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Debby Willis, Chairperson  
Angelia Christopher, Administrative Assistant

**PLANNING BOARD  
MEETING MINUTES  
Tuesday March 9, 2021 @ 6:00 PM  
VIA Virtual Conferencing**

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

- 1. Call the Meeting to Order:** Chair Willis opened the meeting. 6:05 pm and declared that there was a quorum.
- 2. Roll Call-** Board members- Zachary Hanley, Adam Lemire, Pam Mitchel, Lisa St. Hilaire, Shawn Dolley, Justin Young, Chair Debby Willis. City Solicitor- Jon Pottle, City Planner- Mark Eyerman, City Staff- Tracey Desjardins- Economic Development Director, Kris McNeill- Code Enforcement Officer, Angelia Christopher- Planning and Development Assistant. Others present included: Paul Boghossian- Applicant, Mike Lane- Attorney, Jim Coffin- E.S. Coffin Engineering, Craig Shelton, CFO Preferred Pump and Lyne realty, Rick Schrepper- Gardiner area Manager for Preferred Pump, Jeff Cross- NE Area Manager for Preferred Pump. Mayor Pat Hart, Patrick Wright, Auta Main, Allaina Murphy, Andy Jackson, Cheryl Clark, Helen Gordon, Ian Burnes, Robert Monniere, Sue Burnham, Karen Adrienne, Susan Shaw, Phyllis Gardiner, Penn Estabrook, Jessica Lowell, and Penny Sergent

**3. Review of the January 12, 2021 and February 9, 2021 meeting minutes –**

January 12- There are a couple of corrections. Page 7 the end of the last sentence. It is suggested that wording be changed- ‘that the applicant be clear instead of is’. Page 8 paragraph in the middle of the page- change wording to there does not seem to be any mobiles on lot 41 and 42. Page 9 second paragraph- the sentence starting ‘he stated, they purchased a mobile home park- there is an extra for. Page 10- add as is licensed with the state. Page 15- in the middle of the page- ‘essentially what the plan shows. If Williams lane and Iron Mine were connected- Not connecting. Page 16, Allyce spelling needs correction about 8 lines down. Chair Willis asks for a motion. Lisa St. Hilaire moves to accept the minutes as amended. Seconded by Pam Mitchel. No further discussion. Roll call vote- Zachary Hanley- yes, Adam Lemire- yes, Pam Mitchel- yes, Lisa St. Hilaire-yes, Shawn Dolley-yes, Justin Young- yes, Chair Debby Willis- yes. All in favor.

February 9- Pam Mitchel had no changes, Lisa St. Hilaire had a couple- page 3 in the middle of the page- Lisa’s name needs a period. Chair Willis asks for a motion. Pam Mitchel makes a motion that we accept the minutes as amended. Zachary Hanley seconds. No further discussion. Chair Willis asks for a roll call vote Zachary Hanley- yes, Adam Lemire- yes, Pam Mitchel- yes, Lisa St. Hilaire-yes, Shawn Dolley-yes, Justin Young- yes,- Chair Debby Willis- yes. All in favor

**4. Public Hearing-** Gardiner Green- Final Subdivision Plan and Site Plan review- of property at 150-152 Dresden Ave. City Tax map 032 Lot 23 and 23A. This is a continuation for the application to rehab the original hospital building into apartments.

Chair Willis states that there was a significant amount of information that came in today for this application, and board members did not have time to review it. There have been several meetings for this application, and there is a lot of information. Chair Willis points out that receiving information as late as the day of the meeting, makes it difficult for the Board to review it. PB needs to have a complete application in order to review it, and when material comes in late, important information can be lost.

Chair Willis would like to point out that Lisa St. Hilaire has left the meeting for this application, due to a conflict of interest regarding this application

Jon Pottle, City Solicitor, states that City Staff receive Planning Board packets and then send to the Board for review. Planning Board ultimately decides if an application is complete for approval. The day of this meeting, Mr. Boghossian submitted material to cover areas of concern that had been identified by City Planner, Mark Eyerman. Mr. Pottle tells the Planning Board if they feel that there is enough information to review this application, they should. If they feel, there is not sufficient information they can continue the application.

