

City of Lewiston
PLANNING BOARD MEETING
Minutes of October 22, 1996

I. ROLL CALL

The meeting was called to order at 7:05 PM.

Members Present: H. Milliken, T. Peters, D. Theriault, H. Skelton, D. Jacques

Members Absent: M. Goulet, L. Zidle

Staff Present: G. Dycio, G. Arsenault, A. Metivier

II. READING OF THE MINUTES

MOTION: By Mr. Peters, seconded by Mr. Skelton to accept the minutes of October 8, 1996.

VOTE: Passed 5 -0

III. CORRESPONDENCE

MOTION: By Peters, seconded by Mr. Skelton to accept the following four pieces of correspondence and place on file:

1. Letter from Scott Lynch, Councilor to Harry Milliken, Chairman regarding Conditional rezoning proposal for the former R.J. Pelletier property, locate dat 1044-1048 Main Street.
2. Letter from Karin Draper, AVCOG Planner to James J. Lysen, Planning Director regarding the implementation of a Travel Demand Management Plan for Route 196 Corridor between Lewiston and Brunswick.
3. Memo from George Dycio, Planning Coordinator to Chris Crovo, Water & Sewer Superintendent regarding Comprehensive Plan Update.
4. Police Chief's comments regarding Bates College- New Academic Building, #4 Andrews Road.

VOTE: Passed 5 -0

Mr. Peters suggested that the Planning Board welcome the new Development Director, Elliot Friedman, and invite him to the next Planning Board meeting. Mr. Arsenault stated that he would prepare a letter to Mr. Friedman from the Planning Board.

At this time Mr. Milliken stated to the public that the agenda would be taken out of order and the Comprehensive Plan would be last on the agenda.

IV. REVIEW OF DEVELOPMENT PROPOSALS - PRE-APPLICATION

A. Bates College - New Academic Building (4 Andrews Road)

Philip H. Meldrum, on behalf of the President and Trustees of Bates College, has submitted plans for a proposal to demolish the present two-story Maintenance Center and construct a three to four-story "L" shaped Academic Building for classroom and office space, with an attached atrium. The area under consideration is located in the Institutional-Office (IO) District where academic institutions, including buildings or structures for classroom[s], are permitted as a matter of right. The proposal is also an amendment to a previous D.E.P. approval and therefore requires the Planning Staff to notify the D.E.P., under the City's Expanded Review Authority, of the proposed changes.

Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting a modification and a number of non-applicable status requests to the application requirements listed under Section 3 (h)(1-4). Upon review of the requests Staff finds that, in our opinion, the requests are justified and recommends that the Board grant them.

The Planning Staff has reviewed the proposed plans and has no concerns at this time. Copies of the plans have been sent to the Police, Fire and Public Works Departments for their review and comments. As of the date of this memo Staff has not received any comments. However, the plans are at their initial stage and Staff anticipates that once additional information is submitted and reviewed by these departments Staff will have comments available. Should any comments be submitted prior to the meeting date Staff will forward these comments to the Planning Board for consideration.

The Planning Staff encourages the applicant to proceed with the project keeping both the Board's and Staff's comments in mind.

Mr. Dycio stated that a traffic study was requested by the Police Department and Public Works. Police Department has concerns with lighting along entrances and exits to make sure that do not create conflicts at intersections. The Public Works Department has drainage and traffic concerns.

Bernie Carpentier, of Bates College made presentation. He stated that the Academic Building will be located in the middle of campus for easy access by both faculty and students. Mr. Carpentier stated that the new academic building would have no impact on traffic because they will not be adding any new faculty. The faculty located in the houses on the outskirts of the Bates College will be consolidated and placed in the new academic building.

Mr. Peters asked if all floors would be used for academic purposes. Mr. Carpentier stated that there would be a central meeting place in the center, 64 faculty offices and students classroom will occupy the rest of the building.

Mr. Peters asked if they have taken parking into consideration. Mr. Carpentier stated that 32 spaces had been created because of the maintenance move to their new location. Mr. Theriault asked about storage space. Mr. Carpentier stated that the new maintenance building will have 2 floors and the second floor will be used for storage. All storage in the underground shelter will be used for electrical purposes in the future and the shelter will be used as a mechanical facility.

Mr. Theriault asked Mr. Dycio what the concerns with drainage were. Mr. Dycio stated that it was with runoff. Mr. Theriault asked how extensive of a traffic study does Police and Public Works want. Mr. Dycio stated that a brief letter stating that the criteria has been met would be sufficient. Mr. Carpentier stated that he could have Eaton Traffic Study write a letter.

