

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 26, 1998**

I ROLL CALL 7PM

Members in Attendance: Harry Milliken, Denis Theriault, Harold Skelton, Mark Paradis, Lew Zidle.

Members Absent: Tom Peters (Daniel Knowlton resigned).

Staff Present: James Lysen, Gil Arsenault, Diane Duplissis

II READING OF THE MINUTES

Minutes of April 28, 1998 and May 12, 1998.

MOTION: by H. Skelton, seconded by L. Zidle to accept the minutes of April 28, 1998 as written and place on file.

VOTE: 5-0.

MOTION: by H. Skelton, seconded by L. Zidle to accept the minutes of May 12, 1998 as written and place on file.

VOTE: 3-0-1 (D. Theriault).

III CORRESPONDENCE

- Three Memos from LPD regarding 243 Blake Street, Dept. of Mental Health Office Building, and 45 Alfred A. Plourde Parkway.
- Daniel (Nick) Knowlton's letter of resignation dated May 13, 1998.
- Letter to Estelle Rubinstein dated May 14, 1998.
- Letter from Estelle Rubinstein dated May 19, 1998.

MOTION: by H. Skelton, seconded by D. Theriault to accept the above correspondence and place on file to be read at the appropriate time.

VOTE: 5-0.

IV PUBLIC HEARINGS

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V REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

1. Gendron & Gendron Fill Project – 277 River Road (near intersection of Alfred Plourde Parkway). Arthur Montana on behalf of Gendron & Gendron, submitted plans for a proposal to filling activities in excess of one hundred thousand (100,000) cubic yards at their property on River Road which is on 3.5 acres of land located at 277 River Road. The project had its pre-application hearing at the May 12, 1998 Planning Board Meeting and its application was also determined to be complete at that meeting.

At the request of both the Planning Staff and Public Works, the applicant's representative submitted the required erosion control plan and corrected the flood plain elevation. Neither the Police or Fire Departments had any concerns with the project. The Planning Staff has reviewed the revised site plan against the requirements in Article XIII, Section 4, and found the application to meet all of the applicable standards and recommended that the Planning Board grant final approval subject to the conditions found in the letter from Steve Johnson to James J. Lysen dated May 6, 1998.

Arthur Montana informed the Board that the conditions placed on plan at the last meeting have been addressed. H. Milliken questioned the drainage. Mr. Montana explained the land layout to the Board. J. Lysen said the reason for the conditions placed on the property was for the storm water, however, he does not see any problem as it is now designed. J. Lysen also spoke about the uncertainty of how long this operation will be there. D. Theriault asked if stabilization would be phased in. Mr. Gendron said no he would continue to build until it is finished. J. Lysen said temporary seeding has to be put in place as it is built. He also said that when the grading is permanent, then final seeding has to be placed on it. H. Milliken asked who determines when temporary seeding has to be placed and if someone requires Mr. Gendron to submit some type of plan or if Code Enforcement will go there to tell them it is time to seed. J. Lysen said soil and erosion control has to be in place. Mr. Montana said one area at a time will be filled. Gil Arsenault said the state law is geared to zero tolerance for run-off. He said it was Mr. Gendron's responsibility to meet the letter of the law, not code's. He also said that life expectancy of the project should be stated at the outset. D. Theriault asked if he was looking for a two-year window. G. Arsenault said he had no problem with putting it out there for ten years. D. Theriault noted it would not impact any abutters and had no problem with a ten year window. H. Skelton asked if there was any mechanism to inspect the site - G. Arsenault said Code usually gets out there a couple times a year. D. Theriault asked what the parameters were regarding clean fill - Mr. Arsenault said it was defined by state law.

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Opened to the public: No comments. Closed to public

MOTION: by D. Theriault, seconded by M. Paradis that the Board find the application of Gendron & Gendron to meet all of the approval criteria under Article XIII, Section 4, and further that the Board grants final approval to the project subject to the memo from Steve Johnson dated May 6, 1998, and that the project be given a ten-year window for back filling.

VOTE: 5-0.

2. Department of Mental Health Office Building - Mollison Way - Spare-Time Subdivision. Arthur Montana, on behalf of James Day, has submitted plans for a proposal to construct a 10,117 square foot building and supporting infrastructure in the Community (CB) District. The proposal also includes a 62-space parking lot which exceeds code requirements. The Zoning and Land Use Code defines projects with new buildings in excess of five thousand (5,000) square feet as a major project and therefore this project required Planning Board approval. Mr. Lysen noted that since this project is in a subdivision approved by the Planning Board since 1972, the project only required one meeting before the Board.

