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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

**PLANNING BOARD
MEETING MINUTES
Tuesday October 12, 2021 @ 6:00 PM
Gardiner Fire Department Fire Bays**

1. Call the Meeting to Order-Chair Willis called the meeting to order at 6:05pm

2. Roll Call- Board Members- Chair Debby Willis, Matt Murphy, Pam Mitchel, Lisa St. Hilaire, Adam Lemire , Zachary Hanley, and Shawn Dolley. City Staff- Tracey Desjardins, Kris McNeill, and Angelia Christopher. City Planner Mark Eyerman, City Solicitor- Jon Pottle, Applicants-Nick Sampson, Paul Boghossian, Jim Coffin. Others- Ian Burnes, Phyllis Gardiner, Robert L. Johnston, Ron Burnham, Cheryl Clark, Jeff Bussell, Penn Estabrook, David Hutchins, Mary Hutchins, Karen Adrienne, Tom Reeves, Arianna Caldwell, Jim Coffin, Donald Brown, Karen Montell, Garrett Brown, Patricia Hart, Morgan Peirce , George Heselton, Betty Heselton, Elizabeth Kennett, and Julian Kennett.

3. Review of September 14, 2021 meeting minutes- Chair Willis asks for corrections or changes. There were two small changes, which consisted of a wrong word needing to be changed and a sentence ending with 2 periods. Chair Willis asks for a motion Pam Mitchel makes a motion to accept minutes as amended. Lisa St. Hilaire seconds, all in favor.

4. Public Hearing: Gardiner Solar LLC- is proposing to construct a distributed generation ground mount solar development off of River Rd in Gardiner, ME city tax map 023-Lot017. The development will be approximately 19.5 acres and includes capacity for 3.5 MW AC of generation. Lisa St. Hilaire asks if she should recuse herself from this application as the agency that she works for, submitted a report for this application. The applicant agrees that she can continue as a Board member. City solicitor agrees that she can remain on the board for this application.

Nick Sampson is presenting this project for Gardiner Solar LLC, which is a wholly owned subsidiary of Revision Energy. He tells the board that the solar panels will be mounted using ground screw foundations, and that there will be two transformers. The array will be accessible via an existing road that exits on to River Ave.

Revision will be widening this road and making improvements to it. The project will be contained with a 7' chain-link fence, which will be over 750' from River Ave and out of view. The company has had the wetland delineation done, and assures the board that they will be maintaining a 75' setback from all wetlands. There is a decommissioning plan in place, and they will be applying for a decommission permit through DEP. Kris McNeill asks if there is a bond or some proof of financial capacity for the decommissioning. Mr. Sampson states this is already in place. After all approvals are in place, the decommissioning plan will need to be recorded at the Registry of Deeds. The stormwater permit has already been submitted to DEP for review. Lisa St. Hilaire asks about the letter from IFW that is in the application packet that refers to the deer wintering areas that are in the project area. Mr. Sampson explains that the area planned for the solar array does not significantly affect the deer winter areas. Lisa St. Hilaire asks if they have any plans for dual use, such as allowing grazing-vegetation management to happen in the project area. Mr. Sampson states that the company is looking into this, but he does not have any confirmation for that. No other questions at this time.

Chair Willis, opened the public hearing for comment. There is no one here to speak for or against this application. Chair Willis asks City Staff if they received any interest or comments. No. Chair Willis closed the public hearing and the Board will now review the application.

The application is complete and the fee was paid.

The Board will review General performance standards-Environmental standards, as well Essential services. The only noise from this project will come from the inverters and transformers, which will be set up in the middle of the project site. The noise from this array should operate at about 65 decibels. The construction company will use water, if needed, to control dust during construction in order to maintain air quality. The question of water quality comes up. Mr. Sampson reports that there should not be any discharge at all that would harm ground water or wetlands. The project will be setback from any natural wetland areas by at least 75'. Erosion control and stormwater management are addressed in the plan. There are several letters/reports from area wildlife and historical agencies. There is a reported historic cellar on the property, as well as a well. Mr. Sampson stated that the project avoids that area. Kris McNeill points out there will need to be an excavation permit completed to document how much earthwork will be done at the site.

There will be a 7' fence around the array. Traffic at this site will be minimal after the array is completed with just a few maintenance trips a year. The road is currently 12' wide and will be improved/widened to 16' for easier access for construction vehicles. The width of the road, at the River Ave entrance will be 18'. There will be a small section of road that will be paved in order to allow construction vehicles to travel without causing damage. This is an access road to private property. Most of the road standards in the LUO will not apply. There is no need for a parking plan or discussion. There is a semicircular opening in the middle of the project that will allow maintenance vehicles to park and turn around if needed.

There will be no buildings at the site. Adam Lemire asks if the Fire Dept. will be able to have adequate access to the road at all hours. Mr. Sampson answers yes.

