

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for February 14, 2005 - 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 Jeffrey Gosselin.

- **Members in Attendance:** Roger Lachapelle, Jeffrey Gosselin, Jim Horn, John Racine, Tom Truchon, and Stephen Morgan.
- **Associate Member Absent:** Tom Peters.
- **Staff Present:** James Andrews, Director of Economic & Community Development; David Hediger, City Planner; and Doreen Christ, Administrative Secretary - Planning & Code Enforcement.
- **Student Member Absent:** Wade Morgan.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: The following items were distributed at this meeting: 1. Resignation Letter from Board Member John T. Butler, Jr. Dated February 11, 2005; 2. Facsimile and back-up information from Jeffrey Aceto, P.E., Engineering Ventures, Inc. regarding Hydro-Geo Assessment by Sevee & Maher on the Central Distributors warehouse expansion dated February 14, 2005; and 3. An e-mail memorandum from Paul Bolduc to David Hediger, City Planner regarding land behind Central Distributors dated February 14, 2005. The following motion was made, however, it was not seconded or voted on.

MOTION: *by Jeffrey Gosselin that the Planning Board accept the above items, place them on record, and read them at the appropriate time.*

VOTED: *No vote was taken.*

IV. HEARINGS:

A. FY2006 Lewiston Capital Improvement Program (LCIP). At City Administrator James Bennett's request, this item has been tabled for the February 28, 2005 Planning Board Meeting, due to a prior commitment.

B. A proposal to construct an 81-space parking deck over the existing parking surface in front of Storehouse No. 7 on Lot 5 of the Bates Mill Complex, 32 Chestnut Street.

David Hediger read his Staff Memorandum dated February 10, 2005.

In summary, this request by Platz Associates is to construct an 81-space parking deck (23,400 SF) over the existing parking surface in front of Storehouse No. 7 on Lot 5 of the Bates Mill Complex as an accessory use. Access to the parking deck would be limited to Mill Street and to the surface lot from Lincoln Street.

This property is located in the Mill (M) zoning district.

Traffic studies were done in 1999 and again in 2001. A new traffic study for future development and occupancy of the Bates Mill Complex will be necessary.

Since the 81-space parking deck will be located over the surface lot, no drainage report was submitted, due to no increase in impervious area.

There were no concerns from both the Police and Fire Department. Public Services are requiring that tip-downs be installed on the sidewalk.

Steve Myers from Platz Associates and also **Travis Nadeau**, designer of the project, were present at this meeting for questions. He stated that tip-downs for handicap have always been planned to be done that way. He stated that he intends to place a note on the plan in regards to the 24-month expiration which is a requirement and made reference to the ramp slope to the parking deck.

This item was first opened to the public for those in opposition and then to those in favor. Since there were no public comments, this item was opened back up to the Planning Board.

Steve Myers stated that if they lowered the deck any further, you could not get cars under it. There were no further questions from the Planning Board. The following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Stephen Morgan** that the Planning Board determines the application for the Bates Mill Complex (81-space parking deck over the existing parking surface in front of Storehouse No. 7 on Lot 5) at 32 Chestnut 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 Platz Associates, subject to the following conditions:

1. That a note be added to the plan stating that approval of the development plan and any building permit issued for development within the scope of the code shall expire after a period of 24-months after the date of approval if substantial development has not begun, in accordance with the City of Lewiston Code, Article XIII, Development Review and Standards, Section 11, Expiration of Approval. Requests for extensions must be made at least 60 days prior to the time of expiration, and
2. That the Site Plan be amended to show tip-downs at the sidewalks.

VOTED: 6-0 (Passed).

C. A proposal for the construction of a 30,000 square foot addition to the existing warehouse structure and associated parking at Central Distributors, Inc., 15 Foss Road.

David Hediger read his Staff Memorandum dated February 10, 2005.

In summary, this request by Central Distributors, Inc. is to construct a 30,000 SF addition to their existing warehouse structure. This parcel is 8.13 acres in size and is located in the Highway Business (HB) zoning district. Warehousing is allowed in this district as a permitted use.

Currently on this site is a 59,170 SF warehouse facility. This property contains approximately 2.93 acres of impervious area. Along with the proposed 30,000 SF addition is also the request for an additional 31,420 SF of pavement for additional parking (67 parking spaces) and loading areas.

This project is being reviewed under the City's delegated authority from the State of Maine Department of Environmental Protection (DEP).

This property is located within a groundwater conservation overlay district and is located over a significant groundwater aquifer. Documentation submitted from a hydrologist stating that this development will not have a significant adverse impact will be necessary, since the total impervious area of the entire site will be .53. This is allowed in this type of district.

Access to this site will remain in the same location from Foss Road. No traffic movement permit is required, since there will be no increase in the traffic.

There were no concerns from the Police, Fire, and Public Services Departments.

Present at this meeting were **Jeff Aceto, P.E.** from Engineering Ventures, Inc. and **Ron, Mike, and Dennis Barriault**, business partners of the entity called Denron, Inc., occupied by Central Distributors, Inc.

This item was opened to the public for those in opposition to this project. **Mike Bolduc** spoke briefly. He stated that he owns 51 acres of land accessed to the rear of Central Distributors, Inc. through a gate and was concerned with his access being eliminated.

Jeff Aceto presented a Site Layout Drawing. He showed the lot lines to the Board and the railroad Right-Of-Way (R.O.W.). This development is not impacting Mr. Bolduc's gate. There is room to the access gate on the side of the building.

