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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MEETING MINTUES

Tuesday December 8, 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 6:00pm

2. Roll Call- Chair Willis, Pam Mitchel, Lester Brown, Zachary Hanley, Adam Lemire, and Shawn Dolley is absent. Mayor Pat Hart, Mark Eyerman- City Planner, Christine Landes- City Manager. City staff- Tracey Desjardins- Economic Development Director, Kris McNeill- Code Enforcement Officer, Angelia Christopher- Planning and Development assistant. Applicants- Paul Boghossian, Tom Farmer. Others present included: Cheryl Clark, Colin Frey, Ian Burnes, Jessica Lowell, Keith, Lisa St Hilaire, Patrick Wright, Robert Johnston, Liam Shaw, Karen Adrienne, Richard Heath, Barbara Oesterlin Heath, Scott and Laura Fossett, Kathy Parade, Louise Soule, Michelle Shaw, Susan Shaw. Terry Berry, Sue Crawford.

3. Review of the October 13, 2020 and November 10, 2020 meeting minutes

10/13/2020 minutes - Pam Mitchel has presented her corrections.

Pg. 5 under Section 8.11 Screening. "...but there may need to be a semi-screen ..." Change 'may' to 'must'.

pg. 6 just under the line that starts with Mark Chrisos, the first word in that line should be "They"

pg. 8 just above Review Criteria the question about the board members hearing the application in an unbiased manner is unanswered. "All members agree they can hear it" should be added.

pg. 14 in the line that starts 8.2 Access to Lots...the word Route is missing e at the end.

pg. 16 about 3/4 of the way down the page in the line that starts "positioned in the ... the word Route is missing e at the end.

Chair Willis asks for a motion to approve the October 13, 2020 minutes. Pam Mitchel makes a motion to accept the minutes with the above mentioned changes. Zachary Hanley seconds the motion. No further discussion. Roll call vote, Zachary Hanley-yes, Adam Lemire- yes, Pam Mitchel- yes, Lester Young-yes, Debby Willis-yes. All in favor. Debby states that there is a second motion, more detailed motion, pertaining to this set of notes. Pam Mitchel makes the motion- "Move to confirm that the portion of the minutes of October 13, 2020, as just approved, regarding the conditional approval of the Con Edison Development, Inc. solar project constitute the written decision of the Planning Board, and that Chair Willis is authorized to sign a document on behalf of the Planning Board confirming its written decision." Lester Young seconds the motion. No further discussion. Roll call vote, Zachary Hanley-yes, Adam Lemire- yes, Pam Mitchel- yes, Lester Young-yes, Debby Willis- yes. All in favor

11/10/2020 minutes: Pam Mitchel noticed 'Agenda' in the header, when it should read 'meeting minutes'. Chair Willis- The second page, area of the park change comma to and to read and open for review.

Chair Willis has second to last page- 'Chair Willis asks the applicant for proof that the City sold him a 24 mobile home park'. Chair Willis asks for motion, Pam Mitchel makes the motion, with the changes suggested. Adam Lemire offers the second motion. No further discussion. Roll Call vote. Adam Lemire seconds, Zachary Hanley-yes, Adam Lemire- yes, Pam Mitchel- yes, Lester Young-yes, Debby Willis- yes. All in favor

4. Community Development Block Grant Project- McKay Park- Chair Willis was at City Council when this was approved. Tracey states that as part of the Community Block Development Grant (CBDG) process, phase 2 consists of the Planning Board reviewing the project. Planning Board needs to decide if the Grant and Project follows the Comprehensive plan. The McKay park grant was issued for 25,000 to address safety issues in the park, and to spruce it up. Adam Lemire would like to discuss what the grant consisted of, and what the scope of work to be done included. Due to board members requesting more info, the board decided to hold off until the end of the meeting to further review this.

-After the Public Hearings the board came back to this. Tracey Desjardins had distributed information about the grant to the board. The Department of Community Development has suggested the acceptance of this grant. Tracey Desjardins states that the scope of work has not been defined yet, just the areas that need to be fixed. This is what the funds will be used for.

