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

Site Plan Review Application

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

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

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

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

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

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

1. General Information:

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

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

Phone/Fax No: **401-714-2106**

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

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

Phone/Fax No **401-714-2106**

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

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: **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)**

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 for years.

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 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 majority of the site is comprised of buildings and asphalt. There will not be any construction outside of these areas in and therefore this section is not applicable.

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 4,665 sf and therefore a reduction is 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 on the 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 spaces to choose from.

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 new free-standing sign complying with the LUO will be erected along Dresden Avenue. 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.

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 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 4,665 sf and therefore a reduction is 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 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 submitted.

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

6.5.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies.
The application contains all pertinent erosion and sediment control devices needed for the project.

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 dumpster area to be installed. A letter has been sent to Jerry Douglas, Public Works Director asking if there is sufficient capacity available for the project.

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. There will not be any construction outside of these areas and therefore this section is not applicable.

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands.
There is a stream along the north side of the property with some associated wetlands, but none of these will be impacted as a result of the project.

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.

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 sent to Jerry Douglass (Public Works Director) asking if the project will 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 a financial letter indicating that they have adequate financing to complete the project.

6.5.2 Site Plan Review Criteria

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

6.5.2.1. The proposal will be sensitive to the character of the site, neighborhood and the district in which it is located including conformance to any zoning district specific design standards;

This is already a site that is not at all in harmony with the neighborhood. It is 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 now. Under the previous hospital use last year the GFM Building alone generated 150 staff and patient visits (and 300 car trips) per day. Also on site 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).

The revamped and repurposed site will be more attractive and quieter that 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 4,665 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 area. Dust will be controlled during construction by using water or calcium.

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 is available on 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 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 and 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 then the existing building.

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 is being utilized. 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.

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 façade 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.

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 intersect 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 Bufferyard & 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. For this project we are proposing a total of 12 canopy trees, 46 understory trees and 82 deciduous shrubs around the property lines and new parking area. Landscaping has been added to the north side of the building including 16 shrubs and four understory trees. This will be a huge upgrade to what is available on 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.

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.

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

E.S. COFFIN ENGINEERING & SURVEYING, INC.

(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

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.
34,000 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 Coffin

James E. Coffin, P.E.

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

Final Subdivision Plan Application

Subdivision Name: **Gardiner Green**

Date of Submission: **4-12-22** Received by: _____

Proposal:

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

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

General Information:

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

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

Phone/Fax No: **401-714-2106**

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

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

Phone/Fax No **401-714-2106**

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

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: **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.

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,

Paul Boghossian
Member, Hathaway Holdings, LLC

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.

MaineGeneral Medical Center

Witness

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,

Pamela S. Boissonneault
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.

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

QUITCLAIM DEED

DLN:1002140166847

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.

MaineGeneral Rehabilitation & Long Term Care

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,

Pamela S. Boissonneault
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.

BK14210 PGS 178 - 182 10/13/2021 02:31:56 PM
INSTR#: 2021029810 ATTEST: BEVERLY BUSTIN-HATHEWAY
RECEIVED KENNEBEC SS REGISTER OF DEEDS
eRecorded Document

ROAD MAINTENANCE AGREEMENT

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

W I T N E S S E T H

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

MaineGeneral Rehabilitation & Long Term Care

Witness

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.

JENSEN BAIRD
ATTORNEYS AT LAW

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 <u>resulting</u> 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 devaluate 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."

Skowhegan
Savings

PO Box 250
Skowhegan, ME 04976

June 25, 2021

To Whom it May Concern:

Skowhegan Savings Bank has begun working with Paul Boghossian regarding financing his project to redevelop property in Gardiner. He has provided us preliminary information and we are reviewing both the scope of the project and the financial aspects.

We look forward to receiving more detailed information from Paul and are interested in potentially financing this project. While the Bank is not able to guarantee funding, we are very interested in exploring this opportunity and can hopefully initiate the underwriting process at some point in the future. Bank financing is subject to satisfactory review of all terms, structure, conditions, and Board approval.

We are pleased to be involved with this important project and look forward to working with Paul. I've had a long association with Paul, particularly in my role as an economic developer throughout Maine and am very familiar with his other projects.

Regards,

John Butera
Vice President, Commercial Loan Officer

Form 668 (Z)
(Rev. 10-2000)

1872

Department of the Treasury - Internal Revenue Service

Certificate of Release of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number
426665421

For Use by Recording Office

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.

10258 Name of Taxpayer PAUL O BOGHOSSIAN III

Residence 1076 E SHORE RD
JAMESTOWN, RI 02835

COURT RECORDING INFORMATION:

Liber	Page	UCC No.	Serial No.
988	279	n/a	n/a

Kind of Tax (a)	Tax Period Ended (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2017	XXX-X[redacted]	11/19/2018		669880.26
				Total	669880.26

Place of Filing

TOWN CLERK
JAMESTOWN TOWN HALL
JAMESTOWN, RI 02835

This notice was prepared and signed at MANHATTAN, NY, on this,

the 16th day of June, 2021.

Signature

Title
Operations Manager,
Centralized Lien Operation

(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 668 (Z) (Rev. 10-2000)
CAT. NO 60026I

Prepared by: E.S. Coffin Engineering & Surveying, Inc.

