

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for April 24, 2001 - Page 1 of 11**

- I. ROLL CALL:** This meeting was held in the Third Floor Conference Room at Lewiston City Hall, was called to order at 7:10 p.m., and was chaired by Dennis Mason.
- **Members In Attendance:** Mark Paradis, Dennis Mason, Muriel Minkowsky, and John Cole.
 - **Staff Present:** Gil Arsenault, Deputy Development Director; Lincoln Jeffers, Economic Development Specialist; James Lysen, Planning Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary - Planning Division.
 - **Members Absent:** Rob Robbins, Roger Lachapelle, Lewis Zidle, and Planning Board Student Member Ethan Chittim.

After the Roll Call was complete, Dennis Mason made recognition to City Councilor Renee Bernier.

- II. ADJUSTMENTS TO THE AGENDA:** None.

- III. CORRESPONDENCE:** Included in the Planning Board packets was: A letter from Paul Badeau, LAEGC, requesting that the May 8, 2001 Planning Board Meeting be rescheduled to a different date.

The following items were distributed at this Planning Board Meeting:

- A. LAEGC's invitation celebrating their 20th Anniversary on Tuesday, May 8, 2001, at the Ramada Conference Center, Lewiston;
- B. Correspondence from Michael Gotto of Technical Services, Inc. dated April 20, 2001 in regards to Lepage Bakeries - Birch Street;
- C. The revised Watershed Action Plan dated April 24, 2001 on the No Name Pond, Lewiston; and
- D. A printout of the Milfoil Bill presented by the Joint Standing Committee on Natural Resources pursuant to Joint Order in regards to the No Name Pond, Lewiston.

MOTION: by *John Cole*, seconded by *Mark Paradis* to accept the above correspondence and place it on file to be read at the appropriate time.

VOTED: 4-0.

- IV. PUBLIC HEARING:** *To review the No Name Pond Watershed Management Plan and consider making it a component of the Comprehensive Plan.* James Fortune read the memorandum prepared by James Lysen dated April 20, 2001. As stated in this memorandum, some of the primary concerns raised at the Planning Board Meeting held on April 10, 2001 were with public access to the pond and the potential spread of non-native invasive plant species such as milfoil, as well as the types of vehicles which should be permitted on the pond including when the pond is frozen over.

The Watershed Management Plan is designed to be a component of the City of Lewiston's overall Comprehensive Plan and the City Council will be asked to officially adopt this plan.

The plan has also been reviewed by the Maine Department of Environmental Protection (MDEP) which provided both the funding for the development of the plan and guidance throughout the process. The DEP's recommendations have been incorporated into the plan and are listed as recommendations in the implementation of the plan.

The major focus is on the Watershed Action Plan, which is listed on Page Nos. 47-54. These pages include the overall goal of the plan, which is, "To improve the water quality of No Name Pond". Seven (7) objectives are listed on these pages with their related strategies, including

responsibility, term, cost, and possible resources. Each of these objectives recommends providing for a review of the strategies.

Changes that will be incorporated into the final publication include: A. The inclusion of additional photographs, tables, and graphics to help illustrate issues and recommendations within the plan and to improve the appearance of the document; B. A brief summary of the project timeline; C. Updates concerning both the Water Quality Section and the Land Use Inventory and Non-point Source Pollution Assessment Section; D. Updates concerning population within the Watershed; E. Summary conclusions concerning soil, bedrock geology, and groundwater flow; and F. A recognition of funding sources for the plan.

There is one (1) change that affects the Watershed Action Plan to strengthening of Objective 3, Strategy 9, which concerns issues related to public access to the pond.

Also mentioned in this memorandum were the recommendations for policy changes or code amendments. For Objective 1, Strategy 1 it recommends the establishment of an effective citizen-based water-quality monitoring program, including sampling tributary streams. For Objective 2, Strategies 4 and 5 it recommends that all current and future phosphorus standards and soil erosion and sediment control plan requirements to be applied to all development within the watershed, including single-family home lots, driveways, roads, and other land use activities. For Objective 3, Strategy 3, it recommends modeling of future land uses and development within the watershed may indicate necessary changes to land use ordinances within the watershed with respect to permitted uses, density of development, performance standards, etc. Objective 3, Strategy 6 recommends supporting the acquisition of environmentally-sensitive properties. Objective 6, Strategy 3 recommends continuing to support the Watershed Management Fund through the LCIP process. Objective 7 recommends the adoption of the Watershed Management Plan as a component of the City's Comprehensive Plan. Other recommendations include: A. The creation of a No Name Pond Watershed web site linked both with the City of Lewiston and the MDEP; B. The use of 2000 census data to further update watershed population figures; and C. Full incorporation of the GIS program to monitor and model land use impacts in the watershed.