Pursuant to Article XIII, Section 3(h)(5), the applicant requested a number of non-applicable status and waiver request to the application requirements listed under Section 3(h)(1-4). Upon review of the requests, staff found that the requests were justified and recommended that the Board grant them.

The Planning Staff reviewed the site plans and had a few minor concerns. The proposed site plan shows an area of the parking lot to be used to locate a dumpster. This area encroaches into the required ten (10) foot side yard by five (5) feet. The Planning Staff said the design should be revised in order to allow the dumpster area to meet the required ten (10) foot side yard, although the Board would have the ability to approve the proposed design. The code also requires a dumpster to also be fully enclosed, which the proposed plan did not reflect. Lastly, the Planning Staff asked that the building elevations be shown which is also required by code.

Copies of the plans were forwarded to the Police, Fire and Public Works Departments for their review and comments. Upon review of the plans, neither the Police or Fire Departments had any concerns regarding the project. The Public

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Works Department's only concern was that any excavations which are adjacent to the edge of travel way of Mollison Way shall not, in any way, disturb the existing bituminous pavement or aggregate base, as per the five (5) year moratorium on this street. The Planning Staff reviewed the site plan against the requirements in Article XIII, Section 4, and found the application to meet all of the applicable standards subject to Staff's concerns with the dumpster and building elevations being adequately addressed and recommended that the Planing Board grant final approval.

Mr. Montana said the dumpster problem has been addressed in the new plan and that it will be fully enclosed. They do not show up in the revised plan, but they will be corrected and a new plan will be submitted. He further stated that the lots before the revision had shared entrances, however they have been shifted over. Mr. Montana said he would also submit an elevation plan.

Opened to the public. No comments. Closed to public.

MOTION: by H. Skelton seconded by D. Theriault that the requested waivers of submission requirements by James Day 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: 5-0.

MOTION: by H. Skelton, seconded by D. Theriault that the Board finds the application of James Day meets all of the approval criteria under Article XIII, Section 4 and Article XIII, Section 5 and further that the Board grant final approval to the project with the caveat that the final plan show the relocation and enclosure of the dumpster and also include a building elevation.

VOTE: 5-0.

3. Kassbohrer All-Terrain Vehicles, Inc. - 45 Alfred A. Plourde Parkway
Arthur Montana, on behalf of David Gendron of Gendron & Gendron, Inc. submitted plans for a proposal to construct a 13,000 square foot building and a 10,140 square foot secured storage area in the Industrial (I) District to be used for

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the manufacturing and assembling of all-terrain vehicles, primarily to be used at ski resorts. The proposal also includes a 20-space parking lot which exceeds code requirements. The Zoning and Land Use Code defines projects with new buildings in excess of five thousand (5,000) square feet as a major project and therefore this project required Planning Board approval. Since the project is in a subdivision approved by the Planning Board since 1972, the project only required one meeting before the Planning Board. The property now has an existing building and gravel drive which will be razed and revegetated respectively.

Pursuant to Article XIII, Section 3(h)(5), the applicant requested a number of non-applicable status and waiver requests to the application requirements listed under Section 3(h)(1-4). Upon review of the requests, it was staff's opinion that the requests were justified and recommended that the Board grant them with the exception of a waiver for the requirement to show proposed public services. The public services are located on the site plan, but the Modification/Waiver Request Form is showing non-applicable for public service.

The Planning Staff reviewed the site plan and had a few minor concerns. The plan reflects the installation of three (3) street trees. The Planning Staff felt the project should be required to install six(6) street trees at an approximate spacing of fifty (50) feet. On the street tree detail, the tree specification should note the 2.5" caliper minimum requirement for street trees. Lastly, the Planning Staff would like to see building elevations shown, which is also required by code.

Copies of the plans were forwarded to the Police, Fire and Public Works Departments for their review and comments. Upon review of the plans, neither the Police or Fire Departments had any concerns regarding the project. The Public Works Department had a few concerns as stated in their memo from Kevin Gagne, Project Engineer, dated May 21, 1998. They are requiring on-site detention system of the 2-year - 24 hour, and 25-year - 24 hour storm designs. Also, the developer must extend the erosion control measures around the areas of the gravel drives and storage areas. However, as stated, they believe their issues can be adequately addressed before the meeting or through conditions of approval. The Planning Staff reviewed the site plan against the requirements in Article XIII, Section 4, and found that it met all of the applicable standards and recommended the Board grant final approval subject to the conditions concerning the street trees and building elevations and the conditions found in the memo from Kevin Gagne, Public Works, dated May 21, 1998.

