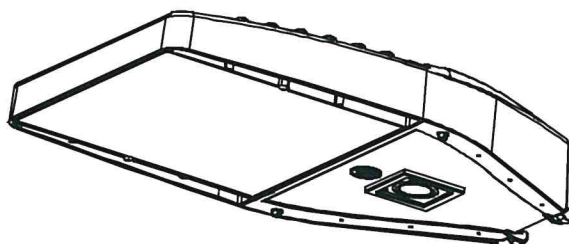
Project Name _____

Date _____ Type _____

Catalog Number _____

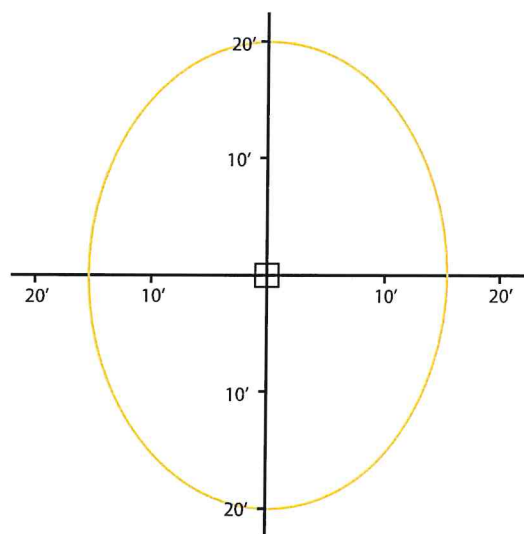
H-MOTION SENSING OPTION

- Recommended Mounting Height: 15-30' (4.6-9.1m)
- For mounting heights exceeding 30 ft., pole mounted sensors are recommended
- Coverage Radius: 15-20' (4.6-6.1 m).
- Provides 270 degree of coverage (approx 90 is blocked by the pole)
- Default Settings:
 - Output: Occupied - 100%/Unoccupied - 50%
 - Integral PE Sensor.
 - 5 minute post-occupancy time delay, 5 minute dimming ramp-down.
- Fixture power increase of 1W expected with sensor use.



H1/4 - MOTION SENSING OPTION (WATTSTOPPER)

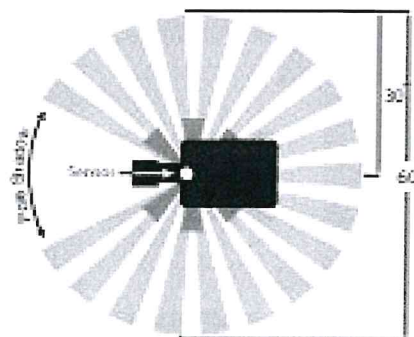
- Recommended Mounting Height: 15-30' (4.6-9.1m)
- For mounting heights exceeding 30 ft., pole mounted sensors are recommended
- Coverage Radius: 15-20' (4.6-6.1 m).
- Provides 270 degree of coverage (approx 90 is blocked by the pole)
- Default Settings:
 - Output: Occupied - 100%/Unoccupied - 50%
 - PE Sensor: Enabled
 - Ramp/Fade: 5 Minutes/5 Minutes
- Adds < 1W to fixture power rating
- Field programmable using FSIR-100 hand held programmer



H2 - MOTION SENSING OPTION (DAINTREE)

- Recommended Mounting Height: 15-30' (4.6-9.1m)
- For mounting heights exceeding 30 ft., pole mounted sensors are recommended
- Provides a coverage area radius for walking motion of 15-20 ft. (4.57-6.10m)
- Provides 270 degree of coverage (approx 90 is blocked by the pole)
- Default Settings:
 - Output: Occupied - 100%/Unoccupied - 50%
 - PE Sensor: None
 - Ramp/Fade: 5 Minutes/5 Minutes
- Adds < 1W to fixture power rating
- Requires Daintree Enterprise and wide area control (WAC)