Jeffrey Gosselin commented that the Planning Board does not have any jurisdiction regarding Mr. Bolduc's access R.O.W. and encouraged Mike Bolduc to work this out with the applicant, Central Distributors, Inc. David Hediger stated that the land owned by the Bolduc's is undevelopable at this time, because there is no frontage.

Since there was no further opposition, the public portion was then closed and opened back up to the Planning Board for further discussion.

David Hediger re-stated that in order to get frontage to Mike Bolduc's property would be to create a new R.O.W. and then he commented that an amendment to the subdivision would be necessary. This is not impossible. The biggest obstacle would be the railroad tracks.

James Horn asked if Central Distributors, Inc. property was ever a part of Mike Bolduc's property? The response was, "No". Ron Barriault commented the the Bolduc's access is through CDI's driveway.

Jeff Aceto made reference to the Deed. The Bolduc's will be allowed to travel over the grassed area. Ron Barriault said that their access has never been restricted.

Stephen Morgan commented that this is more of a civil matter and an item for attorney's to decide.

James Horn asked, "Before this development, has anything changed in the Bolduc's status of land?" David Hediger responded that there is no proposed street and that there have been no changes.

In closing, Jeff Gosselin made reference to the impervious area. As stated in David Hediger's Staff Memorandum, the impervious area for a lot within the overlay district is limited to .25 versus .75 that is allowed in the HB zoning district. The total impervious area of this entire site will be .53. This is allowed in the HB district. Jeff Aceto stated two (2) apparent facts. There is an underlying silt/clay area in the area of the aquifer that restricts the flow to the groundwater to a tenth of the other areas of the aquifer and in terms of the mass of this, the majority of the aquifer extends back up along the railroad tracks. So, in terms of impervious area, there is very little impact as to what is being recharged there. The following motion was made.

MOTION: *by Stephen Morgan, seconded by Roger Lachapelle that the Planning Board determines the application for Central Distributors, Inc. (30,000 SF addition to the existing warehouse structure and associated parking) at 15 Foss Road 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 Central Distributors, Inc., subject to the following condition:*

1. *That a note be added to the plan stating that approval of the development plan and any building permit issued for development within the scope of the code shall expire after a period of 24-months after the date of approval if substantial development has not begun, in accordance with the City of Lewiston Code, Article XIII, Development Review and Standards, Section 11, Expiration of Approval. Requests for extensions must be made at least 60 days prior to the time of expiration.*

VOTED: 6-0 (Passed).

V. OTHER BUSINESS:

A. Acquisition of 142 Main Street (The Empire Theatre). David Hediger briefly summarized this item to the Board. Basically, the City is interested in acquiring this property as part of the Island Point development in the Western Gateway. The request is to send a positive recommendation to the City Council.

Present at this meeting on behalf of the City, was **James Andrews**, Director of Economic & Community Development. Jim Andrews showed the Board the overall site of 142 Main Street. The purpose of this acquisition is to acquire The Empire Theatre building and demolish it. The City is looking to purchase this as a clean site to be demolished and taken down to two feet (2') below grade and then proceed to create a 20-25-space surface parking lot and in the future for Phase III to propose to widen Island Avenue to accommodate the hotel. Phase III includes the renovated building here, which is actually an office building and a restaurant. The acquisition price is approximately \$100,000 for the quarter acre parcel of land. This item is slated to proceed to the City Council at their meeting tomorrow night, 02/15/2005. There are structural issues that need to be dealt with later on. The following motion was made.

MOTION: *by James Horn, seconded by Stephen Morgan that the Planning Board send a favorable recommendation to the City Council to acquire The Empire Theatre property at 142 Main Street.*

VOTED: 6-0 (Passed).

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

1. David Hediger distributed the article placed in the "Lewiston Sun-Journal" in regards to tattoo parlors and the City Council's overrule of a recommendation from the Planning Board entitled, "Our View - Making zoning clearer". If approved by the City Council, tattoo shops and adult bookstores would only be allowed as a Conditional-Use Permit in the Community Business (CB) District. Shops and bookstores now in business would be grandfathered to stay in business at their present locations.

A second motion is scheduled to be made at tomorrow's (02/15/2005) City Council Meeting.

2. Rezoning of 192 Russell Street's access to East Avenue. There were two (2) parcels involved. David Hediger stated that there is a City Councilor in opposition as to traffic. David Hediger briefly stated that access could be through Russell Park Manor. David Hediger feels that Administration will support the rezoning. He said he spoke to James Bennett about increasing depths of the zoning districts.

3. David Hediger reminded the Board that they are down one (1) Alternate and one (1) Board Member. Kathy Montejo, from the City Clerk's office, is going to be sending out a reminder to all the Department Heads as to what Ward someone is available.

VI. READING OF THE MINUTES: *Reading of the minutes from the January 24, 2005 Planning Board Meeting.* Stephen Morgan reminded David Hediger to e-mail him a copy of the Draft Minutes for his review before placement in the Planning Board packets.

The following motion was made.

MOTION: by **Stephen Morgan**, seconded by **James Horn** that the Planning Board table the Draft Planning Board Minutes for January 24, 2005 to the meeting of February 28, 2005.

VOTED: 6-0 (Passed).

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

MOTION: by **James Horn**, seconded by **Stephen Morgan** to adjourn this meeting at 8:00 p.m.

VOTED: 6-0 (Passed).

The next regularly scheduled meeting is for Monday, February 28, 2005.

Respectfully submitted,

Stephen Morgan,
Planning Board Member and Secretary

DMC:dmc

C:\MyDocuments\Planbrd\PB021405MIN.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.