

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for March 23, 1999 - Page 1 of 6**

I. ROLL CALL:

This meeting was called to order at 7:00 P.M. and chaired by Harry Milliken.

- **Members in Attendance:** Rob Robbins, John Cole, Tom Peters, Harry Milliken, Lewis Zidle (arrived at 7:07 p.m.), Mark Paradis, and Dennis Mason.
- **Staff Present:** James Lysen, Planning Director; Dan Stevenson, Planning Coordinator; Doreen Asselin, Administrative Assistant; and Gil Arsenault, Deputy Development Director.

II. CORRESPONDENCE: *Correspondence dated March 15, 1999 from Arthur W. Montana, of A.R.C.C. Land Surveyors, Inc., concerning the Department of Labor and Mental Health Buildings.*

MOTION: by Tom Peters, seconded by Dennis Mason to accept the above correspondence and place it on record, to be read at the appropriate time.

VOTED: 6-0.

Lewis Zidle then arrived at 7:07 p.m.

III. PRE-APPLICATION HEARING: *Medical Office and Physical Therapy Center - 77 Bates Street - Bill Johnson has submitted plans to create a medical office and physical therapy center with the main entrance on Bates Street. This will be accomplished by the demolition of the adjoining 13,620 SF existing structure and the erection of a 12,000 SF, two-story addition onto the existing 60' x 100' footprint. Also proposed, is the construction of a 3,700 SF addition to the second story of the existing structure at 77 Bates Street.*

Jim Lysen read his memorandum dated March 18, 1999. Bill Johnson has submitted plans to create a medical office and physical rehabilitation center to be located at 77 Bates Street. The name of this new facility will be Medical Rehabilitation Associates and will be located between CMMC and St. Mary's hospitals. The structure proposed would be reconstructed as it existed on the same 60' x 100' footprint. This portion of the building accounts for less than 80 percent of the market value of the entire building, being only 24 percent of the total assessed value of the building. Also being proposed, is the construction of a 3,700 square foot addition to the second story of the existing structure at 77 Bates Street.

Parking is the main issue. The application does indicate a net new requirement of 10 spaces for the entire building. Bill Johnson has designated his existing Bates Street parking lot with 50 spaces for the entire building; four (4) spaces are in the drop-off area, and Mr. Johnson has an agreement with the City of Lewiston for 30 leased spaces in the municipal parking lot. The parking plan far exceeds what is required by the code for parking.

Jim Lysen also stated that, in his opinion, this structure can be built in this area and that it will be under a common ownership. He also stated that the project is saving an historic building.

In reference to setbacks, the present setback is 15 feet, although, Jim Lysen said that there is no side setback in the downtown area. Tom Peters then asked, "How can you structurally get around this?" Jim Lysen responded that the building can be rebuilt in an existing footprint. Tom Peters then asked, "What was the reason for the 15 foot setback originally?" Jim could offer no good reason. Gil Arsenault added that these setback requirements need to be looked into. Gil Arsenault also said that this building has structural failure due to deferred maintenance or lack of maintenance. Tom Peters then asked, "What should the setback be for downtown?" The response was that 0 setback made sense. Jim then mentioned the proposed code amendments dealing with all the setbacks for the downtown. A copy of the Ordinance Pertaining to Front Setbacks in the Downtown Business District was handed out prior to this meeting. Tom Peters mentioned that this should be looked into before the proposed District Court comes in. Tom Peters asked, "How many spaces are being leased in the municipal lot already?" The City of Lewiston needs to provide for public parking. It was requested that the garage and lot numbers be available at the next meeting. Tom Peters questioned, "What is the time limit for parking?" Bill Johnson responded with, "five years". This is adequate time for him to deal with providing off-street parking. Bill Johnson mentioned that he has an option on two (2) different apartment buildings already and is reviewing with Greg Mitchell, Director of Development, and Robert Mulready, the City Administrator, on parking options. Tom Peters then questioned, "What does the Code say on five (5) years?" Gil Arsenault responded that after the five (5) year period, you have to meet the code. The net parking demand in this area has increased. Jim Lysen did mention that in his calculations for parking, he had not figured on Steckino's spaces, which would equate to 29 additional spaces. He also mentioned that 88 spaces are grandfathered. It was also requested to confirm available parking on the lot across the street.

