



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

Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MEETING MINUTES

Tuesday September 8 @ 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 6:00 pm

2.) Roll Call- Chair Debby Willis, Pam Mitchel, Lester Young, Adam Lemire, Shawn Dolley, and Zachary Hanley - City Staff- Tracey Desjardins- Economic Development Director, Kris McNeill-Code Enforcement Officer, Mark Eyerman- City Planner, Angelia Christopher-Planning and Development Assistant. Others Present Sherri Nelson, Terri Berry, John Gagnon, James Spellman, Ian Burnes, Mike Gent, Barbara Oesterlin, Patrick Wright, Edward Duguay, Joe Couture, James Davis, Jessica Lowell, Alex McMahan, Dennis Wheelock, and Paul Boghossian.

3.) Review of the August 11, 2020 meeting minutes: Pam Mitchel makes a motion that the Board approve the minutes as written. Zachary Hanley makes the second motion. No further discussion. Chair Willis asks for a roll call vote Pam Mitchel- yes, Lester Young-yes, Adam Lemire-yes, Shawn Dolley-yes, Zachary Hanley-yes Chair Debby Willis-yes, All in favor.

4.) Submission Review- Gardiner Green Review of Submission Requirements – Gardiner Green- Rehab of former hospital site at 150-152 Dresden Ave. Map 32 Lot 23+ 23A – This meeting was held as review of the application for completeness only. There was no vote.

Mark Eyerman gives a presentation on what he found when he was reviewing the application. He has spent time going over the application, checking for completeness, and putting together a list of what is needed. The Board is talking about the reuse or redevelopment of an existing building.

Mark Eyerman states what this application really needs is a simplified plan that deals primarily with the parcel. That shows the details of how the buildings will be developed, how parking will be arranged, how stormwater make need to be redesigned. Having a map, that shows how all those things will be done as part of the review

process will make this application more complete. Mark is going to suggest that Planning Board waive a number of the waivers that Paul has requested, and then request a simplified plan that shows what will happen on the lot.

Paul requested a waiver of the items below because these items pertain to a full-fledged new subdivision which this is not. This application is for 51 units as a rehab of four existing structures. The requested density is allowed by virtue of the square footage of the site and there are NO new roads or buildings.

1. Identification of the proposed development lot – It appears that the proposed lot is only a portion of the existing lots on which the hospital and related buildings are located. It appears that a strip of land from Dresden Avenue on which the road to the Alzheimer’s facility is located will be transferred to the owners of that facility. This is depicted on the drawings but is not explicitly stated in the application. The revised parcel boundaries including the absorption of Lot 23A into the development parcel should be shown on the subdivision plan that will be recorded in the Registry of Deeds if the subdivision application is approved by the Planning Board.

2. Access easement – If the land containing the road to the Alzheimer’s facility is not part of the development parcel, the applicant will need to demonstrate that it has the right to use this road for access to the parking on the north side of the road. This could be a proposed easement from the owners of the road. Again this should be shown on the approved subdivision plan.

3. Creation of Lots – Both applications layout three phases for the redevelopment of the existing buildings on the parcel. It appears that phases two and three of the redevelopment are envisioned to involve the condominium form of ownership. If that is the applicant’s intention, that raises the question of will there be the need to create separate parcels for those buildings. If so that should be addressed as part of the subdivision review since that will require of how access to those internal lots will be provided.

4. Phasing – The applicant indicates that the project if approved will be developed in three phases. While the applications generally describe the three phases, there is no delineation of which facilities will be completed as part of each phase. In terms of the site plan review application it is unclear as to whether the applicant is seeking approval of phases two and three at this time since it does not include information on the reconstruction of the buildings included in those phases.

5. Future Development – The applications clearly indicate that the applicant has shown possible future development in the interest of transparency. This future development exceeds the allowed density on the parcel (sixty-eight units versus 51 units allowed) and is presented as only occurring if additional land is obtained. However a number of the supporting documents in the applications refer to sixty-eight units. The Board should clearly indicate that its review is only for the proposed 51 units and that the hearing and Board discussion should relate only to the 51 units. All references to future development should be considered to be informational and should not be part of the review and possible approval of the applications.

