

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for October 13, 1998 - Page 1 of 19**

I. ROLL CALL:

This meeting was called to order at 7:07 P.M. and chaired by both Tom Peters and Harold Skelton.

Harold Skelton, the Vice Chair, chaired this meeting, since Harry Milliken was absent.

Members in Attendance: Tom Peters, Denis Theriault, Harold Skelton, Lewis Zidle, Mark Paradis, and Dennis Mason.

Staff Present: James Lysen, Dan Stevenson, and Doreen Asselin.

Others Present: Gregory Mitchell - Director of Development, Gil Arsenault - Code Enforcement, Robert Hark - City Attorney, and Michel Lajoie - Lewiston Fire Chief.

Members Absent: Harry Milliken

II. READING OF THE MINUTES:

Draft Minutes of September 22, 1998.

MOTION: by **T. Peters**, seconded by **L. Zidle** to accept and place on record the Draft Minutes of September 22, 1998.

VOTE: 5-0 (Mason - Not Present).

After this motion, Dennis Mason arrived.

III. CORRESPONDENCE:

Letter from the Department of Environmental Protection (DEP) in reference to Fireslate Place dated September 28, 1998

Letter to U.S. Department of Agriculture from Planning Board Chair, Harry Milliken, in reference to the 1998 Empowerment Zone Application dated September 30, 1998

Letter from Platz Associates in reference to Withdrawal of Petition for WCBB dated October 7, 1998

Letter from Ames Corporation in reference to Abutters for the Air-Ambulance Landing Site - CMMC dated October 1, 1998

III. CORRESPONDENCE (Continued)

Memorandum from Gildace Arsenault to Harry Milliken in reference to the Air-Ambulance Landing Site - CMMC dated October 8, 1998 with Attachments

MOTION: by **T. Peters**, seconded by **L. Zidle** that all correspondence be placed on file and read at a later date, with the exception of the first item of correspondence relating to Fireslate Place. This item is to be placed under Old Business on the agenda for the next scheduled Planning Board meeting to be held on Tuesday, October 27, 1998.

VOTED: 6-0.

IV. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

Harold Skelton stated that he needed to step down from the Chair for Item IV-A, Air-Ambulance Landing Site - CMMC since his firm, Skelton, Taintor & Abbott, P.A., represents Central Maine Medical Center (CMMC).

Clarification - For the Record and Everyone Else - Harold Skelton did not chair this item at this meeting. He abstained from voting. He did the proper thing and it was misrepresented by the newspaper. "If the reporter had been at this meeting or had reviewed the tapes or the minutes, he would have found very clearly that he abstained from voting, walked away, and he did the proper thing." (Statement made by Denis Theriault)

A. *Air-Ambulance Landing Site - Central Maine Medical Center (CMMC)*

Vinal Applebee of The Ames Corporation on behalf of Central Maine Medical Center (CMMC) has submitted plans for construction of an air-ambulance landing site, including accessory buildings and structures.

MOTION: by **H. Skelton**, seconded by **D. Theriault** to appoint **T. Peters** to chair this item, since Harold Skelton's law firm of Skelton, Taintor & Abbott, P.A., represents Central Maine Medical Center.

VOTED: 5-0-1 (Peters)

Robert Hark, the Attorney for the City of Lewiston started the discussion on this item. In his opinion, the Planning Board does not have authority over this use issue. The code is perplexing on this issue. The Code Enforcement official determines if a use is permitted, an accessory use, or not permitted. The final say for a permitted use is with the Board of Appeals if the Code Enforcement official's decision is challenged. The Planning Board should consider the project under development review. To challenge the Planning Board's decision, the only recourse is to go to the Superior Court directly - Rule 80B. This use will be reviewed as an accessory use. **D. Theriault** questioned if there is no difference between land or air use? **Bob Hark** answered that ambulances encompass all three. **D. Theriault** then asked, if granted, would that limit any future or ability for another hospital to get air service in the area, also? **Bob Hark** stated that he could not answer that question and that he may need to go to the FAA. There is nothing in the local ordinance limiting it to one facility. Tom Peters indicated, based upon staff and attorney comments, that Board review seems to be limited to Article 13, Section 4. He asked for the Board to decide how it wished to proceed and for a motion to that end.

