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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MEETING NOTES

Tuesday July 14 2020 @ 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 Willis asks for a Roll Call of Planning Board Members present- Pam Mitchel, Zachary Hanley, Lester Young, Shawn Dolley, Adam Lemire, - *Kristine Johnson- Absent*, Chair Debby Willis. Gardiner City Mayor- Pat Hart. City Staff present- Christine Landes- City Manager, Tracey Desjardins- Economic Development Director, Kris McNeill- Code Enforcement Officer, Anne Davis-City Tech Support, Angelia Christopher- Planning and Development Assistant. Applicants present- Roland Pinette and Jo Roderick- Iron Mine Mobile Home Park, Ken Crowley- Herbal Pathways, Jack Donahue and Monica Langelier- Buds for Life, Paul Boghossian- Gardiner Green, Amanda Melnick Maine Cannabis Consulting representing 280 Capen Rd Cultivation, Ryan Wilson- Commonwealth Poultry Members of the community here for the Public Hearing- Louise Soule, Robin Spencer, Elizabeth Kennett, Regina Lewis, John Bobrowiecki, Jr., Michelle Shaw, Sabrina Vasoll, Allyce Pepin, Barbara Oesterlin Heath, Auta Main, Colin Frey, Ronald Shea, Ian Burnes, Lisa St. Hillarie, Nathan Paquin, Richard Heath, Jean Phelps, Dennis Wheelock, Cheryl Clark, Thom Harnett, Helen Gordon, Donna Whalen, Scott and Laura Fossett, Garrett Parker Brown, James Spellman, Mary Jan Gray, Laura Burnham, Mary Ann Johnson, J. Lowell, Susan Shaw.

3. Review minutes from the June 9, 2020 meeting- Pam Mitchel has corrections- Page 2-the paragraph that starts with Kristine Johnson- asks needs to be after her name. Also requires should be require. Same page, next line spelling error needs to be all, not al. Page 3 last line need to make change- city's. Page 4, section 9 3rd line down, air- quality seals add this in. Page 5 top of the page, add the yes' after the names. On Page 6 Mitchel is spelled wrong twice. No other corrections. Chair Willis asks for a motion. Pam Mitchel makes a motion to

approve the June 9, 2020 minutes with the mentioned changes. Lester Young makes the second motion. Chair Willis asks for a Roll call vote. Pam Mitchel- Yes, Adam Lemire- Yes, Lester Young- Yes, Zachary Hanley- Yes, Debby Willis- Yes All in favor.

4. Public Hearing- Site Plan Review- Iron Mine Mobile Home Park- finish the current park to the State licensed 24 lots- - Mayor Hart presents on this matter. She states that this application will not be heard tonight. The City has found that this application needs to have more research done, specifically more legal review to make sure that this development proceeds in the proper way. That being said, the City is going to withdraw this application tonight until further notice. Additional information was received over the weekend that warranted further investigation. There will be notice when this application is ready to be placed back on the Planning Board agenda to be heard again.

5. Public Hearing- Site Plan Review- Gardiner Green- Rehab of the former hospital site at 150-152 Dresden Ave. to be done in phases. Phase 1 consists of rehabbing the original hospital building into 34 apartment units. Mayor Hart thanks the Planning Board, EDD, Etc. The developer has agreed to wait to discuss this with the community. The City has asked the Planning Board to pull the application for now, so that a workshop can be held to discuss this further. Planning Board is will not be hearing this application tonight as this application has been withdrawn from the agenda until after the public workshop happens. The workshop will be set up outside or in a big enough area, so that people can social distance, and listen to what the developer has to say. The members of the community would like to have the opportunity to hear more about the project, to ask questions, and voice their opinions. A workshop date will be set tonight. Debby, apologizes to both Planning Board members and Community members for holding a workshop that was not public, and where only three members were present. She goes on to state that if a workshop or additional planning board needs to be scheduled, it should be done at a planning board meeting, when members are present as opposed to trying to coordinate something via emails and phone calls. She goes on to thank the applicant, Paul Boghossian, for his willingness to work with the city and for agreeing to a very public workshop session.

The meeting will need to be Covid compliant and will allow for people to social distance. Attendees should follow protocol and wear masks. The first option for a location is the fire bays at the Fire station. The City has open access to this area; we just need to ensure that the Chief is notified ahead of time so that the firefighters can plan. Tracey Desjardins feels it would be in the best interests of all involved if we set a date this evening if possible. Chair Willis and several others agree this is a good idea. Planning Board members checked their schedules, and came up with a date of July 23rd, at 6pm for the workshop for Gardiner Green. This workshop will be held at 6pm at the Gardiner Fire station bays. There is a rain date scheduled for July 28 at 6pm, at the same location.

Please see the Public Comments submitted on this matter.

Thom Harnett: Thank you Mayor Hart.

Thom Harnett: Thank you Chair Willis.

Lisa St. Hilaire: How much notice will we have regarding workshop for Gardiner Green?

Cheryl Clark: we are very grateful to be heard and to be included in the future ...thank you

Pat Hart: Please put your names in the chat so we can reach out to you with updates. Thank you, Mayor Hart

Anne Davis: Lisa, I believe chair Willis will set the date tonight.

Auta Main: Thank-you Mayor Hart, Chair Willis, Tracey and all for opening the door to more critical conversation.

Lisa St. Hilaire: Thanks everybody. Please include me with updates.

Lisa St. Hilaire: yes please

Jean Phelps: I would like to be notified

Mitchel: Could we meet at the site?

Richard: Thank you everyone for your consideration.

