



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

Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

**PLANNING BOARD
MEETING MINUTES
Tuesday July 13 2021 @ 6:00 PM
VIA Virtual Conferencing**

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

1.Call the Meeting to Order- Chair Willis called the meeting to order at 6:00pm

2.Roll Call- Board Members- Pam Mitchel, Zachary Hanley, Adam Lemire, Shawn Dolley, Lisa St. Hilaire, and Chair Debby Willis. City Solicitor- Attorney Jon Pottle, City Planner- Mark Eyerman. City Staff- Tracey Desjardins- Economic Development Director, Kris McNeill- Code Enforcement Officer, Angelia Christopher- Planning and Development Assistant. Applicants- Robert Wheelock Jr., Paul Boghossian, Michael Lane. Abutting neighbors- Cheryl Clark, Auta Main, Phyllis Gardner, Logan Johnston, and Helen Gordon. Others- Jessica Lowell, Pat Hart, and Barb.

3.Review of the June 22, 2021 meeting minutes- Chair Willis asks if there are any corrections or comments in regards to the 6/22 minutes. Pam Mitchel makes a motion to accept the 6/22/2021 minutes as written. Lisa St. Hilaire seconds the motion. No further discussion. Roll call vote- Pam Mitchel-yes, Zachary Hanley-yes, Adam Lemire-yes, Shawn Dolley-yes, Lisa St. Hilaire-yes, Chair Debby Willis-yes. All in favor.

4.Public Hearing- Site Inventory and Analysis – Green ReLeaf Adult Use Cultivation- to use part of the space for an Adult Use Cultivation at 333 Brunswick Ave- Map 029 Lot 001 in the MUV district-

Mr. Wheelock, the business owner, is here to discuss the application. He proposes to use part of the space at 333 Brunswick Ave as an Adult Use Cultivation. He will continue to run the medical marijuana grow in the front part of the building, and will keep the two businesses completely separate per State rule. He tells the Board that he will follow State Office of Marijuana Policy rules as far as keeping the businesses separate with completely separate grows, separate entrances, etc.

Chair Willis asks if the application is complete. The Board agrees that it is. She then asks if the Board can hear this in an unbiased manner. Yes. Chair Willis then asks Kris McNeill if he had any outside help to complete this application. No.

Katrina Duffin is here to assist Mr. Wheelock in presenting this application. She works for Harvest Consulting, representing Mr. Wheelock. There will be a separate room built, that will be used for the Adult use cultivation. This will be set up in the unused back half of the building. There will be separate entrances, separate machinery, and anything else needed to keep them in OMP compliance. Pam Mitchel asks how many employees there will be as they will need to work out a parking plan. Mr. Wheelock states that there will be 3-5 employees and there will be 2 different parking lots for the two businesses. There will not be any retail sales at this establishment.

There was a lengthy discussion about distances, and how to measure distance from a local school in order to be in compliance with the requirements in the LUO. As of this meeting, the Board did not come to an agreement on how distances should be measured. Chair Willis asks for a motion to table this application until 7/27/2021. Pam Mitchel makes a motion to table this application until more information on the distance between the site and a local school is submitted. Lisa St. Hilaire seconds the motion. No further discussion. Roll Call vote. Pam Mitchel-yes, Zachary Hanley-yes, Adam Lemire-yes, Shawn Dolley-yes, Lisa St. Hilaire-yes, Chair Debby Willis-yes. All in favor to table the application. Board members should not discuss the details of the application. City Planner Mark Eyerman will be asked to help with the interpretation of the proximity and distance to the school.

5.Public Hearing- Site Inventory and Analysis – Eric McMaster would like to place a 14’x30’ building at 15 Lions Way- Map 029 Lot 001A in the MUV district- with the intent that this building be used as a commercial kitchen for adult use cannabis. – The applicant is not present for this application and does not have representation. Pam Mitchel would like to know how many employees there will be. She also asks about the lights that are described in the lighting plan and whether or not they meet the requirements of the ordinance. Kris McNeill states that he knows that they are downcast, but he will look to makes sure they meet requirements. Pam Mitchel asks about vehicular flow on the lot, and will there be enough parking. These questions could not be answered due to the applicants absence.

