

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for April 7, 2003 - Page 1 of 8**

I. ROLL CALL: This meeting was held in the City Council Chambers, was called to order at 7:00 p.m., and was chaired by John Cole.

- **Members in Attendance:** John Cole, Robert Connors, Jeffrey Gosselin, Roger Lachapelle, James Horn, John Racine, and Tom Truchon.

- **Members Absent:** Lucy Bisson and Robert Robbins.

- **Staff Present:** Lincoln Jeffers, Business Development Manager; James Lysen, Planning Director; and Doreen Christ, Administrative Secretary - Planning Division.

- **Student Members Present:** Ethan Chittim and Wade Morgan.

II. ADJUSTMENTS TO THE AGENDA: Under Item No. IV. Pre-Application and Determination of Completeness Hearings, the Planning Board proceeded with Sub-Item B. before Sub-Item A. since the applicant's representative had not arrived at the meeting at this time.

III. CORRESPONDENCE: Distributed at this meeting were the following items: A. Correspondence from Roland L. Theriault, Vice President - Real Estate, Guilford Transportation Industries, Inc., dated April 2, 2003 in regards to the Greater Androscoggin Humane Society, Animal Shelter Facility on Strawberry Avenue; B. A memorandum dated April 4, 2003 from Matthew Callahan, Project Engineer, Public Works Department, in regards to the St. James Place Subdivision; C. Correspondence from Richard Poulin dated April 4, 2003 in regards to issues related to the St. James Place Subdivision; and D. A memorandum dated April 4, 2003 from Daniel Goyette, P.E., Project Engineer, Public Works Department, regarding the Jones Avenue Sewer Extension. The following motion was made.

MOTION: by *Roger Lachapelle*, seconded by *Robert Connors* that the Planning Board accept these items and address them at the appropriate time.

VOTED: 7-0.

IV. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARINGS:

B. A Pre-Application and Determination of Completeness Hearing on the St. James Place Subdivision, an 11-lot, single-family subdivision off Boston Avenue near Stevens and Adele Streets. Present at this meeting were: *Scott Teas*, NCARB, AIA, Principal, of TFH Architects; *Steve Blais*, Civil Engineer of Pinkham & Greer; and *James Gurney* of St. James Builders, Inc.

James Lysen read his memorandum dated April 4, 2003. TFH Architects, on behalf of St. James Builders, Inc. has submitted an application to this Board. The proposed street is an extension of Hingham Street, which is a paper street that was blessed in the early 1970's. This application is for a proposed 11-lot, single-family subdivision. There is also another lot, Lot No. 12 that is shown on Stevens Street, is an existing grandfathered "lot of record", and is not part of this subdivision. A model home is proposed to be constructed on Lot No. 12 and to be sold later. This project is located in the Neighborhood Conservation "A" (NCA) District. Most of the lots have the required 75 feet of frontage. Frontage of the proposed cul-de-sac lots have been reduced by up to 25 percent of their required frontage, but they still exceed the minimum 56.25 feet allowed. There is a central open space parcel being created nearly ½ acre in size.

There were no concerns by both the Police and Fire Departments. Public Works' concerns were mainly with drainage and road design. Code Enforcement also had numerous concerns. These concerns are listed on the memorandum from David Hediger, which was included in the Planning Board packets. These issues can be addressed prior to the Final Hearing, which is nearly a month to resolve these issues. James Lysen said that even though there are outstanding issues, the information is here even though it may not be correct. This item has been brought to this Board to determine whether it is complete. This gives both the Board and the public the opportunity to review this application and plan. Staff recommends that this application is complete. Also included, were concerns expressed in a letter from Mr. & Mrs. Laurence Lessard of 80 Stevens Street. There have been a number of other neighbors in the area with issues related to drainage and traffic.

James Lysen then spoke about the paper street issue, as requested by Richard Poulin, who's correspondence was distributed earlier at this meeting. Hingham Street is a former paper street. A paper street is a street that appears on a Subdivision Plan that has been approved by the City and recorded in a records office. In the early 1970's all subdivisions were reviewed in accordance with state law when subdivision law was inactive. All subdivisions that were originally reviewed were re-blessed. Hingham Street was re-blessed in the 1970's. Also, a number of years ago all the paper streets were reviewed in the City. There is a law that if you do not take a look at them and make a decision whether to extend their rights, then they will dissolve. There were many, many streets within the City that still had development potential. Hingham Street was one (1) of them. At that time, the Planning Board made a recommendation not to vacate

that street. Paper streets have both public and private rights. The public aspect of paper streets is that it is an offering for the streets to be eventually accepted by the City. The private rights say that anybody who belongs to the subdivision in a contiguous area has the right to access both of those. It is simpler to dissolve the public rights. The private rights require a deed research to be done. Hingham Street has standing and, therefore, has the ability of both private and public rights associated to those.

