

**CITY OF LEWISTON
PLANNING BOARD MEETING
Minutes of March 11, 1997**

ROLL CALL

The meeting was called to order at 6:00 P.M.

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

Members Absent: L. Zidle

Staff Present: J. Lysen, G. Dycio, D. Ouellette

Also Present were: J. Andrews, K. St. Amand, Councilor Joyce Bilodeau,
Councilor Scott Lynch

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PRESENTATION FOR
FUNDING REQUESTS FY98 (JULY 1, 1997 - June 30, 1998).**

BIG BROTHERS/BIG SISTERS AND BIG BROTHERS/BIG SISTERS MENTORING

PROGRAM - Giving the presentation was Nicole Boulet and Roy Gedat. This agency is requesting \$3,500 for the regular Big Brothers/Big Sisters Program and \$3,500 for the Mentoring Program. The presentation was combined. Ms. Boulet said that 75% of the children in the regular Big Program were from Lewiston. In the Mentoring Program, this agency is working with Bates College students. There are over forty Bates students involved with children in the school. This agency has no state contracts. The children are matched one on one. The volunteer is committed to a minimum of one year to meet weekly or bi-weekly and they meet whenever they like. In the Mentoring program, they are involved with four area schools - McMahan, Farwell, Pettengill and Montello. Again, they are matched one to one but the commitment is based on a school year and the volunteer meets for a minimum of one hour a week. In the regular program, parents request for their child to be matched, but in the mentoring program it's the teachers that ask for the match. The reason for the match vary from the child needing social skills, increase aspiration, academic, etc. Mentors help in a variety of ways such as organizing notebooks, helping with a specific subject - the teacher gives directions. This program is geared for K-6. The program is a positive experience, not demeaning. There is a long list of children waiting - these are all at risk kids. There are 30 children in Lewiston in the Mentoring program out of a total of 38 children. There are 32 from Lewiston in the traditional match out of 45.

KIDS' KORNER PRESCHOOL - Roy Gedat and Diane Hines gave the presentation. This agency is requesting \$7,500. The children come to the preschool 2-3 times a week. Each child has a special need with the exception of a few (these few are used to have the children with special needs interact with those who have typical learning skills). All children need developmental therapy of some kind. The goal is to get the children ready for public school and be placed in the mainstream. Ms. Hines

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said that the largest percentages of children come from Lewiston. Mr. Peters asked why the agency was not getting full funding from the state. Ms. Hines answered that not all children in the program had special needs. They usually come from lower income families. Mr. Theriault asked what Auburn gave last year to each program. Ms. Hines answered that their agency received \$1,000 to each program. She had a concern that the children may regress after they met their goals and would like to keep them in the program for the full school year.

CATHOLIC CHARITIES - FELLOWSHIP HOUSE - Since Larry Hames resigned as program director and the interim director Bonnie Bagley could not attend tonight's presentation, Ms. Roberts did the presentation. This agency is asking for \$7,000. She reported that this agency has only been operating for thirty days as a fellowship house. The people who reside there have to be sober for at least seven days before they can enter the facility. It provides lodging, meals and substance abuse counseling. After their stay at this facility, most people move on to a halfway house or back to their families. She mentioned that although the budget showed they received \$12,000 in food stamps, this program had stopped since the food is now provided by Intown Manor. They also receive some funding from the Office of Substance Abuse. She reported that St. Mary's Hospital is making referrals to their program after the patient has gone through their detox program. This fellowship house only services males, it is not co-ed. The females have a halfway house in Portland.

HOPE HAVE - EMERGENCY SHELTER - Paul McLaughlin made the presentation and is requesting the same amount as last year, \$8,000. Mr. McLaughlin reported that the number of people the shelter is servicing has gone up significantly. In February, the shelter provided services for 106 people - 37 of them women. He also noticed a higher number of people coming into the soup kitchen for breakfast. Mr. Theriault asked if a survey had been done recently. Mr. McLaughlin said they had seen a broad base of reasons for the increase in people in need - from unemployment running out, companies downsizing, people from rural areas coming into town looking for work (some were even promised jobs and when they arrived, the jobs were not available). As it is now they have to separate families - the women are housed in separate units from the men - even from their husbands. If they have sons who are over thirteen, these boys are not allowed to stay with their mother, but have to be housed with the men. Mr. Peters asked how much room they had at the present time for families. Mr. McLaughlin said they only have four spaces in their present unit. Mr. Peters asked how long a person is allowed to stay at the shelter. Mr. McLaughlin answered 45 days and that no payments are ever accepted from the people they service. Mr. Peters noted that all they received was \$4,000 last year and asked if that was enough. They answered no, they could have used much more.

