

PLANNING BOARD
Meeting Minutes
Tuesday May 13, 2025 @ 6:00 PM
City Council Chambers

- 1. Call the Meeting to Order:** Chair Willis called the meeting to order at 6pm.
- 2. Roll Call:** Debby Willis, Pam Mitchel, Lisa St. Hilaire, Christian Fox, Zachary Hanley, and Adam Lemire. Others present included: Valerian Bolduc- Applicant, Doug Guerrette- Applicant, and Kris McNeill- Code Enforcement Officer.
- 3. Public Hearing:** Valerien Bolduc- Bolduc Builders- is returning to Planning Board with a continuation of his application to subdivide Map26A-Lot015A at Orchard St into 8 separate lots, including a road. Planning Board held a site walk/neighborhood meeting last night to walk the lot and answer questions. Two neighbors of the project showed up and expressed their opinions. Chair Willis notes that this is a final subdivision plan application.

Chair Willis asked the Board if they could hear this application without bias- yes. She asked if city staff had to obtain any outside services for this application. No. Chair Willis opened the public hearing at 6:06pm. Seeing no one present to speak for or against the application, she closed the public hearing at 6:07pm. There have been several inquiries about what this project will entail, but nothing remarkable. Pam Mitchel asked where the nearest fire hydrant was- it is located at the end of Orchard St., which will work. She also asked about the subdivision plan requirement to have test pits identified on the plan.

Kris McNeill points out that a licensed site evaluator needs to find the right site for the septic and has to provide documents showing the designed system in order to get a permit for a septic. If there is not an optimal site for the septic, no house/dwelling can go on that lot. Mr. Bolduc can submit a waiver request for provision- 14.5.8.4.4.2.6.19.2 . Lisa St. Hilaire moves that the board approve the waiver for 14.5.8.4.4.2.6.19.2. Seconded

by Christian Fox. No further discussion. All members present in favor. Pam Mitchel moves that the application in complete. Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor. Board members asked questions about the project. Christian Fox asks if the surrounding roads can manage the extra traffic, approximately 32+- trips. This will not be an issue. Pam Mitchel asked about the wetlands on lot 8. Mr. Bolduc explains that after seeing the wetland area outlined, he will not be using lot 8 except as a turnaround. There is a small portion of lot 7 that has wetlands too. Kris McNeill will work with Mr. Bolduc on the development of that lot so as to avoid the sensitive area. Mr. Bolduc will be building homes, one by one, and building the road as he moves further into the lot. His plan is to build the road to City road design standards, and he would like to see the City take over and become a public road. If that is not feasible, he will develop a road association to help with maintenance of the road. He will be developing the lots so that stormwater will be staying on the property and lead into the existing wetland. The road will need a name, which will be decided on later, but will likely be Orchard St Extension.

14.4 Review Criteria

14.4.1 The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider: the elevation of the land above sea level and its relation to the floodplain, nature of the soils and subsoils and their ability to adequately support waste disposal, slope of the land and its effect upon effluents, the availability of streams for disposal of effluents, and the applicable state and local health and water resource rules and regulations.

This property is not in a flood plain and will have CEO approved septic and road drainage.

14.4.2 The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

This subdivision will have wells and 2 have already been drilled at 400'.

14.4.3 The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply if one is to be used.

The lots will have their own wells.

14.4.4 The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

These properties will have their own septic, and the road will be drained with ditches.

14.4.5 The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside of an urban compact

area of an urban compact municipality as defined by Title 23, Section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, Section 704 and any rules adopted under that section.

There should be an increase of 16 cars, and the police chief has agreed that this will not be an issue.

14.4.6 The proposed subdivision will provide for adequate waste disposal and will not cause an unreasonable burden on municipal services if they are used.

The lots will all have private septic systems.

14.4.7 The proposed subdivision will not cause an unreasonable burden on the city's ability to dispose of solid waste if municipal services are used.

The lots will have their own trash removal plans after the properties are sold.

14.4.8 The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

The Department of Inland Fisheries and Wildlife has sent a letter regarding this. We will also be cutting as few trees as possible.

14.4.9 The proposed subdivision conforms to all the applicable standards and requirements of this Ordinance, the Comprehensive Plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.

We believe that this subdivision will conform to all applicable standards and requirements.