Part of this determination is to review the waiver and modification checklists so they it is known what is expected in the application. James Lysen then listed what the expected action should be, which is listed on the Staff Memorandum included in the Planning Board packets.

John Cole then listed the items of correspondence (listed above) to be included in this review.

Scott Teas, of THF Architects, did the following presentation and introduced both Steve Blais and James Gurney. He stated that Staff has been terrific to work with. Scott Teas said that he wants to keep the project consistent and sensitive to the existing neighborhood and to respect the current neighborhood. There have been a number of meetings with Planning Staff. He has spent numerous hours walking the site and walking the neighborhood for existing conditions. This is a unique project. He said his client, St. James Builders, Inc. is concerned with the end result. Scott Teas stated that St. James Builders, Inc. is not only proposing to develop the site, but they are also proposing to have the units designed in a manner which is consistent with the existing neighborhood, so that there is a sense of community. Scott Teas then showed the Planning Board an example of a home to go in this subdivision. They have developed a building that is 1,700 square feet, a three- (3-) bedroom home. The ground floor will have a bedroom and bathroom. This concept is so that as a family is growing older, they will have access to a bedroom on the lower level. There will be an attached garage with direct access into a back hall, which is part of the kitchen area. Upstairs will contain two bedrooms. Every house will contain a porch. Scott Teas said that they requested that the houses be closer to the street to create a sense of community, however, the sites are all in excess of the minimum lot size.

The site was analyzed because of topography and configuration of the land. The topography is high on the easterly side and slopes to the west. There are wetlands in the center of the space. There will be a green space, a picnic table, and a trail system located here. There will be an association to take care of this. This is a cul-de-sac with green space in the center with a turnaround at the end. Several of the concerns expressed by the Public Works Department have been addressed. The road has been increased, so that the pavement itself is based on a 50 foot radius. What had been submitted earlier was the right-of-way (R.O.W.) with a 50 foot radius. The area will flatten out at the end. The porches are pretty much perpendicular to the lines from the curb. The curb comes in from the existing cul-de-sac on Boston Avenue. The paper street will be used to enter the site as it is presently laid out. As you enter the subdivision, there are two (2) lots (Lot Nos. 1 and 2) on the right. There are three (3) more on Adele Street. Then along the cul-de-sac, the frontage has been reduced slightly so that the common green area is maintained. The only lot that is not on the common street itself, is set back so that there is privacy and enjoys the amenity of the green space. Scott Teas stated that there is a concern for the water that moves down on this site. Currently there is no structured drainage system, except for the natural swale. Conditionally this had been submitted as being tied into the existing storm sewer on Boston Avenue. According to the Public Works Department, this is at capacity. They are anticipating a structured system. This concluded Scott Teas presentation.

Steve Blais explained drainage. Steve Blais has met with Matt Callahan of the Lewiston Public Works Department to find out what there is for pipes in this area. Boston Avenue has a 12 inch storm drain that runs down to the intersection of Stevens Street. This appears to need to be upgraded. From Stevens to Pearl Street, there is a 24 inch line that appeared to have plenty of capacity. Steve Blais stated that the pipe is indeed at capacity. There is a lot more water going from Stevens Street and Boston Avenue, than just this site. Steve Blais stated that he looked at the public records, walked the site, and accessed the GIS system. He then delineated this area. He said that he found out that the water would have to be detained on the site to the detention basin for underground storage. Right now, Steve Blais stated that they would do underground storage. This would be a likely solution, due to the area of restriction. There is a possibility of going on-ground. They have sized their detention so that the peak flows are not increased in the two- (2-), ten - (10-), or 25-year storm event.

The following are public comments made in regards to this project.

Roger J. Pelletier (51 Boston Avenue) asked, "In regards to the drainage, what did you find out on the other end on where the pipe went?" He commented, "We have water, we do not want a pool." Steve Blais stated that he could not believe that all that water was getting into that 24 inch pipe. This is an existing problem that is upstream of this site. He explained that no peak flows will be greater at the intersections of Stevens Street and Boston Avenue. Since there will be no additional flows in the pipe, this will not back up the system that is in Roger Pelletier's area. The runoff will be stored and released at a slow rate. This will be less than it is today. This will decrease the peak flow. John Cole reiterated what he understood this meant to Roger Pelletier and said that whatever design is adopted, it will not contribute more to the drainage system that serves his home and the adjoining home and, therefore, not contribute to increased water flow in that area during times of storms. Steve Blais commented that that understanding was correct. James Lysen

commented, that this is not a requirement that code has, basically it states that post-development cannot decrease pre-development. Steve Blais stated that the pipe going towards Pearl Street is 19 feet into the ground.