PHOTOGRAPHS

Client Name:	**Project No.**
Hathaway Holdings, LLC	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.

Prepared by: E.S. Coffin Engineering & Surveying, Inc.

PHOTOGRAPHS

Client Name:	**Project No.**
Hathaway Holdings, LLC	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.

Prepared by: E.S. Coffin Engineering & Surveying, Inc.

PHOTOGRAPHS

Client Name:	**Project No.**
Hathaway Holdings, LLC	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.

Prepared by: E.S. Coffin Engineering & Surveying, Inc.

PHOTOGRAPHS

Client Name:	**Project No.**
Hathaway Holdings, LLC	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.

Prepared by: E.S. Coffin Engineering & Surveying, Inc.

PHOTOGRAPHS

Client Name:	**Project No.**
Hathaway Holdings, LLC	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.

Prepared by: E.S. Coffin Engineering & Surveying, Inc.

PHOTOGRAPHS

Client Name:	**Project No.**
Hathaway Holdings, LLC	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.

Prepared by: E.S. Coffin Engineering & Surveying, Inc.

PHOTOGRAPHS

Client Name:	**Project No.**
Hathaway Holdings, LLC	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.

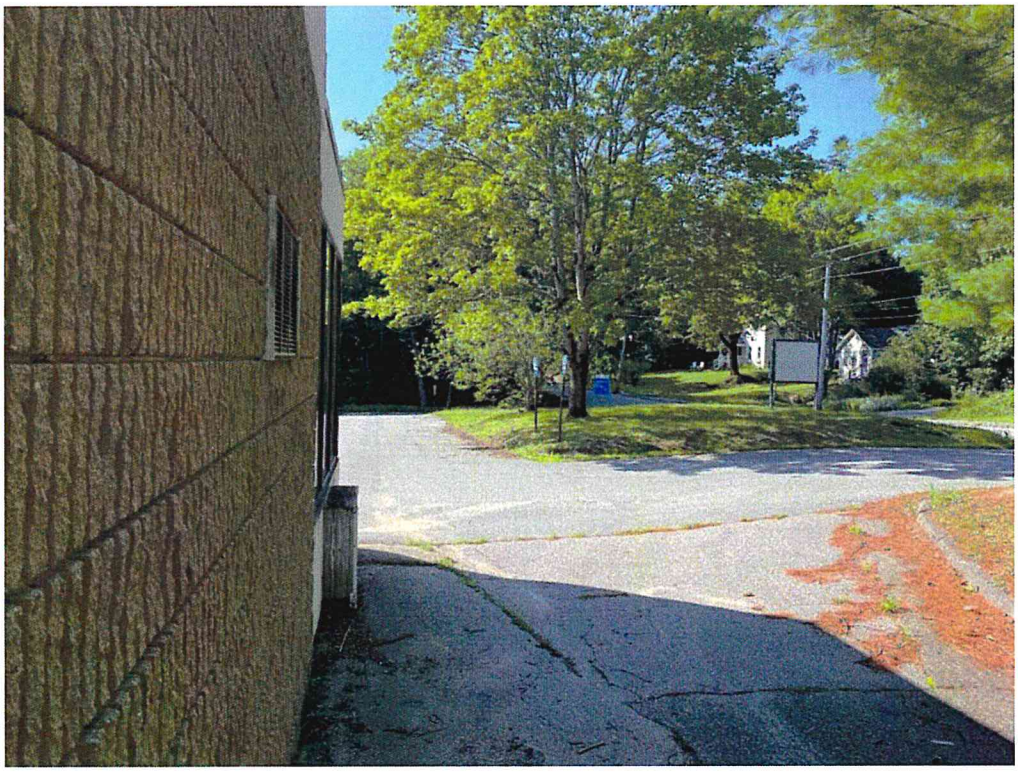
Neighborhood Photos

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.