6. Waivers of submission requirements – The subdivision review provisions allow the Planning Board to waive the approval standards and performance requirements. It does not explicitly say that the Board can waive

the submission requirements but that seems to be the intent. The applicant has requested that the Board waive a number of the submission requirements. To waive a requirement the Board has to find that the information is not needed based on the circumstances of the application. The state subdivision law and the City's subdivision review provisions based on that law are primarily designed to address the creation of lots and the infrastructure needed to service those lots. It also includes multifamily housing but the provisions do not fit very well especially in a situation like this involving the reuse and redevelopment of existing buildings. I have addressed the requests for waivers in the review of the submission. As a threshold question, the Board should determine if it is comfortable waiving submission requirements in general. If so it can then consider the individual requests for waivers.

7. Applicability of Performance Standards – Multifamily housing is subject to a number of the performance standards set out in various sections of the Land Use Code. In general these standards apply to the creation of new multifamily housing including conversions. In some cases compliance with a standard can be difficult to fully comply with for the redevelopment of an existing building. The Planning Board will need to consider how the following provisions apply to this project. Most of these are relevant to the site plan review process:

- a. 7.8.4 – HDR provisions
- b. 10.16.3 - Multifamily housing provisions
- c. 8.7.4 - Exterior lighting
- d. 8.9 – Location and screening of dumpsters
- e. 8.11 – Buffer areas including property line buffers (8.11.4.32)
- f. 8.11.5 – Parking lot landscaping

Subdivision Application

Section 14.6.8 of the Land Use Code lays out the submission requirements for a preliminary subdivision application. In the following table the left hand column shows the individual submission items from the Code and the right hand column indicates whether the item has been provided and if there are any issues related to the item.

14.6.8 Preliminary Plan Submissions Adequacy of the Submission

14.6.8.1 The applicant shall be responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:

14.6.8.1.1 A receipt from the city indicating that the application fee has been paid. Need to confirm if fee has been paid- **Yes it has**

14.6.8.1.2 A preliminary plan application form and all required attachments and maps. **Application form submitted –**

14.6.8.1.3 Waiver request form, if applicable. **The applicant is requesting waivers of many of the submission requirements – see pages 6 & 7 of the application. The Board should address these one by one as discussed below for each item**

14.6.8.1.4 A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties. The map shall show the following: **A formal location map is not included. A section of the tax map would be adequate just to provide context.**

14.6.8.1.4.1 Existing subdivisions in the proximity of the proposed subdivision.

14.6.8.1.4.2 Locations and names of existing and proposed roads.

14.6.8.1.4.3 Boundaries and designations of all Shoreland zoning and other land use districts.

14.6.8.1.4.4 An outline of the proposed subdivision and any remaining portion of the Owner's property if not included in the subdivision proposal.

14.6.8.1.5 Name and address of the applicant and applicant's agent. **Provided**

14.6.8.1.6 Proof of right, title or interest in the property. **The application has a Purchase & Sale Agreement and the extension of that agreement is included. The applicant should provide the original P&S that spells out what is included in the parcel.**

14.6.8.1.7 A copy of all existing and proposed deed restrictions, rights-of-way, or other encumbrances affecting the property. **This not addressed – the applicant should clarify if there are any easements or other encumbrances on the parcel. If there are these should be shown on the subdivision plan**

14.6.8.1.8 The book, page, and tax map and lot information of the property. **Provided**

14.6.8.1.9 The names of all property owners abutting the property. **Provided**

14.6.8.1.10 Acreage of the proposed subdivision, acreage of roads, and acreage of any land not included in the subdivision. **Provided – this should be confirmed based on the survey of the parcel being purchased**

14.6.8.1.11 A copy of that portion of the county soil survey covering the subdivision. **Provided**

14.6.8.1.12 A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following: **The applicant is requesting that this requirement be waived. The Code requires that if the application is approved the approved subdivision plan must be recorded in the registry of deeds. Given the situation, the Board should allow the applicant to submit a simplified plan showing the information identified below**