Pam Mitchel makes a motion that Chair Debby Willis is allowed to sign the letter on behalf of the Planning Board. Adam Lemire makes a second motion. No further discussion. Roll call vote. Zachary Hanley-yes, Adam Lemire- yes, Pam Mitchel- yes, Debby Willis- yes. All in favor

5. Public Meeting-Site Analysis and Inventory Submission Workshop: Maine Affordable Properties LLC, is proposing a residential multifamily dwelling subdivision at 134 Spring St., Map 036 lot 071 in the HDR district- Chair Willis points out that authorizing a Subdivision is a 3-step process. Site analysis and Inventory is the first step. The developer/owner of this project is Maine Affordable properties, who is not present for the meeting however, Tom Farmer is here to represent the project. Maine Affordable properties is a relatively new LLC. They own 3 properties here in Gardiner, all of which they have done extensive renovations to. The property in question, currently has an existing home, that has been renovated and houses 2 apartment units. Mr. Farmer tells the board that he has just today received a survey of the property which shows it to be 1.23 acres. He feels that according to the ordinance, the site will be able to support 10 units. He tells the board that they are proposing 8-10 units, which includes the units that are already existing in the main house. This project is still in the beginning stages and there are no concrete plans yet. Mr. Farmer reports that they are still working on designs, and whether or not the units will have garages. He tells the board that this will be a condominium style development. All of the land would be owned by the one entity, the utilities would be owned in common, the only individual ownerships would be the interior, of the building. There would be 5 total buildings including the main house, with 2 units in each building. That means there would be 4 new buildings to be built. The driveway comes in at the center of the frontage, comes into a parking lot in the rear, this would become the access rd. for the proposed development. The lot is wooded, with Norway maples which are listed as an invasive tree. Mr. Farmer reports that there is a drainage swale but there are no identified wet lands on the property. Developers have not found any issues with the soil. The property has existing City water and sewer, which they plan to use for the new developments. They plan to try to keep the buildings as far forward to Spring St. as possible, which could leave some green space at the back. There are no stone walls or old foundations, and no known historical significance to this lot. Mr. Farmer goes on to say that this is the first part of this application, and when they move forward they will have more information. There are some issues with stormwater management, where it will exist at this site. Pam Mitchel states she is concerned about Stormwater Management on that site. She tells the board there are many wet basements in homes in this area. She reports hearing of a few homes have been flooded just from the last storm. She states that due to the amount of impervious surface projected for this project, that this is concerning. Kris states he has had some contact from neighbors, about water run-off issues. He has had residents report a seasonal creek that fills up, typically in spring time, and when full, moves a lot of water across the property. Any new stormwater increase has to be contained and on the site, so there is not an increase in the flow on to other lots. Mr. Farmer states that they are aware of the stormwater needs. He adds that he feels that according to Google Earth, the abutting lots on either side of the property have been altered, but this one has not and appears that this lot has not had any development in a long time. Tracey Desjardins states that there are chat questions. Robert Johnston- inquires about photos of the site. Mr. Farmer informs the group that there is a conceptual site plan of the development, but he has no pictures to offer just yet. A gentleman named Keith asks a question in the chat- He would like to know if the

applicant has determined the size of the pump station that will be needed to carry sewage into the system. Tracey points out that this is in the beginning stages and there is still much work that has to be done. Adam Lemire asks about the drawing that shows the turn around that is in the middle of the project. He says that this is a long driveway, and he feels that one of the spots, needs to stay open instead of being used as a part of the turnaround. He then asks if this has been addressed with the fire dept. Mr. Farmer states that he knows that the spot will need to be used as an open spot. Adam Lemire also asked if this driveway/project has been reviewed by Gardiner Public safety entities. Mr. Farmer reports that this project will still need to be reviewed by public safety departments for Gardiner, and they will assert what needs to be in in regards to turnarounds. There is some uncertainty about whether or not it will be able to be a driveway or will it need to be deemed a private road. Kris McNeill states that it comes down to the number of units, but this can be dealt with at a later date as the application proceeds. Adam Lemire brings up max lot coverage and how much of the lot coverage will this development will take up. In HDR the maximum lot coverage is 35% of the total lot. Mr. Farmer tells the board that he has not looked at the lot coverage yet, but will look into this to see how much this project will take up.

