



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

Site Plan Review Application

Project Name: Gardiner Green Project Cost: \$5,181,500

Date of Submission: December 1, 2022 Received by: _____ Fees: \$250

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

This project involves the rehabilitation of the original hospital building (#6 - closest to Dresden Avenue) into 34 apartment units with no net increase in footprint. A portion of the building to the south will be demolished and a new addition erected on to it as shown in the architectural plans. There will be 8 studio rental apartments, 15 one-bedroom rental apartments and 11 two-bedroom rental apartments. Seven apartments will be designated as affordable. All affordable units would be in this building and available from the outset and indistinguishable from the market rate apartments in fit, finish and location within the building. Six of the affordable units will be studios and one will be a one-bedroom apartment.

We will abide by whatever term the board promulgates for the affordable duration, but no Maine municipality has a restriction of more than 30 years. There is a strong school of thought that an indefinite term is unenforceable which is why we have proposed a term of 20 years. Because the ask of this application is not for a density increase, we are asking that the 7 designated affordable units be a credit against a future density increase if one is sought in the future. If the Board determines that it cannot grant a future density increase at this time, then the affordable component will not be a part of this application.

A new entrance off of Dresden Avenue and cul-de-sac will be installed along with 10 parking spaces. A sidewalk will be constructed to provide ADA access into the renovated building. This parking lot will be buffered as well as buffering from some of the adjacent properties. There are driveway improvements on the Dresden Avenue side of the site. There will be parking lot lighting improvements on the western half of the site with parking lot light shielding of any new fixtures to maintain the dark sky. The existing parking lot along the north side of the property will remain as is but with re-striping to clearly mark parking spaces. There is some proposed buffering along the west side of this parking lot, but the existing wooded area to the north and east complies with the landscaping requirements of the Land Use Ordinance. The two existing light fixtures in this parking lot will remain and these fixtures are over 140' from any property line. The illumination from these fixtures is not shown on the photometric plan because they are preexisting. The central garden will be done at this time along with some planting beds with walkways around these areas.

There is 100,500 sf of impervious area on site today and at the end of the project there will be 97,960 sf resulting in a decrease of 2,540 sf. The open space (34,020 sf) has been relocated towards the northwest side of the property to utilize more moderate slopes. A walking trail has been incorporated to give the residents a place to walk in a wooded setting.

Anticipated beginning/completion dates of construction: Aug 2023 - Jan 2025

1. General Information:

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

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

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

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

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

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

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

Civil Engineer:

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

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

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

Traffic Engineer:

Name: Sewall Engineering (c/o Diane Morabito)

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

Phone/Fax No: 207-817-5440

Architect:

Name: Newport Collaborative/John Grosvenor

Address: 2 Marlborough St, Newport. RI 02840

Phone/Fax No 401-855-2947

Surveyor:

Name: Dirigo Surveying (c/o Shawn Tyler)

Address: 165 South Road, Winthrop, Maine 04330

Phone/Fax No: 207-923-3443

Signature: _____ Date: June 20, 2022

2. Property Information:

Property Location: 150 Dresden Avenue

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

Property Size/Frontage: Acres 5.42 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 MaineGeneral, but has been vacant since April 2021.
6. The locations of existing utilities on and adjacent to the property including sewers, water mains, stormwater facilities, gas mains, and electric and other telecommunication facilities;
All utilities can be found on the Topographic Survey Plan.
7. The location of the nearest source of a fire protection water supply (hydrant, fire pond, etc.)
The nearest fire hydrant is on the west side of Dresden Avenue.
8. The general topography of the property indicating the general slope of the land and drainage patterns. The CEO and/or Planning Board may require a topographic survey of all or a portion of the property for projects involving the construction of new or expanded structures or site modifications.
A topographic survey is included with this submission.
9. The location, type and extent of any natural resources on the property including wetlands, vernal pools, floodplains, waterbodies, significant wildlife habitats, rare or endangered plants or animals, or similar resources; and
There is a stream located just north of the applicant's property. A stream determination letter is included from Vaughn Smith Associates verifying that there are no streams on the applicant's property. There are some drainage ways along the north side of the property with some associated wetlands, but none of these will be impacted as a result of the project. A Firmette is included indicating that the project is not within the flood zone.
10. The location and type of any identified historic or archeological resource on the property.
The site contains no buildings of any historical value.

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

1. The estimated demand for water supply and sewage disposal together with the proposed location and provisions for water supply and wastewater disposal including evidence of soil suitability if on-site sewage disposal is proposed;
A letter has been received from Paul Gray of the Gardiner Water District indicating that the district has sufficient water capacity for the proposed project.
2. The direction of proposed surface water drainage across the site and from the site together with the proposed location of all stormwater facilities and evidence of their adequacy;
The stormwater facilities will for the most part remain unchanged. There will however be a reduction in impervious area of 2,540 sf and therefore a reduction in peak hour flows for the project. All stormwater facilities are shown on the attached plans.