James Lysen referred to the changes made in the plan, which he distributed at this meeting as the, "Watershed Action Plan - No Name Pond, Lewiston", dated April 24, 2001 (Page Nos. 1-8). James Lysen mentioned that the No Name Pond Watershed Management Plan was also distributed to the State of Maine D.E.P. and the collaborators. James Lysen went on to say that some actions have changed the Watershed Plan. James Lysen said that the goal of this plan is, "To improve the water quality of No Name Pond". Access into the pond is an issue. A number of issues have been raised which were included in his memorandum and are listed above. James Lysen gave an overview of the highlighted areas on the plan distributed at this meeting. James Lysen commented that Best Management Practices (BMP's) were used. What is the best way of reducing non-point pollution? James Lysen said that there is a community septic system for 13 homes, which is funded by the City of Lewiston. Item No. 8 on Page 3 under Objective 2, is incorporated as a new objective. This reads, "*Commit to a schedule of road improvements, emphasizing good erosion control practices for both public and private ways*". James Lysen went over the other changes reflected on the plan distributed at this meeting. Item Nos. 8 and 9 were highlighted on Page No. 5 under Objective 3. Item No. 8 reads, "*This could include the acquisitions of easements on land along inlet streams to the pond restricting the use of land in these areas.*" Item No. 9 reads, "*Develop and maintain public access to the pond in an environmentally responsible manner, dealing with such issues as: The spread of non-native invasive plant species such as milfoil and the construction of one centrally-located, stable public boat launch area.*" Under Objective 4 there are five (5) strategies which reflect an overall awareness, etc. How effective are these strategies? Under Objective 5 a change has occurred. Under Item No. 3, input from Al Curran has been added and includes: "*Extension of*

overlay zones and fertilizer and phosphorus control, buffer, and erosion control ordinances.” Found in the resource section is, *“Town Ordinances for Protecting Town Lakes”*. James Lysen showed the Planning Board Members the new cover to this plan and stated that this has been adopted as its cover.

James Lysen mentioned that David Footer is doing the original artwork, which will be included in the document. He went on to say that this has been approved by the D.E.P. This has been brought to the Planning Board for a recommendation to the City Council and to incorporate these changes in the document. The next City Council Meeting is May 1, 2001. This item will not be scheduled to be heard until May 15, 2001. James Lysen said if the document is worth producing, this should be incorporated in the Comprehensive Plan. James Lysen mentioned that Bates College has held classes on the plan and it has been discussed in the Lewiston public school system. The plan has focused on the history and acknowledgment of the people involved in the process. The plan has been dedicated to Frank Kelly, who brought people back to focus, was dedicated and whose leadership, guidance, and commitment to No Name Pond made this collaborative effort both successful and worthwhile. James Lysen commented that when they got into ruts, Frank Kelly always brought them back to the main objective - to improve the water quality of the pond.

Dennis Mason questioned Objective 3, Item No. 9 on Page No. 5 pertaining to public access. He questioned, “Was this a specific recommendation from the Association?” James Lysen said that this was to flush out what was meant. Reference was then made to Page 34 of the Plan entitled, “Public Beach”. One (1) stable boat launch is needed instead of several small sites on the lake, which would be available for residents and the public.

James Lysen referred to the article placed in today’s, 04/24/01, Lewiston Sun-Journal referring to the No Name Pond Watershed Management Plan (NNPWMP). James Lysen also made reference to City Council Renee Bernier, who was present at this meeting. This item was then opened to the public for the following comments and concerns.

Jeannie Raymond (No Name Pond resident) stated that there is no access to the pond. The pond is open to swimming. You cannot get large boats in there. She stated that she does have concerns with vehicles on the ice and with potential pollution. She asked, “What types of vehicles should be on the pond?” This is an issue with municipalities. Public boat access should be addressed. She went on to say that you cannot get out there with a motor boat.

