

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for September 15, 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, Jeffrey Gosselin, Lucy Bisson, John Racine, William Horn, and Tom Truchon.

- **Staff Present:** Gil Arsenaault, Director - Planning & Code Enforcement; Lincoln Jeffers, Deputy Director - Economic & Community Development; David Hediger, City Planner; Eric Cousens, Land Use Inspection Officer; and Doreen Christ, Administrative Secretary - Planning & Code Enforcement.

- **Student Member Absent:** Wade Morgan.

After the Roll Call, John Cole updated the Board by saying that, as of this meeting, Planning Board Member Robert Connors will no longer be a member, since he is running for the City Council.

II. ADJUSTMENTS TO THE AGENDA: It was requested to hear Item IV. Hearings, Sub-Item B. Oxford Networks first, but since the architects for Oxford Networks were not present, it was decided to discuss the items that would not be as time-consuming. Therefore, Item V. Other Business, Acquisition of the Laura M. Hodgkins property (69.5 acres) located at 177 Ferry Road (Rear) was dealt with first out of sequence to the agenda listing.

V. OTHER BUSINESS:

A. Acquisition of the Laura M. Hodgkins property (69.5 acres) located at 177 Ferry Road (Rear). At the Planning Board Meeting of August 18, 2003, the Board approved the four- (4-) lot subdivision titled, "Laura's Hilltop Subdivision". The Planning Board approved the subdivision with the condition that future division of "Other Land of Laura Hodgkin" will be subject to additional subdivision review and approval by this Board.

This item was brought to the Planning Board since the City is prepared to purchase the 69.5 acres as an abutting property owner with frontage at 424 River Road. Land purchased by an abutter is exempt from subdivision review. This property is in the Rural Agricultural (RA) District. Once purchased by the City, the City is proposing to land bank this property for future uses i.e. expansion of the transfer facility, to create a business park, or to sell it for future development (residential lots would be a last resort). The option to purchase this property will expire on September 24, 2003. Included in the Planning Board packets were recommendations from various departments within the City. This item was brought before this Board for a recommendation to the City Administrator who, in turn, will submit a recommendation to the City Council. There were no concerns by the various departments.

With approval of the City's purchase of this property, a revised Site Plan will be required. Therefore, it is requested that the revision to the subdivision plan be treated as a "de minimus" change. Action is needed on this item.

Lincoln Jeffers did a presentation to the Board. He showed the location on his map.. This parcel is landlocked. He said the request is for the City to buy the option that South Park has. Lincoln Jeffers stated that this is a "no lose" situation.

David Hediger stated that any change made to the lot line would have to come back to the Planning Board. This is to remain as a five- (5-) lot subdivision. There is no access to the 69.5 parcel on Ferry Road, the only access would be on River Road.

John Cole questioned why no notices were sent to the abutters for this acquisition. The response back was that it is not a requirement for an acquisition or disposition of property.

Rob Robbins asked if there was a Purchase & Sale Agreement. Lincoln Jeffers replied, "Yes". It is \$800.00 per acre. Lincoln Jeffers also stated that there will not be a Deed restriction on this property. The City owns the adjoining property. The following motions were made.

MOTION: by **Lucy Bisson**, seconded by **Jeffery Gosselin** that the Planning Board send a favorable recommendation to the City Council to purchase the "Other Land of Laura Hodgkins", as noted on the Site Plan titled, "Laura's Hilltop Subdivision".

VOTED: 7-0.

MOTION: by **Lucy Bisson**, seconded by **Jeffrey Gosselin** that the Planning Board grant Staff's request that the revision to the Site Plan titled, "Laura's Hilltop Subdivision" be treated as a "de minimus change".

VOTED: 7-0.

Also out of sequence to the agenda listing, Item III. was heard next.

