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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MEETING MINUTES

Tuesday May 25, 2021 @ 6:00 PM

VIA Virtual Conferencing

In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19

1. Call the Meeting to Order- Chair Willis called the meeting to order at 6:05pm

2. Roll Call- Board members- Lisa St. Hilaire, Justin Young, Shawn Dolley- (came into the meeting late), Pam Mitchel, and Debby Willis. Adam Lemire, and Zachary Hanley were not present. City Staff- Tracey Desjardins- Economic and Development Director, Kris McNeill- Code Enforcement Officer. City Planner- Mark Eyerman. Applicants and their representation- Roland Pinette, Robert Anderson, Tom Farmer, Jim Coffin, Bill Acheson, Alan Wolf. Others-Adeleen Morrill, Christine Shea, Sara Hasty, and Pat Hart

3. Review of the April 27, 2021 meeting minutes- Lisa St. Hilaire sent in her edits via email. Pam Mitchel suggested a change in the roll call. Pam Mitchel makes a motion that we accept the minutes as amended. Second from Lisa St. Hilaire. No further discussion. Roll call vote. Lisa St. Hilaire-yes, Justin Young-yes, Pam Mitchel-yes, Debby Willis yes – all in favor

4. Public Hearing- Maine Affordable Properties, LLC. Final Subdivision and Site Plan review. Applicant is proposing to construct 8 new residential housing units within 4 duplex buildings at 134 Spring St. - City Tax map 036 Lot 071 in the HDR zone.

Robert Anderson and Tom Farmer are present to answer any questions from the Board. The Board asks about anticipated construction dates as there is a discrepancy in the application. Mr. Anderson reports that they would like to start right after the 4th of July, and hope to be done by the spring of 2023 at the latest. There was a question about a notation in the condo owner's association rules. Mr. Anderson states that the association will be taken over by the owners of the condos, and they will decide what the rules will be. He tells the Board that a couple of his previous projects have homeowners associations, and the rules change all the time.

Lisa St. Hilaire asks how people will know their property boundaries. Mr. Anderson states that there will be fences between each unit, so it will be clearly distinguished where the property lines are.

Chair Willis asked if the board thinks there is enough information to hear this application. Board members agree that there is. The applicant has standing and the fee has been paid. Chair Willis asks if there are any board members who feel they cannot hear this application without bias. No, there is not. Chair Willis asks if city staff had to hire any outside services to complete the application. No they did not. There are no waivers for this application.

Mr. Farmer reports that they feel that they have addressed all the issues that had been discussed at the previous meeting.

Chair Willis opened the meeting for public hearing. Tracey Desjardins reports that there is no one to speak against or for the application. Chair Willis closed the public hearing. There has been no interest in this application at City Hall. The Board will review the final subdivision plan first.

Chair Willis goes over the new submissions for this plan which included an existing conditions map, layout and dimensions map, utilities, landscaping and construction details. Pam Mitchel reviewed Subdivision Performance Standards. General Lot requirements- met. Monuments- there will be pins on the property, so this is met. Pam Mitchel states that they have received letters from municipal departments, stating that utilities are sufficient, and that the project will not cause any negative effects on city services. The fire dept. has looked at the plan for the road and driveways, and agrees that the design meets requirements for emergency vehicles. This will be a walkable neighborhood, so there does not need to be sidewalks.

Review criteria- this development will not result in undue air or water pollution. Environmental standards are all in order. Essential services are shown appropriately on the plan. There will not need to be a lighting plan. The patios have been moved out of the setbacks, which was identified at the last meeting as needing to be reviewed.

Environmental Performance standards- There is an Erosion control plan in place. There is no need to discuss phosphorus control as it does not apply. Lisa St. Hilaire asks if the homes will be on foundations. Mr. Farmer states the homes will be built on slabs. There will be some excavation and grading, but they plan to leave disturbance to the ground at a minimum.

They will eventually have a sign at the entrance, and will make sure to follow the LUO requirements. Kris McNeill will work with the developers, to set up the E-911 system, and establish addresses for the units.

Chair Willis asks for a motion on the Subdivision plan. Pam Mitchel makes a motion that this Subdivision plan meets the standards of the Gardiner LUO, for subdivisions with no conditions. Lisa St. Hilaire seconds the motion. No further discussion. Roll call vote- Lisa St. Hilaire-yes, Justin Young-yes, Shawn Dolley-yes, Pam Mitchel-yes, Debby Willis yes – All in favor

Site Plan Review- Standards for HDR- this project needs to be compatible with the neighborhood. Board members agree that the plans that have been presented to them, show that the proposed buildings will match the general New England character that is predominant in this area. These buildings will be out on the far end of the property and will likely be hard to see from the road. Pam Mitchel feels this project will work well with the neighborhood. Chair Willis feels that the design standards have been met.

