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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD
Meeting Minutes
Thursday December 15, 2022 @ 6:00 PM
City Council Chambers

1. Call the Meeting to Order-Chair Willis called the meeting to order at 6:20 pm.

2. Roll Call-Debby Willis, Lisa St. Hilaire, Jacob Waltman, Pam Mitchel, Adam Lemire, Shawn Dolley-Zachary Hanley- absent. Others present City Solicitor- Jon Pottle, Applicant Attorney- Mark Bower, Site Engineer- Jim Coffin, applicant Paul Boghossian, City Planner –Mark Eyerman- via Zoom, Phyllis Gardiner, Cheryl Clark, Mike Gent, Pat Hart, Helen Stevens. City Staff- Kris McNeill, Angelia Christopher and City Manager- Andrew Carlton.

3. Review of the September 14, 2022 meeting minutes- Chair Willis asks if there are any corrections or changes. A couple of small changes were requested. Pam Mitchel offered the first motion to approve the minutes with changes offered. Second motion, Adam Lemire. No further discussion. Lisa St. Hilaire and Jacob Waltman abstained from voting. All other Board members in favor.

**Lisa St. Hilaire has recused herself from the Gardiner Green application. New Board member-Jacob Waltman will need to as well as is a new member and missed the previous meetings, and is also a direct abutter to the project. Chair Willis tells the group that this meeting will end no later than 9pm.*

4. Public Hearing: Gardiner Green- Continuation of the October 13, 2022 meeting for the Final

Subdivision & Continuation of Site Plan development at 150 Dresden Ave- City Tax map 032 Lots 023-023A in HDR. There was a quick recap of the last meeting, and a discussion about where the Board had left off in their review. The Board is working on Site Plan Review, and is in the process with deliberations, leaving off the last meeting working on 6.5.2.1.

This application has some modifications, which Mr. Boghossian will discuss. He reports that the front façade will be using cypress wood panels, and that the railings on the balconies will be vertical instead of horizontal in order to meet code requirements. There have been questions about the windows on the northern façade, so they made some changes, and made the second floor consistent with the window design on the first floor. There have been changes/increases to the landscaping around the patios that the applicant feels should improve the overall appearance. He points out that renderings are not architectural drawings, which are used to show an artist's rendition of what the overall appearance will be, not necessarily reflect the exact plans. The applicants did keep the affordable housing component in this application, but this can be taken out if the Board prefers. The applicant is asking that if the 7 designated affordable units are utilized, that they can be used as a credit against a future density bonus if more development happens on this property in the future.

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Chair Willis asks if there are any questions about this application submission. Pam Mitchel expresses that the renderings do not show doors to the patios on A3. (she also referenced A2). Jim Coffin explains that there should be and this will be further reviewed and corrected. There was also a discussion about the placement of doors, which was remedied after a discussion. (I don't understand what 'which was remedied after discussion' means. My notes indicate Paul wasn't sure if there would be a door on the 1st floor, under the balcony, in reference to the west facade).

Jim Coffin moves on to discuss the letter that the abutting properties submitted earlier and review the changes on this submission of the site plan. He points out that there have been some changes to the parking lot- with added islands to beautify and break up the appearance. There will be an existing light pole removed as a result of these changes. He added that there will be at least 79 parking spaces and the lot will be relined. They were not able to (make all 10 spots in the front parking area as ADA because of slope issues), ~~move the handicap spaces where it had been preferred due to the slope of the land.~~ He did find a suitable area to add 4 handicapped accessible parking spots. He discussed the error that shows that there are 103 parking spaces in the application, when the correct number should be 79, stating that he simply missed this change. In regards to the question of benches not being placed on the rec plan- Mr. Coffin reports that this plan is very full with detail, and movable items are not shown on a Rec Plan. He reports that there is 34,000sf set aside for open space. The rendering shows the extensiveness of the landscaping, which there are questions about. There were questions about the placement of trees, which Jim Coffin explained is just a representation of what is required in the ordinance. The LUO offers options for screening, and the options that were chosen for this project meet the requirements of the LUO. As far as the sign that is shown on the building, all signs need to go through Code Enforcement for permitting, which will follow what is allowed in the HDR district.

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Adam Lemire asked for some clarification on the Open Space specifications- what the requirements are. The Board is looking for more information about the green space around the buildings and what those areas will entail. After a lengthy discussion on what the Open Space specs were, Jim Coffin explains that he must have misinterpreted what the Board was asking for at the previous meeting. Jon Pottle notes that there are different provisions in the LUO for open space. Yard, playground, etc. are not necessarily 'open space' as you are thinking about it (in reference to the 34,000 sf. We're focusing on the idea of 'yard'. Adam Lemire notes that there are two distinct open space aspects of the ordinance: (1) the area that is buildable that won't be built upon and (2) what most people consider a 'yard'. Adam Lemire feels it is important to 'save/designate space' so that if there is future development at this site, that the designated open space will be available and locked in to be kept as open space. He states that a square footage amount on the 'yard' space would be helpful. Adam noted that the open space designated on the edge of the project is separate from the intent that individuals in the building will have a yard to use. The Board needs to see that the greenspace around the building is applicable as a yard, and that some of the space around the trail might also qualify as yard space. The trail is its own entity, and Board members want more info on the green space around the buildings and units. The total amount of 'yard' greenspace needs to be placed somewhere on the plan, and be separate from the total SF of the trail area.