There is a statement in the application, regarding the Storm water management of the site, which states that on site low impact green infrastructures alternatives are planned for use. Mr. Farmer it means that capturing the water when it comes off the roofs, so the water is infiltrated into the ground quicker and held in its location. Low impact infrastructures works on distributing water into the ground, instead of the detention ponds that are normally used. The idea is to use vegetative swales, and keep the water on site longer.

This application is being treated as a major subdivision. All of the requirements are included in the application. Pam Mitchel states that it appears that everything is included in this Site analysis, however numbers on the topographic map really should be there. Adam Lemire asks if there will be a more developed site plan. Mr. Farmer states yes there will be. Chair Willis asks if we need a formal motion to agree with this project coming back as a formal application.

After reviewing the requirements of the ordinance for Site inventory, the board decided that there is enough information in this application for him to proceed to the Preliminary Subdivision application. Pam Mitchel moves that the Planning Board authorizes the applicant to move forward with a preliminary major subdivision plan. Adam Lemire seconds the motion. No further discussion. Roll call vote. Zachary Hanley-yes Adam Lemire- yes, Pam Mitchel- yes, Lester Young-yes, Debby Willis- yes. All in favor.

6.Public Hearing- Subdivision Preliminary Plan Application: Gardiner Green-rehab of the original hospital building at 150-152 Dresden Ave Map 032 Lot 23 and 23A into a total of 34 apartment units.

Mark Eyerman- City Planner, is going to the Planning Board assist this application. The last time the Planning Board looked at this application, it was reviewed as a Site Plan. Board Members decided that the next step needed was by way of Preliminary Subdivision application. Mr. Boghossian reports that he is now looking for

approval for 51 units total, in the existing buildings. Mr. Boghossian opens with that there is plenty of misinformation about this project. He feels that word has gotten around that these are low income apartments. Mr. Boghossian reports this could not be further from the truth. He goes on to tell the board that his apartments have always had market rate, or higher rental rates with the average rental at \$1000.00. Paul shares multiple photos of the building/ site depicting what he wants the development to look like. Mr. Boghossian tells the board that he wants to put town houses in the boiler building. He wants to put four townhouses in what is known as building #5. The last phase of this project is the Gardiner Family Medicine building, which is on the back side of the property, where he wants to put 11 town house condominiums units. He tells the board that with the density bonus, which will include 5 affordable units in the original hospital building, they would be allowed to build the total of 51 units. Mr. Boghossian states that the hospital has informed him that they want nearby housing for their staff that is safe, beautiful, affordable, and within distance of the new hospital. He states that some of the condos will be going from 250,000-300,000 and they will not want people around that aren't supporting the site or helping the neighborhood. Mr. Boghossian states that is his brief overview of the site. Mr. Boghossian states he feels that he has a good application, despite the fact that it is really not a subdivision, there was just not a better 'bucket' to fit it into. Chair Willis Mr. Boghossian 'what is affordable housing? How would he define it? Mr. Boghossian states that he will be offering affordable house, not low income housing. She asks what the difference between the two is. Mr. Boghossian, reports in order to get the density bonus he needs to offer these 5 apartments which will start at about \$780 a month. That is affordable by the way that they are on the small side. The people that move in those units would need to fit into the median income of the area. He explains this is not his area of expertise and that his company will have to bring in someone to guide him to make sure he follows the rules and processes. Chair Willis states that it concerns her as an attorney that preliminarily those units would be offered as affordable units. Does that mean the status of those units would change after he got the Density bonus? Mr. Boghossian reports that they would stay 'affordable' following the states stipulation for the density bonus, which is reportedly +- 49 years. Kris McNeill, CEO states that there is a state definition for affordable housing, and suggests that Paul look into it to meet the criteria. He also points out that with the state definition of a subdivision laws, which this project does qualify under state statutes as a subdivision. Mr. Boghossian states that he didn't mean it that way, he just feels that this is landing under subdivision because there is no real place in the planning process for the rehab of a former hospital.