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

Additional Information Required:

Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance;
Architectural drawings are included depicting the floor plans and building elevations. There is also included a building height study included with the submission.

An estimate of the peak hour and average daily traffic to be generated by the project and evidence that the additional traffic can be safely accommodated on the adjacent streets;
A traffic report has been included from Sewall Company indicating that the project will result in a significant reduction in peak hour trips when compared to the former use.

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

A stormwater management plan demonstrating how any increased runoff from the site will be handled if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based on the scale of the project and the existing conditions in the vicinity of the project.
There will be a reduction in impervious area of 2,540 sf and therefore a reduction in peak hour flows for the project. A stormwater permit is not required for this project.

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

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

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

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

Survey Requirements

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

Boundary and topographic survey plans are included with this submission.

Additional Studies

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

4. Review Criteria

An applicant shall demonstrate that the proposed use or uses meet the review criteria listed below for the type of application. The Planning Board shall approve an application unless one or the other of them makes a written finding that one or more of the following criteria have not been met.

6.5.1.1 The application is complete and the review fee has been paid.

The application is complete and the Site Plan Review fee of \$250.00 has been paid.

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

The project conforms to all applicable provisions of the LUO.

6.5.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies.

The application contains all pertinent erosion and sediment control devices needed for the project.

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

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

6.5.1.5 The proposal will not have an adverse impact upon wildlife habitat, unique natural areas, shoreline access or visual quality, scenic areas and archeological and historic resources.

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

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

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

6.5.1.7 The proposal will provide for adequate storm water management.

With a decrease in impervious area there cannot be an increase in stormwater runoff associated with the project. A letter is included in this submission addressing stormwater. All pertinent erosion control devices are depicted in the set of plans.

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements.

The project is not within Shoreland Zoning and this section is not applicable.

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements.

The project is not within the 100-year flood elevation and this section is not applicable.

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development.

A letter has been received from Paul Gray of the Gardiner Water District indicating that the District has sufficient water capacity for the proposed project.

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity.

The project will connect to public water and sewer. There are no other contaminants on site that will adversely affect groundwater quality or quantity.

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development.

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

6.5.1.13 The proposal will not result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development.

A letter has been received from Jerry Douglass (Public Works Director) verifying that the project will have not have a negative impact to the public works department.

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance.

E.S. Coffin Engineering & Surveying has the technical ability to complete the project. The applicant has included several exhibits indicating financial capacity to complete the project. Moreover, past projects that the applicant has successfully completed demonstrate technical capacity on the applicant's part.

6.5.2 Site Plan Review Criteria

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

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

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

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

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

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

6.5.2.3 The proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land uses in accordance with the appropriate performance standards;

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

6.5.2.4 The building site and roadway design will harmonize with the existing topography and conserve natural surroundings and vegetation to the greatest practical extent such that filling, excavation and earth moving is kept to a minimum;

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

6.5.2.5 The proposal will reflect the natural capabilities of the site to support the development. Buildings, structures, and other features should be located in the areas of the site most suitable for development. Environmentally sensitive areas including waterbodies, steep slopes, floodplains, wetlands, significant plant and wildlife habitats, scenic areas, aquifers and archeological and historic resources shall be preserved to the maximum extent;

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

6.5.2.6 The proposal will provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area. The system will connect building entrances/exits with the parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project;

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

6.5.2.7 In urban and built-up areas, buildings will be placed closer to the road in conformance with setback requirements and parking areas shall be located at the side or rear of the building;

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

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

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

6.5.2.9 Building entrances will be oriented to the public road unless the layout or grouping of the buildings justifies another approach.

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

6.5.2.10 Exterior building walls greater than 50 feet in length which can be viewed from the public road will be designed with a combination of architectural features with a variety of building materials and shall include landscaping abutting the wall for at least 50% of the length of the wall.

Changes proposed to the main hospital building replace an unfortunate cast block Soviet-style 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 and soften the visual experience.

6.5.2.11 Building materials will match the character of those commonly found in the City and surrounding area including brick, wood, native stone, tinted/textured concrete block or glass products. Materials such as smooth-faced concrete block or concrete panels and steel panels will only be used as accent features. Materials shall be of low reflectance, subtle, neutral or earth tone colors. High-intensity and bright colors shall be prohibited except when used as trim or accent. Building materials for industrial or commercial buildings located within an approved industrial park or subdivision are not be required to comply with this provision.

Building materials are depicted on the architectural drawings.

6.5.2.12 Building entrances and points where the development intersects with the public road and sidewalk will be provided with amenities appropriate for the area such as benches, bike racks, bus stop locations and other similar landscape features.