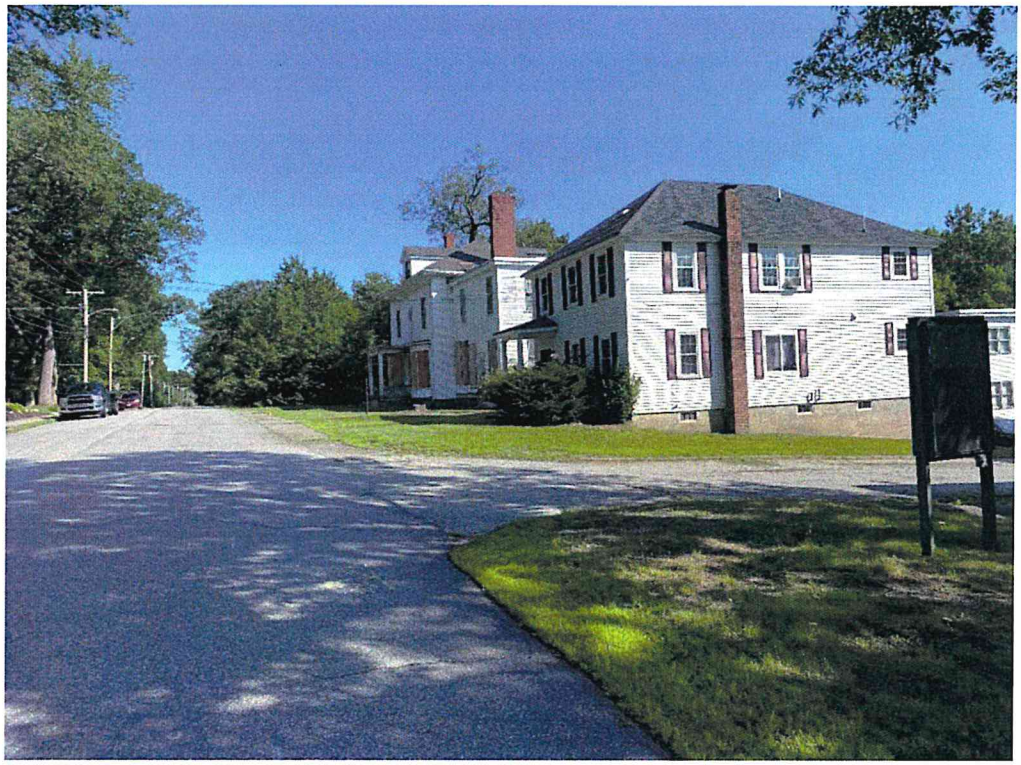
From the south of Building 5 looking north towards Dresden Ave.

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

CITY OF
GARDINER
KENNEBEC CO.
MAINE

N
W E
S

LEGEND

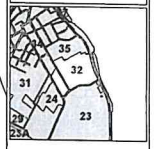
- Lot Hook
- Private Right of Way
- Sub-lot Line
- Transmission Line ROW
- River, Stream or Pond
- Railroad
- Road
- Town Line
- Building
- Parcel

For Assessment Purposes. Not to be used for conveyances.

Cornerstone

Design Spatial Systems, Inc.

