

**July 8, 2021**

**RE: Gardiner Green, Dresden Ave, public comment for 7/13/2021 meeting**

**Dear Planning Board and City Staff:**

My name is Lisa St. Hilaire, and I live at 63 River Ave. As you know, I am an abutter to this project and have provided public comment in December, March, and May. I am recusing myself from discussion of Gardiner Green as a member of the Planning Board.

I would like Mr. Boghossian to know that I am not opposed to his proposed concept and use of the old hospital site, however the density is a concern. I also question if this application is complete. There is still no lighting plan, the site layout has changed and there is no updated stormwater plan, and the letter from Skowhegan Savings does not seem sufficient to address adequate financial capacity.

Should the Board consider this application complete enough to hear, I have further comment. Some of these comments are repetitive from previous comment, but as they were not heard at public meeting, I feel it important to reiterate them.

### **Phased Project**

At previous meetings, and in all materials, Mr. Boghossian has indicated the phased nature of the project. The Board has noted that it has not in the past approved a phased project. Mr. Boghossian is seeking approval of concept and has not provided details required by the LUO. He is hoping that with approval of concept, the various phases can rely on approval of the Code Enforcement Officer. This seems to be a process that is in contradiction to the LUO. Section 7 notes that in the HDR zone, multi-family dwellings are permissible with review of the Planning Board, NOT with review of the Code Enforcement Officer.

### **Financial Capacity**

LUO 6.5.1.14 notes that the *'applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance'*. Additionally, the Maine Municipal Association's Manual for Local Planning Boards notes (on page 43) that *'before granting approval with conditions, as a practical matter, the board should be certain that the applicant has the financial and technical ability to meet those conditions.'* The letter of interest from Skowhegan Savings Bank may be enough to meet the threshold for a complete application, but this is not a clear demonstration of financial capacity nor a letter of commitment.

Given the phased nature of this project, the potential here for blight, that at least two of Mr. Boghossian's Maine projects still sit undeveloped (Gehring Green and the Kennebec Arsenal), and the federal tax lien against Mr. Boghossian personally, it would be prudent to have a letter from a bank that actually demonstrates financial capacity and/or a letter of commitment for at least Phase 1 of the Gardiner Green project. Similar letters for successive phases should be received prior to the approval of those phases.

Is it possible for the Board to grant conditional approval of the Subdivision Plan provided that the Site Plan Application and letter demonstrating financial capacity for all three phases are received and approved within two years and that the project is begun within that time? This time frame is well within the applicant's plan-timeline for the project.

## **Flag Lot**

I remind the Board that in the December 2020 meeting, Mr. Boghossian stated that this area was *'added because it did not meet the minimum lot size for his plan'*. LUO 8.1.4 states that *'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'*. LUO 8.3 is about rear-lot access and frontage and does not appear to be applicable in this instance. Though the bulk of the oddly shaped lot is a trapezoidal shape east of the current hospital lot and north of the Alzheimer's center, there is also a narrow strip included in this additional square footage that runs between the Alzheimer's center parking and the former Gardiner Family Medicine building.

I encourage the Board to make a clear finding of fact and conclusion of law regarding the flag lot. At the April 13 meeting, Attorney Jon Pottle noted that the Board articulated their reasoning at the last meeting regarding the flag lot, but in the minutes for the March 9 meeting all I can find is the discussion and straw vote regarding this topic. Removal of the approximately 37,590 square feet for this oddly shaped area would put this project under the threshold for Open Space design considerations. With ~194,200 square feet in the original hospital lot, the project can accommodate only 38 units.

## **Density Bonus**

At previous meetings, the Board has indicated that there should be no sunset clause on the low-income units, and that Gardiner should set the standard that these units should be low-income in perpetuity. The current version of the application proposes a term of 25 years.

As previously stated in multiple meetings, Mr. Boghossian is not seeking federal or state low-income funding, and without the federal or state oversight incorporated within these funding sources, the onus of administration & management of these units as low income will fall to the City of Gardiner.

