

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for June 2, 2003 - Page 1 of 4**

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, Jeffrey Gosselin, Robert Connors, Lucy Bisson, John Racine, and Tom Truchon.

- **Members Absent:** Rob Robbins, Roger Lachapelle, and James Horn.

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

- **Student Member Present:** Wade Morgan. - **Student Member Absent:** Ethan Chittim

II. ADJUSTMENTS TO THE AGENDA: At Staff's request, the following item was discussed, out of sequence to the agenda listing, as the first item: V. Other Business, A. New Business: 1. A request for an extension of a re-approval for the proposed Brookside View Estates, Dyer Road.

III. CORRESPONDENCE: None.

V. OTHER BUSINESS:

A. New Business:

1. A request for an extension of re-approval for the proposed Brookside View Estates, Dyer Road (this project expires on July 10, 2003). Present at this meeting was **Dan Hebert** from Hebert Construction LLC. In summary, Gil Arsenault stated that this subdivision has been around since 1989. This is a cluster development of 24 lots on 64.91 acres of land. This development will be served by two (2) proposed City roads totaling approximately 3,900-4,000 feet. Dan Hebert added that a performance bond has been posted by Hebert Construction LLC for the full construction of the road. This bond will allow the lots to be sold and homes to be constructed. Dan Hebert said that their intention is to have the improvements done by this fall. Three quarters of the road has been built including the utilities. They are requesting this extension, since they were not quite able to get the road completed by the July 10, 2003 deadline. There is still the last 700-800 feet of road remaining to be done. Their intentions are to pave this road and have the City give them an approved road. Within the next week or two, Hebert Construction LLC expects the first home to go up and in a couple of more weeks after that, a second home.

There was no public audience, therefore, the following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Lucy Bisson** that the Planning Board extends the approval on the Brookside View Estates Subdivision, which expires on July 10, 2003 to July 10, 2005.

VOTED: 6-0.

The remainder of the items were discussed in the order of their placement on the agenda.

IV. FINAL HEARINGS:

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 until the July 21, 2003 Planning Board Meeting). Included in the Planning Board packets was a copy of an e-mail from Austin de Grout from St. James Builders, Inc. stating St. James Builders, Inc.'s request for a continuance of the Final Hearing at the Planning Board's July 21, 2003 Meeting.

John Cole stated that at the previous meeting, there was an issue as to whether or not the paper street (Hingham Street) could be utilized. The City Attorney found that it could not. As a result, St. James Builders, Inc. had to find additional land to accommodate code in a variety of different ways. Gil Arsenault stated that basically the land for the street had reverted back to the abutters. John Cole also stated that there were issues expressed at the Neighborhood Meeting in regards to the detention pond. David Hediger stated that the detention pond is now being re-designed. The entrance is also in the process of re-design and is proposed to come off of Stevens Street, where the additional land has been acquired abutting this proposed development. Gil Arsenault also mentioned that there were concerns from the neighbors as to stormwater management. Initially, the developer was hoping to put the system in the City street. However, this was not acceptable to the Public Works Department.

There will be another Neighborhood Meeting before the Final Hearing. St. James Builders, Inc. is hoping to submit new plans in mid-June in order to conduct the second Neighborhood Meeting. The following motion was made.

MOTION: by *Lucy Bisson*, seconded by *Robert Connors* that the Planning Board accept the developer's request for a continuance of this Final Hearing to the July 21, 2003 Meeting.

VOTED: 6-0.

B. A Final Hearing on a proposed 42,000 SF building to be developed by the Lewiston Development Corporation at 25 Forrestal Street. This item has been brought back to this Board for a final approval. *Ken Lamoreaux* from The Sheridan Corporation was present. Also present in regards to this project, was *Ben Hayes* from the Lewiston Development Corporation (LDC) and *Lincoln Jeffers*, Business Development Manager.

There was a question raised by the Fire Department as to sprinklering of the building. The building needs to comply with the building code. *Gil Arsenault* said that generally this would be dealt with at the time the building permit is issued. This does not affect the Planning Board's decision.