Wendy Morin (10 No Name Pond Road) stated that she would like the public access restored.

Dave Goodwin (83 No Name Pond Road) questioned why was No Name Pond stocked with fish. Dennis Mason commented that it was to make sure the water quality does not get any worse. James Lysen said that both salmon and trout are inappropriate to go in the pond. The State of Maine stocked the pond. These fish are not cold-water species, and are difficult to maintain.

Ray Boies (1176 Lisbon Street) stated that public boat access will not cause the pond to lose its water quality. Ray Boies is on the treasury of the Maine State Bass Federation. There are 27 bass clubs in Maine. He stated that education and management is the key. He said that he is very aware of milfoil. There are 27 bass clubs located in Maine. Ray Boies said that it is mandatory to inspect boats going into and out of lakes. There are monies there. A public boat launch is needed. He is in favor of a boat access. In closing he made reference to the Federal Guide 2001 on fishing.

Ken Footer (a resident on the south end of the pond) has 26 acres. He grows strawberries. He questioned, “How is this going to affect him?” James Lysen reassured Ken Footer that he is located on the outside of the watershed of the pond. He said that it would be different if he was located downstream of the pond or in direct discharge. He is not located directly in the watershed.

Roger Richard (developer of Water's Edge Subdivision). Roger Richard previously was the owner of the boat launch, which closed down last summer. He stated that at all hours people were partying. He said he let this happen for four (4) years. For two (2) years he went to the City and the City did not want to hear about it. He said that currently ten (10) people now have a common interest in this boat launch. He feels that it is not his responsibility to create a boat launch and does not want this responsibility.

It was mentioned that the City does own a 30-acre parcel. The land is a nature preserve area with poor accessibility.

David Goodwin asked, "Why did the City put posts in, if this is not their land?" James Lysen responded that the improvements done were on City property.

Wendy Morin referenced the cut off access to the boat launch. This is polluting by pushing land back into the pond.

Gerry Audibet (15 Pond Ridge Road - west side of the pond) has been there since 1988. He said that because of problems with trespassers, they need to carry liability insurance. The fence has been broken down. There is a problem with the roadway going to the gravel pit. This is a party area. There are problems along the shoreline. There needs to be some sort of control as to how many vehicles can be parked on the road.

Gary Landry (1211 Sabattus Street) asked, "Does the City need a requirement for public access?" James Lysen responded that this had to be viewed as a public resource. The City owns tax-acquired land from Bradbury Road down to the pond. Other parcels along the shoreland are not owned by the City. Dennis Mason said that the Association's land is not available and funding is not allocated. James Lysen said that he will do research.

Gerry Audibet asked, "Why is the boat launch considered a medium- to long-term item?" Medium- to long-term is from 3-5 years. Long term is five (5) to 10 years. Gerry Audibet would like less time for this.

There being no further comments, the public portion was closed and opened to the Planning Board for further discussion.

Dennis Mason commented that this is a very good plan and that a lot of work was put into it. John Cole asked if the revised pages re-numbered from 47-54 to now 1-8 will be incorporated in the Lewiston Comprehensive Plan? James Lysen responded that this will be adopted by reference. The one (1) goal is the seven (7) objectives. Those being: A. Develop a sustainable water quality monitoring program for No Name Pond; B. Use Best Management Practices (BMP's) to reduce non-point sources (NPS) of pollution, including polluted run-off and malfunctioning septic systems, within the watershed; C. Promote public stewardship to provide long-term protection of the watershed; D. Further the ongoing educational efforts regarding the No Name Pond Watershed, and promote the active involvement of its stakeholders regarding sustainable watershed management; E. Create a process that will measure the effectiveness of the Watershed Management Plan; F. Aggressively pursue federal, state, and local resources to assist in the implementation of the strategies within the Watershed Management Plan; and G. Pursue adoption of the Watershed Management Plan as a component of the City's Comprehensive Plan. Aggressively pursue federal, state, and local resources to assist in the implementation of the strategies within the Watershed Management Plan. Real policy action is included in the plan. It is appropriate to go to the Comprehensive Plan. This is a dynamic document and it will need to be revisited.

John Cole made reference to Objective 3, Item No. 9 on Page No. 5. It was determined that specific language needs to be added to this strategy and is listed below in the form of action that was taken as follows.

