

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for July 24, 2001 - Page 1 of 8**

- I. ROLL CALL:** This Planning Board Meeting was held in the City Council Chambers on the First Floor of the Lewiston City Hall; was called to order at 7:10 p.m.; and was chaired by Chairman Dennis Mason.

Before the Roll Call was announced by Secretary Mark Paradis, Chairman Dennis Mason welcomed new Planning Board Member Kristine Kimball.

- **Members in Attendance:** Dennis Mason, Mark Paradis, Rob Robbins, John Cole, Kristine Kimball, and Planning Board Student Member Ethan Chittim.
- **Staff Present:** Gil Arseneault, Deputy Development Director; James Lysen, Planning Director; and Doreen Asselin, Administrative Secretary - Planning Division.
- **Members Absent:** Roger Lachapelle and Lewis Zidle.

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

III. CORRESPONDENCE:

- A. Letter dated July 20, 2001 from Shawn K. Bell of Bonneau & Geismar in regards to David Gendron/GRE, LLC/River Road Self Storage;
- B. City of Lewiston Property Acquisition/Disposition Review Form with comments from City Administrator Bob Vitas dated July 13, 2001 in regards to 84 Lisbon Street; and
- C. Letter dated July 23, 2001 from City Clerk Kathleen Montejo to Kristine Kimball in regards to the Planning Board.

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

VOTED: 5-0.

- IV. FINAL HEARING:** *Final Hearing concerning a proposed Site Plan for GRE, LLC to construct five (5) self-storage buildings totaling 32,875 square feet and 15,600 square feet of outside storage and heavy equipment storage area adjacent to South Avenue at 2 River Road.* For the benefit of the public audience, James Lysen read his memorandum dated July 20, 2001. In addition to the information that was submitted at the July 10, 2001 Planning Board Meeting, included in the Planning Board packets were a revised Site Plan dated July 16, 2001, which was submitted by A.R.C.C. Land Surveyors, Inc. on behalf of GRE, LLC, the above mentioned memorandum, and the correspondence dated July 20, 2001 from Shawn K. Bell of Bonneau & Geismar (listed above under Item III. Correspondence).

This item was brought to this Planning Board to construct a self-storage facility at 1 South Avenue and 2 River Road. This project consists of five (5) self-storage buildings totaling 32,875 SF and a 15,600 SF gravel outside storage area for boats, cars, campers, and motor homes, etc. In addition, there is also an existing building adjacent to the proposed graveled storage area. This proposed project is located within the Urban Enterprise (UE) District, where such uses are permitted as a matter-of-right. Entrance to this site would be accessed through four (4) separate 12-foot gates with a Knox Key Box for emergency access. Two (2) of the gates are on River Road and the remaining two (2) are on the 50-foot easement located on the northwest side of the parcel.

Also proposed is the construction of a 14,550 SF graveled heavy equipment storage area on the South Avenue property for Easy Rent-All. The garage on this parcel would be removed. The existing single-family home will remain.

Street trees have been provided along both South Avenue and River Road and the proposed Pine tree buffering adjacent to the driveway entrance on River Road are shown on the Plan. This site is proposed to be screened with a six foot (6') stockade fence, which extends over to the southern most storage building near the Pine buffering. Access to this site is from within the self-storage compound.

In regards to the correspondence from Bonneau & Geismar, which was included in the packets, this letter addresses the concerns with the right-of-way over the driveway from River Road to the adjacent houses. This driveway will only be used to access the existing storage building, which is indicated to be used for storage of dry goods associated with Easy Rent-All. This access is only done occasionally and with smaller trucks.

Arthur Montana was present at this meeting on behalf of Gendron & Gendron, Inc. (David Gendron). Arthur Montana distributed to the Planning Board Members the color (light blue) of the storage facilities. In response to Dennis Mason's request, Arthur Montana stated that the three (3) plans replace the other plans, as previously submitted. Arthur Montana said that two (2) issues are addressed. The garage is now shown on the Plan. No heavy equipment will go up the road. It was mentioned that anything that is not going to be paved, should be indicated on the Plan. A delineation of the areas to be re-vegetated, natural, graveled, etc. need to be shown on the Plan. James Lysen stated that both re-vegetated or vegetated should be shown on the Plan.