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

6.5.2.13 A proposal which includes drive-through service will be designed to minimize impact on the neighborhood. Drive-through lanes will be fully screened from adjacent residential properties and communication systems will not be audible on adjacent properties.

There is no drive-through service associated with the project and this section is not applicable.

Applicant shall provide information that demonstrates that the proposal will be sensitive to the character of the site, neighborhood and the district in which it is located by considering the following:

In regard to the General Performance Standards in Section 8 of the LUO;

8.7 Exterior Lighting:

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

8.11 Buffering & Screening Standards:

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

In regard to Environmental Performance Standards in Section 9 of the LUO:

9.1 Air Quality:

Dust will be controlled during construction will be implemented by applying calcium and water as needed. Overall, this rehab will entail minimal site disturbance.

9.5.3 Construction Debris:

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

9.12.8 & 9 Earth Moving Activity:

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

6. Waivers

Waiver of Submission Requirements

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

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



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

Final Subdivision Plan Application

Subdivision Name: Gardiner Green

Date of Submission: 12-1-22 Received by: _____

Proposal:

This project involves the rehabilitation of the original hospital building (#6 - closest to Dresden Avenue) into 34 apartment units with no net increase in footprint. A portion of the building to the south will be demolished and a new addition erected on to it as shown in the architectural plans. There will be 8 studio rental apartments, 15 one-bedroom rental apartments and 11 two-bedroom rental apartments. Seven apartments will be designated as affordable. All affordable units would be in this building and available from the outset and indistinguishable from the market rate apartments in fit, finish and location within the building. Six of the affordable units will be studios and one will be a one-bedroom apartment. Because the ask of this application is not for a density increase, we are asking that the 7 designated affordable units be a credit against a future density increase if one is sought in the future. If the Board determines that it cannot grant a future density increase at this time, then the affordable component will not be a part of this application.

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

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

Civil Engineer:

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

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Phone/Fax No: 207-817-5440

Architect:

Name: Newport Collaborative/John Grosvenor

Address: 2 Marlborough St, Newport, RI 02840

Phone/Fax No 401-855-2947

Surveyor:

Name: Dirigo Surveying (c/o Shawn Tyler)

Address: 165 South Road, Winthrop, Maine 04330

Phone/Fax No: 207-923-3443

Signature: _____ Date: December 1, 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 5.42 Sq. Ft. 236,531 Road 245' Shore N/A

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

Final Subdivision Plan submission requirements

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

The Final Subdivision Plan

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

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



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

December 1st, 2022

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

Subject: Subdivision Review Criteria
Gardiner Green
150 Dresden Avenue

Dear Kris:

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

- 14.4.1 The proposed subdivision will not result in undue water or air pollution. In making this determination, the following shall to be considered:
- A. The elevation of the land above sea level and its relation to the floodplain,
The project is not within the 100-year flood elevation as shown on the attached FIRM Map so the water pollution impact referenced in this section is not applicable.
 - B. The nature of the soils and subsoils and their ability to adequately support waste disposal,
The project will connect to public sewer so this section is not applicable.
 - C. The slope of the land and its effect upon effluents,
The project will connect to public sewer so this section is not applicable.
 - D. The availability of streams for disposal of effluents;
The project will connect to public sewer so this section is not applicable.
 - E. The applicable state and local health and water resources rules and regulations.
The project will connect to public water so this section is not applicable.
- 14.4.2. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
The project will connect to public water and a letter from Paul Gray of the Gardiner Water District affirming this is included with this submission.

- 14.4.3 The proposed subdivision will not cause an unreasonable burden on an existing water supply.
The project will connect to public water and a letter from Paul Gray of the Gardiner Water District affirming this is included with this submission.
- 14.4.4 The proposed subdivision will not cause unreasonable soil erosion, unmitigated stormwater runoff, or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
An erosion control plan is included depicting all erosion control devices with each device shown on the site plan. A Stormwater Report is included indicating a reduction in peak hour flows for the project.
- 14.4.5 The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe intersections or other conditions with respect to the use of the highways or public roads existing or proposed.
A traffic report from Sewall Company is included with this submission indicating a marked decrease in peak hour traffic under the proposed re-use.
- 14.4.6 The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.
The subdivision will connect to public sewer and a letter from Doug Clark, Gardiner wastewater director affirming this is included with this submission.
- 14.4.7 The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if municipal services are used.
Municipal services will not be needed for the project as a private contractor will be utilized to transfer solid wastes to a licensed Landfill.
- 14.4.8 The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
A letter from the Maine Department of Inland Fisheries and Wildlife is included indicating there are concerns with Bat Species, but they do not anticipate significant impacts to the species as a result of the project. Vernal pools were also mentioned, but there are not any on site. Vaughn Smith Associates has provided a stream determination letter indicating no streams are on the applicant's property.
- 14.4.9 The proposed subdivision conforms to all applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.
The proposed subdivision will conform to the comprehensive plan and land-use ordinance.