Sensing Pattern Area Fixture
Up to 30 ft. Mounting Height



Evolve® EALS Series

LED Outdoor Area Light

Mounting & Accessories

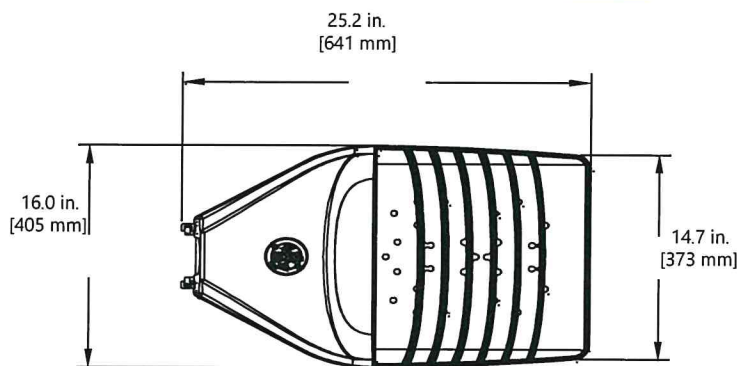
CUSTOMER NAME _____

Project Name _____

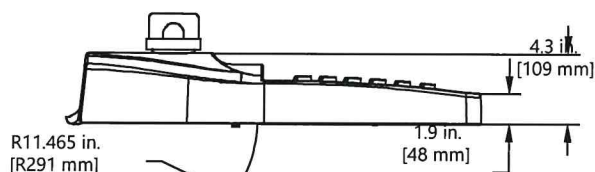
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Catalog Number _____

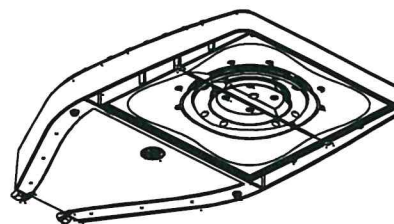
INTEGRAL SLIPFITTER: C1



TOP VIEW

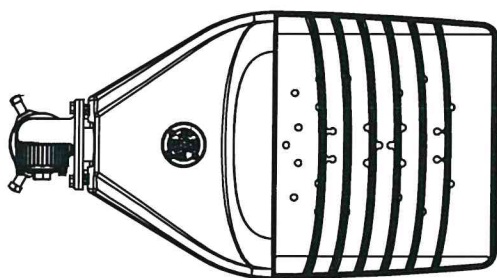


SIDE VIEW

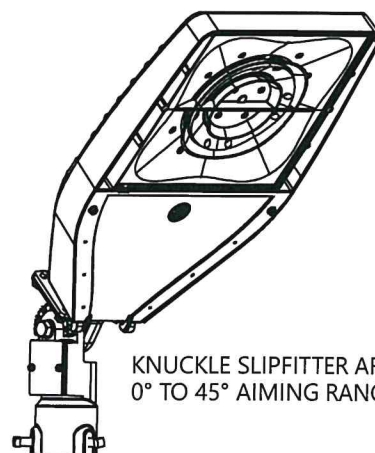
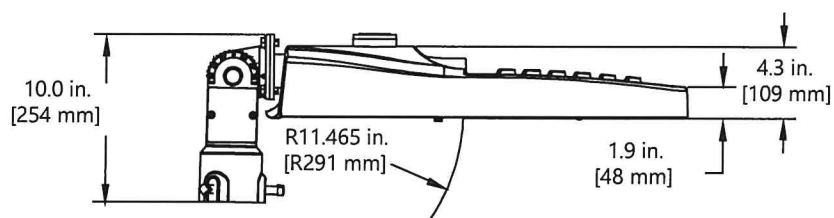