The proposed activity will not result in water pollution or sedimentation. The erosion control measures are clearly identified on the maps. The proposal will not have a negative effect on wildlife, scenic areas, and archeological-historic resources. There is an adequate stormwater management plan. The proposal will not adversely affect groundwater quality. This site will be served by municipal sewer and water.

The proposal will provide safe vehicle and pedestrian traffic. Spring Street is not a connector and has a speed limit of 25mph. Parking for the site is worked out well, and sidewalks will not be needed. There will be extensive landscaping for the project. Buffering and screening will meet performance standards. The landscaping plan clearly outlines what will be used for plantings at the site. The screening requirements of 25' will be met using evergreens. The building site will keep excavation and grading to a minimum as to protect the area and have the least possible impact on the land. No waivers were requested as part of this Site Plan.

Chair Willis asks if there are any other issues or concerns- No. Pam Mitchel makes a motion that this project conforms to all applicable provisions of this ordinance. Shawn Dolley seconds the motion. Lisa St. Hilaire asks if it needs to be clarified that this motion is for the site plan. Yes. Pam Mitchel changes her motion to read: The site plan of this project conforms to all applicable provisions of this ordinance, with a note that we have previously reviewed the appropriate sections 8-9-10-11 when they did the preliminary subdivision review. Shawn Dolley seconds. Tracey Desjardins brings up the issue of potential road damage due to construction. Pam Mitchel states there is nothing in the ordinance, so it cannot be reviewed for this application. This would need to be reviewed at the ORC level first. Mr. Anderson states that he has

always repaired any damage that might occur on his worksites. No further discussion. Chair Willis asks for a Roll call vote- Lisa St. Hilaire-yes, Justin Young-yes, , Pam Mitchel-yes, Debby Willis yes Shawn Dolley-yes – all in favor-

Chair Willis asks the Board what they would like to do with this application. Pam Mitchel makes a motion that the board approve this application. Lisa. St. Hilaire seconds. No further discussion. Roll call vote - Lisa St. Hilaire-yes, Justin Young-yes, Shawn Dolley-yes, Pam Mitchel-yes, Debby Willis yes – all in favor- Project is approved.

Public Hearing- Final Subdivision Plan Application: Iron Mine LLC expansion of state approved and licensed 24 pad mobile home park at Lot 027 Maps 014, 014A and 015B to a 42 pad mobile home park.

This application has been in the Planning Board process for over a year. The last time the Board heard this application, they approved the preliminary subdivision plan. The board had a couple of questions at that meeting that would need to be answered on the final plan. The application for this meeting includes a new set of plans. The Board should look at this new info, and decide if there is a complete application. There were a few unresolved questions that the board wanted addressed. If everything is updated, the Board should look at approval criteria for subdivision and decide if they feel that the project meets the approval standards.

Pam Mitchel the dated approved consent agreement is included with this application. Pam reviewed the final subdivision approval requirements, and found that everything is in order. There is a fully complete plan. There are no deed restrictions on the property. There are easements on the property, but there are no restrictions. The sewer line shown on the plan meets requirements. The water line that is shown on the plan will have to be extended as it does not extend all the way to Williams Lane. Jim Coffin states that he will correct the plan, adding the water line going all the way to Williams Lane, including the units on the dead end.

The application included a stormwater management plan and an erosion control plan that have been prepared by a registered professional engineer. There is info about the new street, and its construction details. They have information about construction items. Construction debris goes into a dump trailer, which then goes to a local landfill.

Submission standards- Lisa St. Hilaire asks about performance guarantees in regards to the new road. This is a private road, and those standards do not apply. The board did ask for a cross section of the road extension, Jim Coffin states that there is a section on map C1 on top of the sheet. Everything that was requested is included in this application with the exception of needing to change the water line on the utilities map to extend to Williams Lane.

Chair Willis asks for a motion on the completeness of the application. Pam Mitchel makes a motion that the application is complete, with the condition that the water line on the utilities map be extended to the end of Williams lane. Lisa St. Hilaire seconds. No further discussion, roll call vote Lisa St. Hilaire-yes, Justin Young-yes, Shawn Dolley-yes, Pam Mitchel-yes, Debby Willis yes – all in favor for a Complete application.

Were there any outstanding issues relating to the final subdivision plan? It states in the previous meeting minutes that the applicant needed a tax map, the state requirements for roads in mobile home parks, and the lot 16 buffer requirement needed to be addressed. This submission included the tax map, info about the design of roads consistent with Section 11, and info showing the lot size area will be 5000sf after the deduction of the stormwater detention area.