Richard: Richard Heath

Barbara Estabrook: Barb and Penn Estabrook please keep us informed

Anne Davis: we will capture all of this and will be sure to get the information out

Elizabeth K.: Thank you for hearing us, I would like to be notified with updates

Anne Davis: absolutely

Lisa St. Hilaire: I think this project may require more than one meeting with residents.

Helen: Pleased keep us informed

Louise Soule: How about questions be submitted to the Developer before the workshop

Barbara Oesterlin-Heath: Barbara Oesterlin-Heath, please include me in updates.

lauraburnham: we really need to attend this workshop

Naomi: Please keep me informed with updates. Thank you for setting up a work shop. Naomi Gardner

Anne Davis: please send any questions to city staff, thank you

Thom Harnett: Community involvement makes for the best decision possible. The more voices that are heard and listened to results in an outcome that is supported by all.

Lisa St. Hilaire: As our comments are a matter of public record, would it be possible to put EVERYBODY's comments on the city webpage so we can all see what each other is thinking about?

Anne Davis: we may need to keep to 50 people gathering per the Governors order

iPhone207*****: please include me in notices of meetings and activities. Thank you for being responsive.

Garrett Parker Brown: Lay on a table and walk by single file for drawings

Lisa St. Hilaire: You should survey how many want to come... you might be over 50

Louise Soule: Louie Soule - if limited in number could we also do zoom. Thank you

Lisa St. Hilaire: Live Facebook is NOT interactive, just presentation style.

Auta Main: Live Facebook would be great!

Lisa St. Hilaire: I want a forum in which we can actually SPEAK to the developer and the board.

Lisa St. Hilaire: FB live is NOT that forum.

Nathan Paquin: ^ agree

Cheryl Clark: why not Johnson hall

Lisa St. Hilaire: Will you give priority for in person to abutters and Dresden Ave neighbors?

Anne Davis: JH is too small for 6 feet distance

Garrett Parker Brown: Having no means of meeting in person is borderline prejudice against the more senior citizens living on abutting property that are not technologically inclined.

Kadrienne: Please confirm the date

Thom Harnett: Munzing Media might be able to help you.

lauraburnham: can we also get a transcript written up so that questions asked can be distributed to residents.

Lisa St. Hilaire: Agree very much w/ Garrett

Garrett Parker Brown: Can he not write up a paper for each slide?

Lisa St. Hilaire: Please make it available prior to the workshop.

Scott and Laura Fossett: digital images of developer's plans can be shared over Zoom

Anne Davis: thank you Scott

Barbara Estabrook: what time???

iPhone207*****: Our written comment would be helpful, Mary Ann Johnson, thank you for accommodating to community requests.

Jean Phelps: what is the developers name?

Lisa St. Hilaire: Paul Boghossian

Pat Hart: July 23 at 6pm in the Gardiner Fire Station

Nathan Paquin: Anne had mentioned that we should submit our questions to the town. What email address should we use?

Garrett Parker Brown: Are there stats on the average tenant of the developers current income properties? (I.e. average household size, average income, general age group, commuter status, etc.)

Scott and Laura Fossett: thank you for including input and comments from the neighborhood residents.

Auta Main: Thank-you!

Anne Davis: achristopher@gardinermaine.com would be the email address for comments

Richard: Thank you

Nathan Paquin: thanks @Anne

Thom Harnett: Thanks all.

Anne Davis: thank you

Pat Hart: Thank you for your input everyone, Mayor Hart

6. Public Hearing- Herbal Pathways LLC – Ken Crowley is seeking to open an Adult Use Marijuana Retail Store at 35 Bridge St. Mr. Crowley is looking to open an adult use retail store, as soon as the State of Maine approves his application for recreational use. He currently has a conditional license. He states that he will be selling adult use marijuana, edibles, tinctures, etc. Pam Mitchel asks where his store front will be, and Mr. Crowley states that it will be in an empty spot in the building that currently houses Dunkin Donuts and Emery’s Meats. This appears to be the spot where Curves used to be. Chair Willis asks the board if they can hear this application in an unbiased manner- Chair Willis asks for a roll call. Pam Mitchel- yes, Adam Lemire- yes, Lester Young- yes, Zachary Hanley- yes, Shawn Dolley- yes Chair Willis- yes. All are in agreement. She then asks if City staff got everything they needed to submit this application. Staff answered- Yes

Chair Willis opens the public hearing for comment.

Chair Willis asks City Staff if any of them were contacted to discuss this proposal.

Tracey Desjardins, Kris McNeill and Angelia Christopher all reported no inquiries on this proposal.

There are many questions/comments in the chat boxes on Zoom-
The question/comments will be included at the end of this application.

Chair Willis closes public hearing and comment,

Chair Willis will begin to review the application, but stops to first thank Mr. Crowley for an excellent application. The applicant has even included information from another City’s fire dept., which refers to the use of Knox Box entry systems in the event of an emergency. The applicant has chosen a location that is more than 1000ft from a school, and more than 200 ft. from another marijuana facility, so he is within the distance requirements of the ordinance. Both Police and Fire chiefs have reviewed this application, approved it- and

included letters of support in this application. Pam Mitchel inquires about the letter from the Fire Chief, as she does not remember seeing it. Mr. Crowley sends it again during the meeting for the file.

Chair Willis goes through the criteria questions.