Board members moved on to the sign, which shows to be on the roof in the rendering. Jim Coffin explains that any sign will need to go through the permitting process with codes. Kris McNeill states that roof signs are not allowed in HDR, and that he will work with the developers to approve a suitable sign after the project is approved.

Attorney Bower points out if the Board is going to change the definition of a yard, his clients should know about it, so they can work towards meeting that goal. Chair Willis recites the definition of yard per the Gardiner LUO- Yard-The area of land on a lot not occupied by the principal building. There are several examples of what qualifies a yard, and she feels that it is not too much to ask for to have this labeled on the plan clearly. The

intent is to have green areas around the building. The path is a second means- the area around the building is what they are really looking for information on. Mr. Bower explains that they are just looking for clarification about what the Board wants.

Lisa St. Hilaire ~~will speak~~ spoke, on behalf of the abutting neighbors. The neighbors recognize that the rendering is an artistic vision but this rendering has changed many times. She states that this current rendering seems to be a little disingenuous. There are a number of inconsistencies that have appeared again, and again. Phyllis Gardiner ~~speaks~~ spoke about the ~~continuous~~ continued inconsistencies, and ~~that we continue to go over the same details~~ the lack of remedy to them. She feels that ~~it is the applicant's job to provide details~~ the applicant ~~needs to work harder~~ and submit an application which fits in with the ordinance requirements. It is not the Board's job to design this building, it is the applicants. As far as the rendering, she states that she understands that it's an artist's rendition, but how are they supposed to know if this project fits in with the neighborhood if the rendering does not match what will be ~~built~~ done for work. ~~The rendering is significant to help the Board understand what will be built.~~ She states that the artistic rendering that was submitted for this meeting is very similar to the one that was presented for the October meeting and it still looks like an industrial commercial building. This project is in an established residential area; the abutters feel that this project should be evaluated as a residential project.

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Chair Willis asks if there are any other abutting neighbors that would like to speak. Helen Stevens lives beside the project, right next to the walking path that is proposed for this project and states that they are not interested in people being in the woods on their property. She states that there has not been a rendering presented, to this date, that reflects what the ordinance requires. They have sat in meetings for over 2.5 years and have waited to see Mr. Boghossian present a project that will meet ordinance requirements. He has not in their opinion. Cheryl Clark appreciates Adam Lemire's explanation of green space, however if she were living in these apartments, it would be the driveway that she would want to see gone, or at least changed. She feels that most of the green space that is shown on the plan, is around 3 derelict buildings. She is doubtful that anyone will want to sit in the garden next to these buildings.

Attorney Bower- 6.5.2.1 points out that the term being sensitive to the neighborhood ~~unduly vague and~~ does not give the applicant enough information about what the neighborhood wants or how to meet that standard. He would like the Board to consider that the word 'sensitive' might not mean that the project would need to match the character or mimic the other properties in the immediate area. The definition of sensitive according to the Merriam Webster Dictionary- *calling for tact, care, or caution in treatment.* – The idea of being sensitive to the character of the neighborhood, might be working to make it fit in more, not trying to copy the other buildings. ~~Autu Maine said we can do better than this, we recognize the need for housing, but this does not fit on Dresden Ave.~~

~~Debby Willis asked Jon Pottle to address what the Board should do in response to the vagueness argument. Jon notes that he talked about this in the last meeting or two-that it is a constitutionally based argument that he would raise in Mark Bower's position. However the Board does not adjudicate Constitutional issues and it is not appropriate for the Board to rule on the issue of void for vagueness. The Board should look at the LUO provisions, together, not in isolation, e.g., 'sensitive' is clarified by subsections 6.5.2.10 and 11 and HDR standards. Section 6.5.2.1 indicates sensitive to the character of the neighborhood, but later the LUO talks about building material, viewing exterior walls, and other provisions of HDR, including if this is a reconstruction or not.~~

Chair Willis asks Mark Eyerman- participating via Zoom, if he has any input aside from the information that he submitted prior to the meeting. Mark Eyerman reminds the Board that they need to look at the standards closely. This application should be looked at in three steps:

- Address affordable housing- yes or no
- Decide whether the standards of HDR apply to this project 7.8.4

- Deal with whether or not this project conforms to all applicable ordinances. 6.5.1.2

Mr. Eyerman asks the applicant to clarify what the treatment of the left façade of the main building will be. Everyone needs to be clear as to what the treatment of that façade will be.

