

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 19, 2003 - Page 1 of 5**

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, Rob Robbins, Roger Lachapelle, Robert Connors, Lucy Bisson, and James Horn.

- **Members Absent:** Jeffrey Gosselin, Tom Truchon, and John Racine.

- **Staff Present:** Gil Arsenaault, Deputy Development Director; Lincoln Jeffers, Business Development Manager; David Hediger, Land Use Inspection Officer; and Doreen Christ, Administrative Secretary - Planning Division.

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

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: The following correspondence was distributed at this meeting: A. Correspondence from City Attorney Martin Eisenstein of Brann & Isaacson dated May 14, 2003 in regards to Street Acceptance Standards; B. A copy of the Planning Board Minutes dated February 3, 2003 in regards to the Main Street Traffic Study; C. A copy of the Planning Board Minutes dated October 8, 2002 in regards to the Public Hearing on a citizen-initiated proposal to rezone properties on the west side of Main Street to the Maine Central Railroad right-of-way (ROW), from Strawberry Avenue south to the Russell Street overpass, from Neighborhood Conservation "B" (NCB) and Office Residential (OR) Districts to the Highway Business (HB) District; and D. Part 4, Highway Traffic Signals MUTCD 2000, Manual on Uniform Traffic Control Devices, millennium edition, December 2000.

The following correspondence was included in the Planning Board packets: An e-mail memorandum from Austin de Groat of Saint James Builders dated May 14, 2003 in regards to the postponement of the Final Hearing on the St. James Place Subdivision.

The following motion was made.

MOTION: by *Lucy Bisson*, seconded by *James Horn* that the Planning Board accept this correspondence as received and deal with it at the appropriate time.

VOTED: 6-0.

IV. FINAL HEARING:

A. A Final Hearing on the St. James Place Subdivision, an 11-lot, single-family subdivision off Boston Avenue near Stevens and Adele Streets (at the developer's request to be continued to the June 2, 2003 Planning Board Meeting). The continuance is being requested due to a legal opinion from the City Attorney that the developer will not be able to use Hingham Street for purposes of accessing the proposed subdivision. St. James Builders is now redesigning the entrance to the proposed subdivision off Stevens Street. Another Neighborhood Meeting is planned to be scheduled before the next Planning Board Meeting of June 2, 2002 where this item is scheduled to be heard as a Final Hearing. All neighboring abutters will be notified. It is all dependent on when St. James Builders gets their application and revised plan to Staff. David Hediger said that he is hoping to have plans this week from St. James Builders and therefore, another Neighborhood Meeting can be scheduled before the Final Hearing on June 2, 2003. The following motion was made.

MOTION: by *Lucy Bisson*, seconded by *Rob Robbins* that the Planning Board accept the developer's request for a continuance of this Final Hearing to the June 2, 2003 Meeting.

VOTED: 6-0.

V. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARING: A Pre-Application and Determination of Completeness Hearing for a proposed 42,000 SF building to be developed by the Lewiston Development Corporation at 25 Forrestal Street.

The proposed project is located at 25 Forrestal Street (corners of Webster and Forrestal Streets), from which access will be obtained to this site. This site contains about 5.33 acres of land. The proposal is for a 42,000 square foot, one-story building with related parking and trucking facilities for industrial use. The LDC is doing this project and owns the lot, which is part of the Lewiston Industrial Park. This lot is currently undeveloped old agricultural land. There are no existing buildings. This site consists of mixed wood growth. The easterly third to one half of the site is mostly wetland, caused by poor off-site drainage and restricted outflow at Forrestal Street.

Both the State of Maine and the Army Corp of Engineers wetland permits will be applied for.

Lincoln Jeffers stated that notification of this project was mailed out to the abutters in the surrounding area of 1,500 feet in all directions. Concentration was on the residential areas surrounding this proposed project. He also stated

that to make people more aware of this project, 25 people were invited to a Neighborhood Meeting held on Wednesday, May 14, 2003. Out of the 25 invited, only six (6) people attended. Most of the concerns were about the water flowing on and around the site, scents from the site, how the refuse was going to be handled on the site, etc.

Ken Lamoreaux, Director of Engineering for the Sheridan Corporation was present at this meeting. This project is being developed with a particular tenant in mind and what their needs are. The Lewiston Development Corporation (LDC) will lease out the other half of the building for storage. Ken Lamoreaux showed to the Planning Board Members the line that represents the wetland boundary on his map. This area has created its own wetland over the past 30 years by run-off from off-site. This drains into the City system. This run-off gets worse and worse each year. As stated above, they are working with the Army Corp of Engineers. The Army Corp has seen this site and know what needs to be done. The Army Corp application is not in right now because there are negotiations as to where mitigation will be done. Ken Lamoreaux said that he is seeking Planning Board approval pending the Army Corp blessing. Other difficulties are: The client (undisclosed at this time) needs trucking in and out. They are taking the first half or 21,000 square feet of building. The second half will be left in the same configuration. If this business grows, they will take the rest of the building.