Review criteria

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

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. **Herbal Pathways business and activity that is associated with Adult Use Marijuana Store will not result in any water pollution, erosion or sedimentation to water bodies.**

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste. **Herbal Pathways has one bathroom located in its leased unit. Which will be adequate to accommodate its employees. Herbal Pathways will not produce any other wastewater or solid waste at its store. Bathroom is for employees only.**

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. **Herbal Pathways believes since other like businesses are located within the same building that Herbal Pathways business will have no impact related to 6.5.1.5**

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. **Herbal Pathways believes since other like businesses are located within the same building that Herbal pathways business will have no adverse impact upon waterbodies and wetlands.**

6.5.1.7 The proposal will provide for adequate storm water management. **Herbal Pathways will be just asking for a change of use and believes the property has shown to have adequate storm water management.**

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. **Herbal Pathways will conform to Shoreland Zoning if found to be in Shoreland zoning. But Herbal Pathways has no intention to discharge or encroach upon any wetland or Shoreland.**

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements. **Mr. Crowley had answered that this was N/A. Pam Mitchel states that this is in the Floodplain, and it is in fact. It is also within the 100 yr. He is not required to do anything with this development though, because the floodplain rules apply to the construction or development of a new building. He is not building anything new, he is only changing use.**

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. **The existing water connections within the unit will be sufficient to meet Herbal Pathways employee needs**

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity. **Since Herbal Pathways will not be discharging anything other waste water from bathroom toilet, and sink to the sewer system, it will not have any effect on groundwater**

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development. **There are numerous entrances and exits, and parking lot is stripped, and room for pedestrians to walk to and from businesses to their vehicles.**

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. **Nothing from Herbal Pathways business will be done to the outside of the building, so there will be no reduction of the quality of any municipal services needing to be performed**

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance. **Herbal Pathways is financially capable to open and operate it business at 35 Bridge St. Owner Ken Crowley had the technical knowledge to operate adult use marijuana businesses.**

Mr. Lester Young asks for proof about Mr. Crowley's financial capacity. There is evidence in the application that he is running other facilities in another state, but we know nothing of his financial capability. Mr. Crowley states that in order to get a conditional license with the State of Maine you need to send in your financial info, and where the money is coming from. During the application process State of Maine received a full financial report as part of his license application. Planning board has his conditional license, but does not have the application. Pam states that it could be made a condition of approval. It would benefit the Board to find out the States application process, so they would know how that process works. Mr. Crowley states that he can send the financial information that the state as well as a copy of the application. Lester Young feels that the board needs to see what the States application looks like, what they are asking for as part of the application process.

General Performance Standards-

Lighting- Pam Mitchel asks him about lighting. Mr. Crowley states he will have some lights that are motion sensed, and that all lighting will be directed down, and will meet all ordinance standards.

Environmental standards- Pam Mitchel asks about odor. Marijuana can give off quite an odor, how do they plan to control it? Mr. Crowley states that most of his product, comes pre-packaged, or is in jars. These measures, will keep the smell minimal, if not non-existent, so the smell should be manageable.

Solid waste- Pam Mitchel asks what kind of solid waste will they have and how will they handle it? Unused, or unsellable items will be isolated, stored in a locked room and eventually picked up the seller. There is also a dumpster for the business to use for papers and basic garbage, which has been supplied by the property owners, but it will not be used for marijuana based materials from the business. *Comments from John Bobrowiecki- building owner-'We have a provision in the lease that no use can take place on the premises at all. We were concerned that that was included.'

John Bobrowiecki – 'There is a dumpster available'. John bobrowiecki

Anne Davis: Thank you John

General Performance Standards

Section 10 signs

The business will have a sign that will need to be approved by the CEO. Mr. Crowley reports that the former buildings signs will be taken down, and his business' signs will be put in place of them.

John Bobewecki : 'Curves signs will be replaced with this business' signs and any signage will be approved by the CEO'.

Section 11- Parking standards- This is not a concern. There is plenty of parking in the established parking lot.

Back to 6.5.1.2- Does this proposal conform to all applicable standards of this Ordinance? Yes

Chair Willis asks for a motion. Pam Mitchel makes a motion that this project conforms to all applicable provisions of the ordinance. Zachary Hanley makes a second motion. Chair Willis asks for a roll call vote. Pam

Mitchel- yes, Adam Lemire- yes, Lester Young- Abstain, Zachary Hanley- yes, Shawn Dolley- yes Chair Willis- yes. Approve by a vote of five in favor- One abstain.

Chair Willis asks what the Board wants to do with this application. Pam Mitchel makes a motion that we approved this application. Adam Lemire seconds the motion. Chair Willis asks for a roll call vote. Zachary Hanley- yes, Pam Mitchel- yes, Lester Young- abstain, Adam Lemire- yes, Shawn Dolley- yes, Debby Willis- yes

Approve by a vote of five in favor- One abstain.

Application is approved.

Please see the Public Comments submitted on this matter.

Cheryl Clark Thanks to the citizenry of Gardiner for taking part in this public hearing... I'm not crazy about more Marijuana enterprises in our downtown but perhaps the free market will "weed" them out. Please stay involved as we bring public input to bear on proposed high density housing to Gardiner

Darcia Aronson Unfortunately Gardiner has never cared about green spaces. This is concerning the trees and tree removals. Please consider the nature when you grow our city.

Mary Ann Suozzo Johnson I believe There is a dance school 4 buildings from 325 Water St.

Darcia Aronson Mary Ann Suozzo Johnson it is two buildings away from the McKay Park. 307-305 is next to the park

Darcia Aronson McKay Park should be an ADA accessible park to the Water Street. Please look at this matter

Mary Ann Suozzo Johnson Does McKay Park constitute a place where children will congregate?

Cheryl Clark · Mary Ann Suozzo Johnson it would if we put in a jungle gym 😊

Angel Kuhn · I'm for it!!