There is also a number of non-applicable status on the modification/waiver request form. In particular, the property notices to property owners within 500 feet. Also, two (2) waiver requests, which were for a traffic analysis and the cost estimate/financial capacity for the applicant, Bill Johnson, on behalf of J&M Realty.

The following motions were then made:

MOTION: by Dennis Mason, seconded by Tom Peters that the requested waivers of submission requirements by J&M Realty 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 property owners or the general health, safety, and welfare of the City.

VOTED: 7-0.

MOTION: by Tom Peters, seconded by Dennis Mason to determine that the application by J&M Realty for Medical Office and Physical Therapy Center is complete and that it be scheduled to be heard at the Final Hearing on April 13, 1999.

VOTED: 7-0.

At the end of this discussion Bill Johnson of J&M Realty stated that this is a very good and open process with the City of Lewiston Planning Board and Staff. He also made reference to the article in Sunday's, 3/21/99, Lewiston Sun-Journal on the vision of Lewiston High School students of where Lewiston may be 20 years from now that Jim Lysen and Lewiston teacher Jane Mulholland assisted with. He said that it was a very good article reflecting on Lewiston's vision, and in his opinion, one that could be realized.

IV. OTHER BUSINESS:

A. New Business:

1. *Arthur W. Montana, of A.R.C.C. Land Surveyors, Inc. on behalf of James Day, of Government Leases, Inc. is seeking a setback reduction on 5 and 15 Mollison Way, Lot Nos. 30 and 31.*

Arthur Montana made reference to his correspondence (included in the packets) dated March 15, 1999. He also described this area on Drawing No. One, Plan of Existing Conditions. In his correspondence he mentioned the recent discovery of portions of the easterly foundation of the Department of Labor building (Lot No. 30) which encroaches onto the building setback by 12 inches. He also mentioned the discovery that approximately 30 SF of the westerly parking lot that services the Department of Mental Health building (Lot No. 31) encroached onto the yard setback. He is seeking a five percent (5%) reduction of the building setback along the easterly property line of Lot No. 30 and a 30 percent reduction of the yard setback along the westerly property line of Lot No. 31. The site plan for Lot No. 30 was approved on 3/24/98 and the site plan for Lot No. 31 was approved on 5/26/98. The following motion was made.

MOTION: by Dennis Mason, seconded by John Cole to grant the requested modification for Government Leases, Inc. on the five percent (5%) reduction of the building setback and a 30 percent reduction of the yard setback at 5 Mollison Way (Lot No. 30) and 15 Mollison Way (Lot No. 31).

VOTED: 7-0.

2. *Proposal for Conditional Zoning - 138-144 Howe Street - Ronald E. Chicoine, M.D. has submitted a petition to conditionally zone his property at 138-144 Howe Street (to be scheduled for a Public Hearing at the April 13, 1999 Planning Board Meeting).*

Jim Lysen read his memorandum dated March 18, 1999. Dr. Ronald Chicoine is asking for a conditional zone change. His property is the old Polar Paint Company building, which is a mixed use complex and is currently zoned Institutional Office (IO) District. Dr. Chicoine believes this property should be zoned more towards the Highway Business (HB) District. Dr. Chicoine would like to make his development fit the area. This property contains a wood-frame structure of approximately 20,000 SF. His application is requesting a limitation on the number and types of uses permitted. At this time, the zoning does not accommodate well and has an adverse effect on his business plan. Also included in each packet was a petition for conditional zoning. This petition had the required ten (10) signatures of residents of the City of Lewiston.