14.4.10 The subdivider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance.

We have 40 years of experience and have submitted a document from our lending provider.

14.4.11 Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in 38 M.R.S.A. Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

This subdivision is not within 250' of a pond, lake, or river.

14.4.11.1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

This subdivision has no water frontage.

14.4.11.1.1 To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

This subdivision does not adjoin a shoreland.

14.4.11.1.2 The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, subsection 1, on September 23, 1983;

The proposed subdivision has no shoreland, so this does not apply.

14.4.12 The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The proposed subdivision has only private septic systems and normal drainage- (ditches)

14.4.13 Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area, if the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan shall require that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.

The proposed subdivision is not within the 100-year flood zone.

14.4.14 All wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

We have provided a map showing wetland areas and boundaries.

14.4.15 Any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams, or brooks shall be protected from any adverse

development impacts. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, subsection 9.

There are no rivers, streams or brooks abutting the subdivision.

14.4.16 The proposed subdivision provides for adequate storm water management.

The only issue might be the runoff from the road, and the site will be ditched according. Gardiner Director of Public Works will be consulted with in regard to building the road.

14.4.17 The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.

There should be no long or short-term great ponds phosphorus concentration before or after construction.

14.4.18 For any subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

The proposed subdivision enters and exits at the end of a dead-end street.

14.4.19 If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland, as these features are defined in 38 M.R.S.A. Section 480-B, none of the lots created within the subdivision shall have a lot depth-to-shore frontage ratio greater than 5 to 1.

No lots in the proposed subdivision have shore frontage on any rivers, stream, brook, great pond, or wetland.

14.4.20 Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its findings and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

The only tree that will be removed will be necessary to build house and driveway, septic and well most will have 30' around the house for lawns.

The proposed subdivision will provide 2- and 3-bedroom homes in the \$300,000-400,000 range.

The road I'm constructing will be maintained by Bolduc Builders till the end of construction. At that time it will either be handed over to the City to become a city road or the road will be established as a private road and have a road association developed which will be written into all the deeds.

This subdivision does include sections of the wetland. Board members are concerned about how those wetlands are going to be protected from impact. Mr. Bolduc explains that he will be using erosion control practices during all phases of construction, and the Code Enforcement Officer will monitor with inspections. The Board had no further questions.

Pam Mitchel moves to approve this subdivision with two conditions here be a note on the plan, stating that lot 8 is not buildable and if necessary, a DEP permit will be obtained for the road. Lisa St. Hilaire seconded the motion. No further discussion. Debby Willis, Pam Mitchel, Lisa St. Hilaire, Chrisitan Fox, and Zachary Hanley voted to approve. Adam Lemire voted to deny. .

Mr. Bolduc will have a new site plan drawn up that reflects Lot #8 being unusable.

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

Pam Mitchel moves that this application be approved with the two previously mentioned conditions. Zachary Hanley seconded the motion. No further discussion. Debby Willis, Pam Mitchel, Lisa St. Hilaire, Chrisitan Fox, and Zachary Hanley voted to approve. Adam Lemire voted to deny. Application approved.

4. Public Hearing: 180 West Hill Rd. LLC is proposing to add a propane storage tank next to the existing 20,000gallon oil tank at 180 West Hill Rd- Map 022 Lot 041 in the HDR/SL district.

Chair Willis asks if the board can hear this in an unbiased manner. Yes. City Staff did not obtain any outside services.

Mr. Guerrette gave a quick overview of the project he is proposing. Much of this lot is developed, and there is an existing 1000gl propane fill station tank there. The full lot is paved. The applicant has included pictures in the application that will show what the lot will look like with the new tank installed.

Chair Willis opened the public hearing at 8pm. Seeing no one present to speak for or against the project, she closed the public hearing at 8:01pm. There have been no verbal or written comments submitted to City Hall.

Pam Mitchel has reviewed the application for completeness. This is a Non-Conforming use that is expanding. There two fire hydrants nearby. Rick Sieberg wanted information about the hydrants, Kris McNeill will make sure he gets this info, so a letter can be submitted for the application. This will be a condition of approval.

Mr. Guerrette informed the board that they have already submitted for a permit from the Maine Fuel board and will submit a copy of the permit for the file.