Kristine Kimball requested that, for the public audience's information, the correspondence from Bonneau & Geismar (attorney's opinion) should be read aloud. James Lysen read the correspondence. At this point in the meeting, a copy of this correspondence was distributed to Earle Temple. The concerns were addressed earlier in the above paragraph. The driveway is for the Grimmel property. Mark Paradis questioned the 50 foot easement as to the right-of-way to the driveway. John Cole responded that nothing will affect this easement.

The land is owned by the Gendrons. The Grimmel's have an easement. Easements must be shown on the site. James Lysen said that this is required by Code. Arthur Montana stated that the easement and who benefits from it will be shown on the Final Plan.

This item was opened to the public. The following are comments made by the public audience - residents of that area.

Earle Temple (20 River Road). He stated that he has an issue with the buffer zone in regards to the outside storage. James Lysen said that a six foot (6') stockade fence is proposed. This is a minimum requirement of the Code and this meets the Code requirements. The Pines are used as buffering. At the request of the Planning Board, Earle Temple showed the three (3) Pine trees on the plan. Arthur Montana stated that two (2) of the three (3) will remain. Earle Temple said that Dave Gendron had spoken to him earlier and stated that the three (3) will be removed. They are within the fence area. In conclusion, it was determined that three (3) out of the five (5) trees will be saved.

Anita Ducharme (24 River Road). Her property is located across from Dave Gendron's property. She is opposed to the self-storage facility. She also referred to the Grimmel's scrape metal business. She is concerned with truck traffic and the storage of heavy equipment. She said that this will ruin the value and privacy of homes. She went on to say that some of the most beautiful trees are being taken down. She said all she wants is consideration for the residents of River Road, Goddard Road, South Avenue, and Mount Hope Avenue.

Paul Ducharme (24 River Road). He said that his home is worth \$150,000. He also wants consideration of the residential homes. He is mainly concerned with the heavy equipment storage. He stated that this is “too much”. He mentioned the access to the cement block building. He wants access from the back. In conclusion, he stated that he is totally opposed to the whole project.

This item was then brought back to the Board for comments.

John Cole said that this project fits this area and that there is no inconsistency in the ordinance.

Anita Ducharme blurted out that, “nobody cares about this neighborhood”.

Gil Arsenault said that this has been an Industrial-based zone for many years. Since 1970, no single-family homes could be constructed. The present homes are now not conforming. This project conforms to the Code.

Again, Paul Ducharme stated that access should be off of South Avenue, instead of River Road. Paul Ducharme stated that he has not approached Dave Gendron as to access.

Kristine Kimball read a statement from the code, which pertains and conforms to the life, safety, and welfare of the people. With this reading, Kristine Kimball received an applause from the audience.

It was stated that the masonry building has been used prior for storage.

Paul Ducharme said that this is infringing on other properties of the area.

In regards to the reading done by Kristine Kimball, Gil Arsenault said that this was the purpose of development review. It is provisions. Gil Arsenault explained that this is a permitted use for this area. The Planning Board is obligated to grant approval.

More comments from the audience included the following.

Joyce LePage (25 South Avenue). She said that she sympathizes with the people who reside in this area. She lives across from Easy Rent-All. She does not have a problem with Easy Rent-All. She has a large, beautiful yard and is raising two (2) children. She does not like the concept of looking at heavy equipment. She said that the trees were taken down at the Minkowsky property (1 South Avenue). She is concerned with the heavy equipment that is proposed to be placed there. She does not think that she should have to look at it. It was mentioned that either a stockade fence (6') or trees (4') can be placed there for visual impact. Both cannot be required.

James Lysen stated that only the Urban Enterprise (UE) and Mill (M) Districts allow self-storage facilities. These facilities are very limited and there is a need for them. James Lysen then explained the uses. He said that the zoning is very limited. People need storage. There is a need and that need needs to be fulfilled. Self-storage is a less benign use.

The neighboring residents are totally against the heavy equipment storage. It was mentioned that this is difficult to buffer. The heavy equipment is an eyesore to this area. Arthur Montana stated that the equipment storage is equipment that is stored for lease. Easy Rent-All will rent this equipment.

John Cole re-iterated what he had said earlier and that was that this is the authority of the Board. It is a permitted use. The duty of this Planning Board is to approve this project.

Kristine Kimball suggested changing the access.

James Lysen suggested that the stockade fence could be changed from six feet (6') to a height of eight feet (8') for visual impact. James Lysen stated that this is a gateway to the City.

