

PLANNING BOARD
Meeting Minutes
Monday March 10, 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- Board Members- Christian Fox, Lisa St. Hilaire, Pam Mitchel, and Debby Willis. Zachary Hanley, Adam Lemire and Jacob Waltman were not present. Others present included Jim Coffin- Coffin Engineering, Robert and Wendy Elwell, Ted Mitchell- Echo Properties, Emil Pazdziorko, Bob and Martha Harveywebster, and Kris McNeill.

3.Public Hearing: Elwell Excavation proposes to build a 9600sf warehouse and laydown area to support a construction operation at Lot 007-018A-012 in the Libby Hill Business park.

Jim Coffin is presenting this application. The plan is for a 16'x60' one story building, with a parking lot. All excess water from the lot will be led into the existing detention pond, which should help with runoff. All lighting for the project will be downward shining walpacs and will meet the city's ordinance rules. Robert Elwell, owner of the business, which is a trucking-based business, states that the building will be used for maintenance of his equipment. He explains that all work will be done inside, and any spills will be cleaned up appropriately. Chair Willis asks if Board members can hear this without bias- yes. She asked if the City obtained any outside services to process this application. No. She opened the public hearing at 6:27pm. Seeing no one present to speak for or against this application, she closed the hearing at 6:28pm. The estimated cost for this project is approximately \$500,000. The project includes a 16'x60' garage/maintenance building for trucks and equipment. There will be a small office area which will include a kitchenette, and restrooms. Pam Mitchel feels that the application is complete, and the board is ready to review submission criteria.

No waivers were requested for this application.

Review criteria- 6.3.2.7.2.

1. The estimated demand for water supply and sewage disposal together with the proposed location and provisions for water supply and wastewater disposal including evidence of soil suitability if on-site sewage disposal is proposed.

A letter has been sent to Zach Lovely of the Gardiner Water District asking if the Gardiner Water District has sufficient water capacity for the proposed project.

2. The direction of proposed surface water drainage across the site and from the site together with the proposed location of all stormwater facilities and evidence of their adequacy; *The surface water is directed towards the existing detention pond #8) to the south. Ditches, pipes and catch basins help convey the runoff into the pond. Lot 12 has an allowable impervious area of 1.8 acres as shown on the Phase 1 Overall Plan by Oest Associates. The total impervious area after this project has been constructed will be 1.23 acres. All lots in the LHBP have been pre-designed for stormwater with wet ponds for Phase II and detention ponds for Phase I.*

3. The location, dimensions, and ground floor elevations of all proposed buildings and structures including expansions or modifications to existing buildings that change the footprint of the building; *These elements can be found on the site plan (C-1).*

4. The location, dimensions, and materials to be used in the construction of drives, parking areas, sidewalks, and similar facilities; *These elements can be found on the site plan (C-1) and detail sheets.*

The proposed flow of vehicular and pedestrian traffic into and through the property; Very few lots in the LHBP allow pedestrian traffic through their site. In addition, there aren't any sidewalks along any of the roads in the park. Vehicles will enter the site from Technology Drive and go in either direction around the proposed building as shown on the site plan (C-1).

5. The location and details for any signs proposed to be installed or altered; *The applicant is proposing to erect a new sign adjacent to the entrance into the site as shown on the Site Plan (C-1).*

6. The location and details for any exterior lighting proposed to be installed or altered; *All exterior lights will be wall packs (dark sky) that are attached to the building and a detail sheet is included with this submission.*

7. Provisions for landscaping and buffering; and *The project is required to implement a partial screen along Technology Dr. and along the side and rear property lines.*

8. Any other information necessary to demonstrate compliance with the review criteria or other standards of the Land Use Ordinance. *No other information is included at this time.*

6.3.3 Additional Information for Applications for Planning Board Review and Site Plan Review

6.3.3.1 Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance.

A drawing showing a 3-D perspective of the building is included.

6.3.3.2 An estimate of the peak hour and average daily traffic to be generated by the project and evidence that the additional traffic can be safely accommodated on the adjacent streets;

David Allen (MDOT) has stated that once the left-hand turn lane was installed along Enterprise Dr. that the conditions of the turning movement permit have been met, and no further traffic mitigation is required within the subdivision. We have included a traffic report to show that there are 4.3 peak hour trips associated with this development.