There are two areas that are concerning with this application. One area is the portion of the property referred to as the 'flag lot' and whether or not it can be used for density purposes. Another issue, related to density, is the use and special performance activity standards and related open space considerations. Jon suggests that the board look at these areas first, and work towards making a decision on those matters.

Jon Pottle suggests that written submissions identifying areas of concern or opinion by the applicant, members of the public, or anyone interested, might be the best option for this application. City staff should submit their own 'memo', as well. This information should be submitted well in advance before the next date that the application would be heard. Mr. Pottle feels that this would help to make sure that the Board has a complete packet and analysis when it is time to review this application. Board members agree this is a good idea.

The Board needs to make a decision about the 'flag lot'. Jon Pottle, City Solicitor, has informed Planning Board that this is their decision to make. The issue is whether or not this piece of land is allowed, will determine the number of units that Mr. Boghossian will be allowed to get this project approved. This is also a multifamily dwelling. In the provision for Multifamily dwellings it reads- **10.16.3.9** Except in the Downtown Area as defined and the Cobbossee Corridor District, a **minimum open space area of 1,000 square feet per dwelling unit** consisting of a yard, garden or playground area shall be provided. Which leads to- **10.23.3 Requirements for Open Space Areas** and the kinds of areas that can be used for open space. Chair Willis states that when part of an ordinance is reviewed, the whole section needs to be reviewed. Meaning all of 10.23. Pam reports that there is a provision that is a requirement for open space areas- 10.23.3.3. The open space land may utilize or feature areas designated as unsuitable for development; however, in no case shall land unsuitable for development; be counted as the required open space area.

Pam refers to design requirements- upon looking into design requirements; Pam Mitchel feels that the following provision needs to be looked at: **10.23.2.5** The area suitable for development shall be calculated by subtracting the following: wetlands, rivers, streams, brooks, stormwater drainage features, and resource protection district areas, areas within the 100-year floodplain and areas within roads and other rights-of-way. Pam feels that the gully, steep area, at the back of the property, referred to as the flag lot, may not be suitable for development. Pam questions if this parcel of land needs to be removed due to the condition of the land. Jon Pottle clarifies that if there is an area that has been delineated; do not include that in the area for development. The area that is referred to as the flag lot is not delineated as a

wetland and should be suitable for development. Pam states that this piece of land is almost vertical with approximately a 26' drop and she questions if this can be considered 'suitable' for development. Chair Willis feels it looks like a ravine, but Adam Lemire states that does not mean that the land is unsuitable for development. Does the stormwater management plan, direct water into this area? There is a proposed stormwater plan with the spread of the water heading shown as towards the land in question. If this area of land were removed, it would affect the number of units proposed for this development. If the 'flag lot' is found unusable, there will not be enough area for open space.

There are still many unanswered questions about this plan. Jon Pottle suggests letting the applicant, Paul Boghossian, take questions himself for better information.

Pam has questions about the discrepancies on the maps in regards to parking. Jon Pottle states that whatever is showing on the subdivision plat, will be what is recorded. If there are any changes that need to be made at a later date, if the map does not reflect the work done, there could be issues.

Mr. Boghossian and his attorney, Mike Lane come into the meeting.

Paul states that he can update the conceptual map to better reflect the survey. Pam states that this current map is the existing condition and it needs to be updated to reflect the work being done.

In regards to the Open Space issue- Paul states that this project is not intended to be an open space plan. He also asserted that neither he nor his attorney', Mike Lane, agree that the land that is referred to as the 'flag lot' is not a flag lot.

Paul feels that the number of units does not need to be lowered.

Paul states that 'it is not the mission of the board to drive this project down, but the neighborhood wants it gone'.

Chair Willis states for the record that it is up to the Planning Board to follow the ordinance. She explains that Mark Eyerman is here to help the Board to see how this project will fit into the ordinance. If they are seeking information on a density bonus, they had to look in the open space design provision of the ordinance. According to the ordinance, Multifamily Housing requires 5000 sf per unit. If there are more than 3 buildings, it puts an application into the area of requiring open space.