MOTION: by **D. Mason**, seconded by **L. Zidle** to consider the application only under Section 4 of Article 13, Approval Criteria for Development Review.

VOTED: 5-0-1

Tom Peters, as Chair, indicated he would reserve to the Board the right to review and modify the code for future cases to correct the problem presented with this appeal. **Bob Hark** -Whether this is denied or not tonight, some of the issues raised in these opinions are left there or some will get to see how the zoning is with the code allocated to the jurisdiction. I would take a position on it, but they certainly are troubling and difficult in maybe helping us. **T. Peters** said there are issues here that I believe every member of this Board would liked to have looked at concerning the health, safety, and welfare and other issues whether it is an accessory use or not or a legal opinion that has been advised to us. That is not our role or opportunity, we have just voted to not look at from that respect. What we have to do is move on to look at, however, regarding Section 4 of Article 13. How would you suggest to proceed Mr. Lysen regarding these issues?

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J. Lysen read the memorandum dated October 9, 1998. Vinal Applebee, P.E., of The Ames Corporation on behalf of Central Maine Medical Center has submitted plans for final approval to construct a suitable air-ambulance landing site on the north side of High Street in CMMC's parking lot. There was a brief discussion on the correspondence dated September 25, 1998 which reflects the meeting held between Jim Lysen and Gil Arsenault, both from the City of Lewiston, and Robert Hark, City Attorney with regard to classification issues of whether this is a minor development (involving construction of less than 5,000 square feet) or a major development or that it is both a minor development and a minor amendment to a major development. It was determined to be a minor amendment to a major development.

D. Theriault asked the question of what did the Staff use as a comparison with FAA requirements and was there any contact from the FAA as far as any written materials stating that this met all the guidelines designed? **J. Lysen** answered that it was not reviewed with the FAA. There were three (3) possible site locations. **J. Lysen** mentioned staff reviewed a document containing five pages, which identifies different buildings, maps, etc. on radii from the hospital, etc. **D. Theriault** then asked, in the application does it give noise contours around that area? Is that part of the application requirements? **J. Lysen** responded that these questions should be directed to the applicant and their representative.

J. Lysen answered that there have been a number of issues resolved with the fire department. They are:

1. CMMC to provide Fire Suppression and Rescue equipment to satisfy Crash and Rescue needs: a. foam proportioner equipment, b. AFFF agent for supply tank and reserves, c. Crash and Rescue tools for aircraft rescue operations, and d. Training aids for Fire Suppression personnel on proper techniques and procedures for aircraft crash and rescue incidents.
2. Heliport to be constructed in accordance with FAA guidelines titled, FAA Advisory Circular 150/5390-2A and the National EMS Pilots Association book titled, LZ.

T. Peters mentioned that there are three issues that need to be addressed, which are Article IX - Section 3, Modifications; Article 13- Section 4, Development Review Approval Criteria; and the Fire Department issues.

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Ron Lebel, from the law firm of Skelton, Taintor & Abbott, P.A. is representing CMMC and would like to give a presentation. **Tom Peters** indicated, as Chair, and given the large number of presenters by the petitioner that, **R. Lebel** keep the presentation brief so as to allow time for questions by the Board and audience.

T. Peters said that Article 9, Section 3, Sub-Section 13 issues as well as the fire issues will be dealt with first and then the questions from the audience.

Ron Lebel then introduced the outline of the presentation of the applicant , which summarizes who would be speaking and the areas that they would be addressing.

John Fields, who is the Vice President of Nursing said that the air-ambulance land site will meet all the applicable FAA standards.

Michel Lajoie, who is the Fire Chief for the City of Lewiston, will address all issues relating to the Fire Department. He did say the CMMC will work in cooperation with his Fire Department in providing the appropriate training in aircraft fire suppression and crash and rescue techniques in obtaining AFFF agent for supply tank and reserves to be stored at CMMC and in seeking the funding sources for the purchase of the necessary foam proportioner equipment and crash and rescue tools for aircraft rescue operations.

Ron Lebel said that in terms of information, the Board has in their package the noise study that CMMC gave as permission to address the issues. He said that they did not regard noise to be strictly relevant or germane to the approval criteria, but knew that there was a concern, both at the Board level and the public's. This information is available to the public.