MOTION: by **John Cole**, seconded by **Mark Paradis** to send a favorable recommendation to the City Council on the adoption of the No Name Pond Watershed Management Plan, as amended to include the adjustments made to Objective No. 3, Strategy No. 9 - To develop and maintain public access to the pond in an environmentally responsible manner, dealing with specific objectives including such issues as:

- Avoiding the spread of non-native invasive plant species, such as milfoil; and
- The construction of one (1), centrally-located, stable boat launch within a reasonable period of time.

VOTED: 4-0.

In closing this item, Dennis Mason mentioned that this does not mean that this will happen. Dennis Mason also said that any questions should be directed to James Lysen. James Lysen stated that in order to receive City Council notice for interested attendees to this meeting, for them to list their name and address on the sheet of paper in the rear of the Third Floor Conference Room.

III. FINAL HEARING: None.

VI. OTHER BUSINESS:

A. New Business:

I. Workshop concerning the proposed expansion of the Lepage Bakery Manufacturing Plan, Lisbon Street, including the discontinuance of the portion of Birch Street between Lisbon and Park Streets. The reading of James Fortune's memorandum dated April 18, 2001 was waived. The actions necessary, from this memorandum, were reviewed and were as follows: To make a finding that the parking lot on the adjacent lot on Park Street is accessory to the proposed principal use and to consider a proposal for the City of Lewiston to discontinue the portion of Birch Street between Park and Lisbon Streets and acquire 228 and 232 Park street and 23 Birch Street, and dispose of these parcels, along with 414 Lisbon Street and 231 Park Street, to Lepage Bakery in support of the proposed expansion.

An overview to James Fortune's memo is as follows. This project is a minor amendment to the overall Site Plan and needs just one (1) development review meeting. This item was brought to the Planning Board to provide the Planning Board Members with a preview of the overall scope of the proposed project and help facilitate the formal review process. Part of this project includes the discontinuance of the portion of Birch Street between Lisbon and Park Streets and the transfer of that property to Lepage Bakery. A traffic impact study by Gorrill-Palmer Consulting Engineers was included in the Planning Board packets. In this study, they concluded that the proposed closure of Birch Street will not have a significant impact on traffic at nearby intersections.

Lepage Bakeries is proposing to build a 21,000 square foot addition and a new parking lot in this area. The City is proposing to transfer five (5) properties to Lepage Bakeries, in addition to the street discontinuance. These five (5) properties include 414 Lisbon Street, 228, 231, and 232 Park Street, and 23 Birch Street. The new parking lot will be built at the corner of Park and Birch Streets on Lots C, D, and E (as shown on the Land Disposition Map provided in the Planning Board packets). The 21,000 square foot addition will be built in the southerly end of the existing and proposed building on land already owned by Lepage Bakeries, as well as on Lots A and B and the discontinued portion of Birch Street. This addition will include new loading docks along Park Street, occupying the discontinued portion of Birch Street and City-owned Lots A and B, along with five adjacent parcels that Lepage already owns. The addition will be constructed in the Centreville

(CV) District, which allows commercial bakery facilities as a permitted use.

The accessory parking lot proposed for Lots C, D, and E will be constructed in the Downtown Residential (DR) District where commercial parking facilities are allowed as a conditional use. This is an allowed use since the parking lot is accessory to the principal use under the code. Therefore, the parking can be reviewed, at this meeting, as an accessory use and would not require a conditional use permit.

Present at this meeting were: **Dick Hebert** of Hebert Construction; **John Bonneau**, attorney for Lepage Bakeries from Bonneau & Geismar; **Mike Gotto** of T.S.I.; and **Lincoln Jeffers**, Economic Development Specialist from the City of Lewiston.

Lincoln Jeffers presented the introduction to this project. He said that on several occasions this came together and fell apart. The City is purchasing three (3) properties. 75 percent of this is a T.I.F. There is land disposition associated with it. Lincoln Jeffers presented to the Planning Board the project on a map prepared by T.S.I.