John Cole suggested that the buffering should be strengthened and another access should be discussed further, instead of holding up this project for another couple of weeks. A solution needs to be discussed.

John Cole then made the following motion.

MOTION: by **John Cole**, seconded by **Mark Paradis** to table the application for **GRE, LLC** to construct five (5) self-storage buildings totaling 32,875 square feet, 15,600 square feet of outside storage, and a 14,550 square foot gravel area for heavy equipment storage area for Easy Rent-All at 1 South Avenue and 2 River Road until the next scheduled Planning Board Meeting to be held on Tuesday, August 21, 2001.

VOTED: 3-2 (Robbins/Mason). Motion Carried.

After this motion was made, the discussion on this item continued.

It was re-emphasized that the Minkowsky home (1 South Avenue) was not planned to be torn down, at this time. A Gendron family member will be occupying this home. It is a single-family home.

Dennis Mason said that the Planning Board has no power to deny this project. Arthur Montana stated that if it is an issue pertaining to the buffering of South Avenue, Gendron will place trees, instead of fencing. Arthur Montana stated that he was then speaking on behalf of Dave Gendron. It was also mentioned that the site is lower than the house.

The options available for buffering is trees or an eight foot (8') fence.

Earle Temple suggested that trees could be placed against the stockade fence.

Rob Robbins suggested soliciting input on buffering to this area. James Lysen mentioned exploring access and saving the trees in the corner. James Lysen also said that a site cannot be cleared without development review. If this occurs, the applicant can be forced to re-vegetate. It was agreed to leave the stockade fence on South Avenue at six feet (6').

At this point in the meeting, it was agreed that the issue could be resolved and, therefore, Arthur Montana, along with Gil Arsenaault and the concerned residents all met in the Executive Conference Room, behind closed doors, for further discussion, while the remainder of this meeting proceeded.

The next item on the agenda to be discussed is as follows.

Rob Robbins was recused from the Planning Board, since his firm, Gosselin, Dubord & Rabasco owns property next to 84 Lisbon Street.

V. OTHER BUSINESS:

A. New Business:

1. Consider a proposal concerning the possible disposition of the property at 84 Lisbon Street to LA Arts. This item was brought to the Planning Board at the request of Richard Willing, LA Arts Executive Director, who is interested in the purpose of this property. **Richard Willing** was present at this meeting. Enclosed in the Planning Board packets was a letter stating his interest in the purchase of this City-owned property. The assessed valuation is \$113,800. The City acquired this property on November 15, 1999 for \$135,000.

As stated in James Lysen's memorandum dated July 20, 2001, this property was not necessary to complete the courtyard in conjunction with the District Court building. Demolition estimates were also very high. The Planning Board Staff supports the disposition of 84 Lisbon Street to the local arts agency.

Comments received from the various departments are as follows. Distributed at this meeting were the comments made from City Administrator Bob Vitas who stated that “this is an excellent opportunity to relocate to a more permanent home”. He went on to say that this, “will create a better economy of scale for both, consolidate local arts venues, maximize use of the property, etc.” Bob Vitas also stated that he feels, “the revitalization of this property should include a theme in the park to promote a “French Quartz”. He also suggested that this, “would go hand-in-hand with a French exterior treatment of wrought iron on the building - i.e. false balconies on the Lisbon Street and Park sides of the building.” He feels this, “should be a requirement for LA Arts in their efforts to remodel this building”.

Included in the Planning Board packets were comments received from Norm Beauparlant, Purchasing Agent, who suggested that a clause should be added to the Deed to return the property to the City at no cost, should LA Arts move from 84 Lisbon Street. Joe Grube from Assessing stated that in his opinion, this property should be sold and that at least a portion of the purchase price should be recovered. There were no comments from the Police Department. Dick Metivier the Finance Director for the City of Lewiston stated that he was in support of the proposed disposition to LA Arts. The recommendations submitted from Lincoln Jeffers, Economic Development Specialist, included that LA Arts is an organization that has proven its staying power. It adds significantly to the cultural richness of Lewiston. This will add vitality and energy to the downtown. This would help expand the active hours on Lisbon Street and help support restaurant and retail. This would also entice people to the downtown. In conclusion, Lincoln Jeffers said that, “the Development Department supports donating 84 Lisbon Street to LA Arts”.

James Lysen said that this item, if recommended by the Planning Board will go to the next City Council Meeting scheduled for August 14, 2001.