Mark Eyerman tells the board that this plan essentially says that it is a multifamily subdivision. Mark had presented submission requirements for this application at a previous meeting. He states that one of the requirements that is needed for this application is to have documentation of an easement, that this lot is being transferred from Me Gen to the applicant. It should show the easement that would go over the road to the Alzheimer's facility, in which the long term care facility will allow access so that the parking on the back side of the project can be accessible. The easement will also show utilities that are proposed and existing. It will

also show that it is for a multifamily subdivision. The subdivision plan indicates that it has or will have an easement, from Maine General Rehabilitation and Long term care, to the applicant. Mark feels that the City has not ever seen this document and it should be included in the final subdivision plan stating that if the plan is approved, the easement will be granted. Otherwise he feels this submission meets the requirements for preliminary subdivision plan. When he reviewed it six weeks ago, there were no issues that he could find except for documentation for the sewer easement that runs across the property. He did some sleuthing on the Registry and found an easement that applies to this lot that was drawn up and given to the city to run a sewer line in the early 1900's. Mr. Eyerman states that the document showed no width to it. A more recent copy of such an easement would have measurements. Mr. Eyerman states that he feels that this submission meets the requirements for a preliminary plan, except for the sewer easement.

Chair Willis starts to go through the application. The board already knows that the applicant has standing, She then asks the board if they think they can hear this in an unbiased manner, and all answer yes. It is brought to attention that Lester Young has left the meeting, but we still have a quorum. Applicant has introduced himself, Chair Willis asks if there any questions from board members for the applicant at this time. Pam Mitchel has areas she wants to discuss while going through performance standards later in the meeting. Mark Eyerman states that if there are issues they need to be discussed to the final plan. Chair Willis states that with 3 phases, she wants to know if they will be approving the whole project, or in phases. Mark states that this should not be referred to as phases, they are approving one lot, which will include the whole project. He reminds Mr. Boghossian if anything gets sold off as a different lot- there will need to be an amendment to the subdivision, which requires coming back to planning board.

Chair Willis opens the public comment at 7:40. Lisa St. Hilaire and Ian Burnes are representing the neighborhood and abutters of this project. Ms. St. Hilaire starts out by saying 'We recognize that something needs to happen to this property and no one wants it to sit abandoned, but the neighbors feel this submission is lacking in detail and they have significant concerns about the impact that this project will have on the neighborhood. She states she is of the understanding this meeting will cover certain materials, and a more, in depth Site Plan review will happen at a later date. Ms. St. Hilaire states that the neighbors know that there will be additional information at the Site Review, and they are hopeful that they will have the opportunity to review the application, as well as speak at the Public hearing. Ms. St. Hilaire states that they have two sections of concerns to discuss today. She will go over the subdivision concerns and then hand it over to Ian Burnes. Ms. St. Hilaire states that one of the biggest issues the neighbors have is the unit count. She brings up the Density bonus, but there is no information to clarify what low income means for these units, and how that designation will be enforced. Given the fact Paul Boghossian has stated that he has not used any federal or state monies in regards to low income rental units, and that the application does not include anything about low income units or an explanation of how these units will be used, the neighbors feel that the low income density bonus seems like just a means to get the units he wants, rather than a true desire to provide affordable housing to