III. CORRESPONDENCE: The following items were distributed at this meeting: A. A memorandum from Robert F. Faunce to David Hediger in regards to Bob's Discount dated September 15, 2003; B. An e-mail from Christopher Branch to David Hediger in regards to Bob's Discount dated September 12, 2003; C. A facsimile copy of the Modification/Waiver Request Form for Oxford Networks; D. A Draft "Declaration of Reciprocal Easements and Restrictions" dated September 15, 2003 in regards to Carter's Plaza; E. A letter with attachments from Martin I. Eisenstein, City Attorney to David Hediger in regards to the Plourde Business Park Subdivision; Subdivision dated September 11, 2003; F. A memorandum from Gregory Mitchell to the Planning Board in regards to Plourde Business Park-City Performance Guarantee dated September 15, 2003; G. Agreement between the City of Lewiston and Gendron & Gendron, Inc., Gendron Realty, and Dolard Gendron executed August 14, 2001; H. Addendum to Agreement effective October 15, 2002 between the City of Lewiston and Gendron & Gendron, Inc., Gendron Realty, and Dolard Gendron; I. Lewiston City Council Agenda Item No. 1 with back-up information in regards to the Wal-Mart Distribution Center Project; and J. Lewiston City Council Agenda Item No. 5 with back-up information in regards to the Wal-Mart Distribution Center Project. The following motion was made.

MOTION: *by Robert Robbins, seconded by Lucy Bisson to accept these items, place them on record, and read them at the appropriate time.*

VOTED: 7-0.

Out of sequence to the agenda, the following hearings were heard in this order.

IV. HEARINGS:

B. A hearing to review a proposed three- (3-) story office building (18,000 square feet) for Oxford Networks at 415 Lisbon Street. A site plan has been submitted for development of 415 Lisbon Street by Daniel Hebert, Inc. The proposal is for a 60' x 100', three-story office building totaling 18,000 square feet. The property is located in the Centreville (CV) District and is part of the southern gateway development district. This property is owned by Franklin Properties One, Inc. and will be leased by Oxford Networks. In developing this property, a 60 x 100' section of the former Good Shepard Food Bank building will be demolished with Oxford Networks occupying this entire parcel. There will also be a 9' x 38' section of the Oxford Networks building projecting on to the land formerly occupied by FHP. FHP has been demolished. A stormwater analysis of this property is not required, since there is no net new impervious area proposed. 63 vehicle trips will be generated during the PM peak hour, which is below MDOT's threshold for traffic movement. Since improvements such as landscaping and parking may not be completed by the office buildings projected completion date (Spring 2004), Franklin Properties One, Inc. has given Oxford Networks the right to park vehicles on land located at 415 and 434 Lisbon Street. There were no concerns by the Fire Department. The Police Department had concerns with parking and pedestrian control.

Lincoln Jeffers made a brief summary of the project to the Board. He showed the location on his mapping. Lincoln Jeffers stated that his memorandum dated September 12, 2003 (included in the Planning Board packets) specifies the Joint Development Agreement, which deals with the framework and is an outline of the agreements between the City and Franklin Property Trust. The City Council has approved the bond financing for this project.

Lincoln Jeffers then introduced the two (2) representatives from Oxford Networks who were present at this meeting. They were: **Michael Couture** and **Jacques Couture** - Architects for this project. During their presentation, they mentioned that this is a three-story building with a projection on it. There are minor changes to the plans, which is primarily ownership. The remainder of the food bank building will remain vacant. The other portion of the food bank will be demolished for the parking garage. The parking garage will have a capacity for 200-400 vehicles. There are a few conditions as to dealing with the ownership of the properties. Comments are reflected on the Drawings. A modification/waiver checklist was included in the packet distributed at this meeting. On Page No. 3 of the checklist, there are several items that are not applicable, i.e. the planting schedule, sidewalks, traffic analysis, etc. David Hediger said that Construction Documents do need to be provided to the Building Inspector in order to obtain building permits. Data to determine lot lines - the City has not required a survey or anything to that effect, since this was a subdivision at the time.

This item was opened to the public. Since there was no public audience, this item was turned back to the Planning Board.