Teresa Zardus · <https://www.drugabuse.gov/.../marijuana/marijuana-addictive>DRUGABUSE.GOV

Is marijuana addictive? | National Institute on Drug Abuse

Is marijuana addictive? | National Institute on Drug Abuse

Cheryl Clark: is this the curves building

Tracey Desjardins: yes

Cheryl Clark: is this an all cash business

Elizabeth K.: Why do we need more marijuana shops? What kind of City are we becoming?

Garrett Parker Brown: it's illegal for banks to hold profits off of schedule one drugs so yes it would have to be

Garrett Parker Brown: generally marijuana storefronts have safes inside and have a higher likelihood of break-ins for that being a known issue

BAILEYS: Chair Willis,

iPhone207*****: May I ask what happened to the moratorium on Marijuana businesses allowed in the City?

Elizabeth K.: What kind of message is this sending us 14 year olds? (Julian K)

BAILEYS: We are the landlord of this site. We have met with the applicant, he has a number of successful shops in Mass and has presented us with a very substantial plan. John Bobrowiecki

Kadrienne: Please address the number of shops in our town and why we need another.

Cheryl Clark: my understanding is that all grower and sellers have to be local

Garrett Parker Brown: there have to be more marijuana shops due to a restricted amount of on-hand product making it an artificial shortage leading to more establishments being needed generally, to Julian, as someone who was recently a teenager in Gardiner it is incredibly easy to find illicit marijuana, and more legal storefronts increase product safety, how is every gas station and supermarket selling tobacco and liquor any different?

Elizabeth K.: I would like to know why we need these as a community, as I'm 14, I would like to know what this message is saying to people of my generation as well as younger. As far as I've learned in school we should not be supporting this type of business or any business that is producing addictive substances. This would also go for the vapor stores which we go by daily when we go to run our errands.
--Julian K

Garrett Parker Brown: Marijuana is proven to be nonaddictive for physical dependency, which is generally the definition people go by for addiction, however people may become reliant on its use

iPhone207*****: Will it then be acceptable to have a store in every available open store front on Water St?

Garrett Parker Brown: gotta get property taxes somehow

Cheryl Clark: that's crazy but I hope the "market" will make eliminations...

Cheryl Clark: about city parks

Anne Davis: Sorry Cheryl, didn't see the comment until the hearing closed. We will make it part of the public record.

Dennis Wheelock: Both the Police & Fire Chief have given their blessing.

iPhone207*****: Is the waterfront considered a place where children congregate?

Dennis Wheelock: Mr. Crowley stores are very high end and will be an asset to our community. Having been a business owner for over 30 years in Gardiner I strongly support this applicant.

Garrett Parker Brown: if anyone wants to see an extensive interactive map of most marijuana locations you can go to weed map's website

Garrett Parker Brown: is the distance requirement specific to recreational? I know the medical dispensary at the old train station is well within 1000ft of the waterfront

Anne Davis: let me get an answer for you

Cheryl Clark: how many will be allowed?

Anne Davis: Cheryl, to what are you responding?

Cheryl Clark: how many marijuana stores are allowed?

Anne Davis: Retail?

Tracey Desjardins: The current ordinance does not have a cap on how many the city can have.

Cheryl Clark: good grief...the Ghetto of Gardiner

Anne Davis: it is a distance factor between stores

Tracey Desjardins: yes 200 feet

Elizabeth K.: Next, the Gardiner Water Street Red Light District. Sheesh!

Dennis Wheelock: The Landlord has reviewed this and has been willing to enter into a lease. Do you do this with other businesses in Gardiner that want to lease space?

iPhone207****: Ann Davis, I'm not sure if 325 Water St is or isn't w/in 200 Ft of 53 Bridge St.

Garrett Parker Brown: it's about 350ft

Tracey Desjardins: The CEO measures out the distance between the stores.

Garrett Parker Brown: 200 ft. from 325 is the beginning of the banks parking lot

Anne Davis: thank you, I don't believe we can answer that on the fly. Can you check with our CEO tomorrow?

Kristopher McNeill: It is measured along the city right of way, not across the stream

Garrett Parker Brown: it is all sold in Air tight container

Anne Davis: thank you CEO McNeill

BAILEYS: We have a provision in the lease that no use can take place on the premises at all. We were concerned that that was included.

BAILEYS: There is a dumpster available. John bobrowiecki

BAILEYS: Curves signs will be replaced with this business. Any signs will need to be approved by the CEO

Anne Davis: Thank you John

Elizabeth K.: Concern that Water Street will no longer be family friendly

Anne Davis: Thank you for sharing your concerns

iPhone207*****: And would there be no smoking regs applied to any business within 20 ft. of a door or opening in the building complex?

Garrett Parker Brown: you already cannot smoke marijuana in public

Pat Hart: Thank you Chair Willis and members of the Planning Board for your service to our city!

Anne Davis: Cigarette?

Garrett Parker Brown: Congrats Mr. Crowley

Elizabeth K.: :(

iPhone207****: GPB, what does that really mean and who will police it?

Garrett Parker Brown: no one will, but the same can be said about illicitly obtained marijuana

Anne Davis: May I ask audience to not chat back to each other? All questions should be addressed to Board

Garrett Parker Brown: my apologies, not used to zoom decorum

Anne Davis: Not a worry, brave new world!

Elizabeth K.: That's okay Debby, you should see my face, as I treat people with addictions for a living. . .

Regina Lewis: This application is wonderful. Thank you for you for the legitimate business and filling a void in services in this area.