- 14.4.10 The developer has adequate financial and technical capacity to meet all the Review Criteria and the standards and requirements contained in this Ordinance.
Several documents that the applicant has financial capacity to complete the project have been included. E.S. Coffin Engineering & Surveying has been in business for almost 50 years and has the technical capacity to provide survey and engineering services for the project.
- 14.4.11 Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
There are some wetlands associated with the drainageway on site, but none will be impacted as part of this project. The subdivision is not in shoreland zoning nor is it near any great pond or river. Moreover, there will be a significant reduction in runoff when the project is complete.
- 14.4.12 The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
The project will connect to public water and sewer so this section is not applicable.
- 14.4.13 Based on Federal Emergency Management Agency's Flood Boundary and floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the developer shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.
A Firmette map is included indicating that the proposed project is not within the 100-year flood elevation and therefore this section is not applicable.
- 14.4.14 All freshwater wetlands within the proposed subdivision have been identified and delineated on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.
There are not any wetlands being impacted on site so this section is not applicable.
- 14.4.15 River, stream or brooks.
There are not any rivers, streams or brooks on the property so this section is not applicable.
- 14.4.16 The proposed subdivision will provide for adequate storm water management.
As previously mentioned, a stormwater report is included indicating a decrease in impervious area for the project.

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

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

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

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

14.4.19 Spaghetti lots prohibited.

This section is not applicable.

14.4.20 Timber harvesting.

This section is not applicable.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "James Coffin".

James E. Coffin, PE

MEMORANDUM

TO: City of Gardiner Planning Board

FROM: Mark A. Bower, Esq.

RE: Gardiner Green Project; 150-152 Dresden Avenue

DATE: November 30, 2022

The purpose of this memorandum is to provide the Planning Board with my analysis of two of the key remaining issues for review in the Gardiner Green Project (“Project”). Although much of this commentary has been provided previously, there is a recent Superior Court case of note that is discussed below. Moreover, in light of the Applicant’s redesign of the principal building and façade in response to the Planning Board’s feedback, I felt that the analysis is worth additional consideration.

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

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 Planning Board should take note that the Project will be an entirely residential development located within the High-Density Residential (HDR) zoning district of the City; as such, the Project will integrate with the surrounding residential neighborhood.¹ In fact, per the table of uses in the Zoning Ordinance, a residential development is the only practical use of the property and the existing building. Moreover, the Project will include vegetative buffers from abutting properties and from Dresden Avenue, will significantly improve upon the poor aesthetics of the Property’s existing buildings and grounds, and will be a far less intense use than the prior healthcare use of the Property. Since the Board’s last meeting in October, the Applicant has worked hard to redesign the building to respond to the feedback provided by the Board during its discussion of this review standard, and the revised plans have been submitted in an amended application.

¹ As was discussed at the last Planning Board meeting, the density of the proposed development is determined by the Zoning Ordinance, and therefore is not relevant to the question whether the Project is sensitive to the character of the neighborhood.

You will note from the blueprints and renderings of the building that the western façade of the building (facing Dresden Avenue) has been significantly redesigned with more cladding in the cedar paneling and leaves little or no visible corrugated concrete block. The center portion of that façade has been recessed to add interest and to create a balcony (on the second floor) for common use, in addition to a new vestibule and landscaped patio (on the first floor), also for common use. These changes significantly soften and make more interesting the appearance of the western façade. Lastly, there has been a redesign of the windows on the northern façade, and the privacy screening for the patios that face north has been reimagined to incorporate boxwood or similar evergreens in a planter as the screening from the driveway to the north of the building. The resultant overall effect is to significantly soften the appearance of the northern façade. In sum, the changes (north and west) pay homage to the porches and landscape features of the nearby residential properties and soften the overall appearance of the building to passersby.

Importantly, this review standard should not be applied in a vacuum. The Board must consider the fact that the Project involves the renovation of an existing structure, which will greatly enhance its appearance and function, and that the proposed residential use will integrate with the existing neighborhood far better than the prior intensive healthcare use of the principal building. The Board should further recognize that the former hospital building to be renovated is already part of the “neighborhood” – in fact, it arguably is the dominant feature in the neighborhood. At 39,439 square feet, the former hospital building on the Property far exceeds the total square footage of all other buildings located on Dresden Avenue parcels within Tax Map 32 (~34,000 square feet). Therefore, it would be illogical to conclude that a renovation of this building – already a significant fixture in the neighborhood – would somehow be “inconsistent” with that neighborhood.