As mentioned in Lincoln Jeffers memorandum dated April 3, 2001 in regards to disposition of municipally-owned land (enclosed in the Planning Board packets), he outlines the acquisition and disposition process for these parcels. The City has Lots C, D, and E under contract for a combined purchase price of \$91,550.00. Once the properties are acquired, the City will sell them to Lepage Bakeries for \$75,000.00, which will result in a net land disposition cost to the City of \$16,550.00. The total assessed value for the three (3) parcels is \$118,050.00. Both Lots A and B were tax-acquired properties and the City proposes to transfer the properties to Lepage Bakeries in support of this project. Buildings on these lots either have been demolished, or they are currently vacant and are scheduled for demolition. The building on Lot C (228 Park Street) is listed as an "other important building or structure". This building is subject to the demolition delay provisions, which has a demolition delay period of 31 days.

Mike Gotto of Technical Services, Inc. was present on behalf of Hebert Construction and Lepage Bakeries. Mike Gotto distributed 11 x 17" plans labeled, "Existing Conditions Plan" and two (2) Site Plans - one (1) showing Lisbon Street, Birch Street, Park Street, and Knox Street and the other showing Birch Street, Park Street, and Knox Street.

Mike Gotto said that he is trying to put together the final package for the May 8, 2001 Planning Board Meeting. He commented that he has worked with the Planning Board Staff and now he is looking for input from the Planning Board Members.

Mike Gotto continued his presentation. He said the existing bakery is bordered by streets on all four (4) sides. One (1) issue was with the fiber optic lines that were put in by Verizon. An easement will be left for Verizon. Currently, there is concrete-encased conduits. The lines will be protected.

Several homes will be converted to a parking lot. This parking lot will provide for 44 parking spaces (Knox, Birch & Park Streets). Green space will also be put in. Currently, no landscaping is shown. **Jerry Skinner** will come up with the Landscaping Plan, which is shown as the white areas on the map.

The previously approved building addition to be constructed will add 110 x 190' of new building addition. Ten feet (10') will be left between Lepage Bakeries and the Morin Property. This will provide loading space from Park Street.

The second issue is that Park Street drops in grade of about five feet (5'). The City will reconstruct Park Street.

Maneuvering will work more easily with the building being set back.

The third issue is the facade on Lisbon Street. The sidewalk from the Morin Property will be eliminated. Some parking will be left. There will be 11 spaces of parallel parking that will be

available in this area.

Issue No. 4 is that a “No Parking” zone has been added due to the Public Works Department, so a large truck can get onto Cedar Street.

Heavy landscaping is proposed for Lisbon Street.

The curb line will be bubbled out.

Traffic will be defined into two (2) lanes. A solution to an issue is that a new enclosed loading dock will allow a tracker-trailer unit to pull in all the way to Spruce Street to avoid stopping traffic on Lisbon Street.

This item was closed to the public and opened to the Planning Board Members for questions or a discussion.

Mark Paradis asked if the Central Maine Civic Center is mentioned at all in the traffic study? Lincoln Jeffers responded that it had not been addressed. James Lysen stated that signage will probably need to be increased. Birch Street would not be utilized as the main entrance.

Dennis Mason requested to have the traffic study people from Gorrill-Palmer present at the next Planning Board Meeting scheduled for May 8, 2001. Dennis Mason mentioned the 600-car parking lot access on Chestnut Street. He is concerned with people going off of the South Bridge. He is also concerned with the downtown. How will there be less traffic going down Cedar Street. Gorrill-Palmer will address the decreased trips. The local delivery first approved is being shifted to Canal Street. This will eliminate trucks in this area, as stated by **Dick Hebert**.

Dennis Mason asked, in relation to the intersection of Birch and Park Streets - What is the City's plan? There is a need for stop signs.

Park Street will become a thoroughfare. A stop sign should be at the end of Birch Street. This light is not a necessity, as stated by Dick Hebert. This area will eventually be a three- (3-) way. Dick Hebert stated that 85 feet back alleviates a lot of problems with truck maneuverability.

The sidewalk ends at Lepage Bakery and creates a large block that is pedestrian unfriendly. There is no control or signal in this area. The landscaping will be bermed or sloped up to make this area very pedestrian unfriendly. The landscaping will go out 16 feet. There is no need for pedestrians on Lisbon Street. Pedestrians can walk down Maple Street to Lisbon Street.

Gil Arsenault mentioned his concern being that there will be no room for the passengers to get out of their vehicles. James Lysen said that Public Works wants to keep the traffic moving and that he would speak to Public Works.