0 50 100 200
Feet

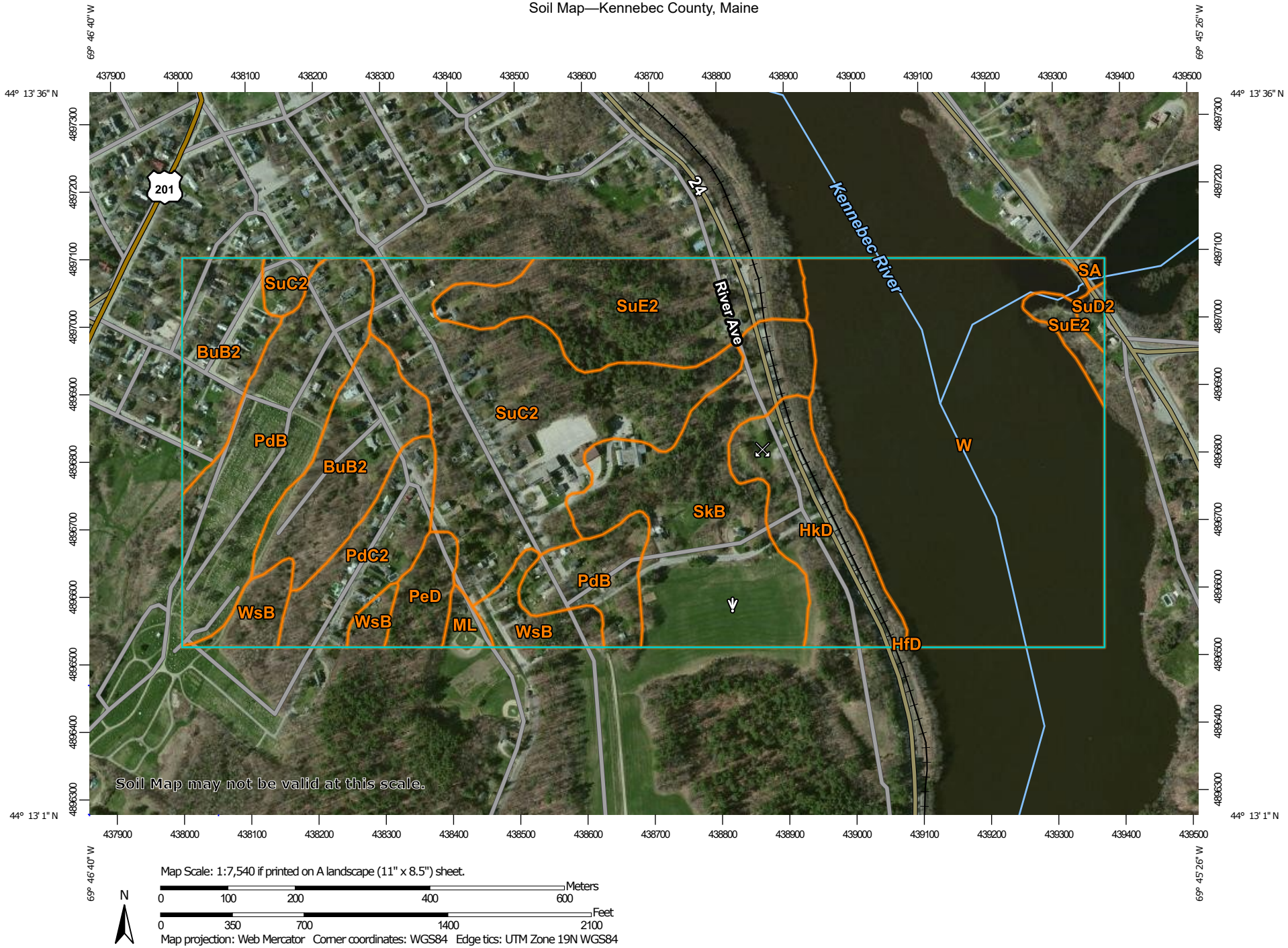


Map 32

Printed 9/29/2020
Effective Date 4/1/2020

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


69° 46' 40" W
69° 45' 26" W
44° 13' 36" N
44° 13' 1" N
437900
438000
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4896300
201
24
River Ave
Kennebec River
SuC2
BuB2
PdB
BuB2
SuC2
SuE2
SkB
PdC2
PeD
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ML
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PdB
HkD
HfD
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SA
SuD2
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Soil Map may not be valid at this scale.
Map Scale: 1:7,540 if printed on A landscape (11" x 8.5") sheet.
N
Meters
0 100 200 400 600
Feet
0 350 700 1400 2100
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

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.

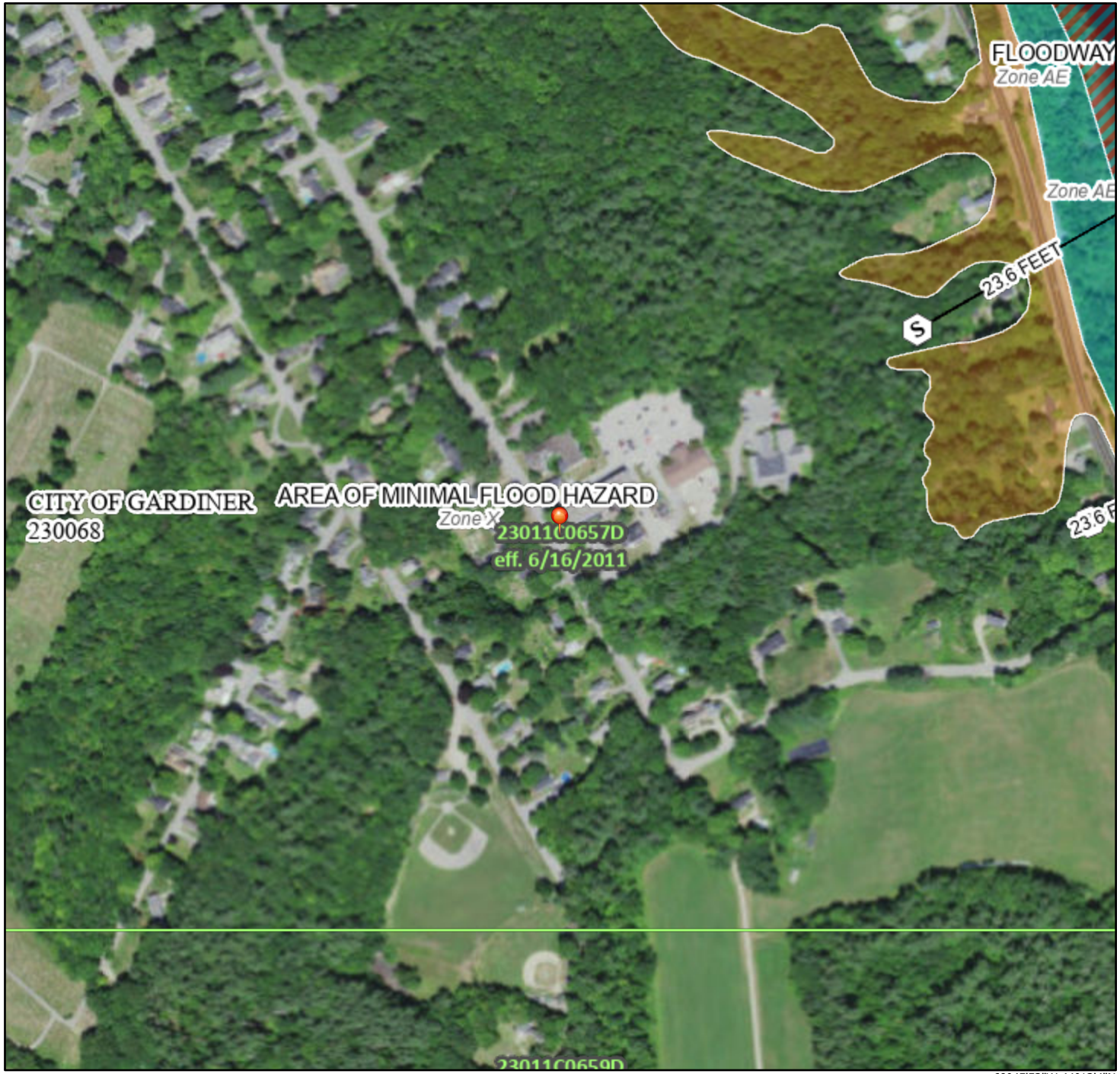
Map Unit Legend

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%**

National Flood Hazard Layer FIRMette

FEMA

69°46'30"W 44°13'30"N



69°45'53"W 44°13'4"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

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

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage 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*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