Next, the Planning Board should be cautious in applying the site plan review standard in § 6.5.2.1, as it is highly likely to be found unconstitutionally vague if challenged on appeal. To summarize the position I have advanced previously, Maine courts have instructed that a local board, when acting as a quasi-judicial body (as the Planning Board is here), is not free to express legislative-type opinions about what is appropriate for the community, which is exactly what LUO § 6.5.2.1 allows for.

In fact, in a very recent Superior Court case, a judge invalidated a provision of the Town of Freeport’s ordinance, which requires anyone building a dock or wharf on tidal waters to demonstrate that the project “will remain in general harmony with that of existing activities in adjacent areas.” *Keates v. Town of Freeport*, 2021 Me. Super. LEXIS 32 (July 5, 2021). The court held that the ordinance provision is unconstitutionally vague because it “does not provide either the applicant or the agency with sufficient guidance as to what is acceptable.” The court vacated

the local board’s decision and remanded it back to the local board for further findings consistent with the court’s opinion.

The Maine Law Court has established that “[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 (striking down an ordinance where the town required the project to “conserve natural beauty”). In another case, the Law Court invalidated an ordinance provision on constitutional grounds because the provision lacked quantitative standards to produce “specific criteria objectively usable by both the Board and the applicant in gauging the compatibility of a proposed use with existing uses in the surrounding area.” *Wakelin v. Town of Yarmouth*, 523 A.2d 575, 577 (Me. 1987) (planning board had denied the plaintiff’s application, finding that the proposed use was “not in keeping with the neighborhood”); *see also Cope v. Town of Brunswick*, 464 A.2d 223, 227 (Me. 1983) (invalidating a provision that “the use requested will not tend to devalue or alter the essential characteristics of the surrounding property”). The following table summarizes the provisions that Maine courts have ruled invalid on vagueness grounds:

<i>Keates v. Town of Freeport</i>	“The project . . . will remain in general harmony with that of existing activities in adjacent areas within the [local board’s] jurisdiction.”
<i>Kosalka v. Town of Georgetown</i>	The proposed use must “conserve natural beauty.”
<i>Wakelin v. Town of Yarmouth</i>	“The proposed use will be 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.”
<i>Cope v. Town of Brunswick</i>	“The use requested will not tend to devalue or alter the essential characteristics of the surrounding property.”

“In a land use context, standards that are wholly subjective and permit municipal employees or board members to make legislative-type decisions based on any factor they independently deem appropriate are void for vagueness.” *Onellette v. Saco River Corridor Comm’n*, 2022 ME 42, ¶ 15, 278 A.3d 1183. In such an instance, the Law Court has instructed: “A void site review standard cannot be applied to bar an application. When a site review standard is void for vagueness, the application must proceed without consideration of the standard.” *Bragdon v. Town of Vassalboro*, 2001 ME 137, ¶ 6, 780 A.2d 299.

Here, it is simply impossible for a potential developer to know what constitutes being “sensitive to the character of the . . . neighborhood,” or what “sensitive” actually means; therefore, the language is unconstitutionally vague. Indeed, at the Board’s last meeting, it was apparent that each member had a different idea of what “sensitive to the character of the

neighborhood” means. By definition, it is apparent § 6.5.2.1 is a subjective review standard, and therefore unconstitutionally vague.

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

The next issue involves § 7.8.4.3, which states: “The construction of a new principal building or structure or the reconstruction of an existing principal building or structure must be compatible with the established character of the neighborhood in which it is located. The Planning Board shall review the application for the construction/reconstruction of a building to determine if it is compatible with the neighborhood based on the following criteria if they are applicable to the location.”

There is no question that the Project does not involve the construction of a new principal building, meaning the threshold question for the Board is whether the Applicant’s proposed renovation of the former hospital building constitutes a “reconstruction” of that building to require application of this section. We strongly believe that this is not a “reconstruction,” and therefore, § 7.8.4.3 is wholly inapplicable.

The LUO does not define the term “reconstruction,” but a dictionary definition of that term is “to build or assemble (something) again.” The renovation or alteration of a building, as is proposed here, is certainly distinct from new construction or reconstruction. This is evident from the fact that the criteria listed in § 7.8.4.3.1-7.8.4.3.5 (orientation of building, width of building, orientation of roofline, building height, appearance of front façade) are clearly intended to apply to a new building, not an existing one.

Even if this standard were applicable here, the Project meets the standard. Again, when determining the established character of the neighborhood where the building is located, the Planning Board must take into consideration 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.

Finally, the language in this review standard (“compatible with the established character”) is quite similar to ordinance language that the Law Court has struck down as void for vagueness in other cases, as shown in the table above. To avoid a similar fate here, the Planning Board should either find the provision to be inapplicable (as this is not new construction or reconstruction), or find that the Project is compatible with the surrounding neighborhood.