A major concern is with this area being a major gateway. Mike Gotto suggested that cobblestone could be placed for the passengers to get out on along Lisbon Street. There is also access between Maple and Spruce Streets via Park Street.

Gil Arsenault mentioned that the Food Shepard along with the Food Pantry may be moving. Gil Arsenault also mentioned that the overhang will need an easement for the City Council.

Green space is needed since this is a gateway area.

John Cole mentioned that the area where there is 11 parking spaces for cars will detract from the landscaping. James Lysen asked, “How crucial are these parking spaces?” Dennis Mason responded that these spaces get used.

There is 600 feet of building to be looked at for the gateway entrance. Hopefully landscaping will take care of this. The existing trees are maxed out and will probably be gone. Hopefully, **Jerry Skinner** will street scape this area. There is 16 feet along the building.

City Staff wants to talk to the City Arborist. **Jerry Skinner** will work with the City Arborist, the Public Works Department, etc.

John Cole mentioned that they will need to keep the 11 parking spaces. Parking in the Downtown Residential (DR) District will help facilitate.

James Lysen said that a Conditional Use Permit can be drafted for the next meeting, but it is not necessary. This is an accessory use. Dennis Mason read from the Code. Commercial parking is permitted in this area. The following motions were made.

MOTION: by **John Cole**, seconded by **Mark Paradis** that the Planning Board determines the parking lot on the adjacent lot on Park Street is an accessory use and is permitted in accordance with Article II, Section 2, Accessory Uses.

VOTED: 4-0.

MOTION: by **John Cole**, seconded by **Mark Paradis** that the Planning Board send a favorable recommendation to the City Council to discontinue the portion of Birch Street from Lisbon Street to Park Street.

VOTED: 4-0.

2. **Consider a proposal to acquire 228 and 232 Park Street and 23 Birch Street, and the disposition of these properties along with the City-owned 414 Lisbon Street and 231 Park Street to Lepage Bakery for the purpose of supporting their expansion.** Lincoln Jeffers stated that the Purchase & Sale Agreement have been signed. This was finalized at the beginning of April 2001. John Cole raised the question as to, "Why is the City acquiring and not Lepage Bakeries?" Lincoln Jeffers responded that the City is involved.

John Cole had the following concerns: a. With the City acquiring and then taking a cut from this project to go, and b. The City is asking the Planning Board to approve after the Purchase & Sale Agreement have been signed. He stated that this is a violation of both spirit and code. This cost the City \$16,500. The City is paying the commission as well. John Cole stated that this is a public embarrassment, but it is good for the City.

John Bonneau, Attorney for Lepage Bakeries and from the law firm of Bonneau & Geismar stated the fixed amount is the amount negotiated with the owners. The City wanted this project to go.

John Cole said that he wants to see this project done. The \$16,500 would have been a break or make deal.

In regards to the Morency Property, the City is not purchasing, but it is included in the parking lot.

In closing, John Bonneau stated that the T.I.F. incorporates a decision by the Planning Board. The following motion was made.

MOTION: by **John Cole**, seconded by **Mark Paradis** that the Planning Board send a favorable recommendation to the City Council to acquire 228 and 232 Park Street and 23 Birch Street, and to dispose of these parcels along with 414 Lisbon Street and 231 Park Street to Lepage Bakery in support of their expansion project.

VOTED: 4-0.

At this point in the meeting, Dennis Mason requested that Gorrill-Palmer explain how there would be less traffic going down Cedar Street and that Chris Branch from the Public Works Department explain how to strip, sign, or indicate where people are going down Cedar and Lisbon Streets and the Birch and Park Streets intersection. James Lysen will look into like street facades to continue. Mike Gotto mentioned that fencing will be placed at the ten foot (10') strip between the Lepage Bakery building and the Morin building to prevent pedestrian access. There will be no landscaping in this area. In closing, Mike Gotto said that a knock-out wall is proposed.

Out of sequence to the agenda, Item III. Correspondence was briefly discussed.

III. CORRESPONDENCE: *A letter from Paul Badeau, LAEGC, requesting that the May 8, 2001 Planning Board Meeting be rescheduled to a different date.* Paul Badeau, of the Lewiston-Auburn Economic Growth Council (LAEGC) is requesting that the Lewiston Planning Board change its Planning Board Meeting on scheduled for May 8, 2001 to avoid a conflict with the City's presentation of its Economic Achievers Award at the L-A Economic Growth Council's Annual Dinner and Business Forum (invitation distributed at this Planning Board Meeting).