Tim Smith (85 Stevens Street) has a sump pump working year round. Tim Smith questioned where the detention pond may be located. Steve Blais stated that the detention pond will be around the entrance to St. James Court. This is a possibility. The best option is to have it above ground. Steve Blais assured him that there will be no additional water come in off of this site.

James Gauthier (57 Boston Avenue) asked in regards to the holding pond, if this can be enclosed. This is a neighborhood with a lot of kids. Steve Blais said that this will be a dry pond. It will not stay wet. After a storm event, it would be dry again after 48 hours. This would be kept under four (4) feet. With this concern, Steve Blais stated that it might be better to put it underground. This would be an enclosed system. James Gauthier stated that all the children can play in the woods. It is safer than playing in the streets. James Gauthier said, underground would be the better solution.

Brian O'Malley (2 Adele Street) asked, "How is this going to affect runoff onto Adele Street?" His property gets water from all the neighbors. Steve Blais said that the water basically runs off of his roof to the back of his property. Steve Blais explained that Brian O'Malley's property was looked at and analyzed. He said what he found was that more water used to come to that area. With the layout, they are providing houses here and it will act as a high point. The water will be directed from the front of the houses to the street. This will then be directed to the detention system. There will be less peak flow in this location, in other words, the rate of flow will be less.

Jeffrey Gosselin said the water is coming down the hill and if the property is designed properly, hopefully it would detract or redirect some that water to this detention pond whether it is above or below ground. If the property is designed the way it is being presented, there should or could be some improvement. Steve Blais said that there could be some improvement. He then said that there definitely could be some improvement, probably, and will be. Steve Blais said that it is impossible to design a site to be the same exact flow at every point. This should improve it. Tim Smith asked, "Who is responsible for that?" Steve Blais stated that they have done everything to the standards. John Cole said that one (1) of the features of approval in any subdivision is the Performance Guarantee and that is something the Planning Board would be obliged to insist upon having it written into subdivision as a condition of improvement. This could take a number of different forms, i.e. monitoring, a form of a bond, etc. John Cole commented that hopefully the Planning Board can fashion a condition to address this so that if there is a problem there is a means to address it after the subdivision is filled or as it is being filled. James Lysen stated that systems need to be built and designed according to plan. This is part of the improvements and it needs to be maintained. If a system is going into a street, the City would maintain it.

James Gauthier said that he is concerned about the 11 new sites with each having a sump pump and having the same flow. There is no way to legally hook this up to a storm or sewer system, therefore it will not reduce a lot of flow. Steve Blais commented that the flow coming from the sump pump when you compare it to the two- (2-), ten- (10-) and 25-year storm events is very small. The flow coming from the foundations is a trickle. James Gauthier stated that every time his sump pump kicks off with a five- (5-) minute break, it pumps out at least 10-12 gallons of water every time it comes on.

John Cole stated that this is a matter of concern to the abutters and neighbors in this particular area. John Cole stated to Steve Blais that the Board would like to see the concerns expressed at this meeting addressed at the May 5, 2003 Meeting.

Roger Pelletier asked Steve Blais that if he requested that a Neighborhood Meeting be held to go over the concerns expressed above, would his firm be willing to show up. The response from Steve Blais client was that they would be willing to spend a reasonable amount of time to go ahead and address all of the questions and concerns. James Lysen stated that Planning Staff will notify abutters about this meeting (at this point in the discussion, Lincoln Jeffers distributed a sign-in sheet for those interested in coming to this meeting. James Lysen stated that the City can host a meeting on Monday, April 28, 2003 in the City Council Chambers beginning at 7:00 p.m. The abutters will be renoticed.

Rose Pelletier (68 Stevens Street) commented that she would like to see the system underground, but if placed above ground, she would like a six foot (6') fence because there is a lot of kids.

Sharon Lessard (80 Stevens Street) is concerned with the model home site, since she resides across the street from where this is proposed to be placed. Scott Teas said that any changes made will be addressed at the April 28, 2003 Neighborhood Meeting. She asked if this housing is government-subsidized housing? The response was that it was at market rate.

Richard Poulin stated that he had questions on the acquisition of the property. He mentioned the Poulin's acquisition, which they may have lost half of it by virtue of the 1987 changes. They clearly own at least one half of the street, subject to the right of the lot owners to make use of the street. This is a City street dedicated for public uses. He said that this property is not benefitted by this street at all. He stated that he does not see what rights the developer has to build this street to attract this property. This needs to be made part of this subdivision, which they have not done yet.