14.6.8.1.12.1 Name of the subdivision. **Provide**

14.6.8.1.12.2 Number of lots. Provide if any internal lots will need to be created for Phases 2 & 3 – see threshold question above

14.6.8.1.12.3 Date, north point, graphic scale. **Provide**

14.6.8.1.12.4 Proposed lot lines with dimensions. **Provide if any internal lots will need to be created for Phases 2 & 3 – see threshold question above**

14.6.8.1.12.5 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 corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner. **Provide showing the accurate boundaries of the parcel being created/purchased including any existing or proposed easements**

14.6.8.1.12.6 Contour intervals of 10 feet when any land in the proposed subdivision falls outside of 10% grade. **Waive**

14.6.8.1.12.7 The location of all wetlands regardless of size. **Waive**

14.6.8.1.12.8 The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision. **Waive**

14.6.8.1.12.9 The location of all slopes in excess of 10% slope. **Waive**

14.6.8.1.12.10 The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features. **Provide**

14.6.8.1.12.11 The location of any significant sand and gravel aquifers. **Waive**

14.6.8.1.12.12 The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the most recent FIRM Map. **Waive**

14.6.8.1.12.13 The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife. **Waive**

14.6.8.1.12.14 The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission. **Waive**

14.6.8.1.12.15 The location of all scenic areas and rare and endangered plants as identified by the City of Gardiner. **Waive**

14.6.8.1.12.16 The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation. **Waive**

14.6.8.1.12.17 The location of any open space, trails, and recreation features. **Address if any provisions exist or will be provided**

14.6.8.1.12.18 The location, type, size and design of all proposed essential services and utilities. **Address only if there will be any new provisions for electricity or telecommunications**

14.6.8.1.12.19 All erosion control features proposed for the site. **This is not addressed. The applicant indicates that the amount of impervious surface will be reduced. The applicant should provide information as to what measures will be employed to minimize erosion and sedimentation during construction (see Section 9.9).**

14.6.8.1.12.20 All stormwater control features proposed for the site. **This is not addressed. The applicant indicates that there are no provisions for stormwater. The applicant should provide information as to what measures will be employed to minimize stormwater runoff including the use of LID BMPs (see section 9.10).**

- 14.6.8.1.12.21 All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the city. **Waiver**
- 14.6.8.1.12.22 The type and location of any proposed fire control features, and appropriate documentation. The application includes a letter from the Fire Chief indicating they can service the project. **There is no information on fire protection provisions – this should be addressed as part of the site plan review.**
- 14.6.8.1.13 When connection to the public sewer is proposed, a letter from the City Manager indicating that there is adequate capacity. **Provided**
- 14.6.8.1.14 The location of all existing and proposed wells and appropriate documentation. If public water is proposed, a letter from the water district indicating that there is adequate supply and pressure. **Provided**
- 14.6.8.1.15 A written statement from the Police Chief approving all street traffic patterns, parking, curb cuts and traffic impacts. **Provided – Police Chief letter doesn't address traffic but these are addressed in the traffic study**
- 14.6.8.1.16 A written statement from the Fire Chief approving all hydrant locations and any other fire suppression measures proposed. **This is not addressed in the Fire Chief's letter – can be addressed in the site plan review.**
- 14.6.8.1.17 Phosphorus control measures, if the subdivision is located within the direct watershed of a great pond. **Waive**
- 14.6.8.1.18 Road plans, specifications, and appropriate documentation. **Waive**
- 14.6.8.1.19 Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis. **Provided in traffic study**
- 14.6.8.1.20 A statement indicating how the solid waste from the subdivision will be handled. **Provided**
- 14.6.8.1.21 Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance. **Applicant has provided bio and financial references**
- 14.6.8.1.22 Any other data necessary in order to meet the requirements of this Ordinance.
- 14.6.8.1.23 A description of the anticipated types of land use that will be developed within the proposed subdivision. **Provided**
- 14.6.8.1.24 A description of how all roads and other public improvements will be maintained until the improvements are dedicated to the city or for private roads and improvements, how they will be maintained over their life span. **This is not addressed. This will be an important consideration depending on how Phases 2 & 3 will be managed. The relationship of access to and parking for these phases should be addressed as part of the subdivision review.**