Anne Davis: We will be sure this is captured in the record

7. Public Hearing Site Plan Review- Commonwealth Poultry- Extensive renovations of existing building at 55 Industrial Dr.

Chair Willis asks if Planning Board if they can hear this application in an unbiased manner. Chair Willis asks for a roll call. Pam Mitchel- yes, Adam Lemire- yes, Lester Young- yes, Zachary Hanley- yes, Shawn Dolley- yes Chair Willis- yes. . She then asks if City staff got everything they needed to submit this application. Staff answered- Yes

Ryan Wilson- Owner, is looking to expand and renovate the existing property at 55 Industrial Dr. This expansion will triple their current operating system. The business will be more automated, and the current production rate will go from 6 birds a minute to @15. This project will allow Commonwealth to get more work done, in a shorter time span. Mr. Wilson states that the business will not need two shifts likely after this change, and will be able to get more work done, in one shift.

Chair Willis opens the public hearing for comment.

Chair Willis asks City Staff if any of them were contacted to discuss this proposal.

Tracey Desjardins, Kris McNeill and Angelia Christopher all reported no inquiries on this proposal.

Please see the Public Comments submitted on this matter

Dennis Wheelock: This is a great business that wants to stay in Gardiner. He employs over 30 people. They are a USDA approved facility. Please approve the application.

Regina Lewis: Thank you to the planning board and for holding this on zoom so that we could attend.

Tracey Desjardins: Your welcome Regina.

Anne Davis: Thank you Dennis

Dennis Wheelock: Congratulations Ryan.

Chair Willis closed the public hearing and closed public comment.

No waivers were requested for this application

There was a discussion about whether or not the application was complete. After discussing forms, and details, it seems that the application is complete. There is a tax map, in a different format, and the cost is on the application. Pam Mitchel asks about evidence of ownership- This business was recently purchased, and some documents (tax maps, cards) have not been updated yet. Angelia Christopher, Planning and Development Assistant has researched the deed, and found that STTR1, Inc., of which Ryan Wilson is a member of, is the current owner of Commonwealth Poultry. The estimated cost of this project is 300,000. There is a good description of the project, and there is a good site map.

Chair Willis will review criteria for the application.

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

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 modifications to the structure will have no effect on pollution, erosion or sedimentation into water bodies.**

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste- **The proposal provides for the adequate disposal of wastewater and solid waste. Ryan Wilson states that Solid waste is dealt with by composting in containers. Doug Clark- City of Gardiner Director of Wastewater submitted a letter stating that the facility has the capacity to handle the planned expansion.**

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 resource-**The proposal will have no adverse effect upon wildlife habitat. Project is not in a unique natural area there is no shoreline, scenic area or archeological and historic resources**

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. **The proposal will have no adverse effect on wetlands or waterbodies.**

6.5.1.7 The proposal will provide for adequate storm water management. –**The proposal provides for adequate storm water management.**

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. –**The project is not within Shoreland Zoning.**

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements. – **The project conforms to all Floodplain Management requirements**

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. **Sufficient water is available to meet the projects needs**

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity- **proposal will not 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-existing building, **this proposal will provide for safe and adequate vehicle and pedestrian circulation. There will be no additional traffic at this time.**

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.- **Proposal will not result in a reduction of the quality of any municipal service**

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance. –**Financial and technical capacity is adequate to meet the provision of this ordinance. Planning Board would like a letter stating financial capacity from the owner's financial institution. This will be a condition of approval.**

Site Review Criteria:

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; **All criteria is met**

6.5.2.2 The proposal will not have an adverse impact upon neighboring properties; **Proposal is in accordance with the character of the site. Adam Lemire asks if the Richmond neighboring property needs to be considered, as the house is very close. The buffers and screening for this project are very well set up, and follow the rules of the ordinance.**

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; **Proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land**

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; **Building site and roadway design will harmonize with the existing topography and conserve natural surroundings and vegetation to the greatest practical extent.**

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; **Proposal will reflect the natural capabilities of the site to support the development**

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; **proposal will provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area. Building entrances/exits will connect with the parking areas.**

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; **Proposal is not within an urban area**

6.5.2.8 Proposals with multiple buildings will be designed and placed to utilize common parking areas to the greatest practical extent; **Common parking area is designed into the project**

6.5.2.9 Building entrances will be oriented to the public road unless the layout or grouping of the buildings justifies another approach. **Entrances are aligned with public roads**

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. **Building is not viewable from a public road**

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. **Project will not be affecting the exterior of the building which constructed as similar building in the area**

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. **Amenities are appropriate for the area.**

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. **Proposal does not include or require drive-through service**

Section 8- General Performance Standards- **Will they be changing outside lighting? *No-they will be using the same standard of lighting that was approved in the original development.***

Section 9 Environment Standards- **Stormwater is directed to the retention ponds in the park. Nothing is stored outside, so this is not at a concern.**

Section 10- Special Activity Standards- **Pam Mitchel asks if there will be a Sign. *Mr. Wilson reports that there are no signs***

Section 11- Parking Standards- **parking will not change at all.**

Adam Lemire asks about the state of the building right now. Mr. Wilson states it is a shell- roof, walls, floor, etc. Some plumbing, bathrooms. No windows, there is a garage door. From the plan that Adam has, there are no exterior doors, will there be doors? Mr. Wilson states at that there are doors now and there will be more, they are just not shown on the map. Lester Young asks if they will be USDA inspected. Mr. Wilson states that they are USDA already, and will continue to be. Mr. Young asks what type of floor they need for USDA qualifications. Mr. Young asks if they will have nonskid floors, and Mr. Wilson answers no.