The variance rule is for the first 100 feet in a driveway which should be at a 3 percent grade. They are requesting this be five percent (5%) for the following reasons: 1. This will let them drive the driveway up quicker and gets an end of the site above the ledge that is known to be there. 2. Lets them get up quick enough to build a pond to store the storm water needed to be taken care of. The hammerhead will provide trucks access to the dock. The parking on the site is in the wetland area and will hold 83 cars. The client needs 45-50 parking spaces for employees. There is plenty of parking available. Ken Lamoreaux made reference to the code's 50-foot residential buffer zone. The site is pretty much vegetated, which will be left somewhat intact. The wetland area will be filled as little as possible by placing the building up as high as possible and moving it over to one (1) side. This allows the building to be tucked into the hill. He said the swale would be cut to collect the storm water and the slope down to the parking lot. The view of this site will only be the front 1/3 of the roof through the trees. There are three (3) homeowners where the vegetation will be staying intact with the wetland. The difference in the grade to the pavement of dock area is ten (10) feet lower than the vegetation. Street trees will be planted along with white furs to act as an enhancement to buffering along Webster Street. There will be trash dumpsters provided at both ends of the building for ordinary trash. Vegetables will be placed in a bin and will be removed daily. Everything else will be refrigerated. There is no hazardous waste. Lighting poles and building lights are provided. A total of 1.7 acres of wetland will be filled.

Jim Horn questioned what this project will do to the traffic on Webster Street, since it has become a major highway over the years. Ken Lamoreaux responded that the traffic will go to the turnpike. He then showed the location of the project on his plan. The State of Maine Department of Environmental Protection has first and foremost jurisdiction over all wetlands issued. Up to 20,000 square feet they have complete jurisdiction. After 20,000 square feet of wetland impacts, projects get an extra look. This is a 60-day process once the application is in. The sub-watersheds within the community are from the Androscoggin River. Wetlands fall under the DEP. Gil Arsenault commented that it is very helpful when the DEP and the Army Corp. report back to this Board.

John Cole asked, "What kind of burden does this place on the developer if the developer has to compensate with a mitigation project elsewhere?" Ken Lamoreaux said you have to buy the land, set it aside to make wetlands, create them, get them approved and physically monitor them for five (5) years and if they fail you have to replace all the failures. If you only do preservation, the monitoring is still there, but at a much less intense level. You would have to look at them once a year to make sure they are doing what they are supposed to do. This is basically what preservation is about. All documentation will be provided to the City. Gil Arsenault stated that the approval could be conditioned on meeting the Army Corp's approval. Lincoln Jeffers stated that this particular project is mostly preservation. The big difference is in conservation you have to set aside eight (8) acres, for every acre impacted. The monitoring is much lighter. This particular project is less cumbersome. Lincoln Jeffers stated that they are working with another firm on mitigation, which is Woodlot Alternatives. in Topsham, Maine. Ken Lamoreaux said that the worst thing is to create a wetland. John Cole asked, "Do we have to approve the conversion of this property to being a proposed wetland accepted for purposes of mitigation?" Gil Arsenault responded that he is not aware of any requirements. Ken Lamoreaux stated that the state's requirements are that whatever is done with the properties, a legal recorded easement needs to be created stating that this is now a preservation area and cannot be developed. The LDC has to acquire the rights to this property in some form to make that happen. This could be as simple as an easement. Rob Robbins stated that the mitigation will need to be done before this project can proceed. Ken Lamoreaux said that he has to receive DEP approval before he can start the project. He said he has to start the restoration before 50 percent of the project is built. John Cole stated that the Planning Board has responsibilities for the entire City and the projects that occur here. John Cole said that this is a piece of mitigated wetland that we are trying to transform from a none-wetland to a wetland to compensate. He said his concern is, "Are we taking one places problems and sticking this on the shoulders of the abutters and neighbors in another area without appropriate notice to them and without appropriate opportunity for the Planning Board to consider

that?" John Cole said that some thought should be put into this and understand exactly what the Planning Board is getting into to deal with this. As a matter of local authority, John Cole said that the Planning Board has a duty and responsibility to be sure as to not be sticking the neighbors with something that they may not want in their neighborhood.