Mr. Peters asked if any other parking for faculty would be provided. Mr. Carpentier stated that security assigns parking and that there will be no parking in the center of campus. He stated that faculty will continue to park in the lot on Wood Street and walk to the center of campus. Mr. Peters asked if professors would be inconvenienced. Mr. Carpentier stated that the walk to the center is not far.

Mr. Milliken asked if the building was 3 or 4 stories. Mr. Carpentier stated that it was 4 stories, a grade floor and 3 floors. Mr. Milliken asked about the height restrictions. Mr. Dycio stated that they will be met. Mr. Peters asked what type of structure the building would be. Mr. Carpentier stated that it would be brick and concrete.

MOTION: by Mr. Peters, seconded by Mr. Theriault that the requested waivers of submission requirements, by Bates College be granted because of the size of the project and the circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such waivers do not adversely affect the abutting landowners or the general health, safety and welfare of the city with the following conditions:

1. That the appropriate drainage and runoff calculations are submitted for Public Works approval.
2. That the requested traffic analysis be submitted to the Police and Public Works Departments.

VOTE: Passed 4 - 0 - 1 (H. Skelton abstained)

V. OTHER BUSINESS

- A. Discussion regarding child care services within all zoning districts. Specifically, a review of the current status of child care within all zoning districts, and the current registration/licensing requirements and procedures.

The Board was provided an outline for Day Care Facilities and a breakdown of District Regulations for Day Care Facilities. They also received a copy of the recent code

amendment regarding Day Care Centers in the Neighborhood Conservation "A" (NCA) District, a letter from Robert Connors, Superintendent of Schools, regarding school attendance, and an outline of the current registration/licensing requirements and procedures for establishing a child care service. The Planning Staff asks that the Board review the information provided for further discussion.

Mr. Dycio presented the map of the day cares and schools in the City. Mr. Lysen stated he has discussed day care issue with Mr. Kelly and he is interested in the process and concerned with density issues. He stated that a major concern is that a licensee is leasing and/or buying buildings and using them for group child care. He stated that home child cares are like home occupations and should not be restricted but the concern is with group child cares where one person in the Pettingill School area is running four group child cares.

Mr. Lysen stated that these issues could be resolved by changing the licensing requirements or adding density limitations. Mr. Theriault asked what the complaints from neighbors were regarding. Mr. Arsenault stated that the major concerns are noise, parking on the street, and traffic when picking up children and dropping them off. He also stated that the neighbors are concerned that the City has allowed businesses to come into residential areas. He stated that density controls and requiring the licensee to be a resident of the property are two of the solutions that could be considered. He stated that "in conjunction with" means that the child care is in conjunction with the residential use. He stated that the Sons of Italy being used for day care and not being in conjunction with the use itself.

Mr. Peters asked if the code is changed will the current day care providers be grandfathered. He also asked if there was a study done on how many students at Pettingill School are going there because of their day care. Mr. Dycio stated that they do not know which ones are due to day care. Mr. Peters stated that it should be changed so that the option is not available that you can change your school because of your day care. He also stated that people may be developing group child cares in those areas because of the schools that are there.

Mr. Skelton stated that having more than one group child care in one area may be an advantage for the owner because it is close to move workers around etc. Mr. Skelton suggested that the licensing be changed. Mr. Lysen stated that the licensing can eliminate grandfathering and require the licensee to live on the premises. He stated that through licensing you can eliminate grandfathering but through a Land Use Code change you can not. Mr. Peters stated that if people are not abusing the school system than it seems unfair an inappropriate to stop their business in a year.

Mr. Milliken suggested that the discussion be tabled and that staff come up with ideas and suggestions on licensing as well as on changing the code relating to home and group child cares, specifically that the home must be occupied by the licensee. He also requested that they try to find out from the Superintendent, how many of the students are out of district because of day care. He suggested that there be representative of the Zoning Board of Appeals at the November 26th meeting.

Mr. Theriault stated that if the intent of these providers is to run a business they need to find an avenue that would protect these residential neighborhoods. Mr. Peters stated that if these providers met the requirements at the time then they should not be put out of business. The Board decided to table the discussion to the November 26th meeting.

Alan Whiting, 9 Walker Avenue asked the Board if their concern was with group child cares and not with home child cares. Mr. Lysen stated yes.

MOTION: by Mr. Peters, seconded by Mr. Theriault to table the discussion regarding child care services within all zoning districts. Specifically, a review of the current status of child care within all zoning districts, and the current registration/licensing requirements and procedures.

VOTE: Passed 5 - 0

B. Letter form Scott Lynch, Councilor regarding conditional rezoning proposal from Jean Giroux for the former R.J. Pelletier property, located at 1044-1048 Main Street.