The Density Bonus is being used as a tool to increase the number of allowable units, not because of a true desire to help low income residents of our City. I encourage the Board to make a clear finding of fact and conclusion of law regarding the low-income density bonus.

## **Character of the Neighborhood**

In relation to LUO 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*), I would like to state, yet again, that the proposed density is not in keeping with the character of the neighborhood. The Board indicated at a previous meeting that *'character of the neighborhood'* represents physical aspects of the neighborhood rather than personal aspects, but I would suggest that since there is no definition in the City's LUO that the Board look to the Comprehensive Plan (the Plan) regarding this subjective issue.

In the Plan's Land Use Goals and Policies, bullet 5 is the objective to *'enhance the desirability and livability of the older residential neighborhoods while allowing for some infill development that maintains the character of these neighborhoods'*. Dresden Ave is clearly an older residential neighborhood, and it and the High Density Residential District (HDR Zone, LUO 7.8.4) fall within an area designated in the Comprehensive Plan as a Limited Growth Area.

The Future Land Use Plan states that Limited Growth Areas are *'areas in which intensive development will be discouraged but modest infill development and redevelopment will be accommodated'*. The Plan

also states that *'the City's objective is to maintain the current development pattern while allowing limited infill or redevelopment that is in character with the adjacent neighborhood'*.

The LUO does not include any understanding of the social and cultural character of residential neighborhoods, but the Comprehensive Plan does. Though Dresden Ave and the Gardiner Green Site are within the HDR Zone, they are also in a Limited Growth Area. Putting in a development on one lot that brings in at least 1.5 times the population of the entire length of Dresden Ave will drastically change the character of this neighborhood that we all love.

At a previous meeting, Pam Mitchell noted that Gardiner should be a leader and set the standard regarding no sunset on the low-income units. I suggest that the Board be a leader on the character of the neighborhood and include social and cultural aspects and population density in its considerations of whether or not this project meets the LUO. I also request that the Board make a clear finding of fact and conclusion of law regarding the Gardiner Green project and the character of the Dresden Ave neighborhood.

### **Lighting**

There is no lighting plan in this submission (per LUO 6.3.2.7.2 item 7 and LUO 8.7). In a previous submission, Phase 1 notes that *'parking lot lighting improvements on the western half of the site to enhance the dark sky would be done in this phase.'* This is reiterated for Phase 3 and the eastern half of the site. No lighting enhances a dark sky, and it feels like this was included to toss out some jargon in an effort to satisfy the ordinance. I don't believe there is enough detail here regarding lighting to satisfy Gardiner's LUO.

### **Stormwater Plan**

The stormwater plan on record for this project is with the version of the application revised 2-15-2021. In it, Jim Coffin notes that there is a section of pavement in the northeast corner of the parking lot that has failed. Installing a catch basin in this area of the parking lot and having the outlet pipe discharge into a plunge pool and then into the ditch below are proposed for stormwater management here. The layout of the Gardiner Green project has changed since this 2-15-2021 stormwater plan, specifically the removal of impervious surface and five new townhouse units in this area. As this entire area of the site has changed since the stormwater plan was submitted, there should be a new stormwater plan with this application. As presented, it is difficult to determine if one or more of the townhouse units will be on top of or too close to the proposed stormwater management curbing, catch basin, pipe, etc.

### **Minor comment**

The Site Plan Review Application and Final Subdivision Application note 11 studio apartments, 18 one-bedroom apartments, and 10 two-bedroom apartments for a total of 34 apartment units. However,  $11+18+10=39$ . The Building 6 layout sketches from Newport Collaborative Architects show 6 studio apartments, 18 one-bedroom apartments, and 10 two-bedroom apartments for a total of 34. Which number is correct?

Thank you for your time and attention.

Lisa St. Hilaire  
63 River Ave, Gardiner