There are no other questions from the board.

Chair Willis asks if this application meets all of the applicable standards. Pam Mitchel moves that this application meets all of the applicable standards of the ordinance. Adam Lemire seconds the motion. All in favor.

Chair Willis asks what the board would like to do with this application.

Pam Mitchel moves that the board approve this application with the condition that the applicant receive approval for the stormwater permit that has already been submitted. Adam Lemire seconds. All in favor. Application approved.

5.Public Hearing- Gardiner Green- Continuation of the July 13, 2021 meeting for the Subdivision- Site Plan development at 150 Dresden Ave. City Tax map 032 Lots 023-023A in HDR. Lisa St. Hilaire is an abutter to the property and recused herself as a board member.

At the last meeting there was a lot of discussion about the completeness on of the subdivision plan. Pam Mitchel feels that the board should review the subdivision application first. Pam feels that she cannot do site plan phase 1 until the subdivision plan has been approved. Board members agree to start with the subdivision. They have provisionally voted on some of the standards.

Coffin Engineering presented an updated plan of the property, labeled Recording Plat, which showed a changes that had not been reviewed yet and several members of the public that were present at this meeting had questions about this late submission, and whether it should be allowed to submitted for the application. One resident asked about the LUO requirement that states that the Planning Board should have all application material within so many days. This late submission surely does not fit into that requirement.

Pam Mitchel states that 10.16.3.3. reads that the minimum rear setback should not be less than 30' and according to the plans submitted, there is parking lot in the setback. Chair Willis tells Mr. Boghossian that she does not know what they are voting on, because the words in the application do not match the plan. She expressed that she is frustrated with this application and is asking for some clarification.

Attorney Pottle states that the board needs to verify if the subdivision plan is complete. The subdivision map that was submitted as part of this application has had catch basins and rain guardens added. The plan shows utilities clearly, added the setback lines and shows open space clearly. The applicant included a photometric plan that shows that there are no lumens crossing over property lines.

Mark Eyerman adds that in the last review, July 2021, the board reviewed the application for completeness. Mr. Boghossian needed to present a revised stormwater plan, and include information about what will happen to construction debris from the extensive renovations. 'How will construction debris be handled, there is nothing in the new application'. Mark asks Mr. Boghossian if he included that information in this application. Mr. Boghossian tells the board that he did not include that information in the subdivision plan. He mentions it in the Site Plan application, but the board requested that it be included in the Subdivision Plan submission. Pam Mitchel also points out that there is no information on right, title and interest, and the date on the last amendment to the purchase and sale agreement has expired. Mr. Boghossian tells the board that he purchased the building on 10.11.2021, but does not have the documents with him. Chair Willis tells Mr. Boghossian that the application is not complete. The Board did not get the materials that they requested. The most recent plan shows parking spots in the buffer zone. It is clearly written in the LUO that there needs to be 30' buffers in multifamily developments.

Chair Willis asks for a motion on completeness of the application. The Board is satisfied with the stormwater plan that has been presented. Pam Mitchel moves that the application is not yet complete because the application does not have information on the disposal of construction debris, or any debris that is created from land clearing. Adam Lemire seconds. Pam Mitchel, Debby Willis, Zachary Hanley, Adam Lemire, Matt Murphy all vote that the application is not complete. Shawn Dolley was not in favor of the motion. The Board votes that the application is not complete.

Chair Willis presents her file on this project- that fills several folders with information. She tells Mr. Boghossian that the Board deserves better, and she wants to know why he cannot give the board what they want. She goes on to say that, he has chosen to ignore their requests. In this new rendition of the subdivision plan, there is a whole building missing, which is very significant. In another building, the unit count is different. The Site Plan and Subdivision plan need to line up, with accurate information about the project. This has not happened. Mr. Coffin asks the board what they need for the next submission. The numbers of units need to be consistent between both Site and Subdivision plans as well as match the wording in the application. There needs to be information about the plan for construction debris. The applicant also needs to show right, title, and interest in his next submission.

Board member Adam Lemire states that it is very important for the board to get this info ahead of time, so they can review it thoroughly. Chair Willis thanks the public for submitting their remarks today. She tells Mr. Boghossian and the residents that she feels that there has not been any movement on this application, that nothing is changed.

City Solicitor Jon Pottle brings up that a portion of the units in this development will be rentals, and the rest, will be sold as condo units. Attorney Pottle suggests that Mr. Boghossian needs to look at the Maine Planning Board Approved Minutes 10.12.2021 AMC

condominium act, to see what those rules are. Mr. Boghossian should review this before coming back to Planning Board.

Chair Willis asks for any other questions or comments. None at this time.

6.Other Business- none at this time.

7.Adjourn- Chair Willis asks for a motion to adjourn. Matt Murphy makes a motion to adjourn at 9:15 pm. Pam Mitchel seconds the motion. All in favor.