MOTION: by Mr. Skelton, seconded by Mr. Jacques, to initiate a conditional rezoning for the former R.J. Pelletier property, located at 1044-1048 Main Street on behalf of the applicant Jean Giroux at his convenience.

VOTE: Passed 5 - 0

The Board recessed for five minutes at this time.

VI. PUBLIC HEARING

A. Review the draft update of Lewiston's Comprehensive Plan

Mr. Milliken opened the hearing up to the Board.

Don Cannan, Brooks Avenue thanked the Planning Board for the job they do. He stated that he was concerned with the idea of changing Main Street specifically, from Pettingill Street to Montello Street from Office Residential (OR) to a Commercial zone. He stated that he wanted to urge the Board to keep the zoning Office Residential. He stated that he is concerned that the side streets will become through ways for the traffic if the zoning is changed.

Mr. Milliken stated that there are 32 items listed in the Proposed Future Land Use Map and that it does not mean that when the Comprehensive Plan is done that these items will be approved. He stated that these are proposals to look at and that each item will be revisited one by one at that time.

Mr. Lysen stated that when they discuss these issues they will also discuss techniques to protect residential areas and further stated that there are ways to control access . He mentioned that MDOT, LACTS, and AVCOG are implementing a Transportation Demand Management (TDM) Plan for the Route 196 Corridor which people can get involved in. Mr. Peters stated that Mr. Cannan may want to be involved when the Board discusses the proposed Land Use map so he can present his arguments at that time. Mr. Milliken suggested that Mr. Cannan get involved with the TDM Plan by AVCOG and that he attend the meeting regarding Land Use to discuss the items that concern him. Mr. Skelton stated that he wanted Mr. Cannan to know that there have been opposing views in the past. Mr. Theriault asked if Land Use should be discussed in the end when everything else has been looked at. Mr. Lysen stated that this was the original plan and that these 32 items are issues to be looked at in the future.

Mr. Peters suggested the Board develop an agenda for the review of the components. The Board agreed to the following agenda:

November 12th-	Culture & Arts, Housing
November 26th-	Recreation & Open Space, Transportation
December 17th-	Land Use, Long Range Planning

MOTION: by Mr. Peters, seconded by Mr. Skelton to schedule the review of the Culture & Arts and Housing components for November 12th, Recreation & Open Space and Transportation for November 26th and Land Use and Long Range Planning for December 17th.

VOTE: Passed 5 - 0

At this time the Board began the review of the Downtown component. The following changes were made:

- Add the word "and" before access in Goal #8
- Mr. Peters suggested having a study of canopies sidewalks and curb cuts
- Policy 1 F: add "through Centreville Plaza" after access way
- Policy 1 long-term strategy B: change "on upper Lisbon Street" to The "Downtown area"
- Policy 1 long-term strategy D: define "lower Lisbon Street"
- Policy 1 long-term strategy E: take out "(and undertake expansion if feasible)"
- Policy 2: add "keeping with architectural and historic features of the Downtown" at the end of the Policy
- Policy 2 Strategy C: take out "products for"
- Policy 3 Strategy B: change to "Promote the use of Lincoln Street as an entrance to the Downtown, especially for traffic accessing the Maine Turnpike."
- Policy 3 Strategy C: add "and configuration, especially on Lisbon Street" after "Improve street and road surfaces"
- Change Policy 3 Strategy D: to state "in order to remove through traffic from the in town street network and residential neighborhoods unless a more appropriate alternative can be identified." and move it to the Transportation component

- Policy 3 Strategy F: take out "which are"
- Policy 3 Strategy G: add and "s" on "wire"
- Policy 4 Strategy A: add "where appropriate" after grant funds, change "aggressively assemble" to "acquire" and take out "lower" before Lisbon Street
- Policy 4 Strategy E: change to "Continue, expand and simplify if desirable the winter parking ban ordinance for more expeditious and economic snow removal and to minimize the need for excessive signage."
- Policy 4 Strategy F: take out "a consistency"
- Policy 6 Strategy C: define "ESLP" - "Economic Stimulus Loan Program" and "IRP" - "Intermediary Re-lending Program"
- Policy 7: add "whenever possible" before "utilize the buildings within the Downtown area."
- Policy 8 Strategy C: add "where applicable" after "utilize non-general fund"

VII. ADJOURNMENT

MOTION: by Mr. Skelton, seconded Mr. Peters to adjourn at 9:53 PM.

VOTE: Passed 5 - 0

Respectfully Submitted,

Marc Goulet
Secretary