Will the Fire Dept. go and do safety inspection? Kris answers that the Fire Marshal will go and do their part of the safety inspection.

This application looks good.

Chair Willis asks for a motion; Pam Mitchel makes a motion that this proposal conforms to all applicable provisions of this ordinance, with conditions that we receive a letter from the bank stating financial capacity.

Lester Young makes a second motion. Chair Willis asks for a roll call vote. Lester Young-yes, Pam Mitchel-yes, Shawn Dolley-yes, Zachary Hanley- yes, Adam Lemire- Debby Willis- yes.

Chair Willis asks what the Board would like to do with this application; Pam Mitchel makes a motion that we approve this application with the mentioned condition of a financial letter. Shawn Dolley seconds the motion.

Chair Willis asks for a roll call vote. Lester Young-yes, Pam Mitchel- yes, Shawn Dolley-yes, Zachary Hanley-yes, Adam Lemire- Debby Willis- yes. All in favor- no further discussion.

This application has been approved.

8. Public Hearing: Buds for Life: Monica Langelier is looking to open a Medical marijuana retail store at 325 Water St. –Chair Willis asks board members if they can hear this application in an unbiased manner- Chair Willis asks for a roll call. Pam Mitchel- yes, Adam Lemire- yes, Lester Young- yes, Zachary Hanley- yes,

Shawn Dolley- yes Chair Willis- yes. The City did not have to reach out to any outside services to process this application.

Ms. Langelier states that they are asking for a change of use. Ms. Langelier plans to open a retail store to sell medical cannabis, edibles, tinctures, oil and others products. No manufacturing or extractions will be taking place in this business. This is an existing building, which had been operating as a retail shop. The applicant has supplied a floor plan, and discussed a security plan. Pam Mitchel asks for a lease agreement. There is an email from the property owner stating this type of business is allowable.

Chair Willis opens the public hearing for comment.

Chair Willis asks City Staff if any of them were contacted to discuss this proposal.

Tracey Desjardins, Kris McNeill and Angelia Christopher all reported no inquiries on this proposal.

Please see the Public Comments submitted on this matter

Cheryl Clark: the applications says medical not recreational

Anne Davis: That is correct

Cheryl Clark: how will the operations of a medical or recreational store be different?

Tracey Desjardins: Cheryl this will be defined by the state

Anne Davis: Cheryl, they adhere to different state statutes

Chair Willis closes the public hearing and public comment.

Chair Willis will review the application.

Review criteria

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

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. **No, it will not. This is an existing building.**

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste. **Yes, it will. This is an existing building.**

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. **No, it will not. This is an existing building.**

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. **No, it will not**

6.5.1.7 The proposal will provide for adequate storm water management. **Yes, it will**

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. **Yes, it will**

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements. **Yes- this application does not require any modification or construction.**

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development. **Yes, it will**

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity. **No, it will not**

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

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, it will not- The board has requested letters, from Gardiner Fire and PD Chiefs. Ms. Langelier will work on obtaining these.**

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance. **Yes – The board is requesting a letter from the applicant’s financial institution stating financial capacity. Ms. Langelier also states that she has been a partner in a successful cultivation facility for many years in a neighboring municipality.**

The cost of the project? **Cost for set up should be roughly \$5,000 with a counter, Point of Sale system, etc.**

Kris McNeill asks if they will be selling their own product. **Yes.**

Will they be doing any manufacturing on site? Extractions? Edibles, etc.? **No.**

Adam asks about the space inside the store, where the door is to the laundry for the tenants. **It is explained that there is a lock that will not be accessible to anyone else but the owners of Buds for life.**

Pam Mitchel asks about security- **Jack Donahue explains that there will be door alarms, and likely motion sensors.**

Solid waste- **They will have access to a dumpster- will be using it for minimal paperwork, everyday trash.**

No changes to exterior lighting – **they will be using the lighting that is currently installed outside of the shop-**

Environmental Standards- **this is an existing building – Pam Mitchel inquires about Odor. Ms. Langelier and Mr. Donahue report that everything will be in sealed containers.**

There will be no use of product to be allowed on the premise

Section 10 Special Activity Performance Standards- **Signs-They do not have a sign, yet. They are working on one, and will discuss this further with the CEO before purchasing one. There is a hanger already in place at the store front that they will use.**

10.29 Marijuana Establishments- The establishment needs to be 200ft from another provider, needs to have a conditional license from the State of Maine. The business cannot be open for business from 8pm- 8 am.

Chair Willis asks for a motion-

Pam Mitchel makes a motion- This proposal conforms to all applicable provisions of this ordinance, with the condition that they provide a letter stating their financial capacity. Zachary Hanley seconds. Chair Willis asks for a roll call. Pam Mitchel- yes, Adam Lemire- yes, Lester Young- abstain, Zachary Hanley- yes, Shawn Dolley- yes Chair Willis- yes. Approve by a vote of five in favor- One abstain.

Pam Mitchel makes a motion to approve this application with the mentioned condition. Adam Lemire seconds the motion. Chair Willis asks for a roll call. Pam Mitchel- yes, Adam Lemire- yes, Lester Young- abstain, Zachary Hanley- yes, Shawn Dolley- yes Chair Willis- yes. Approve by a vote of five in favor- One abstain. Application is approved.