HOPE HAVEN - FAMILY SHELTER PROGRAM - Paul McLaughlin is also director of this program. They received a building from an anonymous donor. They will need \$30,000 to renovate the facility. This will enable families to stay together in a living room and bedroom(s) "suite." Mr. Peters asked if this \$30,000 was a one time expenditure. Mr. McLaughlin answered yes and that it would free up approximately 18 beds from the Emergency Shelter. The Faith House would provide

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28 beds for families. Mr. Milliken asked how many units they planned to have. Mr. McLaughlin answered approximately 10-12 or for 6-8 families depending on the size of the family. Mr. Peters asked when the facility would open. They hope to have it completed before next winter. They already have contractors ready to go to work on the project as soon as the monies become available.
Scott

Lynch spoke on behalf of Hope Haven. He noted that there is a real devolution from state government to local government to take care of its people. He also noted that Hope Haven has taken care of hundreds of people - he also reminded the Board that Hope Haven helped out when the city experienced a fire on Lincoln Street. He also noted that their administrative expenses are quite humble and that the money they receive goes directly to needy people. He said Hope Haven has shown a real plan to help people. Councilor Joyce Bilodeau also spoke on behalf of Hope Haven. She stated that Hope Haven not only offers material benefits, but they also combine that with a cure to what is ailing these people. It provides a moral guidance and shows people how to solve their problems and to help themselves; just giving a hand out. Mr. Peters asked if there could be funding from another source and Jim Andrews said that he was going to look into it.

Recess for 15 minutes.

**REGULAR SCHEDULED PLANNING BOARD MEETING
MEETING CALLED TO ORDER AT 7:30 PM**

READING OF THE MINUTES OF FEBRUARY 25, 1997.

MOTION: by H. Skelton, seconded by D. Theriault to accept the minutes of the February 25, 1997.

VOTE: Passed 4-0-1 (T. Peters abstained).

CORRESPONDENCE

A. Reference from City Council regarding proposal to amend the Zoning and Land Use Code with respect to Used Car dealerships in the UE District. J. Lysen reported that there were two options for the proposed amendment - A & B - to be discussed in "Other Business."

B. Reference from City Council regarding vote to rescind Vote #12, adopted at the regular meeting of February 18, 1997, requesting a recommendation from the Planning Board on an amendment to the Promenade Mall conditional Rezoning Agreement. Mr. Theriault said that in the future he would like to see the Board get original memos from the City Clerk along with the Council minutes. Mr. Lysen said that Mr. Rosenthal was willing follow the original contract and that the Board would have received all of the information from the Council, but Councilor Bilodeau asked

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that it be pulled from the package since it was not going to be voted on by the Planning Board . Mr. Milliken said he received a telephone call from the corporate headquarters of Staples regarding a problem with warehousing below the store. Mr. Lysen said that the front warehousing would have to cease by the April 30th deadline. The rear warehousing will not be affected. As it is right now, they will only permitted to do retail on the upper floor after April 30th. Mr. Theriault said that the neighbors would still have to deal with noise. Mr. Peters said that if there was any violations that they should be reported to code enforcement. This would give Planning Board verification that the noise is happening. Mr. Milliken said that the original request had been rescinded by the City Council so that the date of April 30th will be adhered to. Mr. Lysen said that after checking with Code Enforcement, he found that no formal complaints had been made with that division regarding noise from the warehousing. Mr. Milliken asked what the proper format was to file a complaint. Mr. Lysen said that a written complaint was best since they needed to build a record. Mr. Peters said he did not think that a complaint had to be in writing, that Code could take complaints verbally and even anonymously. Mr. Lysen suggested that Gil Arsenault, Code Enforcement Director, be contacted for explanation of how to report any complaints concerning the warehousing in the Mall.

MOTION by Denis Theriault, seconded by Harold Skelton to accept the above correspondence and place on file.

VOTE: Passed 5-0.

REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

St. Mary's Hospital - Emergency Entrance Canopy

Mark Johnson, of SMRT, on behalf of Mike Grimmer and St. Mary's Regional Medical Center, has submitted plans for a proposal to amend an approved plan where a canopy will be placed over the emergency entrance drive off Golder Street, and the walkway leading to the hospital's main entrance will be fully enclosed. As outlined under Article XIII, Section 3 (1)(7) of the Zoning and Land Use Code, the proposal is defined as a minor amendment and therefore only requires one meeting before the Planning Board.

Pursuant to Article XIII, Section 3 (h)(5), of the Zoning and Land Use Code 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 found that the requests are justified and recommends that the Board grant them.