6.3.3.3 Erosion and sedimentation control plan; *The erosion and sedimentation control plan can be found on Sheet C-3.*

6.3.3.4 A stormwater management plan demonstrating how any increased runoff from the site will be managed if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based on the scale of the project and the existing conditions in the vicinity of the project. *Lot 12 has an allowable impervious area of 1.8 acres per the Phase overall plan. The total impervious area after this project has been constructed will be 1.23 acres. All lots in the LHBP have been pre-designed for stormwater with wet ponds for Phase II and detention ponds for Phase I.*

6.3.3.5 If the property contains an identified historic or archeological resource, the application shall include an analysis explaining how the resource was taken into account in the project planning and how any negative consequences of the proposed development activity on the resource will be mitigated. *A letter has been sent to the Maine Historic Preservation Commission, asking if there are any historic properties affected by the proposed project.*

6.3.4 Additional Information for Applications for Site Plan Review

6.3.4.1 The site map(s) required in 6.3.2.7 shall be prepared and sealed by a professional engineer or architect. *This information is included with this submission.*

6.3.4.2 Elevation drawings prepared by a professional engineer or architect showing the façade and roof of the side of all proposed structures facing the road, and the side facing the customer entrance. The drawings shall clearly illustrate the profile of the roof. All façade and roof materials shall be identified including color and texture. *This information is included with this submission.*

6.3.4.3 Photographs or similar photo representations or drawings showing the architectural design and context of the proposed structures and adjacent properties on both sides of the road. *This information is included with this submission.*

Review Criteria (6.5.1)

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

The application is complete and the Site Plan Review fee of \$250.00 has been submitted.

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

The proposal conforms to all applicable provisions of the LUO.

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

The application contains all pertinent erosion and sediment control devices needed for the project. All runoff flows south to the existing pond shown on the Phase I Lotting Plan of the Libby Hill Business Park.

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

Public sewer is available for the project and all wastewater associated with the bathrooms, break room, etc. will be sent to the sewer system under Technology Dr. A letter has been sent to the Wastewater Director of the Gardiner Sewer District, asking if the district has sufficient capacity to serve the proposed addition. A dumpster enclosure is shown on the Site Plan (C-1) that will provide adequate disposal of solid wastes. The LHBP Phase I DEP permit allows the 12 lots to produce up to 24 tons per year or 120 cubic yards of 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.

Letters have been sent to the Maine Historical Preservation Committee (MHPC), the Maine Department of Inland Fisheries & Wildlife and the Maine Department of Agriculture, Conservation, & Forestry (MNAP). We have received the MNAP letter but are still waiting for the other two.

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

There aren't any wetlands on the parcel nor are there any waterbodies and this section is not applicable.

6.5.1.7 The proposal will provide for adequate storm water management.

Lot 12 has an allowable impervious area of 1.8 acres per the Phase 1 Overall Plan. The total impervious area after this project has been constructed will be 1.23 acres. All lots in the LHBP have been pre-designed for stormwater with wet ponds for Phase II and detention ponds for Phase I.

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

The project is not within the Shoreland Zoning and this section is not applicable.

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

The project is not within the 100-year flood elevation per the FIRM Map and this section is not applicable.

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

A letter has been sent to Zach Lovely of the Gardiner Water District asking if the Gardiner Water District has sufficient water capacity for the proposed project.

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

The project will connect to public water on Technology Dr. for domestic water service and a letter has been sent to Zach Lovely of the Gardiner Water District asking if the Gardiner Water District has sufficient water capacity for the proposed project. Groundwater quality and quantity will not be adversely affected with the proposed project.

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

The proposed site is being utilized for a construction business with offices associated with the applicant's operation. Pedestrians will not be able to walk around on site as this is the case in almost all the parcels within the Libby Hill Business Park. Tractor trailer trucks can access and negotiate the site as needed with the ability to drive box trucks through the service area. The site has been designed to allow 67' long tractor trucks to enter off Technology Dr. and drive in either direction around the proposed building. There is more than enough space for vehicle circulation associated with the site.

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.

A letter has been sent to John Cameron (Public Works Director) asking if he has any issues with the project.

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

E. S. Coffin Engineering & Surveying has the technical ability to complete the project. The applicant will provide a financial statement stating that they have adequate funds to complete the project prior to the PB meeting.

6.5.1.15 If the property contains and identified historic or archaeological resources, the proposal shall include appropriate measures for protecting the resource. Including but not limited to modification of the proposed design of the site, the time of construction, and the limiting of extent of excavation.

A letter has been sent to the Maine Historical Preservation Commission, asking if there are any historic properties affected by the proposed project.

6.5.2 Additional Site Plan Review Criteria

All applications for the 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.

The parcel is surrounded by other commercial/industrial parcels in the Libby Hill Business park. There are no design standards in the PIC District.

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

There aren't any residential properties that abut the parcel. It will be virtually impossible to see the building except from Technology Dr. Dust will be controlled during construction by using water or calcium. The project will not have an adverse impact on neighboring properties.

6.5.2.3 The proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land uses.

The project is required to implement a partial screen along Technology Dr. and along the side and rear property lines.

