

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for January 5, 1999 - Page 1 of 12**

I. ROLL CALL:

This meeting was called to order at 6:00 P.M. with a workshop on the Bates Mill presentation. At 7:15 p.m. the Planning Board meeting was called to order and chaired by Harry Milliken.

Members in Attendance: Tom Peters, Harry Milliken, Mark Paradis, Dennis Mason, new members Rob Robbins and John Cole, and student member, Amy Parker.

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

Others Present: Gil Arsenault, Deputy Development Director, Gregory Mitchell, Director of Development, and Chris Branch, Director of Public Works

II. ELECTION OF OFFICERS:

Newest Planning Board Members: John Cole, Rob Robbins, and Student Member, Amy Parker were welcomed to the Planning Board.

Motions for nomination of officers for the year of 1999 were, as follows:

MOTION: By Tom Peters, seconded by Dennis Mason to elect Harry Milliken as Chair of the Planning Board for 1999.

VOTED: 5-0 (Harry Milliken Abstained).

MOTION: By Dennis Mason, seconded by John Cole to elect Tom Peters as Vice Chair of the Planning Board for 1999.

VOTED: 5-0 (Tom Peters Abstained).

MOTION: By Tom Peters, seconded by Mark Paradis to elect Dennis Mason as Secretary of the Planning Board for 1999.

VOTED: 5-0 (Dennis Mason Abstained).

III. CORRESPONDENCE: There was no correspondence presented at this meeting.

IV. REVIEW OF PLANNING BOARD RULES AND PROCEDURES:

Each new Planning Board Member was issued a handbook and/or corresponding material delineating the Board's functional roles. There was also a brief overview of the City of Lewiston Planning Board Meeting Protocol (drafted by Gil Arsenault). It was also noted that the agenda be discussed with the Chair prior to the meeting.

Tom Peters mentioned that the Planning Board Members should be given a pay raise. He said that there is a lot of work and hours involved in these meetings.

MOTION: By Dennis Mason, seconded by Mark Paradis to approve the Planning Board Rules and Procedures, as amended.

VOTED: 6-0.

V. BATES MILL:

The first item was presented by both Greg Mitchell, Director of Development, and Tom Platz, a partner with Platz Associates on the direction of the next phase of the Bates Mill Complex redevelopment and a request for a recommendation supporting capital expenditures.

This presentation outlined the approach to the Bates Mill redevelopment for 1999 and the City of Lewiston's involvement in the project. The direction of the Bates Mill redevelopment is consistent with the Lewiston Comprehensive Plan, the Bates Mill Master Plan, and the Butts Financial Report.

Greg Mitchell stated that there were four (4) reasons for the direction of investment, which are:

- To preserve our past (history).
- To save and create new jobs (jobs).
- To generate new tax dollars (taxes).
- To attract private investment in the mill and downtown (investment).

There are 25 businesses currently in the Bates Mill Complex, totaling 300,000 square feet of space. Greg Mitchell said he would like to develop and lease 60,000 square feet of space per year. He continued to say that the project will break even in six (6) years with the appropriate city and business investments.

During this presentation, Tom Platz proceeded with the planned investment for 1999. He said that Mill No. 3 would be the next investment primarily because it provides the maximum of flexibility to attract business tenants, which is 167,000 square feet of space. He said development would start with the first 86,528 square feet, which is located nearest to the planned courtyard. This 86,528 square foot investment is planned for exterior and interior building improvements for a portion of Mill No. 3. The courtyard will serve as the common area and will include fountains, landscaping, decorative pavers, benches, and handicapped parking. An additional 200 surface parking spaces will be needed, as a result of the development of Mill No. 3. The proposed parking will be by the boiler plant (Mill No. 9) and also by extending the existing parking lot down to Lincoln Street that is currently being used by Peoples Heritage Bank. This development is slated for this spring and to be completed within the next 9-12 months.

Dennis Mason arrived at 6:25 p.m.

Greg Mitchell proceeded with this presentation on the 1999 budget. The investment in just Mill No. 3 alone is \$3,250,000 for both exterior and interior work. The common area improvements is \$700,000, and parking is \$1,250,000, which brings the total project budget for 1999 to \$5,200,000. This is the amount requested for the Planning Board action related to planned property acquisition or development review to receive or give a recommendation to the City Council regarding the issuance of general obligation bonds to support the 1999 Bates Mill redevelopment. Greg Mitchell added that they are seeking both public and private sources to support the funding. Greg Mitchell also stated that they are eight (8) properties involved in acquiring the parking. The eight (8) properties involved includes 70 percent of the \$1.25 million for parking acquisition.