James Horn stated that the rendering is a very nice pictorial of that building.. He then asked, "Are there any plans for the empty lot near The Public Theatre?" The response was that there is a \$2.4 million capital campaign to dress up the building for The Public Theatre. As part of that renovation, there is a building on that corner that is City-owned that the City has agreed to transfer to the Public Theatre. It is one (1) of the Androscoggin Mill block buildings. Lincoln Jeffers also stated that there has already been an interest in the former Unemployment building on Canal Street. There

is a Purchase & Sale on that.

John Cole asked if there is a Development Agreement. Lincoln Jeffers responded that an applicable portion of it was included in the packets, which specifies the City's taking on the landscaping, underground utilities, sidewalks, construction, and surface parking. The entire document was not included.

There, being no further discussion from the Board and no public audience, the following motion was made:

MOTION: *by Lucy Bisson, seconded by Jeffrey Gosselin that the Planning Board grant approval of the modification/waiver checklist, that the application meets all the necessary criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and that the Planning Board grants approval to the application for Oxford Networks at 415 Lisbon Street.*

VOTED: 7-0.

As a reminder to both Michael and Jacques Couture, David Hediger stated that the Planning Board will need a mylar to sign off on.

A. A hearing to convert portions of the existing office warehouse area to retail use and create additional parking for Bob's Discount at 1750 Lisbon Street. David Hediger read his memorandum dated September 11, 2003. Technical Services, Inc. submitted this application on behalf of Robert Dinan of Bob's Discount. Robert Dinan is proposing to convert a portion of the company's office-warehouse to retail use. He is requesting that 21,723 square feet of the 43,948 square foot structure be used for retail sales. He is also requesting additional parking to be constructed in two (2) phases. Phase I will include parking for 70 spaces, totaling 123 spaces and Phase II will include 78 more parking spaces. Therefore, the total parking on this site would be 201 parking spaces, which exceeds the codes requirements for full use of the building as retail space. There are no new structures being proposed in this request. This project was previously approved in February 2000 for rezoning from the Industrial (I) District to the Highway Business (HB) District and again in March 2000 granting the use of 12,513 square feet of the building for retail space and the creation of 35 additional parking spaces with the condition that the driveway entrance between Lisbon Street and the Maine Central Railroad line be increased to a minimum of 40 feet. This approval has expired. A Tier I permit from the Maine Department of Environmental Protection (MDEP) for alterations to a wetland has been applied for. This project is subject to the Site Location of Development Law, since the project exceeds three (3) acres of impervious area. The total impervious area is 3.9 acres. Robert Dinan has secured a 75' wide easement for purposes of accessing the property. Since retail use of this property will result in 147 vehicles trips in the PM peak hour, any use that generates 100 trips or more in a peak hour is subject to a traffic scoping session held by the City. Staff had requested that a review of Eaton Traffic Engineering's report be done by HNTB. Eaton Traffic Engineering's report references to the 21,723 square feet of retail space only.

Public Services has received a stormwater analysis for both phases and are satisfied with what they saw. Both the Police and Fire Departments had no concerns.

After reading his memorandum, David Hediger referred to Chris Branch's e-mail to HNTB. In summary, Chris Branch stated that the traffic report submitted by Eaton Traffic Engineering is accurate and that an expanded traffic review with traffic scoping is not necessary. David Hediger then referenced Bob Faunce's memorandum. Both these items were included in the distribution at this meeting. He stated that both phases are needed for parking.

Both **Robert Faunce** and **Mike Gotto** from Technical Services were present at this meeting. Bob Faunce did a presentation. He said that there is a sufficient Right-of-Way (ROW). Basically, he is proposing a two- (2-) phase parking lot, with Phase I covering the 21,723 square feet of retail space. There will be 75 trips per hour. Bob Faunce said that there will be no physical changes made to the building. Lucy Bisson said that basically Bob's Discount is asking for permission to have up to 28,123 square feet of retail space in that location. Bob Faunce responded with, "Yes and in that location the rest of the space would be warehouse and office. For Phase I only 21,723 square feet can be used. John Cole stated that one (1) of the concerns had to do with the site lines coming up under to the old overpass to the turnpike as you are coming into the City from Lisbon. Mike Gotto said that the site distance in that location is more than adequate. The site distance is in essence of 500 feet. David Hediger stated that he had spoken with Chris Branch and they are satisfied with that site distance out there. There will be no impact to increasing footage.