Vinal Applebee, is the Engineer representing Ames Engineering, who are the Design Consultants, and he will address an overview of the project. He first presented a colored Site Plan, who is being submitted for approval for the air-ambulance landing site. This site is in an IO Zone and is surrounded in four quarters by other zones. The northeast zone is UE - Urban Enterprise District, the south is D - Downtown Business District, and the rest is bordered by CB - Community Business District and NCB - Neighborhood Conservation "B" District. For improvements, there are a number of amenities. In the center of the green area shown on the Site Plan is where the landing zone, which is a concrete pad, will be located. The area of green will

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be grass area. This area will be eliminating 75 parking spaces. The entire area will be surrounded by a security fence and there will be an environmental security shelter for Staff. An accessory 12' x 18' building will house the electrical components. In the brown area shown on the Site Plan will be the shelter for the Medical Team. The gray area represents the ramp area, which will be 4-1/2 feet above the road grade. There will be protected walkway. The impervious pavement will be replaced with grass area and there will be a new crosswalk from High Street. Some of the existing walkway and shrubbery will be eliminated. There will be a light to stop traffic only when the Medical Team arrives and that will be operated manually.

Tom Peters asked **Vinal Applebee** that if during his brief overview of this project if questions could be asked as he proceeds. He answer was, "yes".

Vinal Applebee then proceeded. He said that there will be three (3) floodlights at this site, but that they would be on only when the helicopter lands. They will shut off after the Medical Team leaves. This is in strict accordance with the heliport design manual and FAA guidelines. The Fire Chief's memos were reviewed and everything is in conformance with their publication, also. Form 7480 provides altitude, etc. FAA requirements deal with landing and the location of buildings. The FAA will arrange for a site visit. CMMC will make any corrections that the FAA suggests. **D. Theriault** stated that this is a notice form for review and then asked the question, "does it not have to have final approval?" **Vinal Applebee** stated that after their review they will issue a form (this form is a manual form that gets sent back to the applicant for anything that may have changed, i.e. enlarged land area, etc.). From his understanding this is not an application, but a notification, and that this is not an approval process from the FAA. They have review authority over Ames Engineering's design.

Tom Peters conversation then turned to the subject of noise. He then questioned, "Is the primary flight path north, running along public freeways?"

Vinal Applebee stated that they would avoid noise sensitive areas. The flight path will be along the railroad, areas zoned Industrial, and along the river. **Tom Peters** asked, "Will this be the only path used for 99 percent of the time - meaning the river? Do you have another path?" **Vinal Applebee** stated that they would follow the railroad, thus avoiding noise sensitive areas. He also said that the altitude would be greater. **T. Peters** asked, what would the headwinds be to change the approach and what do they do during severe winds? **Vinal Applebee** answered that the headwinds would be 25-30 knots. In severe weather they would not take off at all. **Harry Urwiler**, who is the

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Safety Manager for Keystone Helicopter Corporation stated that at 35 knots, they would not take off at all.

D. Theriault asked if this is listed as a private-use heliport. **John Fields** answered that very rarely would other helicopters touch down on this helipad.

Tom Peters questioned if the lighting, meaning floodlights, are directed at any homes or apartment buildings? The answer was no they are not pointing at any surrounding properties. He then questioned about the MRI clinic and the need for them to be in contact with the helicopter. The MRI's location is at 287 Main Street, which is on the opposite side of the entrance to CMMC. This is not a problem. Simultaneously, the MRI's are not located any closer than 900 feet from the pad. This area would be avoided anyhow because of the surrounding residential neighborhood.

D. Theriault questioned that if in a severe weather condition, is the airport your alternate. **Harry Urwiler** responded with, "yes". He added that the Agusta 109C is a quiet helicopter and was the one chosen for this site. The quietness of a helicopter depends on the location of the rotors. This helicopter is a four-bladed igniter. Another helicopter is the 135 Dartmouth, which is quieter because it contains no tail rotor, but it has other problems.