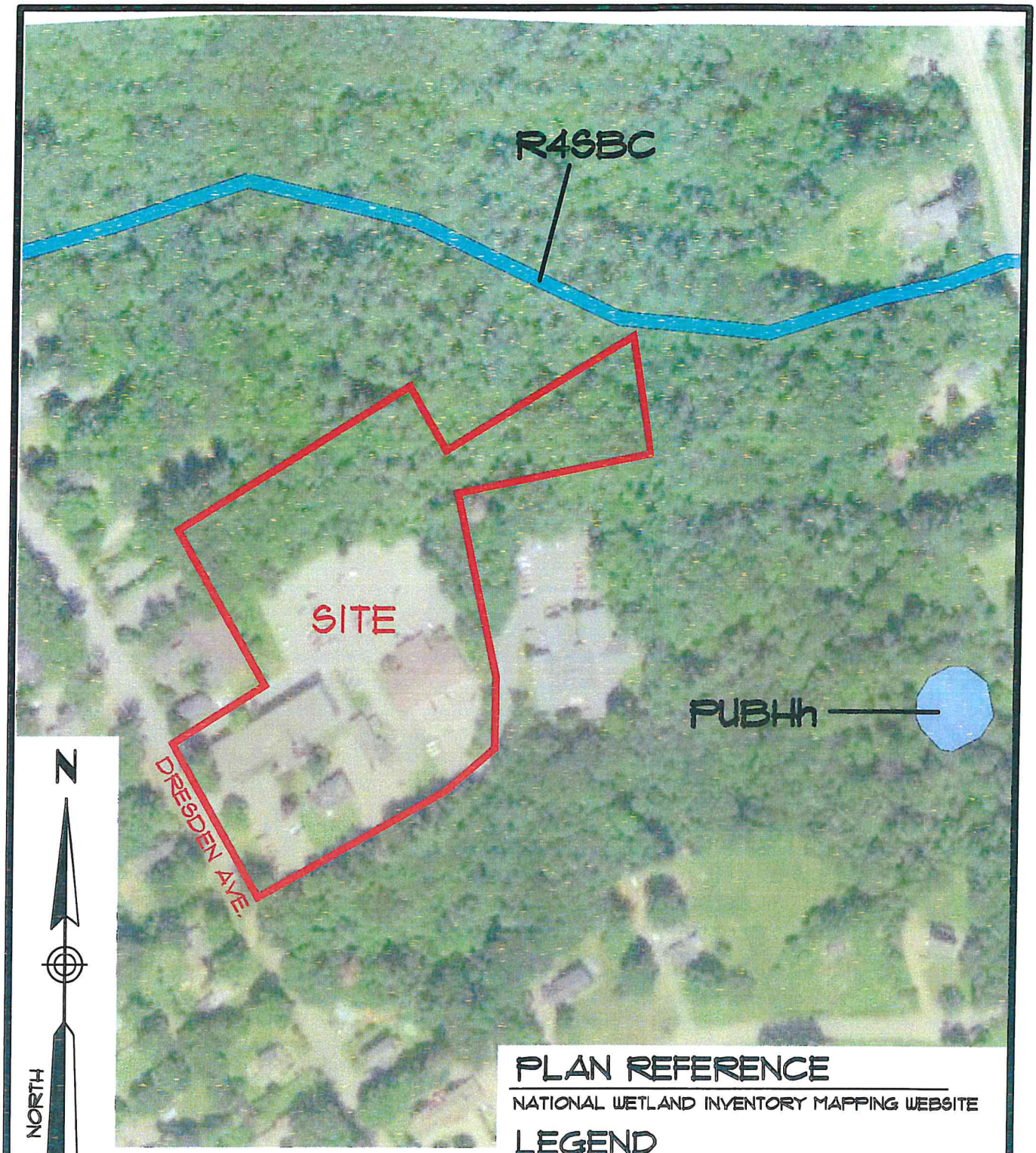
N

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

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.



N

NORTH

SCALE: 1" = 200'

0 100 200 400 600

PLAN REFERENCE

NATIONAL WETLAND INVENTORY MAPPING WEBSITE

LEGEND

PUBHh	PALUSTRINE 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: 12-19-2020	DRAWN BY: KRF

PLANIT MAPPING

488 MAIN STREET - LEWISTON, MAINE

Email: planitmapping@yahoo.com

Sewall
The evolution of expertise

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:

	Trip Generation – New Residences
Time Period	One-Way Trips
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.

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:

Trip Generation – Former Medical Offices

Time Period	Med. Offices	Storage	Total
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:

Trip Generation Comparison

Time Period	Proposed Residences	Former Medical Offices	Change
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

Time Period	Proposed Residences	Former Medical Offices	Change
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:

Location Description	# of Acc.	CRF
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

Location Description	# of Acc.	CRF
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:

Existing Driveway Sight Distances

Driveway Description	To Right	Adequate	To Left	Adequate
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 anlaysis 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

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

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

E.S. COFFIN ENGINEERING & SURVEYING, INC.

