

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 28, 2002 - Page 1 of 6**

I. ROLL CALL: This meeting was held in the Third Floor Conference Room of Lewiston City Hall, was called to order at 7:07 p.m., and was chaired by Dennis Mason.

- **Members in Attendance:** Dennis Mason, John Cole, Rob Robbins, and Jeffrey Gosselin.
- **Staff Present:** Lincoln Jeffers, Business Development Manager; Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; David Sanborn, Planning Coordinator; and Doreen Christ, Administrative Secretary-Planning Division.
- **Others Present:** Chris Branch, Director - Lewiston Public Works Department; Jeff Beale, CSO Coordinator - Lewiston Public Works Department; Richard Burnham, Superintendent - Water and Sewer Division; and Kevin Gagne, Engineer - Water and Sewer Division.
- **Student Member Present:** Ethan Chittim.
- **Members Absent:** Roger Lachapelle, Kristine Kimball, & Robert Connors (Excused Absence).
- **Student Member Absent:** Jen Robustelli.

II. ADJUSTMENTS TO THE AGENDA: At Planning Staff's request, Item No. 6, Other Business, Sub-Item C. Recommendation from the Downtown Advisory Board to amend the Zoning and Land Use Code concerning eliminating Adult Business Establishments in the Centreville (CV) Zoning District be moved to be heard directly after Item IV.

III. CORRESPONDENCE: The following items were distributed at this meeting: a. A memorandum dated May 28, 2002 in regards to the Planning Board Workshop scheduled for Tuesday, June 11, 2002; b. Planning Board Project Development Review Form from the Public Works Department dated May 17, 2002 in regards to the Bates Mill Complex Commercial Subdivision Amendment; and c. City Council Informational Sheet along with Exhibit A on the Acquisition of Real Estate Option to purchase property located at 347 Webber Avenue. The following motion was made.

MOTION: by *John Cole*, seconded by *Jeffrey Gosselin* that the Planning Board moves to accept this correspondence, place it on file, and that it be read later on at the appropriate time.

VOTED: 4-0.

Dennis Mason stated that pertaining to Item III. c. above, the City Council has already voted with regards to acquiring property in that neighborhood and requested a copy of that motion be accepted by this Board.

Jeffrey Gosselin recused himself from the Planning Board on this item.

IV. PUBLIC HEARING: *A Public Hearing on a proposal to rezone properties from the Maine Turnpike south to and including the Central Maine Power Right-Of-Way from Alfred A. Plourde Parkway east to the centerline of Apple Road; and including a portion of 135 Apple Road, from the Industrial (I) District to the Urban Enterprise (UE) District.* David Sanborn read his memorandum dated May 24, 2002. The reason for the proposed amendment is to allow retail and services uses in addition to industrial uses.

Both *Mike Gotto*, of Technical Services, Inc. and *Bob Faunce*, a Land Use Planner, were present at this meeting. Bob Faunce reviewed the history of the land proposed for rezoning from 1991 to date. He said that topography, ledge, and petroleum pipeline are significant impediments to industrial development and that industrial uses would not support the development of the 40 acres at issue. The Urban Enterprise (UE) zoning allows retail, the most likely use of the property, while still allowing light industrial uses. There is a lot of rock, ledge, and wetlands. There are constraints because of the major petroleum pipeline. This item was then opened to the public.

Ed Buschman (16 Ferry Road) asked, "What does OS mean?" The response was, "Office Service". This is still allowed as light industrial.

This item was then closed to the public and brought back to the Planning Board for comments and deliberations. The following vote was made.

MOTION: by **Rob Robbins**, seconded by **John Cole** that the Planning Board send to the City Council a positive recommendation to rezone the properties from the Maine Turnpike south to and including the Central Maine Power Right-Of-Way; from Alfred A. Plourde Parkway east to the centerline of Apple Road; and including a portion of 135 Apple Road, from the Industrial (I) District to the Urban Enterprise (UE) District, as presented.

VOTED: 3-0-1 (Gosselin recused himself from the item).

This proposal did not receive the required concurring vote of a least four (4) members to constitute an action, but will be reported to the City Council.

Jeffrey Gosselin rejoined the Planning Board on the remainder of the agenda items.

Out of sequence to the agenda and placed under the Adjustments to the Agenda, Item VI. Other Business, Sub-Item C was presented.