Site Plan Review Application

Section 6.3.2 of the Land Use Code lays out the submission requirements for a site plan review application. In the following table the left hand column shows the individual submission items from the Code and the right hand column indicates whether the item has been provided and if there are any issues related to the item. The

application submitted for the project is problematic since it is submitted based on 68 units not the 51 units currently allowed. *Therefore the application needs to be revised to address only the units that are currently allowed. In addition, the application provides details on Phase 1 of the proposal but not on Phases 2 & 3.* The intention of the applicant needs to be clarified as to whether it is seeking approval only for Phase 1 or for all three phases. The following review is based on all three phases.

Submissions Requirements Adequacy of the Submission

6.3.2 Basic Information for All Applications

An application for CEO Review, Planning Board Review, or Site Plan Review shall contain the following:

6.3.2.1 Name, address and telephone number of the applicant, applicant's agent, design professionals and contractors. **Provided**

6.3.2.2 Property location, map and lot number, and a copy of the tax map showing the property and surrounding location. **Not provided – see comment for subdivision**

6.3.2.3 Verification of the applicant's right, title, and interest in the property. **See comment for subdivision**

6.3.2.4 The appropriate application fee and other applicable fees. **Provided**

6.3.2.5 Estimated cost of the proposal and a proposed construction schedule including beginning and completion dates. **Cost data not provided – limited schedule**

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

6.3.2.7 One or more site maps drawn to scale showing the following:

6.3.2.7.1 The existing conditions on the property including:

- The property boundaries;
- The zoning district and zoning district boundaries if the property is located in more than one zone;
- The location of required setbacks, buffers and other restrictions;
- The location of any easements or rights-of-way;
- The locations of existing structures and other existing improvements on the property including a description of the current use of the property;
- 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;
- The location of the nearest source of a fire protection water supply (hydrant, fire pond, etc.)
- 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.
- 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
- The location and type of any identified historic or archeological resource on the property.

-A preliminary assessment of the potential archeological significance of the site if the project involves excavation that disturbs the ground and is located in an area that has been identified as having the potential for containing archeological resources or involves an identified historic property. This assessment shall be conducted by a qualified professional archeologist approved by the Maine Historic Preservation Commission.

-Conceptual site plan provided – see below for details

6.3.2.7.2 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; **Provided**
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; **Not addressed- no information on stormwater facilities existing or proposed**
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; **Not applicable**
4. The location, dimensions and materials to be used in the construction of drives, parking areas, sidewalks and similar facilities; **Existing but details not provided**
5. The proposed flow of vehicular and pedestrian traffic into and through the property; **Existing vehicular-flow not addressed**
6. The location and details for any signs proposed to be install or altered; **Provided**
7. The location and details for any exterior lighting proposed to be installed or altered; **Not addressed lighting plan required per 8.7.4**
8. Provisions for landscaping and buffering; and **Not addressed – see 8.9, 8.11 including 8.11.4.32 and 8.11.5**
9. Any other information necessary to demonstrate compliance with the review criteria or other standards of the Land Use Ordinance.

6.3.2.8 Evidence that the applicant has or can obtain all required permits necessary for the proposal **Not applicable**

6.3.3.1 Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance; **Partially provided for Phase 1 – not provided for Phases 2 & 3**

6.3.3.2 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; **Provided in traffic study – see subdivision review**

6.3.3.3 Erosion and sedimentation control plan; **Not addressed**

6.3.3.4 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. **Not addressed**

6.3.3.5 If the property contains an identified historic or archeological resource, the application shall include an analysis explaining how the resource was taken into account in the project planning and how any negative consequences of the proposed development activity on the resource will be mitigated. **Not applicable**

6.3.4.1 The site map(s) required in 6.3.2.7 shall be prepared and sealed by a professional engineer or architect. **Provided**

6.3.4.2 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. **Partially met for Phase 1 but not addressed for Phases 2 & 3**

6.3.4.3 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. **Not provided**

Mark Eyerman -The big questions are there any easements, encumbrances, land sales? Lester Young agrees that he would like to see all this info, in one cohesive site plan.