FRONT VIEW

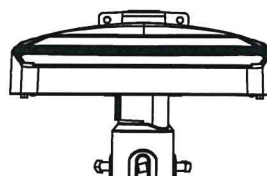
KNUCKLE SLIPFITTER: S1



TOP VIEW



KNUCKLE SLIPFITTER ARM MOUNT
0° TO 45° AIMING RANGE



Evolve® EALS Series

LED Outdoor Area Light

Mounting & Accessories

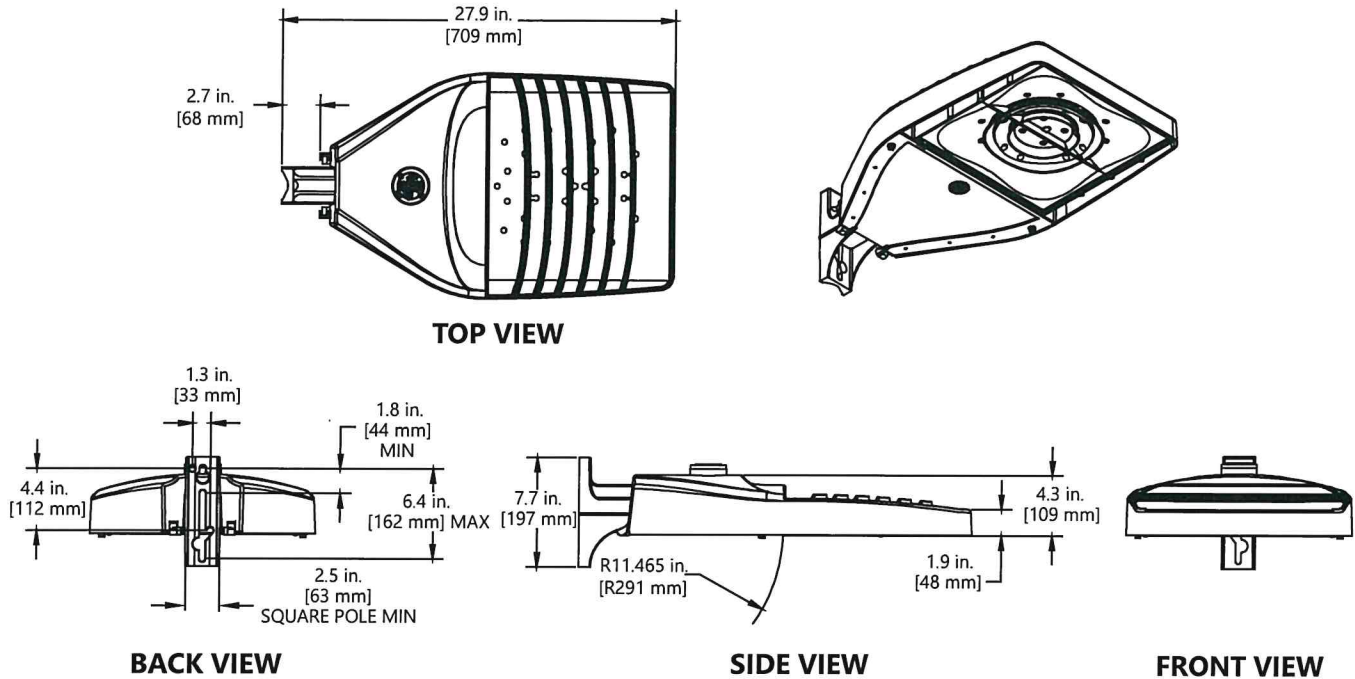
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Project Name _____