VI. OTHER BUSINESS:

C. Recommendation from the Downtown Advisory Board to amend the Zoning and Land Use Code concerning eliminating Adult Business Establishments in the Centreville (CV) Zoning District. Lincoln Jeffers was present at this meeting, on behalf of the Downtown Advisory Board (DAB). The DAB at their meeting of May 22, 2002, voted to request the Planning Board to initiate an amendment to the Zoning and Land Use Code that would not permit tattoo parlors, adult bookstores, and "head shops" in the downtown.

James Lysen stated that Planning Staff would develop a proposal.

The following motion was made.

MOTION: by **John Cole**, seconded by **Rob Robbins** that the Planning Board supports initiating an amendment to the Zoning and Land Use Code to clarify the definition of adult business establishments and instructs Planning Staff to work with the Downtown Advisory Board to further study and develop a proposal to eliminate adult amusement establishments, tattoo parlors, stores that sell "alternative smoking paraphernalia," and similar uses, from both the Mill and Centreville Districts.

VOTED: 4-0.

The other remaining agenda items were presented according to the agenda listing.

V. FINAL HEARINGS:

A. Final Hearing on an application by Lewiston Public Works to remove the existing water reservoir located at 389 Webber Avenue and construct two (2), 4.3 million-gallon concrete storage tanks as replacements. David Sanborn read his memorandum dated May 24, 2002.

Richard Burnham stated that the current reservoir was constructed in 1900. He stated that there have been serious water quality problems because of the design of the current reservoir and that this is the only feasible location for our municipal reservoir. He reviewed the plans in detail. Two (2), new tanks are designed for this site.

John Cole mentioned terrorist intrusion. Richard Burnham stated that the tanks will be built from concrete. There will be one (1) hatch on the top. This will be locked. He stated that they cannot do vulnerability testing.

After the above presentation, this item was opened to the public. Public comments were as follows:

Ester Shapiro (Labbe Avenue) was concerned with buffering and the height of the tanks.

Sue Grondin (47 Hilltop Avenue) is also concerned with the height of the tank and with vegetation. It was stated that either Pine or Spruce trees are proposed. She is also concerned with the impact this project will have on property values.

John Cole was concerned that the impact of the project on area property values has not been addressed.

Sue Grondin (47 Hilltop Avenue) then asked if there is any type of insurance in regards to flood insurance. Dennis Mason asked, "If there is leakage out of the tank, where will it drain?" Rick Burnham responded that it will drain into the storm system.

Mike Martel (27 Labbe Avenue) said that the elbow of the proposed road is in his back yard. He is concerned with demolition of the existing hill surrounding the reservoir and the devaluation of his property.

Kevin Gagne said that this project will be well vegetated and well screened.

James Lysen said that this is a good site because this site has had storage on it for over a 100 years.

Rob Robbins said that this is what saves this project, because there is an existing facility there. This is an existing use and it is consistent with this area.

John Bolduc (37 Hilltop Avenue) asked, "Why couldn't both tanks be located within the reservoir?" Rick Burnham replied that they need storage during construction.

Gary O'Connell (51 Hilltop Avenue) asked, "Why couldn't the location be moved closer to the existing reservoir?" Rick Burnham replied that there are two (2) reasons: 1. The cost to remove bedrock and 2. From a structural point of view, there is a load on the embankment. He also requested that the existing fence-line be pointed out to him that is around the existing property. Rick Burnham then showed him on the mapping and said that they are extending the fencing along the limited clearing. Gary O'Connell then asked, "Is there a reason why this fence could not be moved closer to the existing proposed structure?" He is concerned because there is a lot of wildlife that is presently up there right now, particularly deer. Rick Burnham replied that the fence could be placed closer. The fencing is six foot (6') high, cyclone fencing. Gary O'Connell stated that the Public Works Department has been very accommodating to him.

Ester Shapiro (Labbe Avenue) does not agree that this project is consistent with what is already there. She feels that it is completely different. She said what is proposed to be put there cannot be hidden. The current view from her back yard is fine right now. 40 foot high reservoirs are not consistent with what is up there. Dennis Mason stated that there are no other water storage facilities in the City.

Joan Michaud (23 Labbe Avenue) also questioned flood insurance. She complained that in the past her cellar has been flooded. She stated that if the storm drains were opened up when they are supposed to, not when the Public Works Department decides to do this, this would not happen. It was concluded by Jeff Gosselin that this was not in relation to the reservoir. This was a Public Works Department issue.