He said that they do not have the right, title, or interest to go forward with this project. He said that this property will not be benefitted from this subdivision. There is no right, title, or interest. The City cannot pass on the right to the developer. The only access to this one is by Stevens Street. This item has been addressed to the applicant and there is no resolution. James Lysen said that he contacted Richard Flewelling of the M.M.A. His opinion is that when a street is laid out and recorded, it is an offering and dedication of a street as a public way. James Lysen commented that since this issue has been raised, he will get an opinion from the City Attorney also. This street is for the purpose of this development. There was a vote not to vacate this. Richard Poulin said that it is the City's right to develop that street, not a private persons right. He said that this is his objection.

Ron Dionne (62 Boston Avenue) asked if this paper street connects to another paper street? Roger Pelletier suggested that all the abutters should obtain a copy of Map 175 so that they can see what they are all in for with the housing development.

James Gauthier asked why Woodlawn Avenue was not given any consideration to this plan? He then stated that this is not fair because what if Richard Poulin would like to gain access to it - Woodlawn Avenue would be one (1) of Richard Poulin's way in. James Lysen stated that this theoretically can still be built up. This would open up development rights to all of Richard Poulin's property. James Gauthier asked, if Richard Poulin decides to sell that land then who will pay for the connection of utilities?" James Lysen responded that if it is a sewer line that is made in the street and it is accepted by the City, it would have to be connected through that, but typically the City does work up to a property line and then the property owner will carry on. James Gauthier also questioned if there would be no additional fees incurred to the developer to making the roads? James Lysen responded that once the utilities are accepted by the City, then it is the City's responsibility. A Performance Bond would make sure the money is in place.

The public comment portion was closed and turned back to the Planning Board for deliberation.

John Racine asked about Fire Inspector Paul Ouellette's concern with the required minimum for the turnaround for fire trucks and if it had been addressed. Scott Teas responded they moved the 50 foot radius from the Right-Of-Way (R.O.W.) to the pavement and that this item was previously addressed.

Jeffrey Gosselin asked for a description of a detention pond in general and stated that he had not heard of fencing being placed around one. Steve Blais stated that there will be no water in the pond. He said a lot of times you can go around a detention pond and not even know one was there. The water would empty out. Basically, there would be a berm and a pipe in the bottom to let the water go out. He stated that there is too much flow coming through during one of these storms trying to get through the 12-inch pipe. It then fills up with water and after a storm passes through it will empty out. James Lysen stated that the more area you have, the shallower it can be. James Lysen stated that it is hoped to have a final plan to present at the April 28, 2003 Meeting.

Before the motion was made, it was stated that the Final Hearing is a public input process. John Cole said that if there are any questions to direct them to James Lysen or at the Neighborhood Meeting to be held on April 28, 2003. The following motion was then made.

MOTION: by **Jeffrey Gosselin**, seconded by **Roger Lachapelle** that the Planning Board grant the modification and waiver requests, determine the application for the St. James Place Subdivision, an 11-lot, single-family subdivision off Boston Avenue near Stevens and Adele Streets to be complete, and schedule for a Final Hearing on May 5, 2003.

VOTED: 7-0.

A. A Pre-Application and Determination of Completeness Hearing on a re-approval of a development review application submitted by Platz Associates on behalf of the Greater Androscoggin Humane Society, Animal Shelter Facility on Strawberry Avenue. Steve Myers of Platz Associates was present at this meeting on behalf of the Greater Androscoggin Humane Society.

James Lysen read his memorandum dated April 2, 2003. An application has been submitted by Platz Associates on behalf of the Greater Androscoggin Humane Society for the re-approval of their proposed Animal Shelter Facility on Strawberry Avenue. This project was previously approved in 2000, however, since construction has not taken place within the 24-month period, the approval has lapsed.

Comments were received from Sargent James C. Rioux, Inspector of Police. He expressed concerns with traffic issues. The City of Lewiston has contracted with a consultant team to do a traffic study along Main Street from the overpass to Montello Street. The consultant team has been asked to develop a fair share cost formula for improvements for projects that impact this intersection. The fair share cost will most likely be based on peak hour traffic (7:00-9:00 a.m.) Since this proposed shelter will not be opening until 10:00 a.m., their fair share costs should be minimal.

Steve Myers said that this is a \$2 million project. They are doing this as due diligence. The fundraising took longer than they thought. They have bought the land. This will provide a 15,000 square foot healthy environment for the animals and a whole new atmosphere. Also proposed, is 15,000 square feet of pavement for loading, parking, etc.