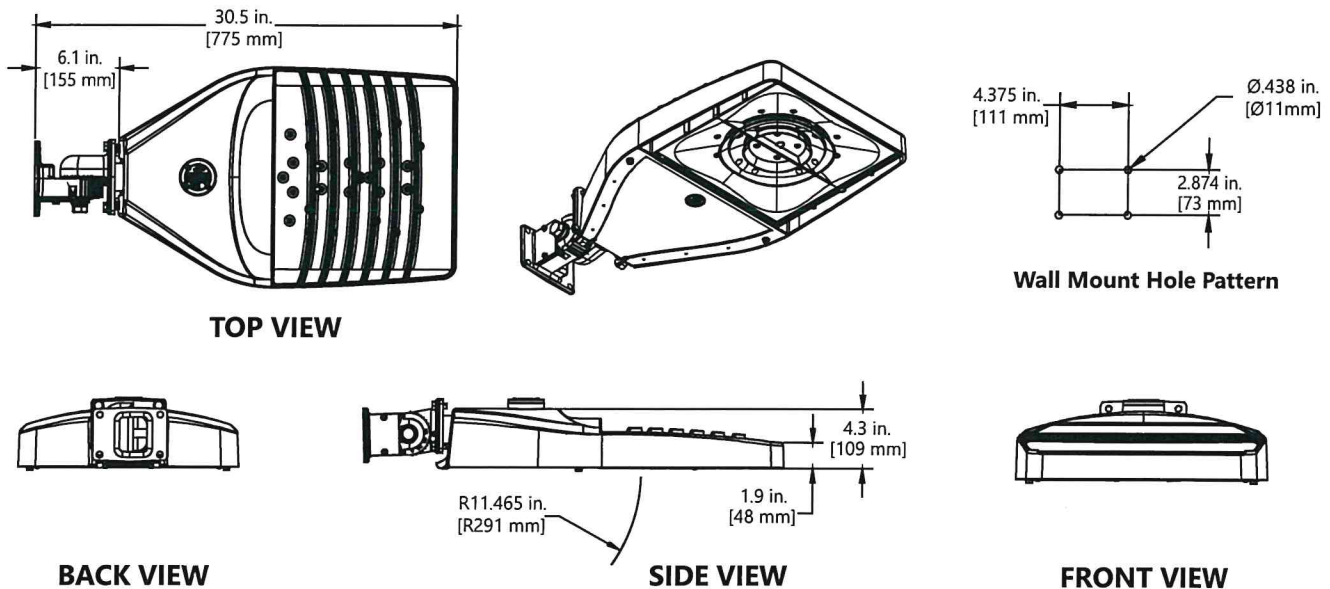
Date _____ Type _____

Catalog Number _____

UNIVERSAL ARM MOUNT: D1



KNUCKLE WALL MOUNT: V1



DATA

- Approximate Net Weight: 26-28 lbs (11.79 kgs-12.97 kgs)
- Effective Projected Area (EPA):
 - Knuckle Slipfitter S1, 45° aim, EPA = 2.45
 - Knuckle w/Slipfitter S1, downward aim, EPA = 0.73
 - Universal Arm Mount D1, EPA = 0.54
 - Knuckle Wall Mount V1, 45° aim, EPA = 0.77 sq ft min and 1.43 sq ft max
 - Integral Slipfitter C1, EPA = 0.63

Evolve® EALS Series

LED Outdoor Area Light

Mounting & Accessories

CUSTOMER NAME

Project Name _____

Date _____ Type _____

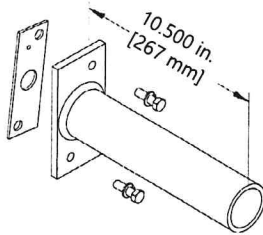
Catalog Number _____

MOUNTING ARMS FOR SLIPFITTER

Order separately with Mounting Option C1 (Slipfitter)

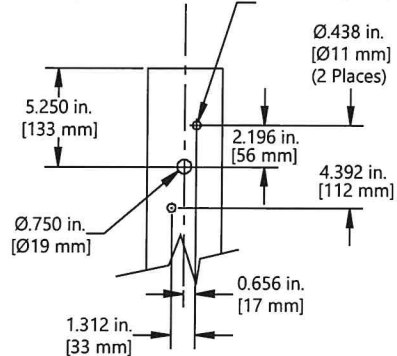
SQUARE POLE MOUNTING ARM

3.5 TO 4.5-inch (89 to 114mm) SQUARE
(WILL ALLOW 4 FIXTURES PER POLE @ 90 DEGREES.)



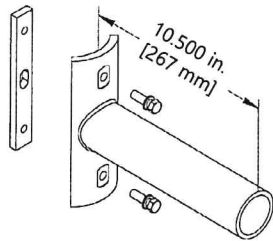
ORDER SEPARATELY FROM FIXTURE AS CATALOG NUMBER
SPA-EAMT10BLCK "Black"
SPA-EAMT10DKBZ "Dark Bronze"

SQUARE POLE MOUNTING DRILLING TEMPLATE



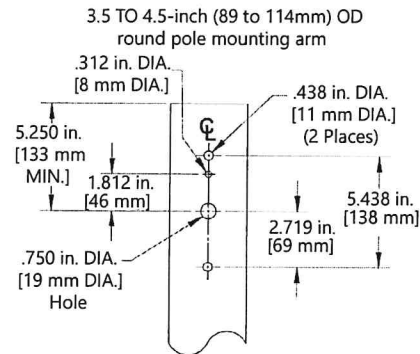
ROUND POLE MOUNTING ARMDRILLING TEMPLATE

3.5 TO 4.5-inch (89 to 114mm) OD
(WILL ALLOW 4 FIXTURES PER POLE @ 90 DEGREES.)



ORDER SEPARATELY FROM FIXTURE AS CATALOG NUMBER
RPA-EAMT10BLCK "Black"
RPA-EAMT10DKBZ "Dark Bronze"

ROUND POLE MOUNTING DRILLING TEMPLATE



Wall Mounting Bracket Adapter Plate

ORDER SEPARATELY FROM FIXTURE AS CATALOG NUMBER
WMB-EAMT06

*NOTE: For Wall Mounting, order luminaire with mounting arm: C1 = Slipfitter 2" Pipe (2.378 in. OD) supplied with leads.