Dennis Mason asked, in reference to the above discussion on location, and in his own clarification that if the helicopter was not being used, will it be parked at the CMMC facility? **Vinal Applebee** responded that during fair weather it will reside at CMMC. During inclement weather, it will be at the Auburn-Lewiston airport. **Dennis Mason** then questioned the front modifications to the shelter building, as to whether the 30 foot setback will be modified to a 25 foot setback. **Vinal Applebee** responded that it is a 17 percent reduction and that there is very little setback. There is a reduction of 75 parking spaces (refer to the Parking Space Summary), but CMMC has adequate parking. CMMC requires 765 parking spaces. There are 1,071 spaces provided.

Tom Peters questioned the placement of a traffic light by a private developer on a public street. **T. Peters** wanted to know if Staff had reviewed this issue as he believed City Council or others might need to approve. Staff responded that the traffic signal/control was reviewed and approved with no objections from the Public Works Department. The traffic on High Street controlled by flashing yellow lights and the emergency system with flashing red. The button will be pushed manually from the shelter and will turn to

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either solid red or solid green. This will be coordinated with how long the patient is transported. All traffic will be stopped when a patient is in transit. Only the Medical Team will have control of this button.

Harry Urwiler is the Aviation Safety Manager. He then presented the Keystone profile. They have been in business for 40 years and started in 1953. They have 15 medical aircraft. They have received many safety awards. In 1997 they had accumulated 8,055 hours of flight time. An EMS helicopter position is very difficult. You need 2,000 hours of flight time. 46 hours of ground training. You need an experience level of eight years. Four years of 7,000 hours. They have a good safety record. The pilots get checked twice a year.

T. Peters asked if the helicopter is down for maintenance, are they replaced with another one? The answer was, "yes" and that they are replaced with a similar model.

Warren Brown is the noise expert. He is from Enrad Consulting out of Old Town, Maine. He presented the "Noise Study Summary". He explained the ambient noise in the vicinity of the hospital along Holland Street residents/CMMC and the railroad/CMMC and the railroad and the Ritchie property/and the corner of Lowell Street. He compared this with the land use ordinance Standard of 50. This area measured at an ambient level of 57. This was done during a 24-hour period. **D. Theriault** asked, doesn't the FAA require this? **Warren Brown** replied, "no". The other noise levels that were compared were siren (ambulances), the nearby railroad, hospital takeoff/landing, and decibel readings. From this Noise Study Summary, the following are some questions/answers in response to this study.

D. Theriault - What have they done to minimize noise impact? The answer from **Warren Brown** was the use of twin turbo aircraft with a four-blade main rotor.

T. Peters questioned the decibel readings for helicopters. When measured, how did you do that? The answer was that it was measured from Hammond/Holland Streets. He then questioned if they just average the decibel reading? Was the determination taken from the loudest point? **Warren Brown's** response was LEQ sound pressure levels. This was a summation process. The noise from the helicopter occurs from spin-up time, not start-up time. They used the lift-off time and the impact when sitting. The question was asked if they had been called in similar conditions and the

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answer was “no”.

D. Theriault asked if decibel levels require review under FAA requirements? **Warren Brown** answered, “No”.

John Fields then gave a very brief context. He stated that this service is only for very critical cases, where time is of essence and where time will make a difference. There were three feasibility studies done. They chose LifeFlight because they were impressed with their training. Time was a critical aspect in choosing access. Also, the time of the year was a critical issue.

This conversation then opened to the public.

David Gauvin, is a resident of Brewer, Maine, but owns apartment property for over 40 years in Lewiston along with his brother **Robert Gauvin**. He is in opposition to this issue because he fears he will lose his tenants, mainly due to the noise generated from this. His apartment buildings are adjacent to the hospital. He says he is in favor of safety. He mentioned that the FAA application was not done until October 9, 1998. He said there is a lot of criteria involved in FAA regulations. He had concerns with the Fire Department with the disaster profile and public safety. He wanted to know the credentials of the Safety Officer, is he a CSP, Certified Safety Professional. In reference to the noise study, he asked what is his certification or credentials. These are listed in the back of the summary that was presented. He said he is concerned with the noise. He stated that the contour of the land at the airport is flat and that this would amplify the sound. **Warren Brown** responded that this would have no affect at all because of the numerous buildings in this location. The large buildings are distant enough to keep the sound down. In reference to the Bangor site, **David Gauvin** (said he has lived there for 13 years) said he has heard all types of helicopters come in. He said his 3-year old jumps when a helicopter comes in and he lives one (1) mile up and across the river from the landing pad at that hospital. Both **David** and **Robert Gauvin** said their tenants will leave. He also had the following questions. In reference to noise levels - how excessive are they? He would like to find out what the estimated total number of flights would be. Also, the estimated number of night time flights. **David Gauvin** said he sat through a similar meeting in Bangor last week in front of their Planning Board. In their studies, it was estimated that in 30 percent of their flights, they would be at night. People are used to noise during the day. Try to sleep in the middle of the night with a helicopter coming in. He is really concerned and said that he thinks it is important to ensure safety, but he has to look at