There, being several items to be covered on the scheduled May 8, 2001 Planning Board Meeting and no requirement to move the Planning Board Meeting, it was unanimously decided to continue with the May 8, 2001 Planning Board Meeting and to convey apologies and best wishes to the LAEGC.

B. Old Business:

3. *Consider a proposal initiated by the Planning Board on behalf of Gendron Property Management Company to rezone 280 and 298 Park Street, and 93, 97, 101, and 115 Knox Street and to schedule it for a Public Hearing at the May 8, 2001 Planning Board Meeting.* There, being no proposal to initiate (to be prepared by Planning Board Staff on behalf of Gendron Property Management Company) and no public audience or applicants, including Paul Veillieux from Gendron Property Management Company, available at this meeting the following action was taken.

MOTION: *by John Cole, seconded by Muriel Minkowsky to table this item until the next Planning Board Meeting scheduled for May 8, 2001 and place it on that agenda as a Public Hearing.*

VOTED: 4-0.

The remaining items were discussed according to the agenda.

A. New Business:

3. *De minimis change determination for modifications to the approved Site Plan for the Lewiston District Court projects, 71 Lisbon Street.* The following summarizes James Fortune's memorandum dated April 17, 2001. PDT Architects has presented a revised Site Plan for the Lewiston District Court. PDT Architects are requesting a determination at this meeting that the proposed changes are of a *de minimis* nature and to have the Planning Board Chairman sign the revised mylar. A few minor changes were made to the plan during the bidding process, which was recently concluded, and the developer has resubmitted the Site Plan. The changes include: a. The curbed lawn area in the upper left hand corner of the site was deleted and replaced with a paved bollard area; b. The bituminous curb was replaced with granite curb adjacent to the transformer; c. The curbing next to the transformer was re-aligned so that it is straight and does not have compound curves; d. The tree next to the transformer pad adjacent to the rear of the building was deleted; e. Bollards were added along the fenced "sally port" area; and f. Bollards were added to protect the ramp walls on the Key Bank side of the site.

Enclosed in the Planning Board packets were drawings consisting of Sheet C-1, Site Layout Plan; C-2, Grading & Drainage Plan; and C-3, Miscellaneous Details.

Dennis Mason stated that he has looked at the plans submitted and there were several phantom lines that talks about building encroachment. On the current plans, no building is shown. Dennis Mason said he recalled a building being there and that his plans do not reflect the same thing as James Fortune's plans. At the November 2000 Planning Board Meeting, plans were submitted

afterwards with street trees, which the Planning Board Members did not show. Previously there was a long discussion as to where the street trees were. Again, Dennis Mason recalled a building there when the Planning Board discussed the stairs. He then asked, "Is the proposed addition of 252 square feet the stairwell now?" James Lysen responded that that is the stairwell. There is no building on that corner. This addition was removed. Basically, what the Planning Board has is much different than what James Fortune got signed. James Fortune said that he showed Dennis Mason, in his office, the last copy of the plan that had been signed. That plan did not have the building. James Fortune now has the copy of the new plan to be signed. Dennis Mason asked, "Why did they take out the lawn at the end of the parking lot with the bollards?" James Lysen responded, "So that they can stop cars from entering from that area and bollards are probably difficult to maintain." Dennis Mason told James Fortune that if PDT Architects changes the plan, he will sign it. There being no further issues, the following motion was made.

MOTION: by **John Cole**, seconded by **Mark Paradis** that the Planning Board determines the changes proposed for the approved Site Plan for the Lewiston District Court are of a *de minimis* nature and authorizes the Planning Board Chairman to sign the revised mylar.

VOTED: 4-0.

4. *Maine Supreme Judicial Court decisions concerning York vs. Town of Ogunquit.*

This item was placed on the agenda at the request of Planning Board Member John Cole for discussion. Information was placed in the packets concerning the case of Charles York vs. the Town of Ogunquit, which deals with a subdivision approval by the Town of Ogunquit. This item was tabled at the April 10, 2001 Planning Board Meeting, since John Cole was absent.

