

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for June 28, 2004**

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 7:00 p.m., and was chaired by Jeffrey Gosselin.

- **Members in Attendance:** Roger Lachapelle, Jeffrey Gosselin, Lucy Bisson, Tom Truchon, Jim Horn, John Racine, John Butler, Stephen Morgan, and Thomas Peters.

- **Staff Present:** Gil Arsenault, Director of Planning & Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary to Planning & Code Enforcement.

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

For the record, Tom Peters was voting member if any abstentions.

II. ADJUSTMENTS TO THE AGENDA: The agenda was amended to include under Item V. Other Business, Sub-Item A. *“Discuss possible amendment to the Zoning and Land Use Code regarding parking lots as an accessory use.”*

III. CORRESPONDENCE: Distributed at this meeting were the following items: A. An e-mail from Bill Eaton of Eaton Traffic Engineering to Steve Myers of Platz Associates in regards to the proposed parking garage - preliminary traffic assessment dated June 28, 2004; B. The amended Agenda to include the above item under Section II. Adjustments to the Agenda; C. Planning Board Project Development Review Form from the Public Works Department regarding the Southern Gateway Parking Garage, 425 Lisbon Street and D. Draft Planning Board Meeting Minutes for June 14, 2004.

IV. HEARINGS:

A. A proposal to construct a 377-space parking garage at 425 Lisbon Street (Southern Gateway Garage).

At the request of the Chairman, David Hediger presented a summarization of his memorandum dated June 24, 2004. He said that it should be noted for the record for 369-, instead of the 377-space parking garage. This four- (4-) level parking garage has been designed to serve development associated with the Southern Gateway District. One (1) of the two (2) parcels for this 42,800 square foot lot, the City has an option to purchase with a land swap and the other parcel the City owns. Both parcels are currently vacant.

This proposed garage was designed for use by Andover College, Oxford Networks, the proposed Northeast Bank building, a 5,000 square foot restaurant, and 35,000 square feet of professional/office space. Because these uses combined will generate traffic in excess of 200 vehicle trips during the morning and afternoon peak hours, the City has exercised its delegated authority from the Maine Department of Transportation (MDOT) to review and issue a traffic movement permit for this project. On June 18, 2004, a traffic scoping session was held for traffic issues in this area. HNTB has recommended that additional information be provided so that the City may issue a traffic movement permit subject to MDOT's approval. Staff is recommending that, as a condition of approval, that a traffic movement permit be issued prior to the start of construction. As each property is developed, occupancy of the garage will be monitored to ensure that adequate parking is being provided for other surrounding uses.

The Police Department has expressed concerns that vehicular congestion may occur at both the Lisbon and Canal Street entrances. Bill Eaton has been requested to analyze the design. The Public Works Department has requested that the Site Plan be amended to include a turnaround on the property at the end of Canal Street Alley behind the Pontiac building. The Fire Department has no concerns with the site, but provided comments with respect to the building plans and construction.

Present at this meeting were **Mike Paradis**, City Engineer, and **Steve Myers**, a representative from Platz Associates. Mike Paradis stated that David Hediger has done a good job in covering all the points.

Steve Myers provided a diagram to the Planning Board.

Lucy Bisson asked the question as to what the Public Works wants - why do they want a turnaround? David Hediger responded that it would be used for plowing purposes so that they do not have to back out to Cedar Street. The land swap area was shown to the Planning Board and where the Northeast Bank building and proposed parking area will be located. This project will be on leased land from the Franklin Property Trust and land that the City owns.

It was stated that if a retail use were to come to this area, another traffic study would be needed.

Tom Peters asked, "Is it 377- or 369-spaces". Steve Myers responded with, "369-spaces." Tom Peters stated that there should be a time limit for on-street parking. Mike Paradis stated that the first hour will be free parking in the garage.

John Racine asked if the concerns expressed from Paul Ouellette of the Fire Department if Staff were addressed? David Hediger responded that this is not a code requirement, however, they would like to see a dry stand pipe installed. Mike Paradis stated that it could be an alternate bid item, if the money is available.

This item was then opened to the public for those in favor. There was none. This item was then opened to the public for those in opposition or for discussion. There were none, therefore, this item was closed and brought back to the Planning Board.

Tom Peters stated that he was concerned with the land swap. David Hediger commented that the lease has not begun yet. Tom Peters said that he feels that it is a bad idea to build a garage on leased property. The action taken on this item, should be contingent on the swap happening first. He feels that even though there is a parking garage there, that people somehow be encouraged to use the garage and not take up the few street parking spots available to local merchants. He stated that something should be put in the design for protecting the merchants spaces, i.e., a 2-3 hour stop, as opposed to staying there all day. Gil Arsenault said that a recommendation should be made to the City Council.