Chair Willis moves on with the application and asks the board if they can hear this application in an unbiased manner. Yes. The applicant has standing and Kris McNeill did not need any outside assistance on this application. The Board has decided that they need more info on the proximity issue and that this application will be tabled. Pam Mitchel makes a motion to table the application. Shawn Dolley seconds the motion. No further discussion. Roll call vote. Pam Mitchel-yes, Zachary Hanley-yes, Adam Lemire-yes, Shawn Dolley-yes,

Lisa St. Hilaire-yes, Chair Debby Willis-yes. All in favor. Mark Eyerman will look into this and get more information to the Board on proximity rules.

6.Public Hearing- Gardiner Green- Continuation of the May 11, 2021 meeting for the development at 150 Dresden Ave. City Tax map 032 Lots 023-023A in HDR—

Continuation of final plan- Lisa St. Hilaire will recuse herself as she is an abutter. Mr. Lane will be speaking as well as Mr. Boghossian when needed.

Chair Willis asks if the Subdivision application is complete. The Board agrees that they will need more information about the architecture of the proposed buildings. This proposal is for fifty-six units, however if Paul can obtain additional land, he tells the board that he will seek approval that the unit count be seventy. Attorney Pottle states that he was under the understanding that this proposal was for fifty-six units. If additional land was acquired, the applicant could come back to the Planning Board to request changes, to accommodate the additional 14 units. Attorney Pottle asks if they are asking the Board to approve something that might happen. Attorney Lane states that this proposal, at this meeting, is for fifty-six units.

The last time the Board met for this application, they asked for more information. The Board requested a statement of financial capacity. Mr. Boghossian has included a letter from Skowhegan Savings. It was also requested that there were architectural drawings of the 34 units to be done in the main hospital building in phase one. Pam Mitchel asks if there will be an updated stormwater plan. The applicant states that they do not need an updated plan as there is nothing changing. Board members disagree stating that the shape of the parking lot will be changing, which means the water will run differently than what is currently reflected on the stormwater plan. Also, on the maps presented for this meeting, in the location of the new stormwater drainage feature, there is a proposed building on top of it.

There is a lot of confusion about what work is to be done in what phase. Attorney Lane states that the parking lot changes were not happening during phase one therefore, those changes do not need to be on this map. At the last meeting on May 11, 2021, Mr. Boghossian stated that all parking lot changes would be done as part of phase one. This is one of the reasons why the board wants to know where the drainage water will go, because they were under the impression that the parking lot would be done in phase one. Mr. Boghossian states that phase one will consist of work to be done on Building 6, the main hospital building, only. There will not be any work done to the parking lot this phase. Mr. Boghossian goes on to say that there will not be any parking lot changes until the 3rd and final phase. There was a question about this, and if he is not doing any work on the parking lot until a much later date, what will tenants that have moved into the completed Building 6 do with their vehicles when the parking lot is dug up?

Chair Willis states that the Board is not comfortable agreeing on advance plans, without having a clear understanding and documentation of what work will be done, when. Chair Willis expresses that it is important

that the plat that the Board will sign after approval, be a direct reflection of what will be done at the site. One of the reasons the board has struggled with this application is because there is not a clear map that shows what is being done, in what phase.

On the maps presented for this meeting, there should be a 30' buffer/screening shown on the edge of the parking lot, and there is not. According to the LUO ordinance a 30' buffer needs to edge the parking lot in multifamily developments. Chair Willis states that the materials that came out in this version of the Site Plan application, make it impossible for her to determine what is going to be done in phase 1.

Attorney Lane requests a completeness determination on the subdivision plan application before getting into details about the site plan. Attorney Pottle asks if proper public notice was given for the Subdivision Plan. Yes. Chair Willis asks for a motion as to whether the subdivision application is complete. Pam Mitchel says the stormwater needs to be updated, and there needs to be some information about how construction debris will be handled. Pam Mitchel moves that the Subdivision Application is complete with the conditions that the applicant provide an updated stormwater management plan, and a plan for land clearing and construction debris. Shawn Dolley seconds the motion. No further discussion. Roll call vote- Pam Mitchel-yes, Zachary Hanley-yes, Adam Lemire-yes, Shawn Dolley-yes, Chair Debby Willis-yes. All in favor

The Board began to check the Site Plan submission requirements. There was a long discussion about how the Site Plan should look to properly present what would be happening, in what phase. The Board will need photos of neighboring homes, to determine how this development will fit into the character of the neighborhood. The application should also include architectural drawings of the new project, reflecting the appearance in the Dresden Ave neighborhood. This needs to be addressed in this application as HDR is the only zone in the City that has a provision identifying the need for projects to fit into the character of the neighborhood.