Pam Mitchel moves that the application is complete with the condition of the letter from Gardiner Fire. Zachary Hanley second the motion. No further discussion. All members present, in favor.

4. Review Criteria

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

Application is complete and the review fee is attached with this application.

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance.

This proposal confirms with all applicable provisions of this Ordinance.

6.5.1.3 The proposed activity will not result in water pollution, erosion, or sedimentation to water bodies.

This proposal will not result in 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.

The proposal will provide adequate disposal of all wastewater and solid waste.

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.

The proposal will not have any adverse impact upon wildlife habitat, unique areas, shoreline access or visual quality, scenic areas, archeological or historical sites.

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands.

The proposal will not have any adverse impact upon waterbodies and wetlands.

6.5.1.7 The proposal will provide for adequate storm water management.

The proposal will provide for adequate storm water management.

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements.

The proposal will conform to all applicable shoreland zoning requirements.

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements.

The proposal will conform to all applicable floodplain management requirements.

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development.

This proposal will have sufficient water available to meet the needs of the development.

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity.

The 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.

This proposal will provide for safe and adequate vehicle and pedestrian circulation in the development.

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.

This 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.

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance.

The applicant has adequate financial and technical capacity to meet the provisions of this Ordinance.

6.5.2 Site Plan Review Criteria

All applications for Site Plan Review shall meet the Review Criteria contained in 6.5.1 and the additional criteria contained in this section.

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.

This 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.

6.5.2.2 The proposal will not have an adverse impact upon neighboring properties.

This proposal will not have an adverse impact upon neighboring properties.

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.

This proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land uses in accordance with the appropriate performance standards.

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.

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.

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.

The proposal will reflect the natural capabilities of the site of support 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.

This proposal will provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area.

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.

This proposal will locate the proposed project to conform with appropriate city and state setback requirements.

6.5.2.8 Proposals with multiple buildings will be designed and placed to utilize common parking areas to the greatest practical extent.

This proposal will be designed and placed to utilize common parking areas.

6.5.2.9 Building entrances will be oriented to the public road unless the layout or grouping of the buildings justifies another approach.

No additional public building entrances are to be added as a result of this project.

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.

Proposed project is under 50' in length.

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 required to comply with this provision.

Building materials will be compliant with State and Federal requirements.

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.

Proposal requires no intersections with public roads, sidewalks, etc.

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 Drive thru services.*

Waivers

Waiver of Submission Requirements

The Planning Board may, for good cause shown and only upon the written request of an applicant specifically stating the reasons therefor, waive any of the application requirements provided such waiver will not unduly restrict the review process. The Planning Board may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the Planning Board's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application.

No waivers were requested for this application.

Pam Mitchel asks what happens if the tank springs a leak. Mr. Guerrette explains that there are all kinds of preventative measures built into the tank, and any propane would evaporate before it approached Cobbossee Stream. This is an existing business, so the impervious surface will not be an issue. There will be a 6' fence around the tank, and the tank is outside of the 250' setback for shoreland. Construction activity is not within the shoreland area.

Letters from Gardiner department heads are included in the application. There is not a letter of financial capacity, so this will be a condition of approval. Mr. Guerrette tells the board that he will forward a letter to the Planning Dept when he receives it.

Pam Mitchel moves that this application meets to all applicable standards of this ordinance with the conditions of a letter financial capacity, a letter from the fire chief and that the city receives a copy of the permit from the Maine fuel board. Christian Fox seconded the motion. No further discussion. All members present, all in favor. Pam Mitchel moves to approve this project with the three previously mentioned conditions. Zachary Hanley seconded the motion. No further discussion. All members present, in favor.

Application approved.

5.Approval of the Planning Board minutes from March 10, 2025: Pam's stuff first Pam with the corrections Lisa St. Hilaire seconded the motion. No further discussion. All members present, in favor. Approval for the minutes from April 8, 2025. Pam Mitchel moves to approve the minutes from 4/8/25 with minor corrections. Christian Fox seconded the motion. No further discussion. All members present, in favor.

6. Other Business: None at this time.

7. Adjourn: Lisa St. Hilaire moved to adjourn at 8:50 pm. Christian Fox seconded. No further discussion.
Adjourn at 8:50pm.

DRAFT