6.5.2.4 the building site and roadway design shall 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 proposed driveway into the site is off from Technology Dr. is at an elevation where the building finish floor elevation is about 10 feet lower. With the proposed entrance all traffic entering the site either utilized the parking are along the west side of the building or parks near the rear of the site. The site has been graded to send runoff away from the building in all directions and the cuts/fills have been minimized as much as possible with the existing topography of the parcel.

6.5.2.5 The proposal shall 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 possible.

The proposed building is situated on the most desirable location on lot #12. The development does not impact any wetlands. Letters have been sent to the Maine Historical Preservation Commission, the Maine Department of Inland Fisheries & Wildlife, and the Maine Natural Areas Program, (MNAO) and only MNAP had provided a letter to date.

6.5.2.6 The proposal shall provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area. The system shall connect building entrances/ exits with the parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project.

There are not any sidewalks on Technology Dr. nor along any road with the LHBP. The general public can drive into the site, find a parking spot, and enter the office area, but this entire site is geared towards a construction services facility with tractor trailer trucks and other construction vehicles moving continuously around all sides of the building. It doesn't make sense for any pedestrian access to occur other than the sidewalks abutting the parking areas.

6.5.2.7 In urban and built-up areas, buildings shall be placed closer to the road in conformance with setback requirements and parking areas shall be located at the side or rear. In rural or sparsely built areas, buildings shall be set well back from the road to respect the rural character of the area. Front parking shall be landscaped to reflect the rural area.

The proposed building is situated on site so tractor trailers can adequately maneuver in and out of the construction services building. There is parking along the east and west sides of the building. There is not any 'rural character' associated with the Libby Hill Business Park as there are only commercial and industrial uses. The proposed parking areas are all adjacent to buildings so that headlights point toward the building except in the rear of the property. There has been additional landscaping added near the parking areas to soften the paved areas.

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

There will not be multiple buildings on the parcel and this section is not applicable.

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

The main entrance to the building will be on the west side of the proposed building, which faces Technology Dr.

6.5.2.10 Exterior building walls with greater than 50' length which can be viewed from the public road shall 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 wall.

There are not any building design standards in the PIC district and therefore this section is not applicable.

6.5.2.11 Building materials shall match the character of those commonly found in the City and surrounding areas and include brick, wood, native stone, tinted/textured concrete block, or glass products. Materials such as smooth-faced concrete block and concrete panels and steel panels shall 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 shall not be required to follow this provision.

There are not any building design standards in the PIC District and this section is not applicable.

6.5.2.12 Building entrances and points where the development intersects with the public road and sidewalk shall be provided with amenities appropriate for the area such as benches, bike racks, bus stop locations and other similar landscape features.

The site is located on Technology Dr and is being utilized for Elwell Construction's headquarters. Pedestrians will not be able to walk around on site as this is a construction operation with large vehicles coming in and out of the site. There are picnic tables shown along the southwest side of the building.

6.5.2.13 A proposal which includes drive-through service shall be designed to minimize impact on the neighborhood. Drive through lanes shall be full screened from adjacent residential properties and communication systems shall not be audible on adjacent properties.

There are no drive-thru lanes associated with the project and this section is not applicable.

Lisa St. Hilaire points out that the letter from her organization, is for the wrong project, and that will need to be corrected. Pam Mitchel asks about a letter from the Gardiner Water District. Kris McNeill explained that he had spoken with Zach Lovely, Superintendent, directly and there were no issues with this project.

Special Activity Performance Standards-

Pam Mitchel states that Section 8 is fine. Environmental Performance Standards- Section 9- is all set as well with all pertinent areas covered in the application. The Stormwater plan shows water going into the existing detention pond. There is no letter from IFW included in the packet, but that agency is reportedly at least 6 months behind in addressing these projects. The developer will be sure to get the letter to the City when it arrives. A GIS map, showing the deer wintering areas will be included with this application. Section 10- There will be a sign. The applicant will work with code enforcement to make sure that the sign meets standards.

Parking- By ordinance rules, they need 10 spaces and have more than enough with 16. That is all.

Lisa St. Hilaire moves that the application is complete with conditions that the letter from MNAP be replaced with the correct one, and that a deer wintering map be placed with the application. Pam Mitchel seconded the motion. No further discussion. All members present in favor.

Pam Mitchel moves that this application meets the standards outlined in the LUO with the condition that a deer wintering map be included, and the correct letter from MNAP be received. Seconded by Christian Fox. No further discussion. All members present, in favor.

Pam Mitchel moves to approve this application with the two previously mentioned conditions. Lisa St. Hilaire seconded the motion. No further discussion. All members present, in favor.

4.Public Hearing: Echo Property Management LLC is proposing to build 3- 1100sf single family rentals on an existing lot at 596 Water St. City Tax Map 028 Lot 010 in the HDR district.