Gary O'Connell (51 Hilltop Avenue) stated that the Public Works Department has been very good in responding. They have placed a new catch basin on his property. There is also another catch basin between him and the Grondin property (47 Hilltop Avenue). He then asked, "How will this area be graded behind my home?" The drainage will be intercepted and brought to the detention pond. In closing this discussion there will be no increase in runoff from the site.

Dennis Mason asked if there was any modification to the road? James Lysen responded that it was roughly scaled at 25 feet verses the required 30 feet, which is a 16 percent modification.

This ended the public comment portion and was turned back to the Planning Board for the following motion.

MOTION: *by John Cole, seconded by Jeffrey Gosselin that the Planning Board grant the modification/waivers, which are contained in the application; finds the application meets all the necessary approval criteria under Article XIII, Section IV of the Zoning and Land Use Code; finds that the Conditional Use Permit application meets all the necessary approval criteria under Article X, Section 3 of the Zoning and Land Use Code; finds that Section 3, Sub-Section (1) is indeed satisfied as the size of the proposed use is comparable to the surrounding uses of the existing reservoir and the existing infrastructure that goes with that; also finds that the amount and type of traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces are comparable to the surrounding uses; that generation of noise, dust, odor, and vibration are comparable to the surrounding uses; that the impact of the use on the quality and quantity of groundwater available to abutting properties is comparable to the surrounding uses; that unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils do not aggravate adverse impacts upon the surrounding properties; that the proposed use will not have an adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the Neighborhood Conservation "A" (NCA) District; that the Planning Board finds that Sub-Section (2) has been satisfied and that the vehicle access to the site will accommodate the additional traffic generated by the development, and that the topography of the site will permit the*

construction of all access roads so that the maximum slope for 100 feet from the intersection of the existing street, shall not exceed three (3) percent; that all proposed intersections shall meet the minimum site standards to ensure the safety of pedestrians, passerbyers, etc.; that Sub-Section (3) is satisfied as the capacity of the sewer/water supply system is adequate to accommodate the proposed use; that the capacity of the storm drainage system is adequate to accommodate the proposed use; and the ability of the Fire Department to provide the necessary protection services to the site and development is adequate; that Sub-Section (4) is addressed as the soils at the proposed site have adequate capacity and stability to support all loadings, including fill, developed by the proposed use and the use will not cause any unreasonable soil erosion or reduction in the capacity of the land to hold water to the extent that a dangerous or unhealthy condition may develop. Sub-Section (5) does not apply because the existing structures are not of similar scale and architecture. The Board finds that the requirements for the Conditional Use Permit are satisfied and grant final approval to remove the existing water reservoir and construct two (2), 4.3-million gallon concrete storage tanks at 389 Webber Avenue. Also approved is a modification of the minimum side yard to 25 feet from 30 feet in order to accommodate the roadway.

VOTED: 4-0.

John Cole stated that the height requirement needs to be dealt with. Dennis Mason responded that this was included in the original approval application and that the maximum building height in the NCA District is 35 feet. John Cole stated that the standards in Article 13, Section 4 are easily satisfied by the application. All the other criteria have been adequately addressed and satisfied by the Lewiston Public Works Department. John Cole said that this project will not have a greater adverse impact here than it would somewhere else. In the ordinance, all the facts have been presented. He feels that since everything has been worked through and the standards have been met, adoption and the granting of approval is warranted.

B. Final Hearing on an amendment to the Bates Mill Complex Commercial Subdivision by deeding to the City a portion of Lot No. 3 (70 Lincoln Street) and Lot No. 5 (32 Chestnut Street) in order for the City to create a landscaped buffer strip with streetscape amenities. The amendment also includes the creation of a permanent parking area on Lot No. 3 to serve the Complex. The reading of the memorandum prepared by David Sanborn dated May 24, 2002 was waived. Steve Myers, from Platz Associates, was present at this meeting. This project will amend Lot Nos. 3 and 5 of the Bates Mill Complex by deeding a portion of each lot to the City of Lewiston to be used as a landscape esplanade between Lincoln Street and the Bates Mill Complex. Final approval is requested for the permanent parking area on Lot No. 3 to serve the Bates Mill Complex. The Engineering design and construction will be provided by the Public Works Department. There were no further comments, therefore, the following motion was made.

MOTION: *by Rob Robbins, seconded by John Cole that the Planning Board approve the Subdivision Amendment; grant the modification/waiver request form; and find that the application for the Bates Mill Complex Commercial Subdivision, Lot No. 3 (70 Lincoln Street) and Lot No. 5 (32 Chestnut Street) meets all the necessary approval criteria under Article XIII, Section 4 of the Zoning and Land Use Code.*

VOTED: 4-0.