Ken Lamoreaux said that this is preservation and restoration. The site that they are preserving has some damaged areas. The damaged areas will be cleaned up and put back into the wetland that they were in, in the past. This is all currently defined as wetland in this subdivision. Two (2) of the three (3) lots being looked at are unbuildable because of the wetland on them. John Cole said that this is something the Planning Board has not seen before and the Planning Board wants to understand the territory that they are moving in. David Hediger stated that this project will not increase the size of the wetland, it will improve what is there. This will improve the neighborhood.

Ken Lamoreaux then showed the Planning Board Members what the building will look like. The building will be a single-story, flat roof, stucco-type finish, metal panels on one side. It is 24 feet on one (1) end and 31 feet on the other. This was done specifically so that a portion can be rented out for usable storage space in the back. This building fits right into the scale as to what is out there, i.e. FedEx (24-26 feet in height). This building will be tucked into the hillside.

Runoff from the roof and pavement will go into a swale and to a series of catch basins to slow it down before it gets to the City system. All of the off-site water goes around and into the City system.

One waiver is listed on the Modification/Waiver Request Form. That waiver is on notification of property owners within 500 feet. This notification is done by the City of Lewiston.

There being no public audience present, the following motion was made.

MOTION: *by Lucy Bisson, seconded by Jim Horn that the Planning Board finds the application for a 42,000 SF building, developed by the Lewiston Development Corporation, 25 Forrestal Street to be complete, approves the Modification/Waiver Request Form, and schedules this application for a Final Hearing to be held on June 2, 2003.*

VOTED: 6-0.

VI. OTHER BUSINESS:

A. *Proposed Development Review streamlining.* Included in the Planning Board packets was the draft streamlining proposal. This was brought back to the Planning Board for further discussion, modifications, etc. Gil Arsenault said that the proposed streamlining will allow projects to go through in a single meeting, instead of two (2). Staff can find projects substantially complete and the Planning Board needs to feel comfortable with decision by Staff. In reality, if a project is not complete, it will not be approved.

As to "de minimus" change projects, this is the major component. Technically, "de minimus" changes should not go to the Planning Board. Staff can make a determination that if it is not significant to go to Planning Board (i.e. the Maple Street Townhouse project. They needed to delay their closing for a couple of weeks, until the plan went through the Planning Board process for a very insignificant shift), then Staff can make that determination and then inform and report out to the Planning Board as to what has occurred each time so that if the Planning Board has any concerns, they can be addressed. This will also affect the contractors in the field for insignificant changes that are encountered. This is really to give Staff some power for insignificant changes in projects that will not concern no one else. This also does away with the whole classification procedure, which was not being followed. This will basically take fill away from the Planning Board. In the past, a number of after-the-fact fill projects have been brought to the Planning Board (i.e. Stetson Brook Estates) over the years. The Staff Review Committee would review 5,000 cubic yards and below.

John Cole said, assuming this gets adopted by the City Council and goes through the ordinance change, there is nothing to preclude the Planning Board from tabling a matter when it comes before the Planning Board for a public hearing. The Planning Board can insist on additional information. Lucy Bisson also stated that the Planning Board has the authority to say that an application is not substantially complete. Gil Arsenault said that an alternative would be to deny a project.

Rob Robbins commented that the Planning Board has been a sounding board. A benefit to having the process done in the way that is has been done in the past, is that the Planning Board has had an opportunity to suggest modifications or talk to the developer about possibilities or issues that have come up at the actual hearing. This has been beneficial. John Cole said that one way to handle this would be to remind the developer that the Planning Board can request additional information. John Cole said that this is so that the developer understands that Planning Staff is not being put on the spot. The developer also needs to know that the Planning Board may not necessarily agree that the application is substantially complete. John Cole said he feels that this is worthy of trying. Gil Arsenault then used the proposed Dunkin' Donuts project as an example. This was originally classified as a Staff Review Committee project, but because of the peak hour traffic count, it will now be reviewed by the Planning Board. This has significant costs to the developer, in that, a traffic scoping study and session is now required. David Hediger stated that this needs to be avoided. David Hediger also stated that there is talk about having the application changed. From both Staff and the

developer's perspective, the application is not user-friendly at all. David Hediger said that he spends a lot of time explaining to the developer how to fill out the application. It needs to be made clearer to the applicants, as to what items needs to be specifically addressed. Lucy Bisson then referenced the waiver on notification to the abutters. The notices to abutters come from Staff. This should be deleted from the application.