Rob Robbins stated that there is no significant practical impact with regard to increasing the square footage allowed for retail use. Gil Arsenault said that this would be different if it was in a residential neighborhood. David Hediger said that the Board may want to consider a condition of approval, based on the square footage in the parking to make sure it is clear.

There was no public audience, therefore, this item was turned back to the Planning Board for the following motion.

MOTION: by **Lucy Bisson**, seconded by **Robert Robbins** that the Planning Board grant approval of the modification/waiver checklist; that the application meets all the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grant approval of the application for Bob's Discount, 1750 Lisbon Street, subject to the condition that maximum retail space be limited to 21,723 square feet upon completion of Phase I of the parking and 28,123 square feet of retail space upon completion of Phase II of the parking area.

VOTED: 7-0.

C. A hearing on a minor revision of a previously approved plan for the division of Parcels "A" and "B" for Carter's Plaza at 741 Main Street. David Hediger read his memorandum dated September 11, 2003. Technical Services, Inc. submitted this application on behalf of Richard Tonoli of Carter's Plaza. This submission is for a minor revision of the previously approved division of lots. The applicant, Richard Tonoli, is requesting that Parcels "A" and "B" be reconfigured. In October 2001 approval was granted by this Board for Parcel "A", being the Subway sandwich shop, and Parcel "B", the remaining structures. The remaining structures included the Carter Feeds convenience store and office/retail/storage buildings. Richard Tonoli is now requesting that the lot line be reconfigured so that the convenience store, gas island, and associated land become one (1) parcel. Parcel "A" would then include the Subway building and the office/retail/storage buildings. Parcel "B" would include the convenience store. A modification of side yard and setbacks is required with the new lot line dividing the parcels through the rear parking and driveway area.

A standard boundary survey has been provided and is satisfactory to Staff. A recorded Maintenance Agreement has also been provided. A second agreement is being prepared referencing the reconfigured Parcels "A" and "B". This property is zoned in the Highway Business (HB) District. Both Parcels "A" and "B" meet the minimum lot size and frontage requirements for this type of zoning.

Both **Robert Faunce** and **Mike Gotto** were present on this item. Bob Faunce showed the Planning Board the Standard Boundary Survey. They have changed the line by turning it.

John Cole asked, "Are there any reconfiguration of the storage units?" The response was, "No". With this property, they can provide whatever access is necessary. Rob Robbins said that there are provisions in the ordinance that suggests trying to avoid creating odd-shaped lots. Bob Faunce said that he agreed and that they are trying to avoid creating an "odd-shaped lot". Mike Gotto stated that there is no other way, but to create a lot as they did, since there is a mixed-match of uses in this area.

This item was opened to the public. Since there was no public audience, this item was turned back to the Planning Board. Lucy Bisson commented that a note needs to be added on the plan speaking to development. Mike Gotto stated that Note No. 9 has been added to the Site Plan. The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Jeffrey Gosselin** that the Planning Board grants the approval of the modification/waiver checklist; finds that the application meets all the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to the application for Carter's Plaza at 741 Main Street.

VOTED: 7-0.

B. Update on Plourde Business Park, Discovery Drive. At John Cole's request, David Hediger brought the Board up to date on this item. There were several items included in the distribution of correspondence at this meeting. These documents were provided to the Board as evidence of the City of Lewiston's commitment to proceed with road, water, drainage, and above ground three-phase power investment at the Plourde Business Park.

This item was previously approved with the condition that the City Attorney look into whether or not the lot needs to be numbered. David Hediger stated that the DEP looks at this land as remaining land. The plan stands as it is, subject to any further development. This will need to come back for development review.