VI. OTHER BUSINESS:

A. Gayton Estates - De Minimus change. Marcel Beaudoin is proposing to amend the southerly lot line of the original Lot No. 3, reducing it by 0.08 acres - 3,603 square feet, adding this area to his lot in Lisbon, Maine in order to provide better access to the rear of the existing garage. One (1) minor amendment to his plan is to re-title the Subdivision Plan to include, "Final Plan of Lots 1, 2, and 3". The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Rob Robbins** that the Planning Board determines the proposed amendment for Gayton Estates to be “de minimus” in nature; finds that the project meets all the applicable approval criteria under Article XIII, Sections 4 and 5, subject to the re-titling of the Subdivision Plan; and authorizes the Planning Board Chair to sign the revised mylar.

VOTED: 4-0.

B. Crowley Road Conditional Rezoning update. James Lysen updated the Planning Board on this item. He stated that Norman Jalbert, the applicant, has come back with a proposal to create a mixed use structure at that property and also a towing service in conjunction with that. This would be a single-family house with an attached garage with office and garage space for a tow truck, this would then be used as a business. This can go forward without amendments to the Comprehensive Plan. After receiving the petition, this will be scheduled for a Public Hearing for the June 11, 2002 Planning Board Meeting. Dennis Mason suggested that the applicant should state his case and provide justification as to the proximity to the junkyard.

D. Discussion concerning streamlining the Development Review and other Review processes. James Lysen stated that Planning Staff had met earlier and talked about a number of changes. James Lysen said that a new name needs to be created for a Final Hearing. A Final Hearing implies that there is something before it. All projects, regardless of size, will be a one meeting process. Currently the Planning Board goes through modification/waivers, determines if an application is complete and then projects are scheduled for a Final Hearing. James Lysen said that we would like to have Staff determine an application complete and schedule it for a hearing. The Planning Board would then have the power to say that they agree with the modifications/waivers and determination of completeness. It would not be assumed that all projects will take one (1) meeting. The formal classification process would be eliminated along with the pre-application and determination of completeness process.

James Lysen went on to say that currently projects under 5,000 square feet are reviewed by the Staff Review Committee (S.R.C.) and projects over 5,000 square feet are reviewed by Planning Staff. James Lysen said that they are thinking of changing the threshold to 10,000 square feet. He said that they are also thinking of taking fill site permits out of the purview of the Planning Board completely.

Gil Arsenault mentioned consent agendas. These have been mentioned in the past. Gil Arsenault stated that de minimus changes could be dealt with between the Planning Director and the Planning Board Chair and not even go to the Planning Board. Gil Arsenault stated that the goal is to save the Planning Board, Staff, and developer’s time.

E. Any other business Planning Board Members or others may have relating to the duties of the City of Lewiston Planning Board. Action was taken on the following item.

Acquisition of Real Estate Option to purchase property located at 347 Webber Avenue.

MOTION: by **John Cole**, seconded by **Jeffrey Gosselin** that the Planning Board recommends to the City Council they acquire the property located at 347 Webber Avenue in conjunction with the City’s Reservoir Project.

VOTED: 4-0.

Please note that this action was done after the City Council already voted on it.

VII. READING OF THE MINUTES: Reading of the minutes from the May 14, 2002 Planning Board Meeting. The following changes were made by Dennis Mason:

- Page No. 3, first paragraph, fourth line, delete the word, “choices” and replace it with the word, “chooses”; eleventh line, delete the word, “is” and replace it with the word, “are”; and second paragraph, delete Item No. 4 and then re-number Item No. 5 to No. 4.
- Page No. 4, last motion, delete the word, “re-phase” and replace it with the word, “rephrase” and Under Item C. first paragraph, first sentence delete the word, “their” and in the same paragraph, delete the word, “send” and replace it with the word, “sent”.
- Page No. 5, first paragraph, fourth line, delete the word, “should” and replace it with the word, “could”.

The following motion was made.

MOTION: by **John Cole**, seconded by **Jeffrey Gosselin** to adopt the Planning Board Minutes for the May 14, 2002 Planning Board Meeting, as amended.

VOTED: 4-0.

VIII. ADJOURNMENT: This meeting adjourned at 9:55 p.m.

Respectfully submitted,

Dennis R. Mason
Planning Board Chairman

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