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

February 9th, 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 4,665 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.

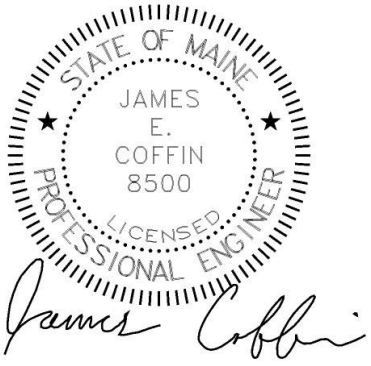
9.10.2.2 *All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and 25-year, 24-hour duration frequencies based on rainfall data for Augusta, Maine.*
Since there will be a reduction of 4,665 sf in impervious 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.



5 Church Street, Gardiner, Maine 04345 207-582-4535 Fax 207-582-1079 E-mail Fire@gardinermaine.com

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

Church Street, Gardiner, Maine 04345 207-582-3211 Fax 207-582-1079 E-mail Police@gardinermaine.com

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
Moving Forward

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

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

CITY OF Gardiner

Moving Forward

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 X 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

LITEPAK SERIES LNC2

Cat.# LNC2 12L U 4K 4

Job

Type

HUBBELL Outdoor Lighting

Approvals

SPECIFICATIONS

Intended Use:
The compact LED LNC2 is designed for perimeter illumination for safety, security and identity. This compact fixture has no uplight and is neighbor friendly with typical mounting heights up to 15ft. Units are supplied with an acrylic diffuser accessory that can be used for lower LED brightness near building entrances or other pedestrian areas. Units have protective polyester finish for long lasting appearance.

Construction:
Decorative die-cast aluminum housing protects components and provides an architectural appearance. Casting thermally conducts LED heat to optimize performance and long life. Powder paint finish provides durability in outdoor environments.

Electrical:
- 120V-277V universal voltage 50/60Hz 0-10V dimming drivers
- 347V and 480V dimmable driver option in 12L configuration
- Electronic drivers: One in 5L, 7L, 9L and 12L units Two drivers in 18L units
- Minimum operating temperature is -40˚C/-40˚F
- Driver RoHS and IP66
- Drivers have greater than .90 power factor and less than 20% Total Harmonic Distortion

LED(s) CCT:
- 3000K CCT nominal – 80 CRI, 4000K CCT nominal – 70 CRI, 5000K CCT nominal – 70 CRI
- 5, 7, 9, 12 and 18 LED configurations available see page 2 for electrical and photometric details

Optical:
Type II, III and IV distributions with zero uplight; Individual PMMA acrylic lenses for wide lateral throw, maximum control and efficiency; Acrylic diffuser included where reduced LED brightness is desired

Lumen Maintenance:
L96 at 60,000hrs (Projected per IESNA TM-21-11), see table on page 2 for all values

Installation:
Quick-mount adapter provides easy installation to wall or to recessed junction boxes (4" square junction box). Gasket seal and secured by two Allen-head hidden fasteners for tamper resistance. Designed for direct j-box mount or conduit feed in single SKU. Conduit feed not available with BBU.

Options:
Controls:
- Button photocontrol for dusk to dawn energy savings
- Occupancy sensor options available for complete on/off and dimming control (includes factory installed back box)

Egress (includes factory installed back box):
- Battery back-up option - 12L configuration only
- Provides 1 fc minimum over 10' x 10' at 11' mounting height (exceeds NEC requirement)
- 1,546 initial lumens in battery mode
- Meets UL924 90 minute discharge schedule
- -20˚C to 30˚C operating temperature

Listings:
- DLC Qualified (Types III and IV) Consult DLC website for details: http://www.designlights.org/QPL
- Listed to UL 1598 for use in wet locations, 40˚ C ambient environments

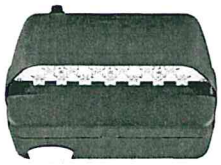
Warranty:
Five year limited warranty (for more information visit: http://www.hubbelloutdoor.com/resources/warranty/
- IES Progress Award Winner - 2013
- Building Operating Management 2014 Top Products Award - LNC2-18LU

PRODUCT IMAGE(S)

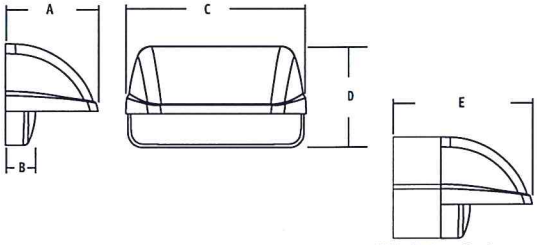

LNC2-12LU


LNC2-18LU


With diffuser


Battery Back-up or Sensor - See Page 2,3

DIMENSIONS



With Battery Back-up or sensors

A	B	C	D	E	Weight / BBU
6.25"	1.6"	10.25"	5.6"	10.25"	7.0 / 15.0 lbs.
158.7 mm	40.2 mm	260.4 mm	142.2 mm	260.4 mm	3.2 / 6.8 kg