The use of the upper two (2) floors will be taxable, since LA Arts is interested in creating condos. LA Arts is tax exempt. James Lysen explained that “for profit” would be taxable and that “not for profit” would be tax exempt.

LA Arts plans are for the first floor to be a gallery and hopes to have this ready by the Summer of 2002. As stated in Richard Willing’s correspondence, “All of this depends on the goodwill and partnership between the City of Lewiston and LA Arts. The donation of the building would represent a compact between the two partners in the revitalization of the downtown.” The second floor is proposed to be office space and the upper floors either office suites or condominiums.

There is an option from the City and a right-of-first-refusal to be exercised within 90 days of the notice of a sale. LA Arts is accepting the entire building.

Kristine Kimball said that this is a very visible area and the area will gain culturally.

It was questioned if LA Arts has the resources available to support this purchase. Richard Willing answered that LA Arts has raised \$50,000 so far and that there are grants out there. LA Arts are approaching foundations for grant money to fund the renovations. LA Arts will need between \$300,000-\$400,000 to do their renovates.

In closing this discussion, it was mentioned that anything would be an improvement to this building. The following motion was made.

MOTION: by *John Cole*, seconded by *Kristine Kimball* that the Planning Board send a favorable recommendation to the City Council on the conveyance of the property at 84 Lisbon Street to LA Arts.

VOTED: 3-1-1 (*Paradis-Opposed/Robbins-Abstained*).

Rob Robbins rejoined the Planning Board for the remaining agenda items.

John Cole recused himself from the Planning Board on the following item.

2. Review a de minimus change in the Department of Human Services (DHS)

Building Expansion. Enclosed in the Planning Board packets was correspondence and copies of the revised Site Plan, Utility Plan, and Grading Plan. Present at this meeting was Jan Wiegman of Taylor Engineering Associates on behalf of the Department of Human Services. Jan Wiegman displayed the drawings to the Planning Board Members and addressed the de minimus changes, which are reflected in the bubbled out areas on the plans.

As stated in Jan Wiegman's correspondence, DHS desires to segregate their dedicated employee parking from both the client parking and the parking on the Callahan parcel.

Changes to the plans include the separation of the Callahan parking lot from the DHS portion of the parking with a fence, which then necessitates an entrance from Lowell Street to access the 24 parking spaces on the Callahan lot. The plan includes a pedestrian connection from the lot to the sidewalk on Chapel Street and landscaping at the entrance and the corner of the lot.

The employee parking area will be segregated from the client area by a removable barrier system between the two (2), new landscaped islands in the parking lot along Middle Street. The entrance to the employee lot from Chapel Street has been changed to Main Street so that it lines up with the aisle at the employee entrance. With this change, it eliminates the costly relocation of a major electric utility pole in the former location. Also with this change, the relocation of the loading space will be in front of the existing loading area.

The concrete ramp and stair system to access the new front entrance of the building directly from Main Street has been eliminated. The ramp and stairs have been replaced by a landscaped slope. Handicap accessibility to the front entrance is provided by a ramp from the client parking area.

Overall parking has been reduced by eight (8) spaces, but still exceeds the required number by nine (9).

In closing his summary of the de minimus changes, Jan Wiegman stated that this project will be an improvement to this area.

Other issues noted by Planning Board Staff were: a. There should be a wooden, stockaded fence for screening of the dumpster, instead of a chain-link fence and b. The location of the removal barrier system should be indicated better on the plan.

There was no public audience available and no further questions or discussion from the Planning Board, therefore, the following motion was made.

MOTION: by **Rob Robbins**, seconded by **Mark Paradis** that the Planning Board finds these changes to be of a de minimus nature and authorizes the Planning Board Chairman to sign the revised mylars.

VOTED: 4-0-1 (Cole Abstained).

VI. READING OF THE MINUTES: Draft of the Minutes from the July 10, 2001 Planning Board Meeting.

The following changes were made by Dennis Mason:

- On Page No. 3, Item V. Final Hearings, A. Determination of Completeness and Final Hearing concerning a proposal to amend the Central Maine Medical Center (CMMC) campus plan in order to construct a 200,000 square foot medical office complex, including a cardiac care facility and medical offices, second paragraph, third line after the word nine-, include the number in the parenthesis.