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it from the perspective of being a landowner that runs a business and has run a business. This location has been in his family for over 50 years. This is taking value without compensation. People will not stay on his property. What has been done engineering-wise to try to minimize the noise? The only answer he received was the choice of the helicopter. There are engineering things that can be done to absorb the noise indirectly. He said the CEO of the Bangor Hospital got up in front of the Planning Board and said that he wanted to be a good neighbor and he wanted to make sure that the concerns of the neighborhood are taken into consideration, in fact, his engineering group had looked at several different types of engineering studies which were not ready that would have had an effect. So, the CEO requested that that issue be tabled.

T. Peters answered some of the issues brought up by **David Gauvin**, such as on the number of flights. On Page 5 in year one - 238 flights and onto year four- 520 flights. They did not bring up the issue of night flights. With regard to the value of his property diminishing, he wanted to know if any representative from the city has talked with the assessor. He has read in some of the information that the value of the property does diminish here.

D. Theriault then mentioned another concern from VA or HUD requirement's criteria when getting loans from HUD or whatever for re-doing your building. He stated that both HUD and the VA has noise regulations HUD assistance is prohibited from unacceptable noise levels, which reflect in the 65-75 decibel range. That noise in that range could make a person not be able to get a HUD or a VA loan. **D. Theriault** then referred to his printout that he had obtained from the FAA over the internet. His findings were from the printout. **D. Theriault** said that this is an aviation noise effects study from sleep patterns to measuring sleep interference, etc. including airport noise compatibility, how it affects land use issues, etc. There are things, as far as land use components, that should be looked at. There is some documentation, from even the FAA level, that does require some looking at. There is literature that indicates an impact.

David Gauvin then asked in reference to the disaster profile. Is there a plan in affect? **Michel Lajoie**, Fire Chief from the Lewiston Fire Department responded that when this is all in affect, they will take a look at a plan. They have numerous plans on file.

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D. Theriault said that there are guidelines under the FAA that if a disaster or incident does occur that you have to secure that site according to their guidelines. **Michel Lajoie** replied with, “Absolutely”.

T. Peters asked Mr. Brown to address the issue to the contours of the land. **Warren Brown** replied that the contours to the land and the distances involved would be of no affect at all on the noise. **T. Peters** asked what about the sound re-verberating from the building? The large buildings on the south of High Street are distant enough so there would not be significant reflection of noise off of the buildings. Those large buildings form a nice bearer to keep the noise going back to the south.

Robert Gauvin is concerned with the FAA. He questioned whether all the requirements will be met with FAA doing their own sound tests. He says the have no record of Form 7480 on CMMC. He ended his conversation with that this project needs to be looked at further.

Dot Ritchie is also in opposition to this project. Her property abuts CMMC and the railroad. Her concerns are with safety and noise levels. She owns an apartment house on Bridge and High Streets. She is concerned with if there was a disaster.

There were no additional comments from the public.

T. Peters requested from **R. Lebel** if the Board and neighbors could have a demonstration of the helicopter to assess the impact.

Ron Lebel's responded that after approval was granted there would be an opportunity to view the situation after it is built. This is not a heliport to FAA regulations. It is a HELIPAD. **Ron Lebel's** response to the data produced off the internet by **D. Theriault** (83 pages, 46 of which he brought to the meeting) is not relevant or helpful in comparison. **D. Theriault** questioned, “not a heliport? **D. Theriault** then went on to say to refer to the Advisory Circular in this presentation, Chapter 1, Introduction, Page 2, which refers to the heliport. “A designated helicopter landing area located at a hospital or a medical facility is a heliport and not a medical emergency site.” They have just told us it is a heliport. **Ron Lebel** then responded that in the powerpoint presentation of the FAA regulations, it is not merely a facility to land a helicopter, it is also a facility designed to service that facility - that is a heliport. He suggested that **D. Theriault** look at the definition of heliport.