SHIPPING INFORMATION

Catalog Number	G.W(kg)/ CTN	Carton Dimensions			Carton Qty. per Master Pack
		Length Inch (cm)	Width Inch (cm)	Height Inch (cm)	
LNC2-12LU	14.3 (6.5)	14.5 (37)	11.4 (29)	8.4 (21.5)	2
LNC2-18LU	14.8 (6.7)	14.9 (38)	11.4 (29)	8.4 (21.5)	2

CERTIFICATIONS/LISTINGS

C US

Turtle Friendly

*3000K and warmer CCTs only

ORDERING INFORMATION – ORDERING EXAMPLE: LNC2-12LU-5K-3-1

LNC2 - [ ] [ ] - [ ] - [ ] - [ ] - [ ]

SERIES	NUMBER OF LEDS	VOLTAGE [7]	CCT	IES DISTRIBUTION	FINISH	OPTIONS
LNC2 LNC2	5L 5 LEDs	U 120V-277V	3K[2] 3000K nominal 80 CRI	2[2] Type II	1 Bronze	PC Photocontrol
	7L 7 LEDs	1 120V	4K 4000K nominal 70 CRI	3 Type III	2 Black	BBU[1,6] Integral battery for 12L only (must specify 120V or 277V voltage in voltage category) rated for -20˚C to 30˚C
	9L 9 LEDs	2 208V	5K 5000K nominal 67 CRI	4 Type IV	3 Gray	
	12L[3] 12 LEDs	3 240V	AM Amber (590 µm available for "Turtle Friendly"/observatory applications, 350 mA (18L only versions)		4 White	SCP[4,5,6] Programmable motion sensor, factory default dimming is 10% light output
	18L 18 LEDs	4 277V			5 Platinum	
	12L5 12 LEDs, 480V	5 480V (12L only)				
	12LF 12 LEDs, 347V	F 347V (12L only)				

SPECIFY SCP HEIGHT
- 8F Up to 8ft mount height
- 20F Up to 20ft mount height

[1] Battery backup only available on 12L models, not available for Canada
[2] Does not qualify for DLC
[3] Replace U with 1 for 120V or 4 for 277V for 12L with BBU
[4] Must order minimum of one remote control to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings, 120V-277V only
[5] PC option not applicable, included in sensor
[6] BBU and motion sensor options cannot be combined

Hubbell Outdoor Lighting • 701 Millennium Boulevard • Greenville, SC 29607 • Phone: 864-678-1000
Due to our continued efforts to improve our products, product specifications are subject to change without notice.

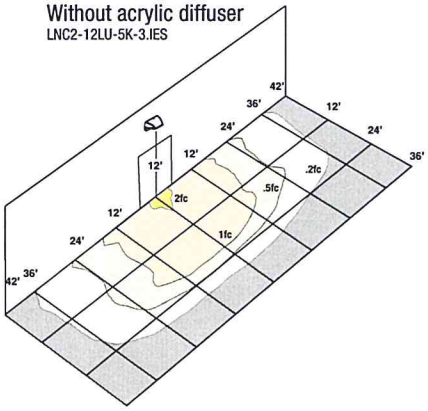
REPLACEMENT PART/ACCESSORIES

CATALOG NUMBER	DESCRIPTION
93044013	Frosted comfort shield, improves uniformity with only 5% lumen reduction
SCP-REMOTE*	Remote control for SCP option. Order at least one per project to program and control fixtures
BB-GEO-XX	Back box with 4 - 1/2" threaded conduit holes, XX = specify finish, eg. Dark Bronze - DB
LNC2-SCBB-XX	Plate to be used with GEO-BB-XX surface conduit box, XX=finish (see page 3)

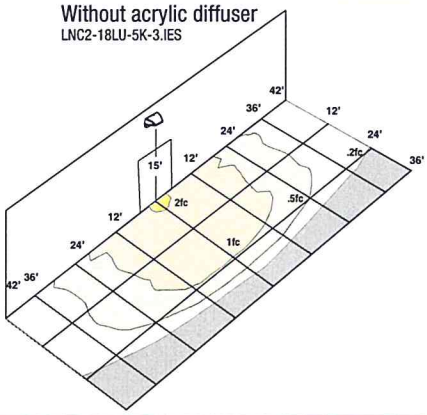
*Must order minimum of one remote control to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings, 120V or 277V only

PHOTOMETRICS

Without acrylic diffuser
LNC2-12LU-5K-3.IES



Without acrylic diffuser
LNC2-18LU-5K-3.IES



PERFORMANCE DATA

# OF LEDS	DRIVE CURRENT	SYSTEM WATTS	DIST. TYPE	5K (5000K nominal, 70 CRI) LUMENS	5K (5000K nominal, 70 CRI) LPW[1]	4K (4000K nominal, 70 CRI) LUMENS	4K (4000K nominal, 70 CRI) LPW[1]	3K (3000K nominal, 80 CRI) LUMENS	3K (3000K nominal, 80 CRI) LPW[1]
5	STD. (700mA)	13W	2	1,150	88.5	1,052	81	883	68
			3	1,132	87	1,077	83	833	64
			4	1,146	88	1,053	81	849	65
7		17W	2	1,515	89	1,369	80.5	1,272	75
			3	1,500	88	1,539	90.5	1,392	82
			4	1,557	91.5	1,535	90	1,425	84
9		22W	2	2,069	94	2,033	92	1,588	72
			3	2,024	92	1,989	90	1,623	74
			4	2,095	95	2,059	93.5	1,680	76
12		28w	2	2,869	102.5	2,465	88	2,047	73
			3	2,868	102.5	2,662	95	2,160	77
			4	2,716	97	2,715	97	2,104	75
18		42.7w	2	4,166	97.5	3,631	85	3,304	77
			3	4,106	96	3,806	89	3,128	73
			4	3,995	93.5	3,998	93.5	3,122	73

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of end-user environment and application. LNC2-12L battery mode produces 1,546 initial lumens. Meets UL924 90 minute discharge pattern.