Steve Myers explained that all the abutters were notified in this area.

Stephen Morgan asked, "Are there a certain number of spots for Andover College, Oxford Networks, etc. for employees or people that are going to be there all day?" David Hediger said that based on Bill Eaton's numbers, Oxford Networks is anticipating 80 employees, Andover College with 180 students, and the bank office with 90 employees. He said he assumes some of those would be prepaid and dedicated for employees.

John Butler asked, "What is the exterior of the parking garage going to look like?" Steve Myers responded that it will be similar to the Park Street parking garage. Mike Paradis stated that they are using sandstone, instead of brick. He also mentioned that the glass wall will contain different colored lights over a period of time for the holidays.

Before the following action was taken, Steve Myers stated for the record, that there will be an article in the magazine entitled, "Structural Steel Construction Magazine." This article was submitted at the request of Structural Steel Construction Magazine and will be featuring this garage.

MOTION: *by John Butler, seconded by Lucy Bisson that the Planning Board determines the application for the City of Lewiston (Southern Gateway Garage) at 425 Lisbon Street to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to the City of Lewiston, subject to the following conditions:*

1. *That the City of Lewiston secure full ownership of the property for the garage prior to it being started, and*
2. *To limit the duration of on-street parking from Maple Street to Cedar Street along Lisbon Street to encourage, maintain, and accommodate short-term parking for local merchants and businesses.*

VOTED: 7-0.

Jeffrey Gosselin recused himself from the Planning Board. Lucy Bisson chaired this item.

B. A proposed renewal of the College Green Subdivision, an eight- (8-) lot, single-family, residential subdivision located at 775 College Street.

David Hediger gave a brief summary of his memorandum dated June 24, 2004. This application is for an eight- (8-) lot, single family residential subdivision. Since the 24-month deadline for an extension has passed, this application must be considered as a new application. The lots in this subdivision will range in size from 1.7 acres to 10.3 acres. There are three phases to this subdivision. Lot Nos. 1-6 will have frontage on Bowdoin Drive and are considered Phase I. Lot Nos. 5 and 6 will be part of Phase II and Lot Nos. 7 and 8 will be part of Phase III. There will be no City services provided along the private portion of Bowdoin Drive. All lots will have on-site septic systems, wells, and overhead electrical service. An NRPA application to the MDEP has been submitted.

Construction drawings will be submitted when applying for a building permit. The performance guarantee is being waived with the condition stated in the following action taken on this item.

The Fire Department has recommended that a fire hydrant be installed at the beginning of the private portion of Bowdoin Drive, however, this development will be serviced by private wells and septic systems, therefore no public water or sewer will be provided within this development. There were no concerns from the Police or Public Services Departments.

Mike Gotto of Technical Services, Inc. was present on behalf of the applicant. The question was asked, "To minimize wetland impact, the subdivision plans include the building envelope for Lot Nos. 1 and 8. What is the building envelope?" Mike Gotto stated that the building envelop is shown as dashed lines on the plan that says that the building must occur inside on that space. That will inhibit cutting trees and altering the wetlands.

Lucy Bisson asked, "Why are some lots significantly smaller?" Mike Gotto responded that it is a function of looking at the land, the contours, the wetlands, and the street setbacks, etc. Impacts on the lots need to be minimized. Lucy Bisson stated that there is a Central Maine Power (C.M.P.) Company right-of-way (R.O.W.) that goes through the property.

John Butler said that he likes the lot sizes and that these will likely be nice houses. John Butler asked, "After doing the first phase, you have 24 months to complete, do you need to come back for the second and then the third phase?" David Hediger responded that this is based on the code definition of substantial development is. If the road bases are not constructed for the next phase of development, this would need to come back to the Planning Board.

Tom Peters said that the record should reflect that this is not a renewal request. The renewal has passed. This is a new application. Tom Peters then stated that this depends on if there is substantial development has begun on the project or on the phases. Therefore, if substantial development on Phase I and then Phase II has not begun within the 24-month period, then Phase II would need to be renewed. Tom Peters stated that the record should reflect that every phase has to begin within the right time theory or it will lapse if it is not brought back for renewal. David Hediger stated that an additional note will be added to the plan so that there are no questions later on. Tom Peters then asked, "What if the road is not accepted as a road or public street? David Hediger responded that it would have to come back and the subdivision plan would need to be amended as a private road. Gil Arsenaault said that lots cannot be sold until the road is developed and accepted as a road unless a Performance Guarantee is submitted. Mike Gotto stated that the road will be built in phases with a turnaround at the end. Mike Gotto said that they will build out the road, sell those lots, build out more road, sell those lots, etc. A Maintenance Agreement is in the application for the private road, which only affects two (2) lots in this subdivision. Tom Peters asked if there would be any problems with flooding in this area? Mike Gotto responded that with contours, there is relief.