There is an existing pond. The 35 foot driveway gets as close as 20 feet from the stream. A new DEP Natural Resources Protection Act Permit will be needed.

There will be four (4) paid employees, plus volunteers, equally a total of six (6). The most vehicles who come

to this site would be 11 per hour. The duration of their visit would equal ten (10) minutes.

There was no public comment. The public portion was then closed and opened to the Board for deliberation.

Jeffrey Gosselin said that a traffic analysis is needed. James Lysen stated that warrants for a traffic light have not been met in this location. He also commented that some suggestions will change the traffic patterns dramatically.

John Cole then asked James Lysen about any sound requirements. This is clearly a permitted use. James Lysen responded that sound should not be a problem. The following motion was then made.

MOTION: by **Robert Connors**, seconded by **John Racine** that the Planning Board approves the modification and waives, determines the application for the Greater Androscoggin Humane Society, Animal Shelter Facility on Strawberry Avenue to be complete, and schedule for a Final Hearing on May 5, 2003.

VOTED: 7-0.

V. OTHER BUSINESS:

An Informational Meeting concerning the overall project and regulatory review process on the Central Maine Civic Center (CMCC) Site Improvements, 190 Birch Street. Lincoln Jeffers presented this item. He stated that it has taken about ten (10) years to attract a team here. Roger Theriault, owner of the Central Maine Civic Center, has been successful in attracting a Quebec Major Junior Hockey League franchise team to locate here in Lewiston.

Present at this meeting were **Richard Theriault**, brother of Roger Theriault and **Jan Wiegman**, P.E., of Taylor Engineering Associates.

Lincoln Jeffers said that \$2 million in renovations are slated to occur at the civic center between now and September. A storage building is being added. This project encompasses Jefferson and Birch Streets and the CMCC is on Walnut Street. Lincoln Jeffers showed the location of where the storage building will be placed. The back end of the facility has boards that come out and when there is a concert these boards cover the ice during the winter. These will go in the storage building. When these boards come out, the heavy equipment will be moved and placed in this area. Once the equipment is moved, the renovations can be started. The planned changes include replacement of the existing with new ice, boards, and glass, paving the parking lot, adding seating, building a new locker/team room, new office space and updating the concession area.

On April 3, 2003, the Staff Review Committee (S.R.C.) reviewed and approved the storage building. This storage building is the first step in the process. Prior to that meeting, was a Neighborhood Meeting held on April 2, 2003. 100 people were invited. The intent was to capture all the people living in this area. This meeting was held at the Multi-Purpose Center. Only six (6) people showed up. There were a couple of issues. There was a stub that looked like it was an extension of Howard Street, however, it is not. This is private property. Because of the way the lot is configured, people pass right through there. There is a woman who owns a three- (3-) family building that expressed concerns about shutting off egress and ingress on this stub. The improvements planned for the parking lot address this issue. There is not only car traffic, but pedestrian traffic that was raised in this issue. This was the primary issue, as with noise i.e. with concerts, blowing trash (if there was a fence, this would minimize the impact).

Further improvements include the building getting a facelift. **Bill Hamilton** (a local architect), who is working for the State Fire Marshal's Office, to figure out the maximum capacity to get in the civic center with current code to increase the seating. Currently the seating is about 3,000 seats. He is looking to increase the seating to 4,500 or more depending on how the State Fire Marshal interprets it and how they handle ADA compliance issues. The Fire Department currently has the maximum occupancy of the building at 5,400 seats. This is based on how you can get out of the building. The limiting factor was the 5,400. This number determined whether or not this project needed to go to the Staff Review Committee or the Planning Board and if a traffic study would be needed by that 120 passenger car equivalent or how many parking spaces would be needed. This project needs to move right along for the fall. Lincoln Jeffers stated that he is doing the regulatory portion and the financing portion is being handled by Gregory Mitchell.

Lincoln Jeffers stated that he has spoken with Bill Eaton regarding the traffic study. Bill Eaton said that this project does not require a traffic study, but he does recommend traffic management.

Jan Wiegman stated that one of the major features of this project is paving the parking lot. Currently at the entrance, there is a very steep slope. He said that they have turned the parking 90 degrees, so that there will be a relatively flat sloping parking lot. Based on past history, there is currently a capacity to hold 550 cars in the lot. With this layout and putting striping down, the capacity of the lot will be increased to accommodate 760 cars. Currently the greenspace on this lot includes 81 percent non-vegetated and 19 percent vegetated. By putting this plan together, he said they tried to come up with the same percentage. What they came up with was one percent (1%) more with vegetation with their setbacks, yard area, and excluded some areas because of grade. The situation has been improved marginally.