low income residents. The Gardiner Land Use Ordinance provides for reference to clear state, and federal definitions of affordable housing and the burden should be on the applicant to provide specific measures of affordability for specific units. The board needs to set limits that are enforceable by the CEO, if this request is granted. Ms. St. Hilaire tells the board that the neighbors also have questions about the flag lot, at the back of the property. She states that the neighbors know that part of the property was taken off, for the access road to the Alzheimer's unit, and a piece of land at the backside of the Alzheimer's property was added to the hospital unit. But she feels that this strip of land may meet the definition of a flag lot, which is clearly defined and prohibited for use in the Gardiner Land Use Ordinance. Ordinance, which reads that flag lots and other oddly shaped lots, that are joined to other parcels to meet minimum lot size requirements are prohibited. The neighbors feel that this may be a flag lot. The land extremely steep, not developable, and appears to have no practical purpose for the development except to add acreage in order to meet the needs for the application and density bonus. If the flag lot is not allowed, the density would be lowered, which would put the number of allowed units down to 39 total. The neighborhood would not be unhappy to see that reduction in units. We, the neighbors ask the Planning Board to refuse the flag lot, and to cap the number of units at 43. This application reports that 68 units will be built if additional land is used. The neighbors strongly encourage that this reference be removed from the application. If additional land is secured, Mr. Boghossian can always come back to Planning Board with a new proposal.

Second major issue with the application that the neighbors have is stormwater management plan. There has been reference that the existing stormwater system will be maintained, but this proposal presents a change of use for the property, and this is an event that should trigger a thorough review of existing storm water facilities, and upgrades if needed. Land Use Ordinance requires that applications have a current stormwater plan included. It states that evidence of stormwater adequacy is necessary for all new applications and that the proposal will provide for adequate stormwater management. There are known issues with washout below and above this steep site. According to this application there is over an acre of impervious area. They developers know that this site has been piecemealed over decades and there is no evidence that the current stormwater plan is adequate. The neighbors request that Planning Board require a professionally completed stormwater control plan. Part of this plan should include the study of downstream drainage requirements, including any drainage at the back of the property. The Planning Board should require that the stream that is labeled on plans that is related to this lot be considered, and identified. We encourage Planning Board to make sure that this stream and the location is identified on the application, per the LUO.

The freshwater wetlands that are within 1000' from the lot should also be identified. There is a National Wetlands Inventory forested wetland less than 1000' of the easterly boundary of the lot. There is also a mapped freshwater tidal marsh with a status of S2, which means imperiled within 800' of the easterly edge of the flag lot. These wetlands are all hydrologically connected to the stream that runs through the lot and a proper storm water control plan will help provide some protection to the stream and the associated wetlands downstream. She

goes on to say that the freshwater tidal marsh is special, rare in the state, and the only mapped natural community in the city. It is considered a wetland of special significance and is regulated by the DEP. A proper stormwater plan will help protect this area.

The last area of concern in this section is the height variance request. The neighbors are concerned about the substance and process of this request. Ms. St. Hilaire asks-“Can the Chair explain how a variance can be granted by the Planning Board?” The neighbors would like to request that no action be taken on this request until at least some elevation information is provided so they can see if the building would still fit in with the character of the neighborhood. It seems like this height variance is something that should be brought up in Site Plan review, not Subdivision review. Chair Willis points out that a variance can only be granted by the Board of Appeals, not Planning Board.

Ms. St. Hilaire then passed the rest of the neighbors’ comments to Ian Burnes. Mr. Burnes requests that the Site Plan needs to include as much info as possible. He requests that nothing be permitted on the site review until we have much more information. Mr. Burnes goes on to say that the board needs to consider the density bonus/affordable units very closely. ‘If there is a true desire to help the vulnerable in the community then this a good idea. If it is not a genuine gesture, then let’s not make our communities denser.’² Most developments that offer affordable units, are monitored very closely by state and federal agencies. Having Gardiner’s CEO to do the enforcement, that is generally done by federal and state programs, for 46+- years is a very high expectation. He requests that the board think about this, and what 46+ years of enforcement looks like. Chair Willis goes through the topics that were presented by the neighborhood abutters. Stormwater management, protection of the stream. Mr. Burnes states that he has many questions for the site plan review, and it should have as much detail as possible.