PROJECTED LUMEN MAINTENANCE

Ambient Temp.	OPERATING HOURS 0	25,000	50,000	TM-21-11[1] L96 60,000	100,000	L70 (hours)
25°C / 77°F	1.00	0.98	0.97	0.96	0.95	>791,000
40°C / 104°F	0.99	0.98	0.96	0.96	0.94	>635,000

1. Projected per IESNA TM-21-11 * (Nichia 219B, 700mA, 85°C Ts, 10,000hrs)
Data references the extrapolated performance projections for the LNC-12LU-5K base model in a 40°C ambient, based on 10,000 hours of LED testing per IESNA LM-80-08.

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

AMBIENT TEMPERATURE		LUMEN MULTIPLIER
0° C	32° F	1.02
10° C	50° F	1.01
20° C	68° F	1.00
25° C	77° F	1.00
30° C	86° F	1.00
40° C	104° F	0.99

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

ELECTRICAL DATA

# OF LEDS	DRIVE CURRENT (mA)	INPUT VOLTAGE (V)	CURRENT (Amps)	SYSTEM POWER (w)
7	STD. (700mA)	120	–	18
		277	–	18
9		120	0.183	22
		277	0.09	22.1
12		120	0.24	28.9
		277	0.10	27.7
		347	0.10	33.7
		480	0.06	28.9
18		120	0.35	41.0
		277	0.15	41.5
18 Amber		120	2.68	32.0

MOTION SENSOR OPTION

Sensor offers greater control and energy savings with SCP programmable sensor with adjustable delay and dimming levels (Factory default is 10%)

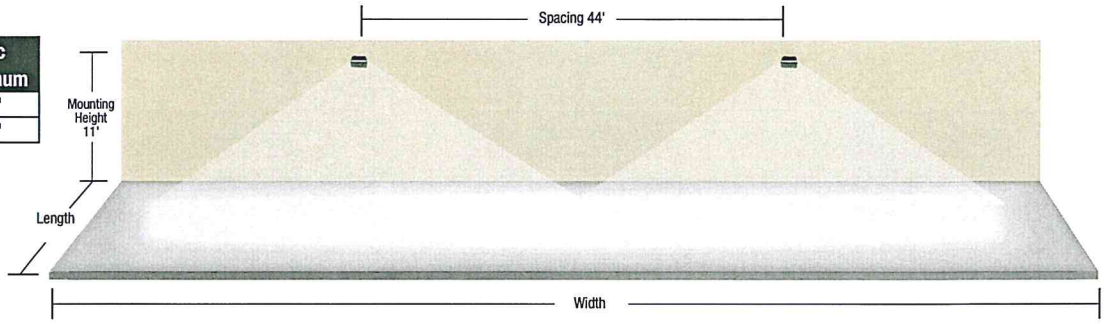
Visit: **http://www.hubbelllighting.com/solutions/controls/** for control application information

LNC2 – BATTERY BACK UP

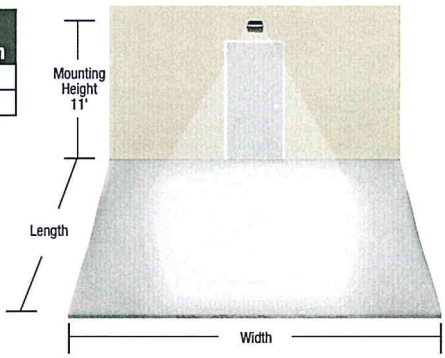
Side View

3/4 View

Multi Unit	1 fc Average	1 fc Minimum
Length	16'	15'
Width	112'	68'

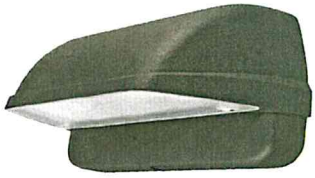


Single Unit	1 fc Average	1 fc Minimum
Length	16'	15'
Width	48'	24'

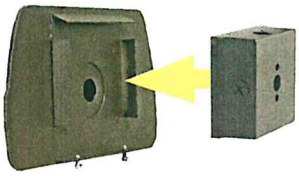


Provides Life Safety Code average illuminance of 1.0 fc. Assumes open space with no obstructions and mounting height of 11'
Diagrams for illustration purposes only, please consult factory for application layout.

LNC2-SCBB-XX SURFACE CONDUIT BACK PLATE



LNC2 FIXTURE



LNC2-SCBB-XX

BB-GEO-XX

LNC2-SCBB-XX and BB-GEO-XX SHOWN ATTACHED TO FIXTURE