One area that will need to be looked at is the height of the buildings. The proposed roof height is 42'. If this application is not reviewed considering open space design, the roof limit will be 35', according to the ordinance.

Chair Willis: does the board want to ask for clarification from the attorney? Chair Willis wants to see a final subdivision plan that is final, and reflects the work to be done. Mark, it is very important the site plan review application, is not just focusing on the first building. This project is for the reuse and redevelopment of all four buildings. The plan is to work on the large building and then the other three buildings in phases.

Chair Willis asks the Board if they think they have enough information to hear this application, or do they think they would benefit from reviewing the submissions suggested by Jon Pottle. Adam Lemire asks if this is the final subdivision plan, and not the final site plan. Chair Willis states -yes that is correct. Adam Lemire feels he has enough for the final subdivision plan, but not the final Site Plan application. There was a question as to whether the Board could hear the final subdivision plan now, and hear the Site plan application at a later date. Jon Pottle stated that he felt it would be best to hear the two applications together.

The group decides that the best decision is to get an answer on the flag lot before taking any action. After the necessary additional information for the Site Plan and Final Subdivision applications are obtained, the board can schedule a review meeting, knowing that the Site Plan will be a phased approval.

Chair Willis asks if the board would like a straw vote on the flag lot. All Board members agree to a non-binding straw vote. Pam Mitchel makes a motion that the hatched area on the NE area of the parcel be allowed to be part of the parcel in order to meet dimensional requirements. Justin Young offered a second. After discussion, Pam Mitchel and Justin Young withdraw their motions. Adam Lemire makes a motion the hatched area on the plot plan shall not be excluded by 8.1.4. Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot-size requirements are prohibited except for rear lots meeting the requirements of **8.3**. Second motion offered by Pam Mitchel. No further discussion. Roll call vote. Zachary Hanley- yes, Adam Lemire- yes, Pam Mitchel- yes, , Shawn Dolley- yes, Justin Young- yes, - Chair Debby Willis- yes. Lisa St. Hilaire had recused herself from this application

Board members agree that there needs to be more information about some of the issues that were raised at this meeting. Areas of concern include open space design; cluster, density bonuses, and the height of the buildings are all areas that have been identified to need more information. Chair Willis asked if receiving the packet one week in advance is sufficient for Board members to review, or do they need more time. All Board members are in favor, that if the submissions that Jon Pottle suggested are received, then this application will be on the agenda of the next scheduled meeting, which would be April. 13. Tracey Desjardins asked if Planning Board submission guidelines would apply. . The board should set a deadline on how far in advance they would be willing to accept this information. Jon Pottle asked if the Board would approve having, information sent to them as late as the Friday before the next meeting, which would be April 6<sup>th</sup>. Board members agree that April 6<sup>th</sup> would be fine to accept the submission of comments.

The Board has decided that more information is needed to finish this application. The next time there will be availability with Planning Board is April 13, 2021. The Board has decided that if Mr. Boghossian has everything in place, this application can be heard again on April 13. When asked about his availability, Mr. Boghossian tells the Board that he needs to renew his purchase and sale agreement with the hospital. He hopes to be able to have this done in time for the April 13<sup>th</sup> meeting. Mr. Boghossian reports that he hopes to be able to come back on April 13<sup>th</sup>, pending the purchase and sale agreement. He also needs to look at whether or not he wants to submit under the open space requirement as that could affect the number of units he needs.

The Board agrees to continue this application until April 13<sup>th</sup>, or until the submissions, Jon Pottle requested.

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**Public Hearing- Preferred Pump-** applicant is proposing to construct a new building and associated storage areas for their distribution company at Commerce Dr., in the Libby Hill Business Park- City Tax map 7 Lot 20-19 in the PIC zone. There will be a large laydown area on the south & east sides of the parcel.

Chair Willis welcomes the applicants and introductions were made. Chair Willis determined that the applications showed right title and interest and that the appropriate fee was paid. Chair Willis thanked Mr. Coffin for a well-done application. This business will be going in the Libby Hill business park.

Pam Mitchel states that the maps look good and all information seems to be in order.

There is a Stormwater management plan included with the application as well as a traffic study.