The Planning Staff has reviewed the plans against the Approval Criteria listed under Article XIII, Section 4 (a u) and finds that, in our opinion, the plans meet all of the applicable criteria. Staff

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has also forwarded copies of the plans to the Police, Fire and Public Works Departments for their review and comments (see attached comments). Upon review of the plans the Police and Public Works Departments had no concerns, however, the Fire Department had some concerns

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regarding the height of the proposed canopy. A representative of the Fire Department will be working closely with the hospital's representative to adequately address this issue.

Therefore, the Planning Staff recommended that the Planning Board approve the project with the following conditions:

1) That the proposed amendment to the Institutional Office (IO) District regarding the placement of awnings and canopies be approved by the City Council, and;

2) That the concerns raised by the Fire Department be adequately addressed prior to the issuance of any permits.

Mr. Theriault said he would abstain from voting on this issue since his wife was in a management position at the hospital; however, the Board had no objection to hearing any input from Mr. Theriault. Mr. Theriault asked how far the canopy was from the sidewalk. Mr. Grimmer said that it was 5'4" away. Mr. Peters asked how this issue was different than what was before the Board of Appeals. It was stated that the issue before the Board of Appeals was at another location, the medical office building near Sabattus Street. he set back for that canopy did not encroach into the yard. Mr. Grimmer said this canopy was more of a public service than anything else. It would avoid slip and falls near the entrance and the ambulance could unload patients in a covered area. The project has already been delayed two months. Mr. Milliken asked if this had been approved by the City Council yet. Mr. Dycio said it is expected at the next meeting. Mr. Milliken wondered how the Board could give approval before it went to the City Council. Mr. Lysen said the Board could grant a conditional approval, subject to the City Council action. He said that this was in the IO district and that this amendment was merely a clarification. Mr. Peters asked if there were any site line problems. Mr. Lysen said there weren't any. Mr. Peters said that it did seem that the code change protects any other contingency.

MOTION - by H. Skelton, seconded by that the requested waivers of submission requirements by St. Mary's Medical Regional Center 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.

VOTE -Passed 4 - 0 - 1 (D. Theriault abstained).

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MOTION - by H. Skelton, seconded by T. Peters that the Board find that the application of St Mary's Medical Regional Center meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project.

VOTE - Passed 4 - 0 - 1 (D. Theriault abstained).

MOTION - by H. Skelton, seconded by T. Peters to amend his first motion to have it conditional on the approval of the IO District by the City Council and that the developer properly address the concerns of the fire department.

VOTE: Passed 4 - 0 - 1 (D. Theriault abstained).

REVIEW OF DEVELOPMENT PROPOSALS - PRE-APPLICATION

Promenade Mall - Parts America

Chris Belanger of Sitelines, on behalf of Robert Rosenthal and the Lisbon Street Shopping Trust, submitted plans for a proposal to amend an approved plan where a 14,000 square foot, single story retail building is being proposed off Essex Street within the mall property. A total of 8,000 square feet has been allocated for a Parts America retail store while the remaining 6,000 square feet will be allocated to a future tenant. The area under consideration has been Conditionally Rezoned to a Highway Business (HB) District where retail stores are permitted as a matter of right (the prior zoning district also allowed retail stores as a matter of right).

Pursuant to Article XIII, Section 3 (h)(5), of the Zoning and Land Use Code the applicant is requesting two modifications 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 its opinion, the requests are justified and recommends that the Board grant them.

The Planning Staff has conducted a preliminary review of the proposed plans and has no major concerns at this time. Staff had some minor concerns regarding access into the site and on site circulation which have been discussed with the applicant's representatives and will be addressed prior to the final hearing.

Copies of the plans have been forwarded to the Police, Fire and Public Works Departments for their review and comments. Although the Police and Fire Departments had no concerns, the Public Works Department has a number of concerns. In discussing these concerns with a

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representative from Public Works, Staff finds that these issues can be addressed prior to the final hearing.

The applicant is also requesting that the Planning Board consider both Pre Application and Determination of Completeness at the same meeting. As such, the Planning Staff has reviewed the project's application and finds that, in its opinion, the application is complete. Staff recommends that the Planning Board review the project's application against the application requirements listed under Article XIII, Section 3 (h)(1-4) of the Zoning and Land Use Code, and, if the Board finds that the application is complete, Staff recommends that the Board make a motion for completeness and schedule the project for a final hearing at the next available Planning Board meeting.