Included in the items distributed at this meeting was correspondence from City Attorney Martin Eisenstien, which states that the subdivision application has been approved by the Planning Board with the condition that the property of Gendron & Gendron which is part of the parcel to be divided, but is not to be developed at this time, be labeled on the Subdivision Plan as "remaining land" not to be developed without additional review and approval by the City. There is also a memorandum from Gregory Mitchell, Assistant City Administrator which speaks about the Performance Guarantee. Lincoln Jeffers gave a brief outline of Gregory Mitchell's documentation. His documentation included: 1. The Agreement between the City of Lewiston and Gendron & Gendron, Inc., Gendron Realty, and Dolard Gendron dated 08/14/01; 2. Addendum to Agreement effective 10/15/02 between the City of Lewiston and Gendron

& Gendron, Inc., Gendron Realty, and Dolard Gendron; 3. Lewiston City Council Meeting of 02/02/02 Agenda Item No. 1 - Public Hearing on a \$2.75 million dollar bond issue for public infrastructure improvements and associated Wal-Mart Distribution Center Project; and 4. Lewiston City Council Meeting of 10/15/02 Agenda Item No. 5 - Additional Bond \$1 Million Dollar Authorization for the public improvement infrastructure in support of the Wal-Mart Distribution Center Project.

David Hediger commented, that based upon the binding legal document, this is more than adequate. The project was previously approved by this Board. This was brought to this Board as an update. Therefore, there is no action necessary on this item. There were no questions from the Board. This item would come back to the Planning Board, but not to the DEP.

C. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. Jeffrey Gosselin mentioned the inclusion of the City Councilor and their Ward being listed on the agenda. This is listed, as a request from a City Councilor that they be notified on projects coming to the Planning Board so that they can address their constituents appropriately by having knowledge of what is happening.

David Hediger mentioned that he is looking to have a total of nine (9) members on the Board. He also mentioned moving an alternate member to become a permanent member. This is left up to the Mayor to do. At this point in the discussion, John Cole asked that a listing be provided stating what Wards each of the current Planning Board Members are in. Only two (2) members from the same ward can participate. This item was brought up in regards to current member Robert Connors resignation from the Board. It was also mentioned that the two (2) associate members could replace the two (2) members leaving in January 2003 (John Cole and Robert Robbins).

Douglas Hodgkins arrived at 8:20 p.m.

Also mentioned was that there were many items distributed at this meeting for review. Items come in at the last minute. Gil Arsenault mentioned that this can be controlled. David Hediger stated that the goal is to schedule a project that is complete. Staff does not want to hold up a project. Jeffrey Gosselin mentioned reducing the size of the information submitted to the Board. He feels the packets are very large with Planning Board documentation. He stated that he relies on Staff and would like to see smaller documents. He primarily focuses on the Staff Memorandum and other key items. Gil Arsenault stated that a more complete type of application is needed in a summary fashion. Lucy Bisson stated that the information that the Planning Board gets now is more complete and informative.

The next meeting is scheduled for October 6, 2003. There are several code changes. Some of the code changes include: 1. Eliminating rural access standards, 2. Eliminating requirements for daycares, and 3. Rezoning of property around Bates College (Ware Street area). With that, John Cole requested that something needs to be done on the zoning of the City. He suggested taking another comprehensive review of the zoning.

VI. READING OF THE MINUTES: *Reading of the minutes from the August 18, 2003 Planning Board Meeting.* There were no changes made to the minutes, therefore, the following motion was made.

MOTION: *by Lucy Bisson, seconded by Robert Robbins that the Planning Board accept the Planning Board Minutes for August 18, 2003, as presented.*

VOTED: *4-0-3 (Roger Lachapelle, Jeffrey Gosselin, and John Racine Abstained. They were absent from the previous meeting.)*

VII. ADJOURNMENT: The following motion was made to adjourn this meeting.

MOTION: *by Tom Truchon, seconded by Lucy Bisson that this meeting be adjourned at 8:37 p.m.*

VOTED: 7-0.

Respectfully submitted,

Lucy A. Bisson, Planning Board Member & Secretary

DMC:dmc

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