**Other mounting patterns are available for retrofit installations.
Contact manufacturing for other available mounting patterns.**

SAP NUMBER	PART NUMBER	DESCRIPTION	SAP NUMBER	PART NUMBER	DESCRIPTION
93123552	WANSI - 277	ANSI 136.41 Dimming PE Daintree Enable, 105-305V	28299	PECOTL	Standard 120-277V
93123553	WANSI - 480	ANSI 136.41 Dimming PE Daintree Enable, 312-530V	28294	PEC5TL	Standard 480V
93029237	PED-MV-LED-7	ANSI C136.41 Dimming PE, 120-277V	80436	PECCTL	Standard 347V
93029238	PED-347-LED-7	ANSI C136.41 Dimming PE, 347V	93147530	PECHTL	Long Life Standard PE, 347-480V
93029239	PED-480-LED-7	ANSI C136.41 Dimming PE, 480V	73251	SCCL-PECTL	Shorting Cap

PE Accessories (to be ordered separately)

Appendix J – Project timeline, Cost estimate & Building Area

- Timeline/Task
- Construction Estimate
- Building Area

[illegible]

Gardiner Green Building 6
Construction Estimates as of 6-1-22

<u>Item</u>	<u>SF</u>	<u>Cost</u>
Finished Units	23200	\$4,292,000.00
Common Space	6300	\$409,500.00
Civil Works		\$335,000.00
Landscaping and Buffering		\$145,000.00
TOTAL		\$5,181,500.00

Lower Level

<u>Unit Number</u>	<u>Unit Type</u>	<u>SF</u>	<u>Comments</u>
G1	2 BR	900	Patio 250 sf, Corner
G2	1 BR	600	Patio 225 sf
G3	2 BR	950	Patio 250 sf
G4	1 BR	600	Patio 225 sf
G5	2 BR w/L	1180	Patio 250 sf, Loft, Corner
G6	1 BR	600	Patio 225 sf

Subtotal 6 4830

1 BR - 3

2 BR - 2

2 BR w/L - 1

Main Level

<u>Unit Number</u>	<u>Unit Type</u>	<u>SF</u>	<u>Comments</u>
101	2 BR	900	Balcony 65 sf
102	1 BR	600	Balcony 65 sf, Corner
103	2 BR	1210	Balcony 65 sf
104	1 BR	600	Balcony 65 sf
105	2 BR	975	Balcony 65 sf, Corner
106	1 BR	600	Balcony 65 sf
107	S	430	Shared Patio 210 sf
108	1 BR	600	Balcony 65 sf
109	S	430	Shared Patio 210 sf
110	1 BR	600	Patio 225 sf
111	S	430	Patio 130 sf
112	2 BR	900	Patio 225 sf
113	S	430	Patio 130 sf
114			No Unit 114
115	1 BR	880	Patio 225 sf, Corner

Subtotal 14 9585

Studio - 4

1 BR - 6

2 BR - 4

Upper Level

<u>Unit Number</u>	<u>Unit Type</u>	<u>SF</u>	<u>Comments</u>
201	2 BR	900	
202	1 BR	600	Balcony 65 sf, Corner
203	2 BR	1210	
204	1 BR	600	Balcony 65 sf
205	2 BR	975	Balcony 65 sf, Corner
206	1 BR	600	Balcony 65 sf
207	Studio	300	Balcony 122 sf
208	1 BR	600	Balcony 65 sf
209	Studio	300	Balcony 122 sf
210	1 BR	600	Balcony 65 sf
211	Studio	300	Balcony 122 sf
212	2 BR	900	Two Balconies @ 65 sf
213	Studio	300	Balcony 122 sf
214			No Unit 214
215	1 BR	600	Balcony 200 sf, Corner