Ted Mitchell- owner of Echo Property Management is here to present. There was discussion about how this application was presented. This project is for three units to be built at 596 Water St., after the dwelling that is on the lot is torn down, making it so only two dwellings are being added to the property. Majority of Planning Board members feel this falls under Planning board review, and that is how the board decided to hear it. Pam Mitchel moved to review this application as Planning Board review. Seconded by Christian Fox. Debby Willis, Pam Mitchel, and Christian Fox voted for the motion. Lisa St. Hilaire abstained from the vote.

Ted Mitchel gave an overview of the plans, and this project. He has heard back from all Gardiner Department heads, who all agree that this project will not have a negative impact on the city's resources. Ted explained that he wants to build a site that will complement the neighborhood and provided some much-needed housing. Chair Willis opened the public hearing at 7:30 pm. Abutting property owner Emil Pazdziorko, lives at 600 Water St., and has questions asks about drainage. There is already a lot of run off in this area, and what will three new homes cause. Is there a plan in place that will help to alleviate this issue? Is there enough property for three dwellings on this half-acre lot? Kris McNeill, Code Enforcement Officer, stated that there could have easily been four dwellings. Will the proposed dwelling be available as rentals, or will they be sold off? The plan for now is to rent them out. Eventually, the developer may sell one, but that is unsure as of this time. Mr. Pazdziorko has no more questions. Abutting property owner, Ethan Lynch, who lives at 594 Water St, asks if a fence can be installed as proposed to shrubs to better ensure his property. He also feels that this project may cause even more water on his property. He is also concerned about light pollution caused from the proposed dwellings. Mr. Lynch had no more comments.

Chair Willis closed the public hearing at 740.

Pam Mitchel started reviewing the application and explained that according to the plans, all the required setbacks are met. There was a questions about lot coverage. There was a lengthy discussion about how to cut down impervious space, and exactly how much lot coverage there will be.

Pam Mitchel thinks that this developer needs to do more work on this application, including further calculating the impervious space, and that the information should be shown on a map.

Lisa St. Hilaire moved that the Board table the application so the developer can work on getting required information in the application. The board is asking for a plan showing that impervious surface is less than 35%. There needs to be documentation about finished floor elevations, and where the fence will be installed on the property. The updated application will need to have a FIRM map, and a stormwater management plan included. Christian Fox seconded the motion. No further discussion. All members present in favor.

Board members ask the developer to answer the questions that came about during the public hearing. Ted Mitchell explained that the plan is to rent the units for a while, but their overall intention is to sell two dwellings and retain one of them. If that happened, two units would be sold as condos, and a HOA would have to be developed.

He also adds that they can fence the property on the side facing 594 Water St. instead of shrubs. As far as lighting- it has to be there for safety reasons. The lighting would follow the standards in the LUO. There are four large trees on the property line that will likely have to be removed, however he may be able to keep the one closest to the road. Ted explains that he understands the abutters' concerns and is willing to work with them if needed. The updated application will need a stormwater plan, which Jim Coffin will be designing.

This application will come back to Planning Board in April, with the items listed above and be heard as Planning Board approval.

5.Public Hearing: To review possible amendments to the City Code- 5.14 Sidewalk Display Standards . Chair Willis opened the public hearing at 8:15. Seeing there was no one present to speak for or against the change, she closed the hearing at 8:16pm. Pam Mitchel moved to send this change to City Council with the recommendation to approve. Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor.

6. Public Hearing: To review possible amendments to the Land Use Ordinance- Section 11 Roads, Traffic, Access, and Parking Standards. Chair Willis opened the public hearing at 8:19pm. Seeing no one here to speak for or against this, she closed the hearing at 8:20pm. Pam Mitchel moves to send to city Council with the recommendation to approve, Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor.

7.Public Hearing: To review possible zoning change to lots 034-073, 075, and 076 on Robinson St from High Density Residential (HDR) to Intown Commercial (IT). Chair Willis opened the public hearing at 6:10pm. Robert and Martha Harveywebster live at 22 Neal St. They explain that they are concerned about the allowed building height in IT and feel that it is too high for this part of town. They would like to see this area maintained as a residential area, not commercial. Chair Willis closed the public hearing at 6:15pm after there were no other comments. Pam Mitchel moved that this proposed change be sent to City Council with the recommendation that it does **not** pass. Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor of the motion.

8.Approval of the minutes from 01/14/2025- Lisa St. Hilaire moves to accept the minutes from 01/14/2025 with minor edits. Christian Fox seconded the motion. No further discussion. All members present in favor.

9.Other Business- n/a

10.Adjourn- Pam Mitchel moved to adjourn at 8:30 pm. Lisa St. Hilaire seconded the motion. No further discussion. All members present in favor.