This item was then opened to the applicant, *Ken Lamoreaux*, Director of Engineering at The Sheridan Corporation, who is representing the Lewiston Development Corporation (LDC). He commented on the comments by the Public Works Department in regards to amending the plans pertaining to catch basins. The catch basins will include a special device that goes inside them where the pipe enters and causes a different kind of flow. *Ken Lamoreaux* said that this has been added to the plan. Another request from the Public Works Department was for a portion of the driveway within the Right-Of-Way (R.O.W.) to be paved and graveled to City specifications. A note has been added to the plan to reflect that. The typographical error, in regards to an 8" or 4" gap has also been corrected on the plans.

John Cole mentioned the mitigation issue last spoken about in regards to the wetland issue and that this is pretty much taken care of. *Gil Arsenault* stated that in order for this project to go forward, they do need to do mitigation and meet Army Corps of Engineers approval. They are still working on detail and are looking at Foss Road Business Park. Before this project can move forward, permits need to be obtained from the DEP and Army Corps of Engineers. *John Cole* then asked *Gil Arsenault* if the Board's approval should be conditioned on the approval from the DEP and the Army Corps of Engineers and Staff on mitigation? *Gil Arsenault* responded that he is not sure it is necessary for Staff's approval, but certainly the DEP and Army Corps of Engineers. *Ken Lamoreaux* stated that he can brief the Board as to what the plan is, once it is finalized.

They have a tenant in mind, however, it cannot be revealed at this time.

Dennis Mason, former Planning Board Member and Chair, was present and stated that the dumpsters need to be screened or fenced in. *Ken Lamoreaux* responded that they will be fenced in.

In closing, *Ken Lamoreaux* agreed with the Board to bring the mitigation piece back to the Planning Board (probably sometime in August 2003).

The following motion was made.

MOTION: by *John Racine*, seconded by *Lucy Bisson* that the Planning Board find the application for a 42,000 SF building, developed by the Lewiston Development Corporation, 25 Forrestal Street meets all the necessary approval criteria contained under Article XII, Section 4 of the Zoning and Land Use Code and grant final approval to this project, subject to the DEP and Army Corps of Engineers approval and *Ken Lamoreaux's* explanation on how the mitigation proposition will work and how that is finalized.

VOTED: 6-0.

John Cole then signed the necessary mylars for this approved project.

V. OTHER BUSINESS:

A. New Business:

2. **Initiate an amendment to Appendix A, Zoning and Land Use Code, Article IX, Section 6, "Limit of variances" and schedule it for Public Hearing on June 16, 2003.** The Planning Board under the City Ordinance has the right to initiate a change to the ordinance when it feels it is appropriate. This item was brought to the Planning Board at the request of Staff. *Gil Arsenault* presented this item. He said that this does not come up very often, but as the ordinance exists today, any further development on any lot which has received a space and bulk variance is functionally prohibited and the owner has no recourse. *Gil Arsenault* then referred to *Gary Campbell's* reference in his memorandum enclosed in the Planning Board packets dated May 29, 2003. Also attached to this memorandum were legal options from two (2) different City attorneys - *Ron Lebel* of *Rocheleau, Fournier & Lebel, P.A.* and *Robert Hark* of *Hark & Andrucki*.

A property subject to a variance will require a new variance. This was discussed at the Board Of Appeals Meeting. There was only one (1) member in opposition. This is flexible with single-family homes. There is a lot of

latitude with these homes. Some properties will fall under this. Some communities do have these provisions according to Richard Flewelling from the MMA with whom Gil Arsenault discussed this item.

This is a very limited application and does impact some properties. This is a good user-friendly item to have in the ordinance. Gil Arsenault said he does not see a down-side to it. This would allow a person to add a shed, etc. If a single-family home is constructed with a variance, you need to obtain your approvals up front, if further down the road you are planning to build, i.e a garage or shed, etc. and to build it immediately. This pertains to properties that are subject to a variance. There are a number of properties that are subject to a variance.

John Cole said the issue before the Planning Board is to initiate a Public Hearing on this code amendment. This needs to be reported out within 30 days after initiating the proposal. Lucy Bisson feels that this is a good idea. This would give homeowners with a variance the freedom to use their property in the way that they like to use it. John Cole requested that Gil Arsenault run this past the City lawyer. The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Jeffrey Gosselin** to recommend review of this amendment to Appendix A, Zoning and Land Use Code, Article IX, Section 6, "Limit of variances" to the City Council and to schedule this for a Public Hearing on June 16, 2003.