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T. Peters asked about Article 13, Section 4, Subsection M, Page 156 - Air Pollution (Vinal Applebee) **T. Peters** wondered if noise was considered air pollution. **Robert Hark** responded that there is no definition. He said that noise equals sound pressure. This is not within for air pollution. This is separate/apart from noise. **D. Theriault** then asked the following question, “Does CMMC’s Master Plan fall under DEP review?” **Jim Lysen** responded that this is being handled under the City’s Municipal Review of Development Authority and that sound issues would not apply.

The City can handle under our delegated review authority up to a maximum of seven (7) acres of non-vegetated areas. He also stated that it is his understanding that the DEP has exempted noise standards in a similar situation. Under the Code’s Environmental Performance Standards under Article XII, smoke, noise, vibration, odor, air pollution, and electrical disturbance, one dealt with separately.

Article 9, Section 3, Subsection 39, Page 48 - Modification. The modification applies to Sections A and B. Modification setbacks less than 25 percent reduction. Section A, B, and E refers to height and yards. This project meets all approval criteria.

Dennis Mason questioned under the FAA rules, what’s the impact of this use given the flight path over the river for the Balloon Festival, fireworks, etc.? Does the flight path include the use of the river for these uses according to the FAA? His concern was, would the balloons 40-50 of them being out at one time, would they be in the flight path? **D. Theriault** said you would have to deviate from that normal flight path at that time. By regulations you would have to go around it. **D. Theriault** replied that at that time also you have the helicopter in the area already that is given rides that is the normal feature of the Balloon Festival. I am sure there will be more than one helicopter in the air.

D. Mason questioned heliport vs. helipad. **Ron Lebel**’s legal opinion is a heliport follows FAA jurisdiction, a helipad does not follow FAA jurisdiction. **Ron Lebel** also responded that we have agreed to submit ourselves to this jurisdiction for the reasons he said he had indicated. We think that we can define those requirements in a safe way to build it and to operate it.

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D. Theriault questioned, if there are noise concerns CMMC will conform to FAA regulations in regards to noise produced at that site? Obviously, if there is a problem with noise, somebody is going to call the FAA. That will probably happen automatically. How do we deal with this? Does CMMC deal with this, we deal with this, how does Code Enforcement deal with this? This may happen. So in that possibility that it may happen, how are we dealing with this? Obviously, the FAA will get involved to some degree. **Vinal Applebee's** response to this was that they found it difficult that the FAA will have an opposition to the approach and departure patterns when they have met exactly their design guides that say approach/departure paths may occur to avoid noise-sensitive areas and utilize the air space above public lands, which includes freeways, rivers, etc. He went on to say that they are doing exactly what they are saying. Any other approach/departure path would not fall into this. It is ideally situated having a river and railroad path. This is the best site in the City. **D. Theriault** then questioned, if they do make recommendations to adjust to that will you people conform to the FAA guidelines as far as what they suggest? **R. Lebel** responded in terms of what. **D. Theriault** said that if an adjustment has to be made as far as because of an impact to a particular error that they find being an impact? **Ron Lebel** said that on the issue of noise, we have not reason to believe nor do we think that the FAA does, will, or assert any jurisdiction with the affect of noise control of that facility. On the issue of noise, he said he thinks we are discussing something that is completely hypothetical and has no basis to reality. If you are talking about flight paths or things of that nature - yes, one of the reasons we submitted ourselves to FAA jurisdiction even though we do not believe that we are legally required to is because we wanted their input as to how we could best operate this. **D. Theriault** then questioned, if it is found that FAA has review authority as far as noise impact or whatever, do we find an objection to follow FAA regulations in regards to that? **R. Lebel** then stated that this is truly hypothetical and we should get to the issues that are before us.

Robert Gauvin said to get the FAA to make their own tests/recommendations. **David Gauvin** said he is concerned with the value of his property and no one is addressing that.

This discussion was then closed to the public.

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T. Peters then requested a motion from the Board as to modifications and waivers.

MOTION: by **D. Mason**, seconded by **L. Zidle** to approve the modification/waiver and request form, as submitted, and to determine the application complete.