In the case, Court issued an opinion on the Planning Board's authority to grant waivers of ordinance provisions as well as other decisions made by the Ogunquit Planning Board.

John Cole said that he just wanted to bring this to the Planning Board's attention. The court decides on whether the distinction on subdivisions are waiverable and talks about standards that are clearly by ordinance waiverable versus a zoning ordinance requirement, which is non-waiverable. John Cole said that he wanted to bring this to the Planning Board's attention and that the Planning Board needs to be sensitive and careful about this kind of thing. John Cole said that the Planning Board Members rely upon Planning Board Staff for this, more than on themselves. This could be an important distinction to raise from time-to-time. John Cole just wanted the Planning Board to be aware of the decisions.

James Lysen said that often the Planning Board gets confused when it comes to waiver/modifications. Those are application requirements, not development standards. They have to meet those standards, unless they are not applicable. These are within the Zoning and Land Use Code. This is a unified ordinance. Those in the performance standards need to be met. There is no "wobble room" in those areas.

Dennis Mason wanted to know if the Planning Board would find it helpful if they heard more on the Site Plan Review and Design Guidelines. Dennis Mason said that sometimes he wonders about the street trees issue and whether the Planning Board has the power to say, "You must give us six (6) street trees along that street front or whether the Planning Board is asking for them or begging for them." He said he does not know honestly which side they are on most of the time. Dennis Mason used Lepage Bakeries as an example, since this project was discussed earlier this evening. Lepage Bakeries are actually accommodating and giving six feet (6') or also the Lewiston Sun-Journal is another good project to use as an example.

Gil Arsenault said that the Site Design Guidelines are the standard. Gil Arsenault also said that there is some flexibility to negotiate. Ultimately, it is the Planning Board's call. James Lysen commented that the Guidelines are referred to in the Zoning and Land Use Code. James Lysen said that they have the right to enforce them and interpret those on a case-by-case basis. This is what is critical. The guidelines are a gray area. Gil Arsenault said that the language could be an awful lot better. Gil Arsenault then mentioned that he spoke with Mike Gotto about the parking lot on Park Street. He said that he told him that they understand that Lepage Bakeries wants to maximize the number of parking spaces to bring the parking lot in conformance. If possible, they wanted to have vegetation. Generally speaking, you will have some dead space in a parking lot. When you have a wide open curb cut, there is some flexibility there as well. With Lepage Bakeries, they have no choice if they are going to move forward. With curb cut control, you have the ability to have street trees. Park Street does not offer that capability in order for the project to move forward. Dennis Mason said that green space is great. Bark mulch is okay, but it is not quite the same. After you get past mulch, you are not contributing much more than asphalt. Mark Paradis said that Lepage Bakeries is the economic engine of the whole downtown. James Lysen commented that if they have to build new, it would not be in Lewiston or Auburn. Gil Arsenault commented that Lepage Bakeries made it very clear, that if the City of Lewiston could not do this, eventually they would pull out of here. John Cole said that Lepage Bakeries application does not take in the whole picture. James Lysen said that people do understand the process. He also said it was clear that the Planning Board would get a recommendation before any official action took place.

In closing, Gil Arsenault also said that the level of debate is more with this Board than with the City Council.

B. Old Business:

1. ***Determination of Completeness and Final Hearing concerning a fill project at the Stetson Brook Estates Mobile.*** To be placed on the May 8, 2001 Planning Board agenda.
2. ***Continue discussion concerning Planning Board responsibilities associated with providing recommendations on the acquisitions and dispositions of real estate by the City of Lewiston.*** To be placed on the agenda for the first meeting in November, which is November 13, 2001.

VII. READING OF THE MINUTES: *Draft of the Minutes from the April 10, 2001 Planning Board Meeting.* The reading of the minutes for April 10, 2001 was deferred under the next meeting to be held on Tuesday, May 8, 2001.

RESIGNATION: *Muriel Minkowsky announced that she is resigning from this Board since she will be moving from Lewiston to Monmouth, Maine. Her last meeting will be on Tuesday, May 8, 2001.*

VIII. ADJOURNMENT: This meeting adjourned at 10:05 p.m. The next Planning Board Meeting is scheduled for Tuesday, May 8, 2001.

Respectfully submitted,

Mark Paradis, Secretary