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Art Montana said they have addressed the street trees and now have six. He said he did not have an elevation plan but will get one. Mr. Gendron has assured him that someone is working on it. Silt fencing has also been addressed and there are minor additions to the plans. D. Theriault noted that as long as they do not exceed the maximum regarding elevation, there should be no problem. Mr. Montana asked that if this is approved if Mr. Gendron would be able to get a building permit even before the changes are submitted to the plans. H. Milliken said he needs the erosion control notes on the plan before he can sign them. G. Arsenault said technically he needs a signed mylar, but he has no problem issuing a permit before it is signed so they can start building the foundation. Mr. Gendron said he would put a silt fence the whole front of the property for erosion control. Mr. Lysen said the law states that sediment cannot leave the site. Mr. Gendron reiterated he could put a silt fence around the property. Mr. Gendron said all he needed now was the foundation; the building is going to be built on the 22nd. H. Milliken asked when the plans would be available. Mr. Montana said they would be ready tomorrow. There was discussion regarding building elevations since this was a “new” requirement before the Board. J. Lysen explained that it is required by code, but had been overlooked in the past. G. Arsenault said he had no problems as long as he had the elevation when it came time for the building permit. H. Milliken said he could sign the mylar Thursday. Art Montana asked if they could get a foundation permit tomorrow. G. Arsenault said yes. Mr. Montana said he would get the final plans to Jim Lysen tomorrow.

Opened to the public. Harry Turgeon, Pinewoods Road, represents the company All-Terrain Vehicles. He said he was pleased with the negotiations he had with Dave Gendron, his only concern is the building that he is adjacent to. He is concerned with vandalism in that area. He said he spoke to Mr. Gendron regarding the possibility of the building being removed (Poor Farm). He is concerned because he will have expensive equipment and merchandise outside his place of business. H. Milliken said he would like to make a recommendation to send to City Council and the city administrator regarding the Poor Farm. G. Arsenault mentioned that South Park owns the Poor Farm. D. Theriault said it was obvious that it is impacting people coming into the area. H. Milliken asked if there was any reason this issue hasn't been addressed by code. G. Arsenault said it has been raised. Gil said the city should either fix the building up or tear it down. H. Milliken asked if Gil would draft a letter and take it to the next planning board meeting to address this issue. Gil said he would.

Closed to public.

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MOTION: by H. Skelton, seconded by D. Theriault that the requested waivers of submission requirements by Kassbohrer All-Terrain Vehicles be granted with the exception of a waiver for the requirement to show proposed public services 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: 5-0.

MOTION: by D. Theriault, seconded by M. Paradis that the Board finds the application of Kassbohrer All-Terrain Vehicles meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project subject to the memo from Kevin Gagne, Project Engineer, dated May 21, 1998 and also that building elevations would be forwarded to code enforcement in a timely manner.

Discussion regarding detention pond.

VOTE: 5-0.

VI OTHER BUSINESS

A. New Business:

1. Department of Labor Office Building - Mollison Way - Spare-Time Subdivision
Minor Change to Approved Plan.

Art Montana said the only change was the decrease in the size of the building and the walkway. No questions from the Board. Opened to the public. No comments. Closed to the public.

MOTION: by H. Skelton, seconded by L. Zidle to approve minor change to the plans for Department of Labor on Mollison Way.

VOTE: 5-0.

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2. West View Bluffs - Revision V - West View Drive.

J. Lysen said the hearing for the revision is tabled until June 9th. However, Mr. Starbird was present in the audience. Gil Arsenault discussed his memo of May 22nd. Has met with the City's Attorney Robert Hark and Mr. Hark needs a little more information. He hopes he will have something in writing from Mr Hark soon. Mr. Starbird said Kevin Clark was supposed to be here with the documents. He said he never owned the road in Phase I nor in Phase II. He said he understood that there were tenants complaining – he said they are the ones who have agreed to maintain the road. He said he feels it is their road, not his. He said he would like to go forward with his plans, but does not feel anything in Phase I is his obligation. It was all approved prior to his buying Phase II. H. Milliken said there was a memo from his attorney that is addressed to Kevin Clark. H. Milliken said it is important to get clarification from Attorney Hark. Gil said he expected it sometime late next week. H. Milliken said he would like to get it as soon as possible to see if Attorney Hark should be at the next meeting. H. Milliken noted that if Mr. Starbird damaged anything in the first Phase while building the second Phase, that he would be responsible. Mr Starbird agreed. This matter is continued until June 9th.