The Planning Board members requested that the Planning Board staff create, in a chart form, a list of what is allowed in the IO and HB Districts including what the applicant is asking for (use), proposal, and a checklist section for Staff and Planning Board.

MOTION: by Dennis Mason, seconded by Rob Robbins to schedule for a Public Hearing on the proposed Conditional Zoning for 138-144 Howe Street - Ronald E. Chicoine, M.D. for the next Planning Board Meeting of April 13, 1999.

VOTED: 7-0.

B. Old Business:

1. *Vacation/Preservation of Proposed (Paper) Streets - Jim Lysen read his memorandum dated March 18, 1999. He mentioned that the City Council approved the policy concerning the vacation of Proposed (Paper) Streets at their March 16, 1999 meeting. Jim Lysen said he is trying to work with the state on the issue of vacation of Proposed (Paper) Streets. Tom Peters*

said that the reference to vacation of Proposed (Paper) Streets should be taken completely off any future agendas, since the City will not move forward on them. Therefore, the following motion was made.

MOTION: by Tom Peters, seconded by Dennis Mason to strike or take Preservation of Proposed (Paper) Streets off of any future agendas.

VOTED: 7-0.

2. *No Name Pond Update - Workshop Scheduled on Phosphorus Standards for the Planning Board Meeting of 4/27/99* - Again, Jim Lysen briefly read his memorandum dated March 18, 1999 in reference to this topic. The following topics have been scheduled:

- Tuesday, April 27, 1999 - Workshop on Phosphorus Standards.
- Thursday, April 29, 1999 - First Public Meeting on No Name Pond Watershed Management Plan (7:00-9:00 p.m.) at the McMahon Elementary School.

3. *Comprehensive Plan Update:* None.

4. *West View Bluffs:* Still in the hands of the developer.

5. *Board of Appeals, Staff Review Committee, Historic Preservation Review Board Meeting Schedules (see enclosure).*

- **Board of Appeals:** At the April 7, 1999 meeting there is a Nursing Home Project on Old Lisbon Road. This project is for a small addition.

- **Staff-Review Committee** - The following projects were approved: Hope Haven Gospel Mission storage structure and Jeff Baril's (Del's and Deck's Grille) parking lot.

- **Historic Preservation:** The Historic Preservation committee met at the Kora Temple. There was a positive recommendation on the proposed elevator.

V. **READING OF THE MINUTES:**

- A. *Draft Minutes of March 9, 1999.*

MOTION: by Tom Peters, seconded by Dennis Mason to accept and place the Minutes of March 9, 1999 on file.

VOTED: 7-0.

MOTION: by Tom Peters, seconded by Dennis Mason to place the minutes on the Web page after they are accepted or approved by the Planning Board.

VOTED: 7-0.

- Also discussed at this meeting was the issue of conflict of interest by Planning Board Members in future meetings. This needs to be resolved. Harry Milliken requested a written definition of conflict.
- With reference to Dr. Dionne - Central Avenue and Russell Street Re-Zoning, there needs to be a requisite vote. There may need to be a Charter change. The Charter should be checked and a copy of the statute made available. Harry Milliken would like to get a clarification for the Board on this topic. A judgement needs to be made without being biased.
- Harry Milliken again mentioned to Planning Board Staff that the matrix table needs to be revised.
- Harry Milliken then gave a brief update as to the Joint Planning Board/City Council Sub-Committee. This meeting was held prior to this Planning Board Meeting. Harry Milliken said that it was a positive meeting. He also said that in reference to public buildings 5,000 SF +/-, etc., the Planning Board will review them. Gil Arsenault is to work on reviewing the Development Review Standards. This will take about three (3) months to prepare.

VI. ADJOURNMENT:

MOTION: by Dennis Mason, seconded by Mark Paradis to adjourn this meeting at 8:32 p.m.

VOTED: 7-0.

Respectfully submitted,



Dennis Mason, Secretary

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