This item was then opened to the public for those in favor of this project. There were none. This item was then opened to the public for those in opposition. **Joseph Fleming**, 341 Stetson Road, questioned the first phase and the temporary turnaround. Mike Gotto showed these items on the plan. It was then asked, "What is the distance from the brook?" The setback from the brook is 75 feet. Mike Gotto then showed where the powerline is on the plan and said that there are no setback requirements from the powerline. David Hediger responded that there is a shoreland zone area that is 250 feet. This item was then closed to the public, since there were no additional questions or comments and the following motion was made.

MOTION: by **John Butler**, seconded by **Tom Peters (Alternate Voting Member)** that the Planning Board determines the application for the College Green Subdivision at 775 College Street to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code; and grants approval to D.M. Development, Inc., subject to the following condition:

1. That development, including Phases I, II, and III, shall expire after a period of 24 months after the date of approval, if substantial development has not begun.

VOTED: 7-0.

After the above motion, Stephen Morgan asked if there were any deed restrictions in the development. Mike Gotto responded that there are Deed restrictions.

Jeffrey Gosselin rejoined the Planning Board and chaired the remainder of the agenda items.

C. A proposed amendment to the definitions of adult business establishments, adult amusement establishments, and eating and drinking establishments contained in the Zoning and Land Use Code of the City of Lewiston.

Tom Peters suggested that since the Planning Board has read and heard this item several times before and there were no members from the public present, the following motion be made on this item.

MOTION: by **John Butler**, seconded by **Lucy Bisson** that the Planning Board send a favorable recommendation to the City Council to adopt the proposed amendment to the definitions of adult business establishments, adult amusement establishments, and eating and drinking establishments contained in the Zoning and Land Use Code of the City of Lewiston.

VOTED: 7-0.

V. OTHER BUSINESS:

A. Discuss possible amendment to the Zoning and Land Use Code regarding parking lots as an accessory use.

David Hediger explained this item. The situation here is Dr. Bournakel's office on East Avenue. David Hediger showed where they would like to expand their parking. This seems simple, but the code does not allow that to occur. This is a lot by itself so you need to have a commercial parking facility as a permitted use in the Office Residential (OR) zone. The OR does not permit that. You can have parking as an accessory use, but it has to be for an abutting parcel. Technically, if they owned property across the street, they could do this. A petition could be put together to bring forth this change. Planning Staff will work with Mike Gotto on the petition to allow commercial parking facilities in this zoning district. You can do this project across the street, but not 25 feet away. David Hediger said that it is based on the definition of accessory use. David Hediger said that this item is basically a FYI item to the Planning Board and that he is looking for suggestions or recommendations from the Planning Board. Tom Peters suggested that the wording shall be changed to say that if a principal property is within some amount of feet and then to place a circumference, i.e., 300 feet within a primary residence. Mike Gotto showed on the plan where the future entrance/exit points could be. Mike Gotto stated that he could see three (3) curb cuts being reduced into two (2) for the development. They are just trying to do an expansion. Tom Peters said that in summary, let Staff figure out how many feet it is, write it up, and the Planning Board will figure it out.

B. Any other business the Planning Board Members may have relating to the duties of the Board.

John Racine asked, "How are we doing with Dave Gendron and the Provenchers?" David Hediger stated that Gregory Mitchell will bring a report back to the next Planning Board Meeting, which is July 12, 2004. Gregory Mitchell has been talking with David Gendron and the Provenchers. Steve Murch has put together a plan that he thought was reasonable. An agreement needs to be reached.

VI. READING OF THE MINUTES: *Reading of the minutes from the June 14, 2004 meeting.* Since the DRAFT Minutes were distributed at this meeting for a review, they will be read and taken up at the next meeting. No action was taken.

VII. ADJOURNMENT: This meeting adjourned at 8:00 p.m. The next regularly scheduled Planning Board Meeting is for Monday, July 12, 2004.

Respectfully submitted,

Roger Lachapelle,
Planning Board Member & Secretary

DMC:dmc\C:\MyDocuments\Planbrd\Agenda\PB062804.wpd

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities, and/or in the delivery of its programs, activities and services based on an individual person's ethnic origin, color, religion, sex, age, physical or mental disability, veteran status, or inability to speak English. For more information about this policy, contact or call Compliance Officer Mike Paradis at (V) 207-784-5753, (TTY) 207-784-5999, or email mparadis@ci.lewiston.me.us.