9. **Public Hearing- Site Plan Review-** 280 Capen Rd Cultivation expansion- Charlie Crapps is looking to build a 40'X60' building as well as a 50'X30' greenhouse for the cultivation of both medical and adult use marijuana. Does the board feel that there is sufficient information? Does the board feel that they can hear this unbiased- Chair Willis asks for a roll call- Pam Mitchel- yes, Adam Lemire- yes, Lester Young- yes, Zachary Hanley- yes, Shawn Dolley- yes Chair Willis- no Chair Willis lives very close to the vicinity of this application, she states that she will step aside as chair, and will have Pam Mitchel fill in as acting chair. Debby Willis will help Pam with the order of the meeting, only.

Did Code Enforcement/Planning Dept. have to acquire additional services for this application? No.

Amanda Melnick, the owner of Maine Cannabis Consultants-tells the board that she is the agent for Charlie. He has been growing medicinally at 280 Capen Rd and now wants to expand to continue to grow medical and eventually adult use. No questions.

Debby will open the meeting for public comment

There is one comment in the chat-02:12:52 Regina Lewis: 'I need to leave the meeting prematurely. I need to bring to the board's attention issues concerning the application for 280 Capen Rd. First, how will security be made? Currently there is a split rail fence on the road side of the property only. This is certainly not adequate as potential vandals could enter the property from my, as well as other abutters to steal product, thus increasing the criminal activity to the area. Not a good situation for those of us wishing to live safely in a rural area and family neighborhood. Second, we live near the current facility and the noise when the fans begin and it sounds like helicopters surrounding our home and we live on 13+ acres in the woods. This is certainly not a desirable situation for us and we are anticipating passage of this application and thus are seriously looking at moving from this area, ending over 30 years of peaceful habitation. Please reject this application?'

Chair Willis points out that the map that is included with this application, has wrong information on it. She had mentioned at the beginning of this application that she lived near the site of the business. The map presented with the application states that she and her husband own property behind 280 Capen Rd. Chair Willis explains that she and her husband do not own that property, and never have. So the map presented in this application, is wrong.

Chair Willis asks City Staff if any of them were contacted to discuss this proposal.

Tracey Desjardins, Kris McNeill and Angelia Christopher all reported no inquiries on this proposal.

Chair Willis closed the public hearing and closed public comment. She then turns this application over to Pam Mitchel to assume the role of chair.

The Board discussed application completeness. This application is being heard as a site plan review- Pam Mitchel feels that it might not be complete.

The board decides to go through the application for completeness. The fee is paid. There is an estimated cost, and a description of the development. The application shows existing conditions, and proposed conditions. One of the requirements of a Site Plan review, is a site plan drawn by a professional architect. Pam Mitchel questions if this application could be read as a Planning Board application instead. Kris McNeill states that this application requires a Site Plan review due to the total increase on impervious surface that occurred within the last five years. Amanda Melnick, agent for the applicant, states that she was told that they had everything they needed to move forward with this application, and now they are being held back due to a site plan. Pam Mitchel states that she does not agree, if they are doing a Site Plan review. In order to do Site plan review this application will need a site map drawn and sealed by a professional architect. There will also need to be a stormwater plan which addresses sedimentation control. This application, in its current state, does not have these items. Lester Young points out that there will also need to be a noise study to address the impact on the area from the increase in fans on the buildings. Amanda Melnick is not sure about the noise from the fans, but states that perhaps the fans can be changed out to lower the sound. There would still need to be a noise study for this application. The increase in fans, the increase in building, increase in production, possible increase in staff and the fact that there has been a road built in the past few months, leads to the likelihood that the noise levels have increased as well in this rural area

It appears this application is not complete, and may have come back for review either at the August meeting or at a later date.

The split rail fence that was mentioned in the public comment, is open on the sides and does not appear to wrap around the sides of the property. Amanda Melnick points out that a fence is not necessarily what would be used as a security measure in such a facility. Amanda states that there are alarms, cameras, motion sensors that are used for security purposes. Pam Mitchel asks if the cultivation is done inside or out. All cultivation will take place inside. There will be an identical building built, and a green house, which will vastly increase their cultivation space. There are pictures included with the application of what the proposed building will look like. There are no plans or photos of the proposed greenhouse. All of these buildings will be alarmed, and secure. Planning Board explains that there needs to be a professionally designed/stamped Site map, a noise study, and a stormwater management plan in order to make this a complete application.

Amanda Melnick states that she is frustrated because she had everything lined up and was then told she didn't need it. She feels that because this application as it sits today, is incomplete, having to wait for the next available slot in a Planning Board meeting, (2 months) is too much. She asks if there is anyway if the Board can review the info that is present on the application, so that that part is out of the way. Board members discuss the possibility of adding another meeting date, considering how many applications are coming in. Tracey Desjardins states that is something that we have been trying to put together, the possibility of having two meetings a month during busy times. Would it be possible that we do two meetings in August? While we are doing meetings via Zoom, it should be easier to coordinate. The first meeting is held on August 11th and

perhaps August 25th would be a good date to do a second meeting. Ms. Melnick asks about when she would need to have information in for the 8/25 meeting. It looks like the date for turning in applications would be 7/28, but that likely will not be enough time. Ms. Melnick reports that they would need to contact Sebago technics to find out when they can come out for a survey. Kris asked if the decision had been made about whether or not the stamped site map can be waived. Les states even if a site map could be waived, the Board cannot make any decision without the noise study. Kris states that the noise study can be a condition. Acting Chair Mitchel states that the noise study is a standard and cannot be conditioned. Amanda Melnick will work to try to get the requirements done in time for the August 25 meeting. As long as the application is turned in by 8/7, it will be fine for the 8/25 meeting.