Jan Wiegman said that they are currently working on developing drainage plans. With the gravel parking lot, it is close to being impervious and he does not expect to see a whole lot of difference in the runoff.

There are plans for the future to add 2,500 square feet for a pro-shop and office space for the team. This will

be included on the plans for the next application.

There is a major concern with pedestrian/vehicular traffic and conflicts on the traffic plan, which is expressed by the Police Department. They looked at exiting movements. Traffic will enter from Birch Street. Loading will be from front to back. As pedestrians head to an event, the moving traffic will be behind them. When it comes time to leave, the gate will open onto Shawmut Street, the Jefferson Street entrance and the three entrances onto Birch Street. The aisles will be blocked off with sawhorses. The aisle shown on the plan will be for pedestrian traffic. The plan will minimize the potential for pedestrian/vehicular conflicts. This was of great concern to the Police Department.

Jeffrey Gosselin asked, "When is construction anticipated to begin?"

Also present at this meeting was **Richard Theriault**. He stated that this needs to be expedited and that the time is short. There are certain items that need to fall in place first before construction. They are very close to getting the financing put together. To get the financing they need a contract, etc. The pieces are coming together. Some of the critical items i.e. paving are out to bid. A contract will be going out within the next week or two to paint the ceiling, assuming that there are no structural issues. The first game is scheduled in August. The floor for the new rink needs to be poured by July 4, 2003. Construction will continue through most of next winter, as well. At least the base course for parking will be down this year. The finish course can be put on later the following year.

This item was presented to this Board for information only. There is no vote required.

B. 64 Jones Avenue Sewer Extension. The City Council has requested that the Planning Board make a recommendation concerning a petition to extend the sanitary sewer to allow a gravity connection for the property owners. Distributed at this meeting and included under Section III. Correspondence is the report on the estimated cost and assessment from Dan Goyette, Project Engineer, from the Public Works Department. This extension includes the property all the way to 84 (Donna Emerson), 85 (Leo Rioux), and 89 (Leo Rioux) Jones Avenue. The total project cost is \$177,840.00. John Cole said that a vote is needed on whether this is an appropriate thing to do. The homeowners are required and need to agree to pay the cost per lots. There are some substantial expenditures, i.e. the most expensive would be 84 Jones Avenue, with her cost for her lot estimated at \$24,250.91.

James Lysen read the requirements from the Sanitary Sewer Assessment Policy. A public notice is required by the City on the cost per lots. The City Treasurer mails the estimated assessment, which is based upon 50 percent of the estimated construction cost. The City will pick up 50 percent. The City Council shall set the estimated annual simple interest rate to be charged on those assessment which are paid on a term basis. The City Treasurer will send notices of the estimated assessment and the interest rate to be charged on assessments paid over an extended period of time, to all abutters to be benefitted by the proposed project and report to the City Council as to the status of the advance commitments six (6) weeks following the date of mailing.

The Consent Form in the City Council packet contained only one (1) signature by Diane David Bieulieu. John Cole suggested that this item be sent to the City Council with no recommendation. When 75 percent of the estimated budget or when 90 percent of the abutters have agreed to pay their estimated assessment, the City Council will then authorize construction of the sewer.

Jeffrey Gosselin stated that there are seven (7) homes that would need to pick up significant costs in order to move this sewer extension. Jeffrey Gosselin asked if these property owners were aware of these costs. James Lysen responded that he was not sure of that because the petition contained, as mentioned above, only one signature. They all need to agree to this. John Cole stated that there is not a whole lot of basis on which to make a determination on what to do. He feels that he would not want to force these amounts of expenditures on anybody. John Cole then mentioned sending this on the City Council with no recommendation. The following motion was made.

MOTION: *by Jeffrey Gosselin, seconded by Roger Lachapelle that the Planning Board send no recommendation or to recommend to not move the extension of the sewer.*

VOTED: 7-0.

Jeffrey Gosselin stepped down from the Planning Board on the following item.

C. Chestnut Hill Estates - Review of issues related to the Randall Road construction and access into the approved subdivision. James Lysen read his memorandum dated April 4, 2003. **Bob Faunce** was present at this meeting and was representing **Richard Tonoli**.