There was another person who wanted to speak, we only have his first name, of Keith. After trying to get him onto the Zoom meeting, with no success, he was no longer present at the meeting. In the chat he had asked ‘why offices were not considered for this site’. He also asked why office space was not incorporated into this space and he feels that would be more acceptable to the neighbors. Mr. Boghossian states that is interesting. When the hospital exited this site, they approached the City to ask what they could use the building for. He tells the board that they were told more than once, that this building should be used for residential, not commercial. Kris clarifies where this lot is in HDR, there are very few commercial uses that are allowed. Office space is not an allowed use.

There was no one else to speak for at the Public hearing.

Chair Willis closed the public comment at 8:05 pm. The board members will start to review the application. Chair Willis points out that there a couple of different versions of this application and wants to know if we have the right application? Yes. She points out that there are no existing subdivisions on this property. In the application packet is a list of abutters, as well as names and addresses of the owner. The survey will reference the easement,

but the hospital does not want to record that change at the registry that until the transfer goes through. The letter from Maine Gen, did not come through yet, but it's because they need to transfer ownership first. Pam Mitchel states that the topo map does not have numbers on it, and it really should. Mr. Boghossian tells the board that the surveyor did not want to put it on the map, it was not over the grade threshold and also because it would congest the map. Pam Mitchel states Topo numbers are required per ordinance, 14-28 section **14.5.8.4.4.2.6.14** *Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.* This information will be required. Pam Mitchel is looking through the most recent application and points out that there are items listed in Appendix A that are not in the packet. She states that there is not a letter from Me. Gen identifying deed restrictions. Mr. Boghossian states that there is only one deed restriction that states that the lot cannot be used for any medically oriented businesses. There is a reference is on the subdivision plan, but there is no copy of it. The hospital will not grant the easement until the property is sold, and when the Planning board application is approved. The final application should have the original purchase and sale agreement, as well as all extensions. Also needing to be included on the site plan is the location of all rivers, streams and brooks, and coastal and freshwater wetlands within or adjacent to the proposed subdivision. The ordinance requires that all rivers and streams need to be identified on the plan. Mr. Boghossian states that the surveyor did not find any wetland areas, therefore they are not on the map. He adds that if the stream is seasonal, he may not have found it. Lisa St. Hilaire added a comment in the chat that states 'this stream is a permanent one, not a seasonal one. The stream shows on the State of Maine hydrology layers maps'. **14.5.8.4.4.1.2.5.5**-There needs to be information about whether or not the lot is in the flood zone. Ms. St. Hilaire is saying that there is a significant freshwater wetland that is within 1000' of the lot. The board will need more information about this. Pam Mitchel states that wetlands offer a high wildlife value. Lisa St. Hilaire puts in the chat that "there is a rare plant and a rare wetland natural community located in this wetland. This is a wetland of special significance and is regulated by the DEP. It should be treated special."

There was a discussion about what contour needs to be used on the topo map. Mark Eyerman states 'If there is going to be any alteration of the topo, due to the layout it should be smaller to be more accurate'. Adam Lemire feels that the topo that we have does not work as it shows lines, but there is no context related to the lines. It appears that there are no lines in the parking area and none on the 'flag lot'. The Board would like to see the contours added to the plan, the topo relates to the site plan review. The outline of this property is changing, the use is changing, topography is needed to check direction of water flow, and this is a topic that Planning Board needs to review. Adam Lemire states the map should have numbers, and be incorporated into this main plan, not just added as secondary document. Pam Mitchel states that if you aren't familiar with the property, you have no idea which way the water is going. Chair Willis points out that she is concerned about stormwater, and drainage on this lot. She tells the group that she has gone into her read wells, and presents a picture from the original project which has her concerned. The picture presents a proposed unit, which has a bridge leading to the residence, with

a caption that states natural drainage under it. Chair Willis feels that this could represent a drainage issue. Paul Boghossian states that this is just a photo, which is used to depict the development, not necessarily what he plans to do with the lot. Chair Willis points out that the caption says under the photo, 'Gardiner Green, natural drainage'. Adam Lemire points that the board has a lot of information on this development, and some of it is out of date. He feels that they need to focus on what they need for the requirements, at this time.