3. Empowerment Zone/Enterprise Community (EZ/EC) Project.

J. Lysen said the first public forum is tomorrow evening. Also included in the Board's packet was the presentation. Mr. Lysen explained that the reason the City is eligible for this project is the census in the city. The application will be submitted in October. He said this program can offer between \$300,000 and \$4 million in ten years. Subcommittees will be established on June 11th. Mr. Lysen said that this has been staff-driven up until now and it needs to be turned over to the public. There is a public meeting scheduled for Wednesday, May 27th.

4. Downtown Bicycle and Pedestrian System - Phase I Implementation.

J. Lysen presented the Bicycle and Pedestrian Plan to the Board. He explained that six acres has been transferred from the railroad to the City. The City has spoken with Union Water to get the necessary easements. Railroad company has acquired a 999 year lease on the property. The path will cross Main Street in Phase I and it will be under the bridge on Phase II. Mr. White was given an equal area that gives him parking space adjacent to Water Street. The City received

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equal land to construct park space. Mr. Lysen said they were hoping to start construction this season and have things ready for the balloon festival in August.

5. Request for recommendation on disposition of property at 243 Blake Street.

J. Lysen said the Board has already taken an action on this, but there was a building on it at the time. It has since been demolished. Mr. Lysen said they will notify abutters. D. Theriault asked if responses from other departments could be cleared up since it is difficult to tell who they came from. He asked if comments were received from Parks and Recs. Mr. Lysen answered no. H. Milliken and D. Theriault asked what the assessed value of the property was. Mr. Lysen did not have that answer for this evening's meeting.

Opened to the public. No comment. Closed to the public.

J. Lysen noted that J. Andrews suggested that the City use the reversion clause if the owners do not follow through on their plans.

MOTION: by H. Skelton, seconded by D. Theriault to send a favorable recommendation to the City Council to sell the property located at 243 Blake Street by open bid subject to the successful bidder submitting a plan that shows appropriate uses, landscaping, and property enhancement with a suitable implementation timeframe.

VOTE: 5-0.

6. Water's Edge Subdivision - Review of Amendments to By-Laws and Deed Restrictions.

J. Lysen noted that Roger Richard was in the audience. Mr. Lysen said Mr. Richard added two deed restrictions to what he had before. One is to limit the number of recreational vehicles that are kept on the property; they are to be kept neatly or stored out of sight. No snowmobiles or boats for parts (#4). Another change was #11, he added the right to view the plans before they receive their permits or before he sells the lot to the buyer. This review would include things such as the type of roof, elevation of house, where it is to be located on the lot and so forth. Mr. Richard said the by-laws were cleaned up, some language was

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added to make it easier to understand. H. Skelton asked if the original covenants included modular homes. Mr. Richard said he still is prohibiting mobile homes, but allowing modular homes. Mr. Richard also said he was keeping the open space. Mr. Arsenault said he had no problems with Mr. Richard's revision.

MOTION: by H. Skelton, seconded by M. Paradis to approve requested amendments to by-laws of the Water's Edge Subdivision.

VOTE: 5-0.

B. Old Business:

1. Review and discussion of the applicability of the Bates Mill Complex/Municipal Buildings & Facilities for Development Review. (Continued from 2-24-98)

J. Lysen said he had nothing new to report.

2. Update on the status of property located at 18 Fireslate Place. (10-14-97)

J. Lysen said a memo was sent to Norm Beuparlant regarding the status and copied to the Board earlier regarding Fireslate Place.

3. Comprehensive Plan Update:

- a) Development of a Work Plan for the implementation of the Comprehensive Plan. (8-19-97)

- b) Review and discussion of amendments to the Comprehensive Plan to respond to the review comments from the State. (8-19-97 & 11-25-97)

D. Theriault asked if the comp plan was in effect now. J. Lysen answered yes, with minor changes that the State wants implemented. D. Theriault asked when the Board would get it in final form. J. Lysen said June or July. D. Theriault asked about the School's component. Mr. Lysen said that Peggy Rotundo informed him the letter was on Mr. Connor's desk. H. Milliken asked for a letter to the superintendent of schools from the Planning Board since Ms. Rotundo is not responding. H. Milliken said he would like the School Board to respond.

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4. Discussion concerning required changes to Zoning and Land Use Code to keep DEP Site Location Delegated Review authority.

Not Discussed.

5. Access Management.

Not Discussed.

VII ADJOURNMENT

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

VOTE: 5-0.

Meeting adjourned at 8:50 PM.

Respectfully submitted

Denis Theriault
Secretary

dd