James Lysen said that this project was originally approved in 1988. This Board re-approved the Chestnut Hill Estates project in 1998, subject to changes requested by the Public Works Department and granted extensions of the approval in both 2000 and 2002, with conditions that prior to construction, the applicant return to this Board to review access into the development and the condition of Randall Road and also to notify abutters of this meeting. In 1998, this project met all the design standards. Only Phase I is proposed with 15 single-family homes along Macadamia Lane. Extensions with water and sewer from Randall Road will service this area. Macadamia Lane is proposed to be directly across from the access road into Cedarview Estates, which was a residential subdivision that was approved by the Board at about the same time as Chestnut Hill Estates. A Performance Guarantee will be submitted concerning the public improvements in this phase and any improvements in other phases that need to be done to accommodate the Phase I development, prior to the selling of the lots. Phase II involves duplexes and multi-family and would need to be brought back to the Planning Board.

The Fire Department had no concerns with this project. The Police Department expressed concern with the visibility from the access road onto Randall Road versus the speed limit in that area.

Bob Faunce stated that Richard Tonoli is going forward with the single-family portion of development. This will be an small subdivision with upscale homes. The plan shows the location of the driveway and this was sent to all the abutters along with the notice. The site distance is 350 feet by locating Macadamia Lane at the westerly-most area of frontage on Randall Road. The posted speed is 25 mph. The road cannot be relocated to change the site distance. The conditions are the same as they were in 1998 and with several minor exceptions, the plans fully conform to the City requirements.. Richard Tonoli is ready to move forward with the single-family portion of this development and to get his permit to begin construction and satisfy the conditions of the approval.

The following are comments and concerns expressed from the public audience.

Paul Barron (321 Randall Road) asked if the phase in question is Phase I. Bob Faunce stated that in 1988 the idea was for a number of projects. Crestwood Estates was one. Cedarview Estates was another. The main access into the undeveloped portion of the property is still located opposite Macadamia Lane, which would be directly across from the access road into Cedarview Estates, whose approval has since lapsed. Most of the single-family traffic would be directed toward this entrance and multi-family traffic would go to the other entrance.

Dan Dumont (302 Randall Road) stated that his main concern is the speed limit. He then asked if the speed limit is posted at "25 mph on Randall Road"? He also stated that he is concerned with the cars leaving Macadamia Lane. They would be taking a left right by his driveway, which is in front of his house. If a car comes up over the hill and there is a car pulling out - where is that car deflecting to? Pretty much his driveway. He said that this is his main concern, however, he wants to see this project happen. He feels something needs to be done with the speed limit and suggested maybe more enforcement. Bob Faunce stated that there is sufficient site distance engineering-wise and MDOT-wise. Bob Faunce stated that from centerline to easterly direction of the driveway is equal to 75 feet. Bob Faunce stated that Macadamia Lane is set off about 15 feet from Dan Dumont's property line. Dan Dumont stated that there is a problem here. John Cole asked if a warning sign could be placed further down Randall Road to slow the traffic. James Lysen said that a recommendation could be made from this Board that the police take a look at that. Dan Dumont stated that he guarantees the traffic speeds are between 45-50 mph. **Student Member Ethan Chittim** asked if the City of Lewiston has researched the usage of traffic circles. This is not a bump in the road unless you keep going straight, otherwise you have a turn a little bit to go around it. James Lysen stated that he did not feel that this would be the greatest place for this type of traffic calming within this neighborhood. Dan Dumont asked if the road had been moved since the last time this was approved. Bob Faunce responded that the same plan was signed in 1988. The tarring raised the elevation by a couple of inches.

It was asked if a traffic study could be requested. Bob Faunce stated that a traffic study was done in 1988. The subdivision has been approved. James Lysen stated that there have been no changes. There are 15 single-family homes being proposed. John Cole stated that the Planning Board needs to clarify exactly what their responsibilities are. Again, this is a subdivision that has been approved, subject to the conditions that the developer has turned to the Planning Board to demonstrate to the Planning Board what the placement of Macadamia Lane would have on Randall Road. John Cole asked if any criteria have been imposed to accept or reject it that demonstration in the original approval. James Lysen said that there are improvements that will affect that entranceway. John Cole said that this is more an issue of enforcement. John Cole said that the Planning Board could send a letter to the Police and Public Works Departments to look at traffic movement. Bob Faunce stated that a traffic sign could be installed before the crest of the hill on Randall Road.

Emily Ellis (111 Pond Road) said that she is against this project. It minimizes the impact of what 15, single-family homes can do. She said that the vehicles go easily 50-60 mph on Randall Road. She said you also have to think of Pond Road. If you try to get out onto Pond Road, there is a long wait because of the traffic whizzing by. She said she feels that the area has changed substantially since 1988. There is far more traffic on Randall Road. Randall Road has also deteriorated in the past five (5) years, but this has not slowed traffic a bit. There are hugh ruts, bumps, etc. This is going to be a shame to loose the area of woodlands in Lewiston.