Chair Willis asks other board members if all the necessary components are in the application so they can proceed. Yes.

She asked the Board if they could hear this application in an unbiased manner. Yes.

She then asked City staff if they had to seek out any help from other entities, in order to get this application complete. No.

Did anyone from the public express interest to City Hall staff? No

Jim Coffin tells the Board that Preferred Pump is currently on Water St in Gardiner. They have decided that it is time to move to the business park which will give them a bigger facility. The new 10,000sf building will also have a 1900sf lean-to on the building that will be used for storage.

1800sf will be used for office space.

Lighting will consist of 4 wall packs placed strategically on the building.

The business will utilize City water and sewer. There will need to be a pump station installed at the end of First Left Rd to accommodate the new business.

The business is looking for an early spring dig to start construction.

The business will have 15 parking spots and a dumpster on site that will meet screening and Ordinance requirements.

There will be extensive groundwork done at this site in order to get the grade that they need for the building. The excavation will go right up to the property line, and will leave a berm.

They will be planting in order to meet buffering requirements, and will be using non-invasive, native species.

Debbie opened public comment at 9:47pm and asked if anyone in the public would like to speak. There is not.

Chair Willis asked if any City Staff heard from anyone else. No. There were no outside services obtained to complete this application.

Chair Willis closed the Public Hearing at 9:50 pm.

Chair Willis continued with the review of the application.

Sections 6.5.1.2 through 6.5.1.13 meet all requirements.

Section 6.5.2.7 is good.

#### **General Performance Standards in Section 8 of the LUO;**

8.7 Exterior Lighting: Wall-packs are depicted on the site plan and cut sheets of these fixtures are included with this submission. All of the fixtures will be shielded so that light shines in a downward direction. *Electricity will be brought overhead to a pole at the end of First Left Road (Innovation Way) and then run underground to the west side of the new building.*

8.8 Noise: will not be an issue

8.11 Buffer yard & Screening Standards: *The project will use a partial screen along the roadway and a full screen along the rear and side property lines. Lisa St. Hilaire asks if they will be using non-invasive, native species. Jim Coffin answers yes.*

#### **Environmental Performance Standards in Section 9 of the LUO:**

9.1 Air Quality: *Dust will be controlled during construction by applying calcium and water as needed.*

9.2 Water Quality: *Stormwater runoff will be sent into the ditching shown on the attached site plan and then into a plunge pool before going through a level rock spreader to disperse flows before entering the existing pond.*

**Special Activity Performance Standards in Section 10 of the LUO:**

10.24.5.7.2 Free Standing Signs: *The applicant is proposing to erect a new sign in adjacent to the entrance at the end of First Left Road as shown on the Site Plan (C-1).*

Back to 6.5.1.2 -This proposal conforms to all applicable provisions of the Ordinance. Yes.

Chair Willis asks for a motion.

Pam Mitchel makes a motion that the review criteria have been met, and this application does comply to all applicable standards in this ordinance. Lisa St. Hilaire seconds the motion. No further discussion.

Roll call vote: Zachary Hanley- yes, Adam Lemire- yes, Pam Mitchel- yes, Lisa St. Hilaire-yes, Shawn Dolley-yes, Justin Young- yes, Chair Debby Willis- yes. All in favor.

Chair Willis asks the Board what they want to do with this application.

Pam Mitchel makes a motion that they approve this application. Lisa St. Hilaire seconds the motion. No further discussion. Roll call vote - Zachary Hanley- yes, Adam Lemire- yes, Pam Mitchel- yes, Lisa St. Hilaire-yes, Shawn Dolley-yes, Justin Young- yes, Chair Debby Willis- yes. All in favor.

Application approved.

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**Other:** The board will be meeting on March 23, 2021 for a second meeting this month.

**Adjourn:** Chair Willis asks for a motion to adjourn. Lisa St. Hilaire motions to adjourn. Shawn Dolley seconds the motion. Roll call vote: Zachary Hanley- yes, Adam Lemire- yes, Pam Mitchel- yes, Lisa St. Hilaire-yes, Shawn Dolley-yes, Justin Young- yes, Chair Debby Willis- yes. All in favor. Adjourn at 10:30pm