Rob Robbins commented on the determination of an applications completeness. This needs to be made clear in the ordinance. Gil Arsenault suggested this gets placed on Page No. 11 under the heading, "Major Developments". This could be worked into the third sentence or it could be placed somewhere else too. John Cole then referenced on Page No. 12, the second sentence, "The Planning Board shall take final action on said application within thirty (30) days of the meeting". There is a window of 30 days to make a determination. John Cole and Lucy Bisson both agreed that this be placed in this location and requested that Staff develop the language and bring it back to the next Planning Board Meeting and then send it on to the City Council.

Rob Robbins commented that the Planning Board should not be hearing "de minimus" changes. This is one (1) of the best changes that is included in the streamlining. Gil Arsenault said that this will get reported out to the Planning Board every time this determination is made. This keeps the Planning Board in the loop.

Lucy Bisson commented on Pages 10 and 11 in reference to the Planning Director. This should be changed to include, "his/her" designee. This should be changed under the heading, "Review Procedures", sub-heading, "Minor developments". This is stated throughout this section on Page Nos. 10 and 11 under Minor developments. John Cole said that it does not say whose designee, and asked, "Is this the Planning Director or the City Administrator?" The proposed restructuring will be voted on tomorrow night at the City Council Meeting. Gil Arsenault commented that his new title will change from Deputy Development Director to Director of Planning and Code Enforcement. Gil Arsenault said that the parameters on "de minimus" changes could be placed in the policy. In conclusion, streamlining will again be placed as an agenda item and discussed at the next regularly scheduled Planning Board Meeting on June 2, 2003.

B. Discussion on the Main Street Traffic Study. David Hediger stated that he had spoken with the Androscoggin Valley Council of Governments (AVCOG) today and the traffic study is to be completed by the end of June 2003. As requested at the last meeting, copies of minutes on the Saunders property were distributed at this meeting. These are listed under Section III. Correspondence. Hopefully, at the first meeting in July, the draft will go to the Planning Board. The Dunkin' Donut project, as stated at the last Planning Board Meeting made reference to being heard at this meeting, was not scheduled, since Staff is currently awaiting a Traffic Scoping Session. David Hediger said that this will be handled by a third party. This is out of Staff's hands. The hold-up is for the consultant, H.N.T.D.. There are eight (8) warrants listed on the form. This is what traffic engineers look at to determine if a signal is necessary. Gorrill-Palmer, the traffic consultant for Dunkin's Donuts will discuss these eight (8) warrants. There is only one (1) warrant that is borderline and even then, this may not be worthy. This area is a high crash intersection. However, the majority of the traffic entering Dunkin' Donuts will be making a right onto Strawberry Avenue from Greene. The traffic is bad at this intersection, but this will not make it worse. John Cole commented that he would like to know how the traffic light is comparable for the Market Place Mall vs. Strawberry Avenue. David Hediger said that after speaking with Chris Branch, this was a political traffic light, it was not warranted, and should not have ever been installed. The State had a hand in this. In conclusion, more information will be presented later.

C. Discussion concerning the Planning Board summer schedule. The following dates were suggested for the summer schedule and, therefore, the following motion was made.

MOTION: *by Lucy Bisson, seconded by James Horn to schedule the summer schedule for the Planning Board for Monday, July 21, 2003, and Monday, August 18, 2003 and to dispense with the other previously scheduled meetings, unless there is a need for an additional meeting(s) at a later date.*

VOTED: 6-0.

D. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board.

Interview Team for the City Planner Position. A new volunteer is needed, since it was determined that there is a conflict with Lucy Bisson. John Cole will send an e-mail to the Board Members for a response and will get this response back to Gil Arsenault.

Forestry Board Meeting. Jim Horn asked if anyone knew when the next Forestry Board Meeting is scheduled. The response was that Steve Murch, the City Arborist, attends and a date will be obtained from him as to the next meeting.

VII. READING OF THE MINUTES: Reading of the minutes from the May 5, 2003 Planning Board Meeting. The following motion was made, however it was not seconded.

MOTION: by **Lucy Bisson** that the Planning Board accept the Planning Board Minutes for May 5, 2003, as presented.

VOTED: No vote was taken.

Rob Robbins made the following change to the minutes: On Page No. 2, Item IV. Final Hearings, Sub-Item C., Paragraph 4, line 13, delete the word, "*recommendation*" and replace it with the word, "condition".

The following motion was then made to amend the above motion.

MOTION: by **Lucy Bisson**, seconded by **James Horn** that the Planning Board accept the minutes for May 5, 2003, as amended by Planning Board Member Rob Robbins.

VOTED: 6-0.

VIII. ADJOURNMENT: No action was taken on adjournment, however, this meeting adjourned at 8:15 p.m. The next regularly scheduled meeting is scheduled for June 2, 2003.

Respectfully submitted,

Lucy A. Bisson
Planning Board Member and Secretary

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