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



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

December 1st, 2022

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

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

Dear Kris,

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

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

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

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

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

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

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

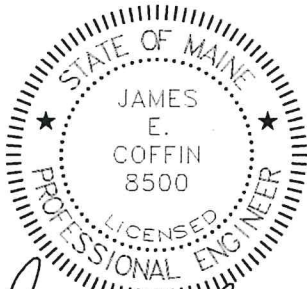
The parcel is situated such that there is ditching along the north side and the site falls off along the south side to another ditch/stream. The drainage on site flows in a west-east direction and all ends up in a stream along the east side of the parcel that eventually flows to the Kennebec River. There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

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

Sincerely,



James E. Coffin, P.E.





STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
 177 STATE HOUSE STATION
 AUGUSTA, MAINE 04333

JANET T. MILLS
 GOVERNOR

AMANDA E. BEAL
 COMMISSIONER

October 17, 2022

James Coffin
 E.S. Coffin Engineering & Surveying
 PO Box 4687
 Augusta, ME 04330

Via email: jcoffin@coffineng.com

Re: Rare and exemplary botanical features in proximity to: #2020-174, Hathaway Holdings, 150 Dresden Ave., Gardiner, Maine

Dear Mr. Coffin:

I have searched the Maine Natural Areas Program’s Biological and Conservation Data System files in response to your request received October 17, 2022 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Gardiner, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. Based on the information in our files and the landscape context of this project, there is a low probability that rare or significant botanical features occur at this project location.

Though the MNAP has no features mapped at the project location itself, the streams at this project site are hydrologically connected to the Kennebec River, where there is a rare freshwater wetland mapped and also a rare plant species. MNAP recommends no clearing within 75-feet of perennial, intermittent, and/or ephemeral streams on or near the property, and the use of standard best management practices for erosion control to help prevent downstream impacts to this rare freshwater tidal wetland. If clearing is planned within 75-feet of streams, please contact the MNAP for further guidance. Please see the table below and attached map and factsheets for more information about these features.

Feature	State Status	State Rank	Global Rank	Occurrence Rank	Notes
Estuary Bur-marigold <i>Biden hyperborea</i>	SC	S3	G4	B Good	Kennebec River Main Stem
Freshwater Tidal Marsh	N/A	S2	G4?	B Good	Kennebec River Main Stem

MOLLY DOCHERTY, DIRECTOR
 MAINE NATURAL AREAS PROGRAM
 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-8044
 WWW.MAINE.GOV/DACF/MNAP

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,



Kristen Puryear | Ecologist | Maine Natural Areas Program
207-287-8043 | kristen.puryear@maine.gov

Freshwater Tidal Marsh

State Rank S2

Community Description

These tidal marshes are dominated by patchy stout herbs, typically a mixture of wild rice, softstem bulrush, and pickerelweed, often covering extensive areas. Mixed in with the tall herbs are lower forbs including several rare species. Some marshes may have mudflats dominated by forbs and low vegetation in patches among the graminoids; many have a very narrow band of low forbs near the high tide/upland interface. Brackish marsh species, such as chair-maker's rush, may be in these marshes as well, but at least some obligate freshwater plants such as pickerelweed, common arrowhead, sweet flag, and northern water-plantain will also be present. Bryophytes are essentially absent.

Soil and Site Characteristics

Freshwater tidal marshes are associated with major rivers, in low-gradient areas of the mid to upper tidal reaches. Freshwater inputs lower the salinity to <1 ppt. Substrate is usually mud, or mud mixed with gravel. The tidal regime affects substrate and plant zonation.



Torrey's Bulrush

Diagnostics

These graminoid dominated marshes occur along tidal rivers, with patches of forbs locally abundant. Obligate freshwater species are present, such as sweetflag, yellow water-lily, large yellow pond-lily, or pickerelweed.

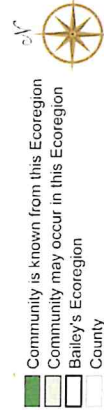
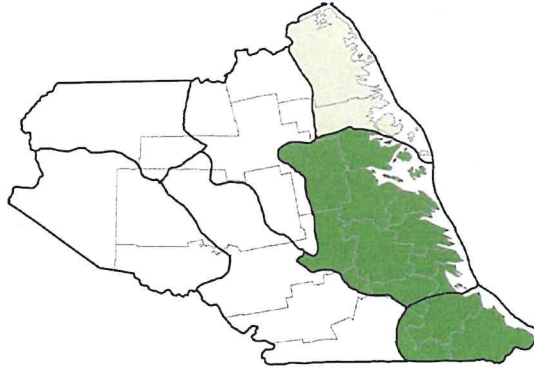
Similar Types

Brackish Tidal Marshes are most similar and grade into this type as salinity decreases. Mixed Graminoid Shrub Marshes and Pickerelweed - Macrophyte Aquatic Bed types can contain several of the same species, but do not occur in tidal settings.