Phases two and three of this project will require density, and if he doesn't do this right, he will not have enough density. Chair Willis asks if it is outlined anywhere in this plan, what the phases are. Paul Boghossian says that the plan will be 51 units and no new construction for now. 34 units in the hospital, and 17 in the three surrounding buildings. Chair Willis says she is comfortable with the waivers, if we take out new construction. The revised submission plan should say that he will reuse, redevelop the buildings on the site. How do board members feel about the long list of waivers? Pam Mitchel states that she agrees that Mark Eyerman was right that some of them are not appropriate. All members agree with what Mark Eyerman presented.

The first building will be a rehab of the original principal hospital building (Building 6) into residential apartments as follows:

11 studio apartments 14 one-bedroom apartments

9 two-bedroom apartments

Average SF 620 SF

Average rent \$1000/month

The next building will be a rehab of the hospital annex building (Building 5) into four for-sale condominiums of approximately 1800-2000 SF each

The next building will be a rehab of the hospital boiler building into two for-sale condominiums of approximately 2000 SF each

The last building a rehab of the former Gardiner Family Medicine Building (GFM) into eleven for-sale condominiums of 1500 to 2200 SF each

A total of 51 dwelling units will be developed; 68 units if additional land is secured.

Shawn Dolley states that this is a good project that is good for Gardiner. We could end up with blighted, empty buildings instead we have a developer who is coming to create tax revenue, and create housing in the City of Gardiner. There are no other comments or questions.

Kris McNeill CEO next step: As soon as Mr. Boghossian gets everything to the Planning and Development Dept. the application will be considered complete. At this point he will be scheduled for a Preliminary subdivision meeting. There was discussion about doing Preliminary and Final subdivision plans together, if possible. This likely will not be an option. Pam Mitchel asked about doing the Site Plan Review. Kris McNeill answered that they would review the Site Plan when they did the final Sub division plan meeting.

5.) Public Meeting –Eastern Retail Brokerage LLC is seeking approval to open a retail marijuana establishment at 243 Water St., Map 037 Lot 125- Chair Willis asks if this application has standing. There is an email, but we do not have a lease. Terry Berry, is the building owner, and states that he has typed a letter for the business owner, giving permission for this type of business. Mr. Berry goes on to say that he feels that he can have tenants at will if he wants to, and does not feel that he needs to hire an attorney to draft a lease. So, yes the applicant has standing.

Chair Willis asks if the Board can hear this in an unbiased manner. Adam Lemire speaks to recuse himself from this application due to a conflict of interest. The rest agree that they can hear in an unbiased manner.

Chair Willis then asks if the City staff if they had to reach out to any professionals or retain services to help out with this proposal- No.

Mr. Duguay introduces himself and explains that he has been a marijuana lobbyist at the state house for the past few years. He goes on to say that he has opened a store in Hallowell, and wants to open another in Gardiner. He plans to name the store Gardiner 4 Twenty. He goes on to tell the board that he hopes to create 4-5 full time jobs at this new retail shop. Chair Willis asks if there are any questions. Pam Mitchel states that she does not see a copy of his license. There should be a copy of a license, as part of the application, it is likely in his application for his City Marijuana license. Mr. Duguay will scan a copy and email it out later this evening. There are no requests for waivers. City staff did not have any inquiry about this application.

Chair Willis opens the application for Public hearing.

There are no questions or comments

Chair Willis closes the Public Hearing.

Chair Willis will go through Review Criteria, and asks applicant if he wants to stay for the rest of the application. Yes.