VOTED: 4-1 (**D. Theriault** - Opposed)

Also, a motion was made to approve the requested front setback reduction in relation to Article 9, Section 3, Sub-section 9 A, B, and C (the former E is now C).

MOTION: by **D. Mason**, seconded by **M. Paradis** motion to amend the 17 percent modification of the requested five foot (5') front setback reduction Article 9, Section 3, Sub-section 9, A, B, and C with respect to the reduction in the setback.

VOTED: 4-1 (**D. Theriault** - Opposed)

Another motion was made, as follows:

MOTION: by **L. Zidle**, seconded by **D. Mason** that the application meets all of the applicable criteria of Article 13, Section 4 (A-U) and that the Board grant final approval to the project.

VOTED: 4-1 (**D. Theriault** - Opposed)

D. Theriault mentioned that all the provisions from the Fire Chief should be adequately met and would like to have the motion modified and make sure that funding is adequately addressed where CMMC and the Fire Department will work cooperately to seek funding sources to purchase equipment and crash and rescue operations.

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MOTION: by **L. Zidle**, seconded by **D. Mason** to modify that all the Fire Department concerns be adequately met in providing the appropriate training in aircraft fire suppression and crash and rescue techniques, obtaining AFFF agent for supply tank and reserves to be stored at CMMC and in seeking funding sources for the purchase of the necessary foam proportioner equipment and crash and rescue tools for aircraft rescue operations. Also to require this project must meet all FAA recommendations and guidelines as the petition indicated that was not a problem.

VOTED: 4-1 (**D. Theriault** - Opposed)

There was then a ten-minute break.

After this ten-minute break Harold Skelton then resumed chairing this meeting.

B. Brink's Armored Services - 53 Alfred A. Plourde Parkway

Dan Stevenson read the memo dated October 8, 1998. The Brink's Armored Service is proposing to move from their Lincoln Street site to a new site consisting of three (3) acres. They are planning to create a drive-through for their Brinks trucks. There are two issues to this site with concerns from **Kevin Gagne** of the Public Works Department. One is drainage. There was a provision for a detention pond. This has been resolved. The outlet will be shifted. The sprinkler system was another issue. These issues should have been brought up when applying for a permit, as stated by **Arthur Montana**. **D. Theriault** questioned if it was determined by footage? **Gil Arsenault** responded that you need to get the site approved first. **D. Theriault** said that his concerns would be has there been a problem as far as addressing their concerns as far sprinklering a building of that size. **Deputy Morin from Fire Prevention** stated to review accessibility in case of a fire. The technical compensation comes after site approval replied **Gil Arsenault**. **D. Theriault** asked if defining the use of the building is between the Fire Department and Code Enforcement? **Deputy Morin** replied, "yes". **D. Theriault** said that obviously when we had the issue of turnaround radius, etc, such as with the Del Gendron expansion, we were going to talk to the Chief. He said he knows there are different turnaround radius, backups, street widths that are concerned with private and public, but, we as a Board needs something written in stone and your reasoning behind this, so that when we do have an applicant, like Arthur Montana, or whatever come in front of us, we can say this is what the Fire Department needs a 50' foot turnaround and the supporting data behind that versus sometimes they want a modification but we need

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to know why you feel you want to stick to either a 50' or go down to 25'. It is important that the Board has that data. He says that the Fire Department needs to make this universal and that this would be acceptable to the Board. **J. Lysen** commented that the Brink's Armored Services has accommodated this need. The project involves 12,000 square feet with the inside storage of vehicles. The building exceeds 12,000 square feet and the requirement for sprinklers would be redundant. Different uses equals different styles.

Being no further comments from the public, the following motion was made.

MOTION: by **D. Theriault**, seconded by **L. Zidle** that the waivers checklist be granted due to the size of the project and the circumstances of the site. Such requirements will not be applicable on Brink's Armored Services. The waivers do not adversely affect the abutting land owners or the general welfare of the City of Lewiston.

VOTED: 6-0 (Passes)

Also, a second motion, as follows:

MOTION: by **D. Theriault**, seconded by **L. Zidle** that the application of Gendron & Gendron, Inc. for the Brink's Armored Services building be determined to be complete and, further that it meets all the approval of the criteria in Article 13, Section 4..