Conservation, Wildlife, and Management Considerations

Tidal marshes provide valuable wildlife habitat and have received considerable

Location Map



Freshwater Tidal Marsh

conservation attention. Heavy metals, sewage overflows, and other pollutants have degraded the substrate in many areas, but some have recovered as water quality has improved over the past decades. Many occur on or adjacent to public lands or private conservation lands. Some have been managed for waterfowl by planting wild rice. With development of the uplands that border these marshes, maintenance of appropriate wetland buffers can help reduce degradation that could result from adjacent land uses. Invasive species such as Japanese knotweed and purple loosestrife have invaded the upper reaches at some sites. The prospect of sea level rise may also put these systems at greater risk in the future.

The tidal marshes of Maine's larger estuaries, especially Merrymeeting Bay, are important pre-migration staging habitat for thousands of waterfowl and wading birds. The rare New England siltsnail inhabits coastal marshes and small tidal rivers where the water ranges from fresh to upper brackish.

Distribution

Upper tidal reaches of major rivers: most well known from the Kennebec and Penobscot Rivers (Laurentian Mixed Forest Province).

Landscape Pattern: Large Patch, often linear.

Characteristic Plants

These plants are frequently found in this community type. Those with an asterisk are often diagnostic of this community.

Herb

- Chair-maker's rush*
- Common arrowhead
- Eaton's bur-marigold
- Nodding beggar ticks
- Northern water-plantain
- Parker's pipewort
- Pickerelweed*
- Softstem bulrush*
- Tidal arrowhead
- Wild rice*

Associated Rare Plants

- Beaked spikerush
- Eaton's bur-marigold
- Long's bitter-cress
- Parker's pipewort
- Pygmyweed
- Spongy arrowhead
- Stiff arrowhead
- Water-pimpernel

Associated Rare Animals

- American oystercatcher
- Black-crowned night-heron
- Least bittern
- Short-eared owl

Examples on Conservation Lands You Can Visit

- Merrymeeting Bay Wildlife Management Area - Sagadahoc Co.
- Muddy River Wildlife Management Area - Sagadahoc Co.
- Swan Island Wildlife Management Area - Sagadahoc Co.

About MNAP

Focus Areas

Communities, Plants
and Animals

Natural Communities
and Ecosystems

Rare Plants

Invasive Plants

Ecological Inventory
and Monitoring

Rare Animals

State and Global Rarity
Ranks

Survey Forms

Maps, Data, and
Technical Assistance

Ecological Reserves

Maine Natural Areas Program

Bidens hyperborea Greene

Estuary Bur-marigold

- [State Rank](#): S3
- [Global Rank](#): G4
- [State Status](#): Special Concern

Habitat: Localized in fresh to brackish estuaries. [Tidal wetland (non-forested, wetland)]

Range: Massachusetts to Nova Scotia and Quebec.

Aids to Identification: Bur-marigolds are herbaceous plants with yellow daisy-like or button-like flowers and opposite leaves. The term "bur-marigold" refers to the "sticktight" seeds which attach themselves readily to clothing or fur. *B. hyperborea* differs from other Maine bur-marigolds in the following combination of characters: the leaves are simple (as opposed to compound) and without stalks, and the heads are usually erect (as opposed to the common nodding beggar ticks, *B. cernua*). For certain identification, one must look at the fruits (cypselas) which in *B. hyperborea* are coarsely striate and have a convex, cartilagenous apex. This species is presently divided into several varieties, two of which are known to occur in Maine. Most specimens are not distinguished to variety.

Ecological characteristics: *Bidens hyperborea* is characteristic of tidal estuaries and occupies mudflats. In some cases it has been found with *B. eatonii*, which has stalked leaves.



Phenology: Flowers August - September

Family: Asteraceae

Synonyms: *Bidens hyperborea* Greene var. *cathancensis* Fern.; *Bidens hyperborea* Greene var. *colpophila* (Fern. & St. John) Fern.; *Bidens hyperborea* Greene var. *laurentiana* Fassett; *Bidens hyperborea* Greene var. *svensonii* Fassett.

Known Distribution in Maine: This rare plant has been documented from a total of 25 town(s) in the following county(ies): Hancock, Kennebec, Lincoln, Penobscot, Sagadahoc, Waldo, York.

Reason(s) for rarity: A polymorphic species with varieties restricted to specific geographic areas.

Conservation considerations: Prevent degradation of

marsh and estuary habitat from adjacent land uses.