Greg Mitchell went on to discuss the real estate analysis, which was figured at eight percent (8%) over 20 years (refer to chart in the Planning Board packet). Also, the Mill No. 3 revenue was based on tenancy and includes the real estate taxes at seven percent (7%) over a 20 year period. He said that the mill will generate \$200,000 annually in taxes, which is \$2 to \$3 million in new business investment. Greg Mitchell stated that he would like to move quickly through the regulatory process. Mill No. 3 will be started immediately if the above recommendation is approved. This item was opened to the public for comments. Since there were no comments, it went back to the Planning Board. This topic was then suspended for a moment for the election of the officers (see above).

Greg Mitchell stated that he would like to move quickly through the regulatory process. Mill No. 3 will be started immediately if the above recommendation is approved. As soon as it warms up the courtyard will be started. This item was again opened to the public for comments. Since there were no comments, it went back to the Planning Board.

MOTION: By Dennis Mason, seconded by Mark Paradis to send a favorable recommendation to the City Council regarding the issuance of general obligation bonds in the amount of \$5.0 million to support the Bates Mill Complex redevelopment.

VOTED: 6-0 (Motion Passes).

VI. FINAL HEARINGS:

A. *A Proposal by the Lewiston Development Corporation for a minor amendment to the Turnpike Industrial Park Subdivision (Revision II) to eliminate the proposed Independence Drive and to create a new Lot 5 by combining existing Lots 5, 6, 8, 9, and 10 on the Alfred A. Plourde Parkway.*

Jim Lysen presented this item and read the memo prepared and dated December 30, 1998. He said that the Lewiston Development Corporation had submitted the plans for the above. Lucien Gosselin from the Lewiston Development Corporation and LAEGC was available for questions and comments. There were no concerns from Public Works, Fire, or the Police Departments.

This project accommodates Diamond Phoenix Corporation's proposal to construct manufacturing and related office facility on this site. Lot No. 5's total acreage is 14.02 acres.

Harry Milliken did have questions pertaining to Section (H)(n) of the modification/waiver form in relation to covenants/deed restrictions to this site. This site was formerly owned by the Lewiston Industrial Park, Inc., but is now owed by the Lewiston Development Corporation. Tom Peters mentioned that covenants can be changed. John Cole also added that the Planning Board can impose covenants, but also that the Planning Board cannot dictate the terms to the developer. Harry Milliken stated that the Planning Board should be informed of changes. A copy of the covenant is in the file. On the modification/waiver form, the section on covenants should not be checked as not applicable to this project, since they are submitted. Greg Mitchell added that this project would generate \$5 million in business investment. This project is also being reviewed under Lewiston's Municipal Review of Development granted by the DEP.

This conversation was opened to the public. There being no comments from the public, it was turned back to the Planning Board for a motion.

MOTION: By John Cole, seconded by Dennis Mason to accept the waiver/ modification form, as amended and approved.

VOTED: 6-0.

MOTION: By Tom Peters, seconded by Dennis Mason to determine that this application by the Lewiston Development Corporation for the Turnpike Industrial Park - Revision II is complete and that final approval be granted to the revision of the subdivision.

VOTED: 6-0.

B. A proposal by Diamond Phoenix Corporation for a major development for new manufacturing and office facilities occupying 122,500 square feet to be located on new Lot 5 of the Turnpike Industrial Park at 90 Alfred A. Plourde Parkway.

Jim Lysen presented this item and read the memo prepared and dated December 30, 1998. He said that The Sheridan Corporation had submitted the plans for the above. Ken Lamoreau, of The Sheridan Corporation, was present at this meeting and was here on behalf of Diamond Phoenix. Ken Lamoreau stated that this is a fast-paced project and a large project to complete in two (2) months. There were no concerns from Public Works, Fire, or the Police Departments.

This project involves constructing a manufacturing building occupying 85,000 square feet with provisions for a future 15,000 square foot addition and 16,875 square foot office building with provisions for a 5,625 square foot addition to be located at 90 Alfred A. Plourde Parkway within the Turnpike Industrial Park.

This project is also being reviewed under Lewiston's Municipal Review of Development granted by the DEP. Jim Lysen stated that Lewiston is the only community in the State of Maine with Municipal Review Authority. He also stated that if Staff feels that an application will be approved, all projects and pertinent information are now being mailed directly to the DEP, prior to the action made by the Planning Board.

Ken Lamoreau stated that all lighting and utilities from Cottage Road are underground.

The parking in front of the building is waived, as far as covenants are concerned. In accordance with the new storm water and DEP approval, part of the building will be over a wetland. Ken Lamoreau went over this on the Site Plan that he presented at this meeting. The wetlands are shown on the map as Wetlands C and B. There will be 6,500 feet of fill. This is subject to DEP approval. The number of access points are restricted off of the Alfred A. Plourde Parkway, as described by Chris Branch.

A press release was also included in the Planning Board packets describing this project.