The Board needs to review Lot 16. Chair Willis has asked Attorney Pottle to offer his input on this lot. His reply was ‘this is a new lot, with a new pad. Despite the applicants stating it was existing, there is nothing in the documentation to prove otherwise. This lot will need to meet the current applicable dimensional requirements, including a required 50’ buffer in order to meet current land use requirements. Mark Eyerman tells the group that there are 2 options- one is to try to redesign the lot, so that they could fit a 50’ buffer or to eliminate this lot altogether and move forward. Mr. Pinette has told the Board that he had found evidence that this was an existing lot, but there is no documentation proving it to be. Attorney Alan Wolf states that in order to not stall this project any further, that it would be best to remove this lot from the plan with the stipulation that if the applicant choses, they can come before the Planning Board for an amendment to the Subdivision plan to add this lot if they can present documentation that this was existing. Surveyor Bill Acheson

states that they cannot fit a mobile home on that lot, if it requires a 50' buffer. The Board votes to strike this lot for now, with the condition that the applicant can file for an amendment at another time.

Pam Mitchel feels that the Board should continue with the application and exclude 16. The applicant can come back with a revised plan at a later date, or if possible, can provide some history that pad 16 did in fact, exist. The board agrees to restrict this lot to three pads/mobile homes, not the four that had been proposed. The applicant can come back to try to amend the subdivision plan at a later date.

The Board has approved mobile home park standards, and subdivision performance standards. This application has financial capacity info included.

General Lot requirements- The new plans reflect that there is enough sf after the wetland areas were removed. Pam Mitchel asks about the monuments/pins. Mr. Acheson tells the board that he will set the pins for the consent area, and for an abutting property owner. He has already set some, and will finish setting the rest after approval. Gardiner's fire chief has looked at conditions of the road and discussed what changes will happen when the roads are connected. These changes will meet all necessary safety requirements.. Vehicular access- the road will be at least 18' and there will be no need for turnarounds because the two roads will be connected. This will be a private road.. There are only a few units that will be sharing a driveway. Units 26-28 and 1-3. All driveways will need to be able to hold at least 2 cars. The applicant will be adding speed bumps to help with speed control. He plans to use portable speed bumps to make winter plowing easier. Traffic and roads have been reviewed and all agree that requirements are met.

There is no need to do a lighting plan for this project, there will be lights on each unit. Dumpsters will be individually managed. The tenants share and pay for dumpsters. This is a private street, so they do not have to be completely screened. This is one big unit, so the standards do not apply for exterior material storage. Buffering and screening has been reviewed at length and board members agree with the current plan. Stormwater management plan has been reviewed and approved by the board.

Review criteria for the final subdivision plan. All areas have been reviewed, and board members agree that all necessary requirements are met. No waiver was requested. Chair Willis asks if there is a motion on the final subdivision plan.

It is brought to the Chair's attention that there was not a public hearing. Chair Willis opens the application for public hearing.. Tracey Desjardins asks for public comment. There is no one present to speak for or against the application.

Chair Willis closed the public hearing.

Chair Willis asks if there is any board member that cannot hear this application in an unbiased manner. No. City staff have not received any public comments recently. Public comment from previous meetings is part of the record.

Chair Willis asks for a motion. Pam Mitchel makes a motion that this application meets all applicable provisions of the ordinance with two conditions: That the water line extension show on the plan, and that pad#16 be excluded from the plan- with a note that the applicant may return to the board with more information for a revised plan. It should also be noted that the road in the park will meet the State's standards for mobile home parks. Lisa St. Hilaire seconds the motion. No further discussion. Roll call vote- Lisa St. Hilaire-yes, Justin Young-yes, Shawn Dolley-yes, Pam Mitchel-yes, Debby Willis yes – all in favor,

Chair Willis asks 'what does the board want to do with this application?' Pam Mitchel makes a motion that the Board approve this application with the conditions previously stated. Lisa St. Hilaire seconds the motion. No further discussion. Roll call vote- Lisa St. Hilaire-yes, Justin Young-yes, Shawn Dolley-yes, Pam Mitchel-yes, Debby Willis yes. All in favor. Project approved.

Other Business- There was a discussion about projects waiting for Planning Board review. The June PB meeting will include applications for a medical marijuana grow facility-Flying Fish/MMK Properties is looking to open a cultivation facility at 8 ABJ Dr. The second application on the agenda is another medical marijuana grow, Rancho Bufalo. The applicant is planning a cultivation facility at 378 Costello Rd. The Planning Board will also review amendments to the LUO, regarding demolition permits.

Adjourn Chair Willis asks for a motion to adjourn. Pam Mitchel moves that the Board adjourn. Shawn Dolley seconds the motion. No further discussion. Roll call vote. Lisa St. Hilaire-yes, Justin Young-yes, Shawn Dolley-yes, Pam Mitchel-yes, Debby Willis yes – all in favor- adjourn at 9:30pm

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