Chris Belanger was present to answer questions from the Board. He said the Fire Chief requested adding an additional 25' fire lane adjacent to the building along with fire hydrants at various locations of the project. The fire connection point has been installed. Regarding one of the Board members' comment about a light fixture "in the middle of the nowhere," Mr. Belanger said that there has been a painted island installed around the fixture and the pavement has been restriped. Mr. Dycio stated that there was an issue with tractor trailer trucks and passenger vehicles cutting through Essex Street. Mr. Belanger wants to ask the city council to vacate a part of Vine Street for his project. Mr. Theriault asked if he would have any part of Vine Street as an entrance. Mr. Belanger answered yes, he also said that Vine Street is higher than the proposed parking lot. He also noted that public works required a 15' sewer easement - this issue has been addressed. They will connect the sewer flow to the existing lines, not to the storm drainage. He said that he had drawn in a proposed detention pond near Essex Street in the plan. Mr. Milliken had a concern with this detention pond and asked why it was in the project. Mr. Belanger said that it was a filling pond until the storm peak passes. To minimize water in the pond, he will install a pipe that will drain the pond quickly. After the storm passes, it will drain in under an hour. He also said that the deepest part of the pond is 3 ½ feet. Mr. Theriault asked if public works requested this pond. Mr. Belanger answered yes. Mr. Milliken asked to see Steve Johnson of Public Works' comments on public safety. Mr. Theriault asked if Essex Street was closed if they would make the pond larger, thus more shallow. Mr. Belanger answered yes. Mr. Milliken again expressed his concerns for public safety regarding this pond. Mr. Dycio said that any amendment would have to go back to DEP - standard procedure. Mr. Belanger also stated that the project has added fifty-seven new parking spaces. Mr. Theriault asked if Chris Branch ever responded to the Planning Board's letter - he has not. Mr. Theriault asked Mr. Lysen to follow up on the Board's request to have Chris Branch look into the need for additional street lighting to Essex Street.

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MOTION by D. Theriault, seconded by H. Skelton that the applicant for Parts America be determined to be complete. The Board further moves that review of the completed application be scheduled on March 25, 1997 at 7:30 PM. The Board further moves that the final hearing be a public hearing.

VOTE: Passed 5-0.

OTHER BUSINESS

Review of proposed amendment to the UE District regarding used car dealers and scheduling of a public hearing.

The Planning Board was submitted two options for a proposed amendment to the Zoning and Land Use Code to allow for the establishment of used car dealerships in the Urban Enterprise (UE) Zone as either a permitted or conditional use.

Currently, used car dealerships may be deemed to be accessory uses to gasoline service stations, auto repair garages and automotive services, except repair uses, if certain criteria are met. This proposal to amend the Zoning and Land Use Code would allow for the establishment of independent used car dealerships that are not accessory to a permitted use.

The Planning Staff asks that the Board review the proposed amendments with respect to the reference from the City Council on behalf of Dave Gendron, review the proposed amendments to determine if they are in proper form, and, if the amendments are found to be in proper form, Staff asks that the Board scheduling a Public Hearing for the next available Planning Board meeting.

Mr. Skelton asked if the current code allowed used cars to be sold at locations such as Prompto. Mr. Dycio answered yes. Mr. Milliken said that this matter should be scheduled for a public hearing.

MOTION by D. Theriault, seconded by D. Jacques to schedule a public hearing on the proposed amendment to the UE District regarding used car dealers for the next Planning Board Meeting scheduled for March 25, 1997 at 7:30 PM.

VOTE: Passed 4 - 1 - 0.

Mr. Milliken asked Planning Staff to have the Zoning Map at the next Planning Board meeting and to highlight wherever the UE Districts are.

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Mr. Milliken asked staff to put on the next agenda discussion of the Planning Board Rules and Procedures. T. Peters also asked that anytime members of the Planning Board asks staff for anything specific that the secretary record it and put it on the next Planning Board agenda so that the Board is reminded and can follow up on the items.

J. Lysen said he discussed with Bob Hark regarding paper streets, he is not able to attend the April 8th meeting, but can attend the April 22nd meeting at 6 PM for the workshop.

Mr. Lysen reminded the Board that the workshop for the day care issue was scheduled for April 8th.

MOTION by H. Skelton, seconded by D. Jacques to reschedule the workshop regarding paper streets with Attorney Robert Hark for April 22nd at 6 PM.

VOTE Passed 5-0.

Mr. Lysen also said that Mr. McLaughlin from the School Committee invited both the staff and the Planning Board to a meeting to clarify any problems they have with the education component.

Mr. Theriault also mentioned a workshop by the Maine Municipal Association in Freeport High School cafeteria scheduled for April 10th at 7-9 PM. The workshop is free and members can register by calling Becky at 1-800-452-8786.

ADJOURNMENT

MOTION: by D. Theriault, seconded by D. Jacques to adjourn the meeting.

VOTE: Passed 5-0.

Meeting adjourned at 8:45 PM.

Respectfully submitted,

Denis Theriault
Planning Board Secretary
dlo