The application states that Wastewater and Water will be obtained from City services.

There are letters from City services are included, stating capacity and approval of the project.

The board agrees that Mr. Boghossian has financial and technical capacity to meet the needs of this project.

There is a traffic study that was completed by Sewall and signed by Diane Morabito. This study was done when the unit count for this proposal was 68. The study confirmed that this area, using existing driveways and roads area would tolerate traffic at 68 units and the units on this application have dropped down to 51, so this study is acceptable.

Pam Mitchel has questions from the subdivision performance standards- Section 8, 9, and 10. Do we look at them now, or at the final plan? It makes sense to review it now, so the applicant can be prepared for his final subdivision application.

The discussion turns to the odd shaped lot that is at the back of the property, which is included to meet the minimum lot size. **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**. Flag lots are prohibited and board members feel this looks like a flag lot. Flag lots are not to be used for access. Pam Mitchel feels that this is a narrow piece of land, and that it originally was added to accommodate 68 units. The lot is on the back of Maine General Long Term Care. It is a narrow strip that was joined to increase the area so that the number of dwellings could be increased. Mr. Boghossian states that it was added because it did not meet the minimum lot size for his plan. The question of whether or not it needs to be five acres was brought up. It looks like this lot is approximately 15,000 sf at 50'x300'. The board feels that they need more info, about whether or not this is a flag lot. Tracey Desjardins will consult with the City Solicitor for a legal opinion which will be distributed.

Mr. Boghossian states that these are big buildings, at some point it becomes absurd to have so few units. He states that the Gardiner Family medicine building is 18000sf. This building would be a great commercial building, if it were allowed. He states this project is trying to reuse existing buildings, which are respectful to the neighborhood, and provide housing. If he can't use the 'flag' lot acreage, the unit count would drop from 51 to 48. Mr. Boghossian wants the City of Gardiner to check with Jon Pottle and see if this is a flag lot or not. He also requests information as to what point will it not be a flag lot. Does the piece of land need to be so many feet wider? Or

longer? Pam Mitchel states the solicitor will have to be one to answer that. Adam Lemire states that one way to resolve this issue is to check the lines, and see if they can be shifted. Mr. Boghossian states that obtaining more land to make this strip of land wider, cannot happen now. Maine General has expanded their parking lot, which is now completed. This takes away the option to make the flag lot wider.

Pam Mitchel states that she has questions about exterior lighting, and the external material storage plans but feels those might be best reviewed at the site plan review. She asks if buffers, screening and parking are meant to be reviewed with the Site Plan. Mark Eyerman states yes it is.

Chair Willis asks if there is anything from Environmental standards. Pam Mitchel feels it is all site plan review material. She asks Mark Eyerman if storm water management, and groundwater protection falls under Environmental standards which is all included in site plan review. Mark states that it makes more sense to address these categories under Site Plan, because they will get more thorough information. Pam Mitchel asks Mr. Boghossian what the existing storm water management consists of. Mr. Boghossian states that he would have to have the engineer to speak to that because he knows very little about that. .

10.16.4 Multifamily conversion - Any existing structure to be converted or expanded into a Multi-Family dwelling shall meet all the dimensional, density and performance standards for new Multi-Family dwellings. This would lead us to- 10.16.3 All new Multi-Family dwellings shall meet the lot, dimensional, and density requirements for the zone in which they are located and the following criteria:

She does have a question about 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. Is this something we need to worry about? This should be at Site Plan Review The maximum level of affordable units, and what is defined as affordable needs to be established and included in the plan.