The board agrees that there needs to be a new site plan map, with a key for elevations. Also, the Board feels that Open space should be clearly identified on the plan, with a note in the text, referring to the area being used for open space being permanently restricted from development.

Mark Eyerman suggests that the plan that is labeled #1 the subdivision plan, dated 6/24, for the purpose of recording the subdivision plan in the registry, to indicate what the parcel is, where the easements are, where the existing improvements are. The subdivision plan should show only what is in black on 1, the proposed lots, the proposed easements, the existing improvements on the parcel together with the five proposed additional condo buildings. Note 2 makes it clear that the purpose of this plan is to essentially amalgamate the land and indicate that there is the potential to put 56 units on it. Mark Eyerman suggests taking that plan and screening down the existing portion of the lot that is not part of phase one, and take what will be phase one, and make that in full weight lines, and add what is shown in here in red for the portion of the project that would be phase one, that would say nothing about phase 2 and 3 that there is the possibility of 5 additional buildings with 9 units would

be added. There could be a text description that could go with this that says that the intention is that there would be a submission for proposals for phase 2, which would include simply the renovation of the boiler room building and building 5 and phase 3 would be submitted for site plan review. That would include the remainder of the site including the renovation of the family medical building, and the possibility of the 9 additional units and the renovation of the balance of the site improvements. Because that is all the planning board is being asked to approve at this time. The Planning Board cannot approve the subdivision plan that includes the parking lot plan that does not meet the LUO buffering and screening requirements. They also cannot approve a plan that shows how the drainage will work on the reconfigured parking lot because it hasn't been designed yet. Show phase one with the balance of the renovations ghosted in. The density bonus does not have to be on the subdivision plan. There should be a note about the open space area, which should be shown on the subdivision plan, which will be permanently restricted from development.

The group spent a fair amount of time discussing how the Site Plan should look, and what should be on it for information. Mark Eyerman states that a phase one Site plan should show the entire parcel/project, but the detail would be shown in bold drawing for phase one, with all future work shown in light drawing. The text area of the map should include notes describing work to be done in phases. Pam Mitchel adds that it is required that a lighting plan be included due to the size of the application. Kris McNeill states that the site plan should be an effort to show what will be existing conditions after phase one. It should show clear depictions of what the parking lot will look like, what work will be done to the buildings, buffering/screening, etc. The project, after Phase 1 is complete, should be obvious. Attorney Pottle states that if the applicant still intends to seek approval of 56 units as part of the subdivision plan, and also wants to phase Site Plan approval, that perhaps the site plan should be done first. If the Subdivision plan ends up being modified, the applicant will have to come back and complete the Planning Board process over again for the amendments. Attorney Pottle points out that the applicant should be defining this project, not the Board

This application will be continued to a later date, after Mr. Boghossian has time to make requested changes.

Chair Willis asks if there are any other board members that have questions or suggestions. No. All members agree that Gardiner Green should be the only item on an agenda. The next available Planning Board meeting is August 10th. City staff would need to have a complete application into the office by 7/27 at the latest in order to be on the 8/10 agenda. Mr. Boghossian will work to try to get Gardiner Green on the 8/10/21 Planning Board meeting agenda. If the applicant needs more time, the date will need to be September 14th.

7.Other Business- The next regularly scheduled Planning Board meeting is August 10th. The two applications from earlier this evening need to come back for full review. The Board agreed to meet again, in July, on the 27th, in which the two marijuana related applications that were heard this evening, and another application that the City has will be heard.

The first Planning Board meeting in August will be an in person meeting. The meeting scheduled for August 10th, will be in person, at City Hall. The City is working on accommodations for those that still want to meet remotely.

8.Adjourn – Chair Willis asks for a motion to adjourn. Shawn Dolley makes a motion to adjourn at 10:55pm. Zachary Hanley seconds. No further discussion. Roll call vote. Pam Mitchel-yes, Zachary Hanley-yes, Adam Lemire-yes, Shawn Dolley-yes, Lisa St. Hilaire-yes, Chair Debby Willis-yes. All in favor.