Jim Lysen said that all the requests are justified. As with the above project, on the modification/waiver form, the section on covenants should not be checked as not applicable, similar to the amendment made on the previous project.

This topic was then opened to be public. Since there were no questions or comments, this item was then turned back to the Planning Board for motions.

The following three (3) motions then took place.

MOTION: By Tom Peters, seconded by Dennis Mason to accept the waiver/modification, as modified.

VOTED: 6-0.

MOTION: By Dennis Mason, seconded by Mark Paradis to determine that this application by The Sheridan Corporation on behalf of the Diamond Phoenix Corporation is complete.

VOTED: 6-0.

MOTION: By Dennis Mason, seconded by Tom Peters that this project meets all the approval criteria of Article XIII, Section 4 and that final approval be granted subject to acquisition of the required DEP approval on wetlands.

VOTED: 6-0.

At the end of this conversation, Ken Lamoreau stated that the 122,500 square foot amount listed in the cover memo as Item IV, Topic B., should be changed to read 150,000 square feet (reflects Phase II).

At this point in time at the meeting, there was a five- (5-) minute recess. This meeting resumed at 8:10 p.m.

- C. *A proposal by Lewiston Raceways, Inc. for a minor amendment to Spare-Time Subdivision (Fifth Revision) on Mollison Way creating a new easement on Lot No. 21 for a telephone utility building.*

Jim Lysen presented this item and read the memo prepared and dated for December 30, 1998. He said that A.R.C.C. Land Surveyors, Inc. had submitted the plans for the above. Arthur Montana from A.R.C.C. Land Surveyors was available for questions and comments on behalf of Jim Day from Lewiston Raceways, Inc.

Arthur Montana described this project as, “an easement within an easement.”

Tom Peters asked if the easement would be serving Lot No. 21 and the building? The response was “yes” from Arthur Montana. Jim Lysen said that the building will be put as close to the road as the setbacks will allow. There is enough distance to meet the corner setback requirements. Jim Day replied that they tried to avoid curb cuts, since they would be too close together. This building will be constructed to accommodate a new 207 square foot building to house switching equipment for Bell Atlantic. Both the traffic impact and storm drainage design are consistent with earlier approvals. There were also no concerns from the Public Works, Fire, or Police Departments.

Randy Collins, a representative from Bell Atlantic, said that this project would help alleviate the problem in the area, since there is currently a shortage of lines. Bell Atlantic will use fiber optics and will accommodate the problem to the area.

This item was turned to the public. Since there were no comments or concerns, the following motions were made:

MOTION: By Dennis Mason, seconded by Mark Paradis to accept the waiver/modification form as submitted.

VOTED: 6-0.

MOTION: By Dennis Mason, seconded by John Cole to determine that this application by Lewiston Raceways, Inc. for the Spare-Time Recreation Subdivision (Fifth Revision) to house Bell Atlantic's telephone utility building is complete and that final approval is granted subject to Article XIII, Sections 3, 4, and 5.

VOTED: 6-0.

D. A proposal by Lewiston Raceways, Inc. for a minor amendment to a major development, including a request for a Conditional Use Permit, for a telephone utility building for Bell Atlantic on Lot No. 21 of Spare-Time Subdivision on Mollison Way.

Tom Peters requested that the memo not be read. The memo was prepared by Jim Lysen on December 30, 1998. As a result of this project, there are three (3) actions required. Arthur Montana from A.R.C.C. Land Surveyors submitted the plans on behalf of Jim Day from the Lewiston Raceways, Inc. and was available for questions and comments. Also available, was Randy Collins from Bell Atlantic.

A Conditional Use Permit is being requested since Bell Atlantic will be housing electronic switching equipment on a 7,483.25 square foot easement within the Spare-Time Recreation Subdivision, which is located in the Community Business (CB) District.

Harry Milliken then questioned the noise levels generated from this building. Randy Collins' response was that there is no noise levels evident outside of the building; most of the noise is inside. There is one (1) house on the abutting property. Gil Arsenault then responded that a building of this type, with this type of business running from it does generate some noise, but the impact is not very noticeable and would not be picked up by the noise standards. There, however, was some concern raised as to the placement of the air conditioning unit on the building in relation to the one (1) abutting owner. Art Montana responded that there is sufficient distance that this should not affect the owner.

This item was then turned to the public. There being no concerns, the Planning Board made the following motions.

MOTION: By Dennis Mason, seconded by Rob Robbins to accept the waiver/modification form, as submitted.

VOTED: 6-0.

MOTION: By Dennis Mason, seconded by John Cole to grant the Conditional Use Permit in accordance with the standards under Article X, Section 3.

VOTED: 6-0.

MOTION: By Dennis Mason, seconded by Mark Paradis to determine that this application by Lewiston Raceways, Inc. for Bell Atlantic is complete and to grant final approval of the project subject to Article XIII, Section 4.