Credits



Information

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[Site Policies](#)

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Department of Agriculture,
Conservation and Forestry
22 State House Station

Conservation Status Ranks

State and Global Ranks: This ranking system facilitates a quick assessment of a species' or habitat type's rarity and is the primary tool used to develop conservation, protection, and restoration priorities for individual species and natural habitat types. Each species or habitat is assigned both a state (S) and global (G) rank on a scale of critically imperiled (1) to secure (5). Factors such as range extent, the number of occurrences, intensity of threats, etc., contribute to the assignment of state and global ranks. The definitions for state and global ranks are comparable but applied at different geographic scales; something that is state imperiled may be globally secure.

The information supporting these ranks is developed and maintained by the Maine Natural Areas Program (state ranks) and NatureServe (global ranks).

Rank	Definition
S1 G1	Critically Imperiled – At very high risk of extinction or elimination due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.
S2 G2	Imperiled – At high risk of extinction or elimination due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
S3 G3	Vulnerable – At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
S4 G4	Apparently Secure – At fairly low risk of extinction or elimination due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
S5 G5	Secure – At very low risk of extinction or elimination due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
SX GX	Presumed Extinct – Not located despite intensive searches and virtually no likelihood of rediscovery.
SH GH	Possibly Extinct – Known from only historical occurrences but still some hope of rediscovery.
S#S# G#G#	Range Rank – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem.
SU GU	Unrankable – Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
GNR SNR	Unranked – Global or subnational conservation status not yet assessed.
SNA GNA	Not Applicable – A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities (e.g., non-native species or ecosystems).
Qualifier	Definition
S#? G#?	Inexact Numeric Rank – Denotes inexact numeric rank.
Q	Questionable taxonomy that may reduce conservation priority – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable. The "Q" modifier is only used at a global level.
T#	Infraspecific Taxon (trinomial) – The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

State Status: Endangered and Threatened are legal status designations authorized by statute. Please refer to MRSA Title 12, §544 and §544-B.

Status	Definition
E	Endangered – Any native plant species in danger of extinction throughout all or a significant portion of its range within the State or Federally listed as Endangered.
T	Threatened – Any native plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range in the State or Federally listed as Threatened.
SC	Special Concern – A native plant species that is rare in the State, but not rare enough to be considered Threatened or Endangered.
PE	Potentially Extirpated – A native plant species that has not been documented in the State in over 20 years, or loss of the last known occurrence.

Element Occurrence (EO) Ranks: Quality assessments that designate viability of a population or integrity of habitat. These ranks are based on size, condition, and landscape context. Range ranks (e.g., AB, BC) and uncertainty ranks (e.g., B?) are allowed. The Maine Natural Areas Program tracks all occurrences of rare plants and natural communities/ecosystems (S1-S3) as well as exemplary common natural community types (S4-S5 with EO ranks A/B).

Rank	Definition
A	Excellent – Excellent estimated viability/ecological integrity.
B	Good – Good estimated viability/ecological integrity.
C	Fair – Fair estimated viability/ecological integrity.
D	Poor – Poor estimated viability/ecological integrity.
E	Extant – Verified extant, but viability/ecological integrity not assessed.
H	Historical – Lack of field information within past 20 years verifying continued existence of the occurrence, but not enough to document extirpation.
X	Extirpated – Documented loss of population/destruction of habitat.
U	Unrankable – Occurrence unable to be ranked due to lack of sufficient information (e.g., possible mistaken identification).
NR	Not Ranked – An occurrence rank has not been assigned.

Visit the Maine Natural Areas Program website for more information

<http://www.maine.gov/dacf/mnap>









Gardiner Green

Project Plan- Timeline / Tasks

2023

Tasks	Jan	Feb	Mar	Apr	May	June	July
Master Planning							
Existing Conditions Review - Complete							
Conceptual reuse Plan/ Proforma - Complete							
Refinement of selected Alternatives - Complete							
Schematic Design							
Development of Final Floor Plans							
Development of Final Elevations							
Pro-forma							
Refinement of Selected Alternatives							
Permitting							
Planning Board Review - Complete							
Development of Review Timetable - Complete							
Site Plan Review - Complete							
Building Permit							
Design Development							
Integration of Structural Engineering							
Integration of Mechanical Engineering							
Integration of Landscape / Site Work							
Updated Pro-forma							
Meeting With Fire							
Meeting with Building Inspector							
Construction Documents							
Detail Floor Plans and Elevations							
Detail Sections							
Coordinated Structural Drawings							
Coordinated Schematic Mechanicals							
Specifications for Bidders							
Meeting With Fire							
Meeting with Building Inspector							
Bidding							
Meet selected Construction Managers							
Award Construction Contracts							
Construction Administration							
Visit site Weekly							
Review RFP's and CO's							
Review Constr Manager requisitions							
Coordinate drawing Changes							
Project Close Out							
As Built Drawings							