Pam Mitchel will move on Subdivision performance standards

Adam Lemire asks about parking- There is designated parking in the front of the building, will this be allowed. Where this is an existing building/parking lot, it is fine. Pam Mitchel states that there is an excess of parking on this lot. Adam Lemire also brings up 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. He feels this requirement will not be hard to meet on this lot, but it needs to be addressed.

Mark Eyerman states that as the Planning Board goes through the site plan review process, the question is how can we make this a quality living environment that is an asset to the neighborhood, while balancing the requirements of the ordinance?

The board decided that they will move this application to the next step, but will be requesting additional info from the applicant. **14.5.8.4.2.6 Planning Board Action.** The Planning Board shall take action on the preliminary plan application within thirty (30) days of the public hearing. The Board shall indicate any changes to the preliminary plan that will need to be incorporated into the final plan to meet the approval criteria or questions that will need to be addressed in the final plan submission. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board. The Board shall notify in writing the applicant and all parties who requested to be notified of the action of the Board with respect to the preliminary plan. This notice shall contain the findings of fact and decision of the Board.

Requirements needed for Final Subdivision Plan.

1. A letter from Maine General displaying the willingness to grant the easement if the application is approved.
2. Deed restrictions which are in the purchase and sale agreement, and we need all versions of the purchase and sale agreement.
3. Adjacent stream- An abutter that states there is a stream, locate it, and put it on the plan. The application needs to show where this stream is exactly.
4. An abutter has identified that there is a critical wetland within 1000' of the subdivision- This information needs to be located on a map, relative to the subdivision-
5. Need to have a Topographic map with numbers.
6. Need to know what the exact area in the parcel is and maximum # of units proposed. Also what is the number of those units that will be affordable? Also requires a clear definition of what affordable means. What the number of affordable units is, along with a clear definition of what affordable means
7. **Other-** The 'flag lot' will be addressed by the City solicitor, then it will be known the exact area of the subdivision and how many units will be allowed.

The Board will also like to see any type and location of any proposed fire control features, and the appropriate documentation about those measures.

Paul asks how we get our arms around the use of commercial in this lot. He was guided by the hospital, and the city that this parcel could not be used for Commercial development. Pam Mitchel states that the Ordinance cannot be changed or spot zoned to fit this need. There is AROD, but this building does not fit into that category due to

the age of the building. Office use cannot be permitted in HDR. Other uses are allowed in HDR, just not commercial. Mr. Boghossian asks “Even with a special use permit”? Chair Willis states “We don’t have special use permits”.

Chair Willis asks if there needs to be a vote for these conditions. Pam Mitchel makes a motion. The planning board has reviewed the preliminary application and finds that it is adequate for the applicant to submit a final subdivision plan with the following list of requirements

8. A letter from Maine General displaying the willingness to grant the easement if the application is approved.
9. Deed restrictions which are in the purchase and sale agreement= need all version of the purchase and sale agreement.
10. Adjacent stream- An abutter that states there is a stream. The stream needs to be located. Identified if possible, and added to the subdivision plan.
11. An abutter has identified that there is a critical wetland within 1000’ of the subdivision- Need to have this located on a map, relative to the subdivision-
12. Need to have a Topographic map with numbers.
13. Need to know what the exact area in the parcel is and maximum # of units proposed. Also what is the number of those units that will be affordable? Also requires a clear definition of what affordable means.
14. **Other-** The ‘flag lot’ will be addressed by the City solicitor, then it will be known the exact area of the subdivision and how many units will be allowed.

Adam Lemire seconds the motion. Roll call vote. Zachary Hanley-yes, Adam Lemire- yes, Pam Mitchel- yes Debby Willis- yes. All in favor

7. Other Business- none at this time.

8. Adjourn: Chair Willis asks for a motion to adjourn. Pam Mitchel moves that we adjourn at 10:35pm. Adam Lemire seconds. Roll call vote. Zachary Hanley-yes, Adam Lemire- yes, Pam Mitchel- yes, Debby Willis- yes. All in favor