VOTED: 6-0.

B. Old Business:

1. A discussion on the proposed Development Review streamlining. Contained in the Planning Board packets was the re-worked revision that addresses some of the concerns expressed at the last Planning Board Meeting of May 19, 2003. John Cole made reference to a single meeting and the Board's right to consider whether an application is complete. The language that addresses that is made clear on Page 12 of this document. There is a note placed on line 8 of that page that says, "In order for the Planning Board to approve an application, it must find that the application is complete." Staff has the ability to determine that it is substantially complete, which will allow a project to move forward.

Lucy Bisson made reference to "de minimus" changes, which are outlined on Page 14 of this document. This outlines Staff's responsibilities. A "de minimus" change would be more difficult to get a decision reversed. This is for insignificant changes. This will allow the developer to move forward. This will be reported out to the Planning Board at their next regularly scheduled meeting. Gil Arsenault continued to say that part of this deals with public scrutiny on a project. The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Lucy Bisson** to send a favorable recommendation to the City Council on the proposed Development Review streamlining process to Appendix A, Zoning and Land Use Code, Article XIII, Development Review and Standards.

VOTED: 6-0.

2. A discussion on the Traffic Scoping Session (scheduled for June 9, 2003). David Hediger said that the Traffic Scoping Session has been scheduled to take place on Monday, June 9, 2003 at 1:00 p.m. at the Public Works Department (Second Floor). This meeting is mainly for Staff Members. There are concerns with the traffic report and there are issues, i.e. with H.N.T.D. in the traffic count. There are questions as to how to stack vehicles. The proposal for Lewiston is for ten (10) vehicles to be stacked. There is not enough room to maneuver on site.

John Cole mentioned that this could be a controversial point at some stage and does not feel it is appropriate for the Planning Board Members to attend this session. He feels Staff Members should be in attendance.

Jeffrey Gosselin commented that this whole traffic issue is not related to this particular project (Dunkin' Donuts). He feels that this should not be centered around Dunkin' Donuts. There will be an update to the Main Street Traffic Study with AVCOG (on the Saunder's property). John Cole said, in his opinion, that the traffic issue is getting worse out there every day. He said that he does not feel that the overpass has corrected anything. This has given traffic the opportunity to go straighter and faster in both directions. Gil Arsenault said that the overpass has made the Main Street and Russell Street area function better and faster.

John Racine asked where was his requested criteria for a traffic signal. He stated that he did not receive this information. This information was included in the last Planning Board packet dated May 19, 2003. David Hediger said that the information can be obtained from him. He also said that there is more information that goes with that. He can obtain the specifics as to a description of each of those warrants and give this to him at a later date. Gil Arsenault told John Racine if he wants this information to just give them a call.

3. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. John Cole mentioned that Ethan Chittim should be recognized for his time as a Student Member of the Planning Board. He will no longer be a Student Member, since will be graduating this year.

John Cole also invited Student Member Wade Morgan to attend the summer meetings.

VI. READING OF THE MINUTES: *Reading of the minutes from the May 19, 2003 Planning Board Meeting.* The following changes were made by John Cole:

- On Page 2, paragraph 7, first line, delete the current sentence and replace it with the following, "*John Cole asked, "What kind of burden does this place on the developer, if the developer has to compensate with a mitigation project elsewhere?"*". Also in this same paragraph, on line 11, add the word, "*proposed*" between the words, "a" and "wetland".

The following changes were made by Lucy Bisson:

- On Page 3, Item VI. Other Business, Sub-Item A. Proposed Development Review streamlining, paragraph 2, line 7, the word, "noone", should read as two words, "no one". On line 8, delete the word, "of". In paragraph four end the second sentence after the words, "actual hearing" by adding a period. Delete the entire sentence four of this same paragraph, which extends to Page 4.

After the above changes, the following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Tom Truchon** that the Planning Board accept the Planning Board Minutes for May 19, 2003, as amended.

VOTED: 5-0-1 (*Jeffrey Gosselin Abstained*).

VII. ADJOURNMENT: This meeting adjourned at 7:50 p.m. The next regularly scheduled meeting is scheduled for June 16, 2003.

Respectfully submitted,

Lucy A. Bisson
Planning Board Member and Secretary

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