- On Page No. 4, fourth full paragraph, second line, delete the word, “*be*”. Also, on this same page, fifth paragraph, delete the word, “*general*” and replace it with the word, “*generation*”.
- On Page No. 5, second full paragraph, delete the words, “*Holland Street*” and replace it with the words, “*High and Bridge Streets*”. Also on the same page, fourth full paragraph, delete the entire last sentence of that paragraph.
- On Page No. 6, second motion, fourth line, delete the word, “*and*” and replace it with the word, “*provided*” and in the same motion, fifth line, after the word, “*code*”, add the words, “*recommendation of the*” and before the words, “*traffic engineers*”.
- On Page No. 9, third full paragraph, second line, delete the words, “*directly across from this item*” and replace the words with, “*adjacent to this property*”.
- On Page No. 10, first motion, fourth line, replace the word, “*meets*”, to read, “*completes*” and on the fifth line of the same motion, add the word, “*final*” before the word, “*requirements*”.

The following motion was made.

MOTION: by **Dennis Mason**, seconded by **Mark Paradis** to approve the Planning Board Minutes for July 10, 2001, as amended.

VOTED: 3-0-2 (Cole/Kimball Abstained).

RECONSIDERATION on the Final Hearing concerning a proposed Site Plan for GRE, LLC to construct five (5) self-storage buildings totaling 32,875 square feet and 15,600 square feet of outside storage and heavy equipment storage area adjacent to South Avenue at 2 River Road.

Arthur Montana said that after meeting with all the neighbors, all the issues have been resolved and he would like the Board to reconsider their tabling action.

The following withdrawal motion was then made.

MOTION: by **John Cole**, seconded by **Mark Paradis** that the Planning Board reconsiders its motion and takes their motion concerning this project from the table.

VOTED: 3-1-1 (Robbins-Opposed/Kimball-Abstained).

Rob Robbins expressed concern that the concerned neighbors did not come back to the meeting after meeting in the Executive Conference Room with Gil Arsenault and Arthur Montana.

Gil Arsenault requested that a copy of the written response to the applicant (Gendron & Gendron, Inc.) be mailed as soon as possible and that a copy of that written response gets copied to each of the concerned residents who were present at this meeting. Gil Arsenault said it was made very clear to the neighboring residents that they were coming back to the Planning Board for reconsideration at tonights meeting.

The following issues were discussed and agreed upon in separate session between Arthur Montana, Gil Arsenault, and the concerned citizens of that neighborhood.

1. Joyce Lepage (25 South Avenue), who was speaking on behalf of an elderly lady would rather see a six foot (6') stockade fence, instead the placement of trees. They would rather see a six foot (6'), instead of an eight foot (8') fence.
2. In reference to the issue with the removal of the trees near the outdoor storage area, the fence will be brought straight across to save those trees in order to provide a better buffer to the abutting residential property owners.

3. In reference to the issue with the driveway (Ducharme and Temple issue), there was a proposal to eliminate the access along this drive, and provide an access to the building from the rear area through the compound.

In closing this discussion, James Lysen said that the Planning Board can reconsider this action at the next meeting.

As a noble and appropriate gesture, Gil Arsenault said that he would like to have David Gendron reconsider his offer to build a driveway on residential property. In Gil's closing statement, he said that he would talk to David Gendron.

There being no further questions or comments and no motion on the floor, Dennis Mason suggested the following motion be made.

MOTION: by **John Cole**, seconded by **Mark Paradis** that the Planning Board find that the GRE, LLC application meets all the approval criteria under Article XIII, Section 4 and grant final approval to this project subject to the following conditions:

1. Delineation of all re-vegetated and paved areas;
2. Elimination of the access to the rear storage facility from the driveway off River Road;
3. Indication of all easements on the Drawing;
4. Showing the location of the garage on the neighboring property;
- and 5. With respect to the removal of the trees near the outdoor storage area, the fence will be brought straight across to save those trees in order to provide a better buffer to the abutting residential property owners.

VOTED: 4-0-1 (Kimball).

VII. ADJOURNMENT: The following motion was made to adjourn this meeting at 9:10 p.m.

MOTION: by **Dennis Mason**, seconded by **Mark Paradis** to adjourn this meeting.

VOTED: 5-0.

The next Planning Board Meeting is scheduled for Tuesday, August 21, 2001.

Respectfully submitted,

Mark Paradis, Secretary

DMA:dma

C:\MyDocuments\Planbrd\Minutes\PB072401MIN.wpd