VOTED: 6-0 (Passes)

V. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARING

A. Brookside View Estates - Dyer and Pinewoods Roads

Robert F. Faunce of Technical Services, Inc. on behalf of Richard and Daniel Hebert has submitted plans for re-approval of a 24-lot residential subdivision.

This item was introduced by Dan Stevenson, as he read the memo covering this project, written by himself.

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T. Peters moved to dispense with further reading of the memo. Unanimously approved.

Bob Faunce proceeded to say that this application was previously reviewed and approved in 1989-1990. The State of Maine DEP changed its regulations. In 1995 DEP approval was re-approved. There was only one concern from the Fire Department.

T. Peters asked **Bob Faunce** if a final hearing was granted for the next Planning Board meeting, would this project go forward, if approved? **Bob Faunce's** response to this question was, "yes".

The comments from the Fire Department were then mentioned, as follows:

- Each home in this subdivision shall be provided with an automatic sprinkler system in accordance with NFPA 13D, Standard for one-two family residential occupancies; or any one of the sprinkler systems approved by the Office of the State Fire Marshal.
- The minimum road width be 24 feet.
- Provide for a second access road or fire lane to the development.

D. Theriault asked if the sprinkler system requirement in private homes, especially on the outskirts of Lewiston should be incorporated in code. **Fire Chief Michel Lajoie** then responded that yes they should be incorporated and the estimate for a sprinkler system in a private home with PVC piping would be about \$3,200.00. If this requirement is incorporated in the code it would control the fire until you can get a fire engine there. **D. Theriault** then mentioned the proposal of insurance rates to homeowners. **Chief Lajoie** responded that yes, in time, they would be proposed.

It would be more as a life saving and protection of property. **H. Skelton** then replied that language in this area should be included in the ordinance. **Gil Arsenault** also mentioned that this falls under Building and Fire Prevention, not Code Enforcement.

T. Peters asked if he could clarify something with the Fire Chief and asked about the statement of raising awareness - is that what your real goal is? If that is your goal then we do not have to worry about it for this particular project, but if you have a real life-health-safety issue in regards to this project because of this particular location and distance and so forth then he said he thinks he needs to hear that. If it is just a general

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issue to raise our conscienceness, that is just another issue. **Fire Chief Lajoie** responded yes it is a concern and that he would like for something to be written up. It is very important to this particular project in relation to location. **T. Peters** replied and agreed that this should be reviewed for possible addition to the code after full debate.

D. Theriault stated that a two-year extension is being granted to this project. If the ordinance has not changed in two years, requiring a sprinkler system and this project would have to come in front of us again for review, then he would like to update that and bring it up to conformance at that time. **T. Peters** said that if this is before us with that particular recommendation and we strick that recommendation then there is no ordinance to support it. **D. Theriault** responded that you would definitely need an ordinance to support our decision.

Deputy Morin said that if the buildings (residential) are not sprinklered, then there is a need for a two-lane road (with a minimum road width of 24 feet). He said that with a 20 foot road, a fire could be contained.

Landscaping was a modification the last time.

MOTION: by **D. Theriault**, seconded by **L. Zidle** that the requested waivers of submission requirements by Brookside View Estates be granted due to the size of the project and certain aspects of the site. Such requirements will not be applicable or be an unnessary burden on the abutting land owners or the general welfare of the City. Specify that the waivers be specific and incorporate the paragraph described on Page 2 of the presentation. This motion is made subject to physically seeing it at the next presentation.

VOTED: 6-0 (Passed)

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Another motion was also set, as follows:

MOTION: by **D. Theriault**, seconded by **M. Paradis** that the application of Brookside View Estates be determined to be complete and that a further review of the complete application be scheduled for Tuesday, October 27, 1998 at 7:00 p.m. It is further moved that the final hearing be a public hearing.

VOTED: 6-0 (Passed)

VI. OTHER BUSINESS:

Since no business is conducted after 10:30 p.m. there was a motion then set to adjourn.

VII. ADJOURNMENT:

This Planning Board meeting adjourned at 10:27 p.m.

MOTION: by **T. Peters**, seconded by **D. Mason** to adjourn this meeting.

VOTED: 6-0 (Passed)

Respectfully submitted,

Denis Theriault
Secretary

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