Subtotal 14 8785

Studio 4

1 BR 6

2 BR 4

Grand Total 23200

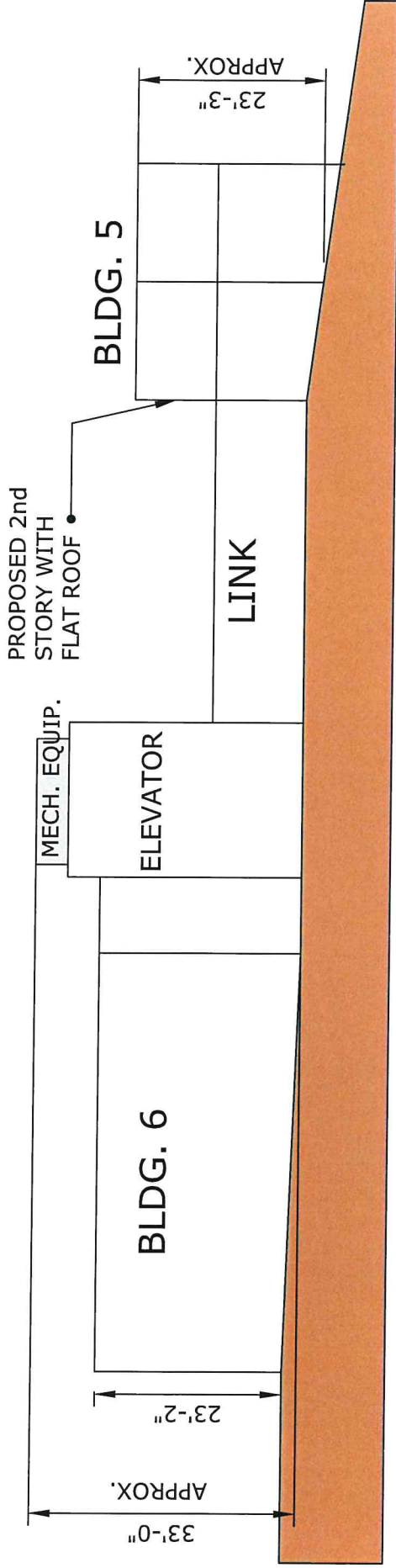
Studio - 8

1 BR - 15

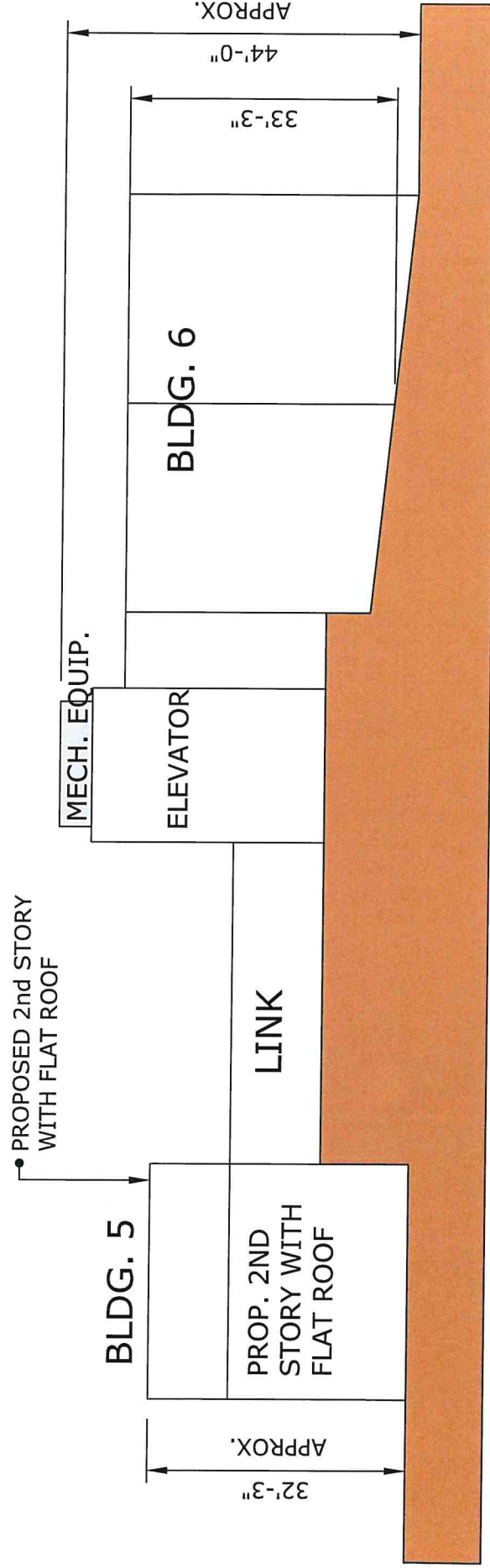
2 BR - 10

2 BR w/L - 1

Appendix K – Roof Study



VIEW FROM WEST



VIEW FROM EAST

Appendix L - Plans

- REC – Recording Plat
- BS – Boundary Survey Plan
- TS – Topographic Survey Plan
- C-1.1 – Site Plan
- C-2 – Site Details I
- C-3 – Site Details II
- C-4 – Site Details III
- A-1 – Lower-Level Floor Plan
- A-2 – Main level Floor Plan
- A-3 – Upper-Level Floor Plan
- B-1 – North & South Elevations
- B-2 – East & West elevations
- S-1 – Building Section
- L-1.1 – Lighting Plan
- Rendering
- SI – Site inventory Plan