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

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance. **Come back to it**

6.5.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies. **The proposed store will not result in any water pollution erosion or sedimentation. All products are prepackaged and sealed, and will be delivered from a location other than Gardiner.**

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste. **Adequate disposal will be minimal if at all. Typical retail store paper and plastic will be the primary disposal as all product will be prepared elsewhere.**

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. **There will be no impact upon wildlife habitat unique natural shoreline access or visual quality scenic areas and archeological or historic resources.**

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. **The proposed retail store will not have impact upon water bodies and wetlands**

6.5.1.7 The proposal will provide for adequate storm water management. **The proposed retails store will not have impact upon storm water management**

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. **The proposed retail store will absolutely have no impact and will conform to all applicable Shoreland zoning requirements.**

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements. **Floodplain criteria will be met with regards to floodplain management standards**

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. **Without question. The previous tenant operated as a hair salon and my proposed retail store will use less water.**

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity. **There will be no adverse effect with ground water quality or quantity**

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development. **As with the previous hair salon tenant, safe and adequate vehicle and pedestrian circulation will be met.**

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. **There will be no result in reduction of the quality of any municipal service due to inability to serve the needs of the development.**

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

There are letters from Gardiner Water, Public Works, Waste Water. PD and Fire letters can wait until the license application goes to City Council. There is not a letter stating that there are sufficient resources to complete the project. There is also not a cost attached to the project. Mr. Duguay reports that he has submitted a letter from CPort and he will resubmit if he needs to. He also reports that this project will cost him approximately \$35000 to build counters, and display cases.

Performance standards

Exterior lighting- Mr. Duguay states that he will be using the existing lights and will also do a light study to make sure there is enough lumens. Kris McNeill- CEO adds that any changes to lighting will need to go before HPC

Exterior material storage- there is a dumpster, supplied by the landlord, which is out behind the building. There are no issues with Shoreland,

All product comes in packaging.

This is an existing building so there will be no issues with stormwater management, ground water, air quality, subsurface water control. There is nothing to create erosion.

Section 10

He will have a sign and will work with CEO to make sure that it fits standards.

Section 10.29

This business is well outside of the boundaries of schools, playgrounds, etc. and other retail marijuana stores.

The hours of operation are going to be 11-7

Chair Willis goes back to 6.5.1.2 and asks if this proposal conforms to all the applicable provisions of this Ordinance. Yes. She asks for a motion. Pam Mitchel makes a motion that this proposal conforms to all applicable provisions of this ordinance with the condition that the City receive the letter from the applicant's credit union stating financial capacity. Zachary Hanley makes the second motion. No further discussion. Roll call vote: Lester Young- Abstain, Adam Lemire- Recuse, Shawn Dolley-yes, Zachary Hanley-yes Chair Debby Willis-yes Chair Willis asks what the board wants to do with the application. Pam Mitchel makes a motion that they approve the application with the condition of the letter from the credit union. Shawn Dolley makes the second motion. Roll call vote: Lester Young- Abstain, Adam Lemire- Recuse, Shawn Dolley-yes, Zachary Hanley-yes Chair Debby Willis-yes

Application is approved.

6.) Public Meeting- The Healing Community- MEDCo is seeking approval to open a retail marijuana establishment at 189 Water St., Map 037 Lot 161. This is the former site of a medical marijuana store. The applicant is proposing to open a Retail Marijuana store here. Chair Willis asks if the applicant has standing.

After looking through the application, she sees there is a lease. There is also a project cost on the application of \$50,000.

Chair Willis asks if city staff had to obtain any outside services for this application. No. She then asks if the Planning Board can hear this application in an unbiased manner. All members, except for Adam Lemire who is recusing himself due to conflict of interest, agree that they can. Chair Willis asks the applicant to tell us a little about the proposal.

Alex McMahan and Joe Couture run The Healing Community- MEDCo-. They have two shops in Lewiston, and have wanted to expand into the Capitol area because they do lots of work at the State house. Gardiner seemed to be the best fit for their business, and they feel their business would be an excellent fit for Gardiner. Chair Willis asks if there are any questions. No, not at this time.

Chair Willis asks the applicant if they will stay while they review the application.

There were no requested for waivers. City staff did not have any inquiry about this application.

Chair Willis will open the Public Hearing.