John Cole stated that he appreciated the comments, but this is a project that has been approved. He stated that, at best, that the Planning Board would send this out with a recommendation to both the Police and Public Works Departments that appropriate measures ought to be taken to calm traffic in this particular area. This is the desirable thing to do.

It was asked if any thought had been given to move Macadamia Lane to the other side to have more distance. Bob Faunce stated that Macadamia Lane is directly across access to the Raymond property. He said that the Raymond property, in reality, has some lots that have been divided out, but he does not think that they have been sold yet. What is left is a Right-Of-Way (ROW) to the back part. If the back part of the Raymond property gets developed the access would be come out different. It was then asked what the size of the lots are. Bob Faunce responded with 125 x 150. The target value of the homes is \$250,000 for the building and the lots. All of Phase I will be done in its entirety before continuing on.

Bob Faunce stated that if any changes are made, this would need to get re-approved. Bob Faunce said that if

this project goes through, there will be 140 units in addition to the 15 single-family homes. John Cole stated that there are some time constraints. If the developer should fall outside the time constraints, then it would be mandatory to have the developer return for reconsideration of the entire project. It was asked if any trees are planned to be left standing. The response was that there will be no trees. There will be street trees.

Jim Horn asked that since then the traffic has increased and become more on Randall Road, does that not facilitate the Planning Board to take a different approach or different look at this particular issue? The increase in the traffic flow, speed, and conditions have changed Randall Road. Is this something that the Planning Board needs to take a look at? John Cole reiterated what Jim Horn said and that was does the increased use of Randall Road give us a hook as to whether Phase I goes forward or not? James Lysen stated that the approval had nothing to do with traffic. This was designed on location. James Lysen stated that he would suggest a traffic study in the area proposed for Phase II. James Lysen said he took directly from the minutes, "to review access into the development and the condition of Randall Road" and placed this in his Staff Memorandum. If Randall Road is redesigned or changed, this would need to come back before the Planning Board with that issue. James Lysen stated that the condition of Randall Road has not changed.

Jim Horn then said, "Will the amount of traffic on Randall Road be considered as a condition to Randall Road?" Jim Horn said that he would consider this prudent to put a road going out onto a road that has increased traffic, where there is no traffic control, in terms of a stop light, etc. This is opening up one (1) of two (2) things. He went on to say that if we do not do something to protect people entering the road, walking the road, etc., the Board was not being prudent with it. If something can get hurt on this road, Jim Horn said he does not feel that the Planning Board is being responsible. He does not know if this is what this condition meant or not, as mentioned above. He continued by saying that maybe a stop light needs to be put there. James Lysen stated that in no way does this warrant a light. Pond Road - maybe! The only issue is with people speeding. John Cole then stated that the Planning Board can then approve the go ahead for Phase I at this time. However, a message needs to be sent to both the Police and Public Works Departments, to the Mayor, and perhaps the City Council that due consideration should be made immediately to the impact of this subdivision on traffic on Randall Road and that appropriate traffic measures should be placed as soon as possible. John Cole said that he does not feel that the Planning Board can do any more than that and that the Planning Board does not have the authority. There were no further comments from the public audience. This item was then turned back to the Planning Board for the following motions.

MOTION: by **John Racine**, seconded by **Tom Truchon** that the Planning Board authorize the commencement of construction of Phase I of the Chestnut Hill Estates, subject to the receipt of a Performance Guarantee covering Phase I public improvements and any improvements in other phases that need to be done to accommodate the Phase I development, and that any substantive changes to the plans will require a minor amendment to be approved by this Board.

VOTED: 6-0-1 (Jeffrey Gosselin Abstained).

MOTION: by **John Cole**, seconded by **Jim Horn** that the Planning Board send a recommendation to the Police Department and the Public Works Department with the suggestion that they take measures as soon as possible in dealing with the traffic on Randall Road.

VOTED: 6-0-1 (Jeffrey Gosselin Abstained.)

John Cole then requested that James Lysen follow through with this by communicating with the Public Works Department within the next week or so.

Jeffrey Gosselin rejoined the Planning Board.

VI. READING OF THE MINUTES: *Reading of the minutes from the March 17, 2003 Planning Board Meeting.* The minutes were not reviewed. They will be reviewed upon the Planning Board Secretary's return from vacation.

VII. ADJOURNMENT: There was no action taken on adjournment, however, this meeting adjourned at 9:40 p.m.

Respectfully submitted,

Lucy A. Bisson, Planning Board Secretary