Chair Willis asks the Board to consider Mark's input. After a discussion about affordable units, Pam Mitchel feels that she does not want to bank the affordable housing units as the Board heard from Mark & Jon that this was unwise. All. All board members agree that since no density bonus is being requested at this time, the board makes no judgement regarding affordable units and density bonus.

7.8.4.3.5- needs to be considered. The appearance of the wall of the building that is facing the street must be consistent with buildings on neighboring lots on the same side of the street. If there is a predominant pattern in the immediate neighborhood for the front of the building to have a front door and windows, the front wall of the proposed building must be treated the same. If there is a predominant pattern for neighboring buildings to have a front porch, the design of the proposed building must be consistent with this pattern. Chair Willis states that she was shocked when this new plan submission was received. She could see that the front of the building now included a recessed section, but shocked that not much else had changed. Pam explains that she knows that there are some things that cannot be changed- like the roof. 7.8.4.3.5 Pam moves that the standards in 7.8.4.3 DO apply, Adam seconded and asked if there was anything from the Board's point of view that suggested the standard did not apply-consensus was no. Mary Eyerman suggested that in the motion that the Board find the hospital to be a reconstruction of an existing building. Jon Pottle agrees that the threshold is reconstruction, if this is a reconstruction, then these design standards do apply. We have looked at this before-the building itself is there. Even if, for some reason, the Board determines that this is not a reconstruction, the Board can still look to these design standards when applying the 6.5.2.1 criteria. Either way, the Board will be looking at architectural features on the west façade. 7.8.4.3.5 is a key provision, and other parts of section 7.8.4.3 are not applicable as the building already exists. Adam Lemire stated that he believes this is a reconstruction.

Shawn Dolley states that there are significant changes to the building, significant changes to the modality, so this could easily be considered a reconstruction. Debby Willis agreed. Adam Lemire explains that these thresholds often come up in his projects, and 50% is a threshold often used when looking at a project as a whole. There is a specific significant amount of interior and exterior work that is being done, as well as a change of use, and this is clearly a reconstruction under that intent, though there is some wiggle room as this is an existing building. that there is a specific amount of interior work that is being done which could easily bring the work for this project to the threshold of 50% - a reconstruction. This project as a whole, with the significant amount of work to be done, meets the criteria of reconstruction. Pam Mitchel moves that this project is a reconstruction due to the significant amount of interior and exterior work that is taking place, and thus the HDR District standards apply in particular 7.8.4.3.5. Adam Lemire seconded. Shawn Dolley would like to point out that they are not trying to achieve an 1800's Victorian because it is not achievable. This last application was tepid at best, and he feels that this submission was not really an effort to meet the criteria though. No further discussion. Roll call vote- All members present in favor.

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Third area, site plan 6.5.2.1 sensitivity to the character of the neighborhood.

At the last meeting there was extensive discussion about the design of the front of the building and the overall consensus is that there are still issues with the design of the front. Shawn Dolley states that this front façade is a lot about scale. This is a large wall, without a lot of detail on it, situated in a neighborhood that presents a lot of detail. Large blank surfaces do not fit in with the neighborhood, and the measures that have been taken to make it fit in better have not been successful. He states that maybe another architect would help to meet this goal. Adam Lemire discussed scale and pattern and noted that this neighborhood is filled with porches, and he states that the façade needs to be more about porches, and not balconies. Adam expressed frustration that the changes, though not inexpensive, are not effective and do not address core issues. Chair Willis wants to see an application that shows what will be done, one with consistency, and consistently without sticky data. The Board suggests that the developer review the plans closely to make sure the information is consistent with the

provisions for standards in the HDR district. The issue before the Board right now- Is this proposal sensitive to the neighborhood? Chair Willis asks if the Board is ready to make a motion on 7.8.4.3. Pam moves that currently this proposal is not sensitive to the neighborhood based on the standards in 7.8.4.3.5 Adam seconds. Shawn Dolley feels that changes do not necessarily have to be porches. The goal is to break down the appearance of the vertical wall with a horizontal aspect. No further discussion. All members present in favor. After a discussion about how to best word the motion, members withdrew their motions. Pam moves that section 6.5.2.1 has not been met in regards to the proposal being sensitive to the character of the neighborhood based on the standard given in 7.8.4.3.5 concerning the appearance of the street facing wall and north façade. Adam Lemire seconded the motion. Discussion- There are lots of questions about what is being torn down and rebuilt. The Board spent some time discussing what will come down, and what will be rebuilt in place of it.

Attorney Bower suggested that the Board table this application and work out these details at the next meeting. Chair Willis states that they will finalize the pending motion, and then close the meeting. Back to the motion- all members present in favor of the motion that currently his proposal is not sensitive to the neighborhood based on the standards in 7.8.4.3.5

The Board discussed the meeting date and decided that the next meeting for Gardiner Green will be February 16, 2023.

5. Other Business-none at this time.

6. Adjourn- Chair Willis asked for a motion to adjourn. Shawn Dolley offered a motion to adjourn at 8:45 pm. Pam Mitchel seconded the motion. No further discussion. All members present in favor.