Chair Willis asks if there is anyone in the chat. Tracey Desjardin reports that Mike Gent is in the chat- Mike Gent asks if this is the 7th shop, - We understand that there have been 6 that have been approved, correct? Chair Willis asks Kris answers with that was the number of applications we had, not the number of shops that have been approved. This application is one of those six. There are no other comments or questions.

Chair Willis closes the Public Hearing comment period

6.5.1.1 The application is complete and the review fee has been paid. - **Application and fee submitted on 08/05/2020**

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance. - **Yes as prepared by the applicant, Joe Couture of the Healing Community MEDCo, and Travis Nadeau, Licensed Maine Architect of Platz Associates Architects.**

6.5.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies. - **N/A No site alterations are proposed.**

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste- **Existing waste patterns and location would continue with secured waste bin. Continues use of single- user restroom is proposed, with no additional plumbing. .**

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. – **N/A No Site alterations are proposed**

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. - **N/A No Site alterations are proposed**

6.5.1.7 The proposal will provide for adequate storm water management. **N/A No Site alterations are proposed- Existing system operation appears adequate.**

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. **N/A No applicable Shoreland zoning requirements**

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements. **Yes (no site alterations are proposed, so the project will not be affected by floodplain management requirements)**

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. **Yes, project proposed the continued use of the existing water supply for single-user rest room. No additional plumbing is proposed.**

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity .**No the project proposes to maintain the existing stormwater and wastewater management systems that have shown to be adequate for the existing needs.**

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development. **Yes, all existing vehicular and pedestrian circulations systems are proposed to be maintained and not altered.**

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. **No, as an existing building with no site alterations proposed the project will not result in a reduction of any municipal service**

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance.- **Yes, as an existing company with two current medicinal storefront locations delivering high-quality medicinal care in Lewiston, Maine. The Healing Community MEDCo has Demonstrated Long-term success and the financial resources and technical capacity to meet the provisions of the Ordinance.**

The applicant has included letters from Gardiner Water District, Gardiner Fire Dept., Gardiner Police Dept., and Gardiner Public Works. Other necessary letters will be obtained for the City of Gardiner Licensing process.

General Performance Standards.

There will be a dumpster out back, only to be used for paper and plastic.

The applicant is also going to have a lighting plan to make sure they are in line with State requirements, and will make sure that lighting changes meet LUO and HPC standards.

Environmental performance standards-

Should be no impact on air quality, stormwater quality, no effect on waterbodies, wastewater management, nothing to create erosion. Where this is an existing building, there should be no environmental impact. There will be no impact on historical, archeological, or scenic natural areas.

Section 10

The applicant will work with Kris McNeill CEO to make sure their sign meets requirements.

10.29, Within the appropriate boundaries of schools, playgrounds, and other marijuana retail stores. Their business hours will be 9-8 pm. unless city council approves other hours.

Chair Willis asks the board if they want to give a motion. Pam Mitchel makes the motion-This proposal conforms to all applicable provisions of this ordinance with no conditions Shawn Dolley makes the second motion. No further discussion. Chair Willis asks for a roll call vote. Lester Young- abstain, Adam Lemire-recuse, Shawn Dolley-yes, Zachary Hanley-yes Pam Mitchel- yes, Chair Debby Willis-yes.

Chair Willis asks the Board what they want to do with the application. Shawn Dolley makes a motion to approve the application. Pam Mitchell seconds the motion. Roll call vote. . Lester Young- abstain, Adam Lemire-recuse, Shawn Dolley-yes, Zachary Hanley-yes Pam Mitchel- yes, Chair Debby Willis-yes.

Application approved.

7.) Other Business- Gardiner Green will not be coming back for the second September meeting. We do have just one application- The board will hear it on 9/22/2020.

8.) Adjourn- Chair Willis asks for a motion to adjourn. Pam Mitchel makes a motion to adjourn at 8:24pm. Zachary Hanley seconds the motion. Lester Young-yes, Adam Lemire-yes, Shawn Dolley-yes, Zachary Hanley-yes Pam Mitchel- yes, Chair Debby Willis-yes-- All are in favor