The Board needs to make a decision about this application, and whether or not they will waive the Site plan requirement. There is a site map included in the application, but it is not prepared by a professional engineer and does not have all the information that it should. Shawn Dolley asks what could be gleaned from such a map, what would the benefit be from obtaining one? Kris reports that there would be more accurate topography, landscaping, things like that. He questions the need for a formal site plan. There's really no stormwater going on at the site, and landscape is staying the same, aside from a little dirt road. Chair Willis asked 'A little dirt road?' Pam Mitchel asks Kris McNeill how long the road is, and he is unsure how long it is. The issue is that there is now a road, that wasn't there. Chair Willis states that the dirt road was built while she has been working on her porch, and that is why she has removed herself from chairing this application.

Shawn Dolley states that we should set a precedent, for all applications, to have what they need, and what is required for Planning Board applications. If the Board lets one application 'slide', that could open the door to other applicants not submitting information that is required.

In regards of what will be needed for this application: a traffic study is not needed, however the board does need an estimate of trips per day. They would also need to know where employees will park, which would show on a site map. The Board would also like a letter to show financial capacity. The Board is also requesting letters from Gardiner PD and FD. Ms. Melnick reports that in order to get the license from the state, they need to have those letters anyway. Pam Mitchel asks if they will have a sign for the business. Amanda Melnick reports that there will not be a sign.

What say you Board yay or no on a professional site plan? All members feel that there needs to be a professional version Site plan Map. The map should include topography with numbers. Stormwater management and erosion control also needs to be addressed with this application.

There is a discussion about 2 different application versions. It seems that not all Planning Board members have the updated application that has criteria questions filled in. This turned the discussion back to Amanda Melnick who voices frustration again, about not being given clear instructions for this process. Ms. Melnick apologizes to the board, for wasting everyone's time with an application that is not complete. Chair Willis speaks up and

explains that it is City staff at fault, for the confusion and miscommunication, and she has no reason to apologize.

Pam Mitchel asks about lighting and will there be any changes- Ms. Melnick reports that there will be no changes to lighting and they will be using the same kind of lighting that is existing on the new buildings. They need to comply with the Adult use regulations for lighting standards too, so lights need to reach out at least 10' from the building. She assures the LED lights will still be pointing downward though, and not shining in any neighborhood homes or buildings.

Pam Mitchel asks if there is a dumpster. Ms. Melnick is not sure if he has one or not, but she will check. She does not know that any unused material has to be ground down and mixed with non-marijuana based material. Anything that can be composted, is. Pam Mitchel asks if this facility heated. Ms. Melnick states that it is heated and cooled, especially cooled in the summer as the lights make the facility very hot.

Visually harmonious with the environment. Pam drove by the building the day before the meeting and felt that it fell into category with the other buildings in the neighborhood. There are questions about what the greenhouse looks like, and there doesn't appear to be a definite plan for it yet. There doesn't appear to be any standards for greenhouses in the ordinance. The question of 8.11 screening comes up. When the application is reviewed, screening will be discussed. It looks like there should be screening along the front of the property.

Adam Lemire asks what exactly the board is looking for. Pam Mitchel states that the Board is looking for a site plan, that is drawn to scale, with buildings drawn in in the proper places on the property, showing setbacks and buffers, the new road, label all structures as existing or proposed and Topography- with numbers. There should be an included list of abutters. Is there proof that abutters were notified properly? Ms. Melnick states that Charlie was supposed to drop them off, but if we don't have them, she will make sure that he does. If proper notification was not made, then notification will need to be made for the next meeting. Amanda states that notices did go out certified.

Acting Chair Mitchel Asks- What does the Board want to do with this application?

If the Board tables the application, it is a pending application and they cannot discuss it.

If the application is rejected, the process will need to start all over again

Acting Chair Pam Mitchel asks what the Board wants to do with this application.

Zachary Hanley makes a motion that we table the application until the 25th of august

Shawn Dolley states that maybe we should make a condition pending the applicant can get everything they need in time for the 25th of August.

Chair Willis points out that a general motion to table the application is fine.

Zachary Hanley withdraws is first motion-

Zachary Hanley makes a motion that the board table this application until further notice.

Adam Lemire seconds the motion.

Roll call Adam Lemire yes, Lester Young yes, Shawn Dolley yes, Zachary Hanley yes. Pam Mitchel yes- the vote is unanimous to table this application.

10. Other Business: The Land Use Ordinance is in need of work. There are several versions and there seems to be many inconsistencies. Joyce McCaslin, works for Anne Davis, Librarian, will be working to put the Ordinance in order, with all the changes. This will ensure that the LUO is up to date, and that everyone has the same document.

Comments from the chat:

04:14:15Cheryl Clark: Epic Meeting! No wonder you have vacancies on this committee. Thanks for your expertise and fortitude

04:15:42Anne Davis: there is so much work for this board

Next meeting: There will be a workshop for the Gardiner Green application. This workshop will be held on **July 23, 2020**. The meeting will be held at **6pm in the Gardiner Fire bays**. In the event of inclement weather, the meeting will be held on Tuesday, July 28th, at 6pm- same location.

*The Next scheduled Planning Board meeting is **August 11, 2020**. The meeting will be held at **6pm**, via Zoom. Links to attend the meeting will be sent at a later date.

11. Adjourn- Chair Willis asks for a motion to adjourn. Pam Mitchel makes a motion that we adjourn at 10:00 pm. Zachary Hanley seconds the motion. Roll Call vote. Pam Mitchel- yes, Adam Lemire- yes, Lester Young- yes , Zachary Hanley- yes, Shawn Dolley- yes Chair Willis- yes. All in favor. Adjourn at 10:00 pm.