VOTED: 6-0.

VII. OTHER BUSINESS:

- A. *New Business: Review of Staff-initiated proposal to amend the Zoning and Land Use Code (Article XII - Section 16 - Signs) with respect to signage for movie theaters and scheduling of Public Hearing.*

This item was forwarded to the Planning Board by Gregory Mitchell and was initiated by Flagship Cinemas. Flagship Cinemas has signed a lease with the Owners (Rosenthals) of the Promenade Mall to establish a ten- (10-) screen movie theater at that mall. This project would be using 25,700 square feet of the former Bradlees department store. If allowed the appropriate sign area (320 square feet of standing ground sign area), they will locate in that mall. This theater is proposed to be a state-of-the-art facility.

Greg Mitchell is requesting that this item be scheduled for a public hearing at the next regular scheduled Planning Board meeting, which is scheduled for Tuesday, January 26, 1999.

Harry Milliken said that he would like to see graphics and that he would like for Greg Mitchell to get some conceptual designs from Flagship Cinemas.

Dennis Mason said that he only had two comments on this topic and that was spot signing and the wording of the 320 square foot total free standing ground sign area.

In response to the second topic from Dennis Mason (above), Flagship Cinemas do agree in accordance with the sign ordinance of 320 square feet.

The following motion was then made.

MOTION: By Dennis Mason, seconded by John Cole to schedule for the next regular scheduled Planning Board meeting for a Public Hearing, to be held on Tuesday, January 26, 1999 for a proposal to modify the signage.

VOTED: 6-0.

B. Old Business:

There were no updates on Item No. 1, Comprehensive Plan Update.

On Item No. 2, Storm water Management and Erosion Control Amendments, Jim Lysen responded that in reference to the concern at the last Planning Board meeting (December 8, 1998) on phosphorus standards and calculations, he has scheduled to have a presentation from the DEP on this and the watershed concerns with No Name Pond at the same time.

LCIP - This will be on the agenda for Tuesday, January 26, 1999, but can be rescheduled for Tuesday, February 9, 1999.

The Bates Mill Master Plan Update from Gregory Mitchell will be in the next two (2) months. This will come back with property acquisition.

Harry Milliken also mentioned the proposal to amend the modification standards for WCBB. He stated that the modifications are scheduled for the January 19, 1999 City Council meeting - presented by City Administrator Robert Mulready. This modification allows vertical expansion for commercial buildings up to the existing structure. This specific proposal has not come before the Planning Board. Tom Peters suggested that a letter be drafted before the January 19, 1999 meeting requesting that the Board review the proposal before any Council.

Dennis Mason said that the Council is being presented a narrower version of the original proposal. To a question concerning Planning Board recommendations, Jim Lysen clarified that Planning Board's recommendations are always forwarded to the Council. Tom Peters said that, in his opinion, the Council should request a recommendation from the Planning Board and the Board of Appeals concerning the new proposal. John Cole expressed concerns that if members of the Board appeared at the City Council meeting, it would be viewed as an advocate for a certain position on matters that may come back before the Board. Jim Lysen mentioned that it is Staff's responsibility to articulate the Planning Board's recommendation and provide background concerning the decision. It has been Staff's intent to try to get the Board to carefully draft motions so that their intent is clear. In addition, when there is descending votes to ask those members to clarify their position. The following motion was then made.

MOTION: By Tom Peters, seconded by Dennis Mason to direct staff to prepare a letter to City Administrator Robert Mulready for signature by the Planning Board Chair, requesting that the amended proposal concerning modifications originally drafted to assist the WCBB project be brought back before the Planning Board and Board of Appeals for a recommendation prior to any action being taken by the City Council.

VOTED: 6-0.

Other items mentioned under "Old Business" were adding Paper Streets on the agenda and West View Bluffs.

Calendars are needed for the current year.

A new revised member listing is needed for the Planning Board.

It was also decided that Tom Peters will remain on the LMRC, Rob Robbins will be on the CDBG Committee along with Harry Milliken, and Mark Paradis has filled in on the LCIP.

VIII. READING OF THE MINUTES:

Draft Minutes of December 8, 1998

It was requested by Jim Lysen that the Planning Board not review these minutes at this time until the Planning Board Staff have reviewed them. He would like to have Staff review them and bring them back to the next regular scheduled Planning Board meeting, which is Tuesday, January 26, 1999. This was agreed to by all Planning Board Members and Staff.

IX. ADJOURNMENT:

This meeting adjourned at 9:45 p.m.

MOTION: By Tom Peters, seconded by Dennis Mason to adjourn this meeting at 9:45 p.m.

VOTED: 6-0.

Respectfully submitted,

Dennis Mason, Secretary

DMA:dma

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